

CONSTITUTIONAL PARAMETERS OF RIGHT TO SUBSTANTIAL EQUALITY TOWARDS TRANSGENDER COMMUNITY IN PAKISTAN

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Abstract

Constitutional parameters provides for the states to follow substantive equality for the citizen, regardless of the class, status and character. In a civilized society, the probing of the legal and policy context provides for the right to equality in relation to the perspective of the transgender community. The research implied the secondary research through systematic literature review for ascertaining the facts that transgender community in Pakistan is revitalizing substantial equality. Implication for the formal equalities are consulted through the evidence of available literature and supported in terms of transgender equality. Analyzing the Transgender Persons Act of 2018 and the Supreme Court of Pakistan's judgment, this study determined that substantive equality is still lacking in Pakistan, and policy by the government is required to integrate the transgender community within the community. Social, economic, and political discrimination against transgender is decreasing. The tendency brought key members of the society into the sphere of formal equality which leads to substantive equality.

Keywords: Right to Equality, Substantive Equality, Formal Equality, Transgender Persons Act

1. Introduction

The transgender community advocates for equal rights and parameters that allow them to decide on their existence (Redding, 2019). It is the goal of the community to achieve equal rights for everybody (Abbas, 2018). Some South Asian societies have a term for those who defy the male-female binary, known as Khawaja Sara or Hijra, because of their physically masculine bodies. Some of these are referred to as "transgender" (Wood and Woodward, 2016). Males are castrated, females are not completely developed at puberty, and very few are born as hermaphrodites (Choudhuri and Kabra, 2017). There are no Western-style sexual classifications in this group of confusing categories (Zia, 2019). Each classification of sex and gender is by the law that grounds for the concept of the constitution to be followed for equal rights to everyone. The formal and substantive frameworks of equality are discussed (Awan, 2019). Formal equality is based on the principle that people in similar situations should be treated equally (Bradley and Kirmani, 2015). As a result, formal equality does not imply equal

treatment for relevant inequalities to the extent they exist (Waheed, 2020). On the other side, substantive equality takes a different approach that is less concerned with assuring equal treatment (Marshall al., 2016: Coe et al., 2019: Ozturk and Tatli, 2016: Sezer et al., 2020: Kaartemo, 2017: Dubin et al., 2018: Beckwith et al., 2017).

It is concerned with laws or policies that contribute to the continuation or reinforcement of historical subordination patterns (McGoldrick, 2016). Differences are detected and taken into account while attempting to decrease the unequal effects of biologically or culturally induced differences between persons. (Ahmed, 2015). Despite the change of biological areas where the transgender community may not be able to demonstrate a socially constructed culture. The constitutional experts need to underline the equal role of transgender through the liberalism approach.

The concept of formal equality can be traced back to Aristotle's dictum that "since things are alike, they should be treated similarly" (Mahmood, 2017). This is the most widely held viewpoint on equality today (Shahid, 2018). Individual fairness is defended as the foundation for a moral claim to virtue-based on formal equality (Sezer et al., 2020: Kaartemo, 2017: Dubin et al., 2018). It is founded on fairness, in which the moral virtue of consistency or equitable treatment is required (Blitt, 2016).

Formal equality is essential in the law and policy in many nations with strong equality and non-discrimination laws (Kumari, 2018). It is, for example, the intellectual underpinning of the term "direct prejudice" as used in the United Kingdom. More than an intellectual misunderstanding, there are complete political forums discussing the nature of gender with flaws in transgender people. It is necessarily used for politics and those issues where the constitution needs applicability.

Equal protection under the law is a constitutional clause in the United States that is equally explained (Ahmad, 2017). Ignoring a person's physical or personal features is supported by a systematic approach to equality and non-discrimination. It's to see if they're eligible for social benefit or advantage (Nogueira, 2017). Most advocates and defenders of the transgender problem base their arguments on the concept of merit.

According to the liberal viewpoint, formal equality is required to uphold the principle of merit in a democratic society (Braithwaite, 2015). It shows the role and importance of the transgender community as the important pillar of the society where efficient services are needed to maintain equality in terms of gender (Sezer et al., 2020: Kaartemo, 2017: Dubin et al., 2018). The overall presumptions highlighted the key linkages for the promotional suggestions that gender of any kind is equal in the United States (Fronzoni, 2017: Laskey et al., 2019). The principle and legal parameters highlight the importance of each clause and its application to the transgender community.

