

SUPREME COURT OF PAKISTAN

Constitutional Petition No. 43 of 2009

Decided On: 25.09.2012

Appellants: Muhammad Aslam Khaki and Ors.

Vs.

Respondent: S.S.P. (Operations) Rawalpindi and Ors.

Hon'ble Judges:

Iftikhar Muhammad Chaudhry, C.J., Jawwad S. Khawaja and Khilji Arif Hussain, JJ.

Counsels:

For Appellant/Petitioner/Plaintiff: Party-in-Person and Shahana Abbas, Shazia and Mahwish (Unix)

For Respondents/Defendant: Dil Muhammad Khan Alizai, D.A.G.

ORDER

Iftikhar Muhammad Chaudhry, C.J.

1. In pursuance of this Court's direction, a concise statement has been filed on behalf of NADRA. Copy of the same has been handed over to the petitioner in person who after having gone through the same stated that the arrangement being followed by the NADRA for issuing National Identity Cards to the eunuchs (Khwaja Sraa). He further stated that as now focal person have been nominated by the Provinces, therefore, at present they are not facing any problem and if such problem arises at any time, the same will be solved by the executive/law enforcing

agencies of the concerned Provincial Governments. This petition was instituted for the enforcement of fundamental rights of the person which include eunuchs, guaranteed under the Constitution including security to life and property as they are more vulnerable among humans. The petitioner and all the Provincial Governments through their Advocate Generals have provided assistance and implemented the directions issued by this Court from time to time. We may point out that eunuchs are entitled to be respected by all the segments of society as other citizens deserve. In the past their had been practice being followed invariably when they were not being treated at par* with the other human beings/citizens but now with the cooperation of the Federal and Provincial Governments and other organizations they are being respected and dignified as citizen of this country in view of the fact that their rights are fully protected under the Constitution including the inherited property rights detail of which we have obtained so that the eunuchs are not deprived from their legitimate right in respect of movable and immovable proper, right to get education, right of the franchise and also to ensure their participation/jobs in all walk of life and they should not be intervened either by their relatives or by any other functionary. Copy of this order be communicated to the Commissioner ICT, Home Secretaries to the Provinces and the IGPs for information and strict adherence of the same. The eunuchs should be treated equally as other citizens in this country enjoying the same rights under the Constitution of Islamic Republic of Pakistan. We place our gratitude to the petitioner in person, to the representatives of the Government, the NGOs and all others who have assisted us on the issue for its final disposal through this judgment, Disposed of in the above terms.