The principle of substantive equality is a cornerstone of international human rights legislation. It focuses on achieving equitable outcomes and providing equal chances for impoverished and marginalized individuals and groups (Kumari, 2018). For researchers, substantive equality is defined as the result of policies, processes, and behaviors. Public and commercial entities use it to combat and prevent systemic discrimination. (Valentine, 2015: Chan, 2019: Nanda and Ray, 2018: Fronzoni, 2017: Laskey et al., 2019). Substantive equality recognizes that the law must disagree to achieve equal results for core human rights, opportunities, and social protection. Discrimination, marginalization, and unequal distribution of transgender people are all part of it (Saeed et al., 2017). Adequate actions to assist or improve the lives of persons who engage in harmful behaviors are usually necessary to attain substantive equality (George et al., 2016). Policymakers want to ensure that they are given equal access to opportunities as other members of society (Shannon et al., 2019).

As a result of the understanding of formal equality, a concept of substantive equality was born (Sezer et al., 2020: Kaartemo, 2017: Dubin et al., 2018). This may not be enough to ensure that women had the same rights as men. De facto discrimination against transgender people may come from policies that appear to be gender-neutral at first glance (McCollum et al., 2016). It doesn't consider things like the fact that transgender people aren't men and can't have children (Fish et al., 2016).

A woman's or a man's abilities and desires significantly impact gender roles and the societal roles that women and men are expected to play. Other than the two genders of the society, there is the presence of the third gender that is equally

Considerate with the liberal constitutional approach (Romanelli and Hudson, 2017: Shannon et al., 2019). It is not possible to erase one gender that is transgender and give rights under the law to the transgender community. This, in turn, impacts the formulation and execution of policies (Sezer et al., 2020: Kaartemo, 2017: Dubin et al., 2018). This study's goal is to evaluate the Supreme Court of Pakistan's judgment and promulgated on the transgender population and the Transgender Persons Act of 2018, using equality standards.

2. Literature Review

According to Article 25 of the Pakistani constitution of 1973, the equality concept is firmly rooted in the country. According to the text, all "citizens" are equal before the law, regardless of gender, and it is illegal to discriminate against anyone because of their gender (McCann and Brown, 2018). A laissez-faire attitude toward children and women is common in Japan, where they are seen as society's weaker members and are the state protects them from all forms of bias (Durrani and Halai, 2020). Unfortunately, transgender people are not protected by the paper's gender and sex-based framework, in light of the horrible treatment they received from British colonialists when they arrived in India (Blondeel et al.,

2016). Unlike Japanese and British colonialists, the key issue is the constitutional parameters where transgender have their rights and follow up for independent living in the society (Noonan et al., 2018; Marshall al., 2016; Dubin et al.2018). Countries around the globe, including United Nations, are hardly focusing on the promotional steps for legal security of the transgender community in a matter that the community face no unequal treatment.

Even after Pakistan was established, a negative culture of societal humiliation persisted, dating back to colonial times (Edmiston et al., 2016). The transgender community died a natural death as a result of this decision. Earlier colonial culture never paid any attention to the transgender community. It results from decade-long deprivation of the community from equal rights towards the legal support for equality of gender (Romanelli and Hudson, 2017; Shannon et al., 2019). For that reason, the coming generations and countries under colonial rule cannot demonstrate a culture of similar male and female genders while severely neglecting the transgender community (Sezer et al., 2020; Kaartemo, 2017; Dubin et al., 2018). It is further required to bring the matters of a constitutional challenge, which is not important for the colonial rulers and champions of human rights regarding such developments over time, there is a change scenario for community development through constitutional parameters (Coe et al., 2019; Ozturk and Tatli, 2016; Sezer et al., 2020; MacCarthy et al., 2015). Highlighting each, the outcome of the continuous suppression is the result of individuals having unknown of their genders, and social community is in doubt of dealing with the transgender community under the law. The transgender community has been subjected to abuse and discrimination for more than a century and is now entitled to extra legal protection (Nikulina et al., 2019). Using the 14th Amendment's equal protection clause, the courts in the United States have taken a position. Each clause and the legal binding principle is essential to apply and meet the desired requirement of the transgender community (Sezer et al., 2020; Kaartemo, 2017; Dubin et al., 2018). Otherwise, the formulation of laws is itself a burden on the key legislative bodies and social structure of the society.

The legal liberal ideas could accept the transformation of transgender into a well-settled community (Coe et al., 2019; Ozturk and Tatli, 2016; Sezer et al., 2020; MacCarthy et al., 2015). In issues involving gender and racial disparity, the court must uphold the rationale for the decision (McFadden, 2015). However, it is well known that the treatment of transgender people and African Americans are significantly unequal (Edmiston et al., 2016).

There is no tyranny in the African American community, but they have been separated. Even if transgender people do not inherit oppression, they are subjected and discriminated against because of their gender identity (Becasen et al., 2019). Because some transgender people are better off (economically or socially) than African Americans, all transgender people could be lumped together.

People who identify as transgender have the same economic and social standing as the rest (Sezer et al., 2020; Kaartemo, 2017; Dubin et al., 2018). These people are on the outer reaches of what is considered socially "normal," and as a result, they are socially overlooked (McFadden and Crowley-Henry, 2016). Supreme Court of the United States set the policy to use severe inquiry level in response to complaints of racial discrimination. There is fair to moderate scrutiny regarding gender discrimination (Jones et al., 2017). The disparities that existed between the two groups of people. The Supreme Court was open to considering the arguments while considering the history of the community (White and Reisner, 2016; Su et al., 2016; Romanelli and Hudson, 2017; Shannon et al., 2019).

As an example, the United States is cited to demonstrate the importance of a substantive equality framework in the process of interpretation. There is a difference in the law interpretation by the Supreme Court, and it is following the organization to implement protection of the rights of transgender in a lawful manner (Wanta and Unger, 2017). It requires a subtle change in the overall dealing and considering the elements of transgender through legal provisions. Because of this, Pakistan could follow suit to provide equal rights for persons who identify as transgender (Marshall al., 2016; Dubin et al., 2018; Noonan et al., 2018). In other words, transgender people play a full role in policy implementation and social acceptance. Its purpose is to equalize their social, economic, and political standing with other members of the country's population (George et al., 2016).

2.1 Supreme Court judgment 2009 and 2012

For the first time, in 2012, Pakistan's Supreme Court ruled in favor of transgender rights. Because it acknowledged the transgender community's predicament and addressed the negative discrimination that transgender individuals face in their everyday lives, the decision was essential (Wanta and Unger, 2017). Lawsuits were brought against Pakistan because transgender people were denied their fundamental rights as citizens since they could not get nationhood certificates (Noonan et al., 2018; Marshall al., 2016; Dubin et al., 2018).

NARA maintained its official view that many Trans persons had unidentified parents and could not be awarded national identity cards. However, socio-cultural biases were the primary source of discrimination. It was decided by the Supreme Court of Pakistan that transgender people were 'equal' Pakistani citizens (Bolis et al., 2017; Reid and Dirsuweit, 2017). As a result, they were entitled to basic rights. NADRA must issue people who identify as transgender national identification cards; the Supreme Court ruled.

The administration was tasked with enacting legislation and distributing legal documents to Tran's neighborhood (Marshall al., 2016; Dubin et al., 2018; Noonan et al., 2018). It was the provinces' responsibility to ensure that no rule of the land would deny people their basic right of inheritance. Families must follow

the ruling and not deny inheritance to transgender people, or else the law will take its course (Klein and Golub, 2016: Duran, 2019). The court ruled on both their movable and immovable assets in this case. As part of its ruling, the court said that the government also denies entrance to educational institutions. This is a recent study (Downing and Przedworski, 2018). The state must provide basic health care and fill the employment gap (Dubin et al., 2018: Noonan et al., 2018: Marshall al., 2016). They were instructed to write policies that would benefit them and help them better understand the structure of society. Transgender must be protected from all forms of abuse by the federal and provincial governments. Transgender persons were not accepted by society; thus, awareness campaigns were launched to educate the public about the issue.

2.2 Supreme Court Judgment (Issues and problems)

There were various issues with the preceding ruling and the followed directions (Corley et al., 2020: Müller, 2017). While the Court acknowledged the transgender community's legitimate concerns, it only granted them legal equality by declaring that these challenges could be remedied by designating a point person who would speak for the group's interests unambiguously in the administration. Transgender individuals were believed to have the same social status as other citizens in this case, even if this is not true (Bolderston and Ralph, 2016: Beckwith et al., 2017: MacCarthy et al., 2015: Coe et al., 2019: Ozturk and Tatli, 2016). To put it another way, transgender people were at the root of the problem.

The Supreme court of Pakistan, in its decision for the legal rights and parameters of the transgender community, provides a procedure for directing and redirecting areas of the field (MacCarthy et al., 2015: Coe et al., 2019: Ozturk and Tatli, 2016: Beckwith et al., 2017). It underlines the key measurement of implementing agency where transgender has to register with a separate identity of similar identify as male and female (Marshall al., 2016: Dubin et al., 2018: Noonan et al., 2018). Directing the government to take concrete actions to address society's inherent discrimination and enslavement was the proper course of action (Sezer et al., 2020: Kaartemo, 2017). The ruling on transgender rights in Pakistan is only a small part of Pakistan's history of judicial activism. A panel of 17 non-elected men who had no democratic legitimacy and hence had no obligation to own the judgment accorded rights to the transgender community must be mentioned.

NADRA data now includes three more gender categories:

Male and female transgender and gender transgression (MacCarthy et al., 2015: Coe et al., 2019: Ozturk and Tatli, 2016: Sezer et al., 2020). NADRA should arrange for medical testing of those who claim to be transgender (or eunuchs, as the Supreme Court called it) to validate their status, the Court advised. There were protests in 2011 against the ruling, which stipulated that no such testing was required for men and women instead of using the term transgender. Due to the

Constitution's prohibition on gender discrimination, the decision was a hot-button topic (Dubin et al., 2018; Noonan et al., 2018). The issue was solved, but following Supreme Court judgments did not reference the requirement for testing.

It needs further explanation where the testing and medical requirements of the gender change is applied (Marshall al., 2016; Coe et al., 2019; Ozturk and Tatli, 2016; Sezer et al., 2020; Kaartemo, 2017; Dubin et al., 2018; Beckwith et al., 2017). Overall reflection of the decision is the absence of clear direction where the registration agencies like NADRA can enter the name and specific gender of the transgender. Unlike male and female separate provision for the identity is itself a problem that needs effective measurement and resolution through the legal debate in legislative houses.

2.3 Transgender Persons (protection of rights) Act2018

UN organizations like the UNDP and Pakistan's National Human Rights Council (NCHR) have financed Khawaja and transgender campaigners for over a year. Transgender people, non-governmental groups, and the Federal Ombudsman's working group on transgender people are all featured. Legislation to address Khawaja's concerns was drafted in collaboration with the Council for Islamic Ideology (CII), parliamentarians of all political stripes, women's rights advocates, and a variety of other social service groups (Noonan et al., 2018; Marshall al., 2016; Dubin et al., 2018).

2.4 Liberal Equality Model

The origin of the theory is reflected through feminist liberalism, where the stress for equality is maintained under the law for equal rights and freedom (MacCarthy et al., 2015; Coe et al., 2019). The profound impacts of the social transformations equally impact transgender people (Ozturk and Tatli, 2016). The liberal equality model allows the freedom of gender and equal rights based on the provisions of reducing the legal and social barriers (Wood et al., 2020; Sterling et al., 2019).

The obstacles to the realization are understood in terms of equality for the transgender community. It provides for the constitutional support for the transgender being the respectful member and community of the society (Kaartemo, 2017). Conservatives, moderates, and liberals are categorically preferred constitutional freedom, health, and happiness. It is more than a woman or the issue of the feminist Rights, rather a gender-based approach that follows key preferences of equal rights supported well by the constitution (Wood et al., 2020; Sterling et al., 2019). For the higher degree of justice, order, and freedom, there is the placement of the constitution which provides for the protection and projection of equal rights (Marshall al., 2016; Coe et al., 2019; Ozturk and Tatli, 2016; Sezer et al., 2020; Kaartemo, 2017; Dubin et al., 2018; Beckwith et al., 2017). It is impossible to enforce justice unless there is tolerable social order

through the law. As the law provides for equal and liberal rights to everyone, there must not be any questions on the transgender community.

For that matter, the important Anglo-Australian legal system provides for the values that constitute liberalism. It ensures the rule of law and equality (Ozturk and Tatli, 2016; Sezer et al., 2020; Kaartemo, 2017). Gender among the female, male, and transgender affects the age of reason for protecting the liberal equality and freedom of the transgender community. For most western democracies, there is a significant focus on the constitutional theory as an aim of leading the equal rights for gender (Chen, 2019).

Similar is the case with a transgender notion where the law adjusts different forms of morality (Bolderston and Ralph, 2016; Beckwith et al., 2017; Ozturk and Tatli, 2016). The concerned gender policies are reflected through the social inclusion and organization of the constitution for treating transgender in an equal and fair manner. Sexual harassment and violence are interlinked with legal injury to the constitution's parameters where equal treatment is made with gender-based crimes.

3. Methodology

Secondary research is used to perform a comprehensive review of the literature. The total number of hits is 3555, which comprises $n = 2124$ for formal equality and $n = 1431$ for substantive equality. Google Scholar and a snowball search yielded $n = 3615$ results (Bristowe et al., 2016; Downing and Przedworski, 2018). A total of $n = 23$ full-text publications were omitted from the analysis, followed by $n = 7$ articles that did not come from the country under consideration and were therefore not included in the analysis. Only abstracts in English are available for $n = 4$ papers (Sezer et al., 2020; Kaartemo, 2017; Dubin et al., 2018; Marshall al., 2016; Coe et al., 2019; Ozturk and Tatli, 2016; Beckwith et al., 2017). Transgender people are at risk of being injured because of prejudice. It has to do with their sense of self-expression and gender identification. The granting of equal rights for Pakistan's transgender community is the basis for systematic literature reflecting the application of methodology (MacCarthy et al., 2015; Coe et al., 2019; Ozturk and Tatli, 2016; Sezer et al., 2020; Kaartemo, 2017). It remains one of the most vociferous foes of increased human rights recognition and protection.

The systematic review of the literature for the study takes into account literature relevant to formal and substantive equality for transgender people (Coe et al., 2019; Ozturk and Tatli, 2016; Sezer et al., 2020; Kaartemo, 2017; Dubin et al., 2018; Beckwith et al., 2017). The Khwajasara community, which has a long history of transgender activism, is largely responsible for society's recent acceptance of the gender identity issue (Bolis et al., 2017; Reid and Dirsuweit, 2017).

Through the legislation, transgender people are assimilated. Transgender people who identify as lesbian, gay, pansexual, or bisexual may not be protected by the legislative provisions. After deleting duplicates, there are 2930 records left for the study. At 2930, the records were checked for substantive and formal equality for transgender people. N=1715 was omitted from the study after reading the title and abstract. The number of full-text research and papers evaluated for eligibility is n=60.

Research on transgender rights includes 33 papers, all with a focus on substantive and formal equity (Ozturk and Tatli, 2016: Sezer et al., 2020: Kaartemo, 2017: Dubin et al., 2018). The Parliament passed the Transgender Persons Act in May of this year, and its constitutional limits are regarded as the most important document. These words and phrases appear in at least 60 studies relevant to the topic: eunuch, transgender, intersex, Khawaja Sira.

To use words like "gender identity" or "gender expression" in a piece of content is against societal expectations. All literature includes cultural expectations depending on their gender at birth (White and Reisner, 2016: Su et al., 2016: Romanelli and Hudson, 2017: Shannon et al., 2019). The literature on transgender rights has led to the right to identify anyNADRA is the national agency for transgender registration. Self-identification is critical in this regard, as is the issue of transgender people being discriminated against because they are transgender. Transgender property can't be stripped of its right to be passed on through the traditional inheritance process. The property's ownership will be distributed among the participants based on their gender perceptions (: Sezer et al., 2020: Kaartemo, 2017: Dubin et al., 2018: Marshall al., 2016: Coe et al., 2019: Ozturk and Tatli, 2016: Beckwith et al., 2017).

To be granted a woman's right in the instance of transgender people who are male, transgender people must first prove that they are male (McCann and Brown, 2018). Shares in the property will be split according to how people view transgender people's gender identity if they have any unclear traits. For transgender people who inherit property, there is a way to determine how much of it they will get. Under Islamic law, transgender men and transgender women are entitled to the same share of inheritance as binary men (which are half of the men's share). The ability to identify oneself as gender is crucial (Nanda and Ray, 2018: Fronzoni, 2017: Laskey et al., 2019).

They allow transgender people to avoid portions of Pakistan's legal system unfair to the gender group. Because the statute applies Islamic law of inheritance to all transgender individuals, regardless of faith, it may be difficult to grasp these terms (Choudhuri and Kabra, 2017). Transgender people are entitled to a share of the inheritance, even if the state mandates that biological family must do so. Non-Muslim transgender people are being subjected to an unwelcome law provision.

4. Discussion

Transgender people have a right to education under the new law. Although issues have been raised about how these sections are written, formal equality for the group is assured. When applying for admission to public or private institutions, transgender people will not be discriminated against. It's up to the statutory requirements to be met. The issue of meeting the prerequisites is explained in plain terms. As far as we can tell, there should be no discrimination against transgender students who meet the admission requirements of educational institutions. However, the sentence omits that transgender persons may confront systematic disadvantages. Young transgender people often leave their families because their parents try to change their gender identity into something more "masculine." Gender stereotypes are thrown out the window when dealing with violence at home and school. Since their gurus do not promote or sponsor their daughters' education, many drop out of school. There is still a knowledge gap that prevents these children from participating fully in modern civil society. Transgender people are almost unable, both philosophically and practically, to gain admission to meritocratic educational Institutions by meeting the stringent entrance requirements set forth by these institutions.

Transgender people may be protected against discrimination. Article 25A of the Act mandates that the government ensure that transgender students have equal access to free and compulsory education. There is a lack of official education for transgender people, as was indicated earlier. Since these persons were deprived of appropriate education due to their circumstances, a provision and limitation are unjust to others who fall outside the maximum age limit. The state is irresponsibly disregarding the terrible past of the transgender community by treating them on an equal basis with the rest of the population.

However, the lack of criminal consequences may make it impossible to enforce the lawfully. Because of this, there is no incentive for people to follow the law's message, regardless of how unfavourable. According to certain theories, the socialization process keeps people away from the worst kinds of behaviour. Only individuals whose self-concepts prevent them from committing crimes are included in this definition. The standard criminology model fits the unsocialized (and consequently amoral) individual. Because of this, we might conclude that human behaviour is influenced greatly by cultural norms and expectations. One of the most despised behaviours in the community is theft. Fear of social exclusion might be a deterrent for certain people. Most people avoid stealing as a result of this. Transgender people are routinely treated as non-citizens in this setting, though. Being taught to hate one's existence, the average Pakistani is more likely to commit acts of violence against others. As in the 2018 General Elections, a violation of provisions is not impossible to happen at any time. Candidates who did not identify as male or Females could not fill out official election forms since they did not have the necessary gender options. That's an obvious breach of the law, which states that transgender persons can run for public office and face no discrimination based on their gender, sexual identity, or gender expression. Similar provisions are included in the Act, which is written in

the context of substantive equality and prohibits various forms of discrimination. It would be a huge step toward eliminating inequality in the country if discriminatory practices in schools, hospitals, and workplaces were sanctioned. Pakistan's Supreme Court ordered state agencies to implement similar measures to eradicate discrimination against transgender people. It's beginning to slow things down, and the superior court has given the go-ahead to do something about it.

A conviction for contempt of court, a serious offense, could result in punishment that has not previously worked as a deterrence. The law must penalize people for engaging in these behaviors to have any real impact. In addition, the broad arguments for punishment include deterrence and criminal control. It helps the state achieve its purpose of ensuring the freedom of all its residents.

In addition, there is no federal law that protects transgender people from discrimination and violence. The discrimination against the transgender community in Pakistan has led to several violent attacks on this group. Discussion of the other rights of the transgender population in Pakistan should follow the security of the most basic and important right to life. At least 22 states and the District of Columbia have anti-discrimination laws that protect those who identify as transgender, lesbian, gay, or bisexual. When it comes to attracting a wide range of people to a law like this, Pakistan should follow suit. The transgender population will feel more secure as a result.

5. Conclusion

Several initiatives are underway in Pakistan to ensure that members of the transgender community have equal access to basic civil liberties. Transgender persons have been persecuted in the Indian subcontinent, making equality the most crucial right in this circumstance. The strategy is founded on the fact that the problem is incorrect; hence it is used to fix it. Although substantive equality should have been emphasized, Parliament and the Supreme Court have mostly focused on obtaining nominal equality. As long as transgender individuals endure political, economic, and social-political prejudice, the state may not be able to claim meritocracy for them.

The Transgender People Act provides an essential discussion on how the state might adopt positive steps like transgender quotas and selection for certain positions, which avoid prejudice. Recently, transgender people in Karachi, Pakistan, have been allowed to join the police force as regular duty officers. In other provinces and at the federal level, this is a commendable Endeavour. A separate third gender has been established for transgender people, and they should be represented in legislative bodies independently. This is the only way that their concerns will be taken seriously. Under the Act, they are permitted to run for office, but it is extremely unlikely that they will win a general seat.

A turning point was reached with the Transgender Persons Act, which recognized and claimed ownership of the community on a state level by elected representatives. An in-depth analysis of the legislation exposes numerous flaws and unfulfilled potential for the legislation's passage. These and other concerns should be addressed by further amending the legislation. In the federal government must develop and allocate resources for this Act's implementation, and the provinces must create their versions of it. The parliament must ensure that the assembly members ensure the consistent and equitable use of pronouns. The pronoun 'he' is problematic because it has Symbolic and legal meanings. Transgender inheritance rights legislation is contrary to Islamic law and should not be passed. Legislators have the option to extend the period specified in the Act, as two years is not long enough to implement significant changes.

Because of this, the government may take the following steps to ensure that the Act is properly implemented. Starting awareness campaigns about transgender experiences, problems, and constitutionally protected rights is a step in the right direction. The state may establish specialized educational institutes for transgender people to bring them up to par with the rest of society. The inclusion of legal equality provisions in this Act can significantly impact the community in the same way that structural disparities have been addressed to some extent.

6. Implications

In Pakistan and India, the courts have taken very different approaches to the issue of transgender identity and legal equality. As a result, the transgender population sees a marked shift in its social standing. A lack of social safety nets to bring eunuchs up to pace with the rest of society appears to be developing in Pakistan. That the court's decision has failed to affect the social standing of the previously described community proves nothing. An in-depth policy paper on transgender issues was released by the Ministry of Social Justice and Empowerment (MSJE). There was a parliamentarian's bill in 2014 on the rights of transgender people and the acceptance of some transgender students into public colleges and other decisions. The National Legal Services Authority was established due to the National Legal Services Authority, and it supports the eunuchs' privileges. Such use of the authorities is to apply transgender equality under legal liberalism. It can protect the rights and key parameters of the third gender in a society of male and female genders.

This wide range of outcomes is because the Superior Courts' interpretations of the constitutional guarantee of equality vary widely. It is a state policy to ensure that no one is denied equal protection because of their sexual orientation or gender identity. Equal rights are a positive right that gives the additional state power to take action to eradicate imbalance in the legal system. Legal equality rules appear to have hindered the administration of gender-based justice. The

court appears to have acknowledged it is the state's responsibility to recognize and compensate for the disadvantages faced by its citizens.

Although labelling a community as socially backward or weak has a positive effect. Affirmative efforts that appear to be vital for providing and redressing decades of social isolation of the transgender population are facilitated by the growth of simplistic stereotypes. The lack of legal dealing for the transgender community may lead to a major catastrophe. As the failure to implement Constitution for equal rights is essential, it is considered that the transgender community is in dire need of constitutional parameters to protect their rights and follow equal treatment.

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