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Assessment of Government Policies for Transgender Persons in India

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ABSTRACT

Over the years, Indian government has made important steps toward identifying the rights of transgender people, particularly with the Transgender Persons (Protection of Rights) Act, 2019, which seeks to make sure equality and safeguard against discriminations. Although, the execution of the law and the effectiveness of other policies remain mixed. This research paper tried to explore the legal system related to transgender rights in India, focusing on the Nalsa Judgment (2014), which identified transgender people as a third gender, and the 2019 Act. It also examines the issues of access to education, health care, employment, and social security, and the gaps in public awareness and social attitudes. In spite of legislative advancements, problems like stigma, economic marginalization, and limited representation continue to persist. This study further examines into the role of government programs, NGOs, and civil society in supporting the transgender people, and provides a significant evaluation of whether current policies are enough in promoting true social integration and dignity for transgender individuals. Through this assessment, the study seeks to emphasize both the growth and limitations of India's policies in fostering an inclusive environment for transgender people.

Keywords: *Transgender community, Government policies, Transgender Persons (Protection of Rights) Act, 2019*

I. INTRODUCTION

In India, the rights and recognition of transgender people has evolved over time, with major changes in both communal attitudes and government policies. Historically marginalized, the transgender people, often referred to as "hijras," faced discriminations, social exclusion, and legal barriers in India. On the other hand, in recent years, there has been an increasing awareness and push towards inclusive policies, which aim to offer equal rights, recognition, and opportunities to transgender people. These policies reflects a change towards guaranteeing social justice and parity for transgender people, who were often left out of the country's growth narrative.

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The central government of India has taken major steps to improve the status of transgender people through landmark laws and initiatives. The Transgender Persons (Protection of Rights) Act, 2019, is an important milestone, aimed at making sure legal protection against discrimination in education, employment, healthcare, and social services. This Act also tried to emphasize the rights to self-identify one's gender, marking a progressive move towards empowering transgender people. Moreover, the NALSA judgment case was an important moment, identifying transgender people as a third gender and affirming their fundamental rights under the Constitution of India.³

State government authorities have also played an important role in translating national policies into regional action. Different states have launched their own initiatives to offer welfare measures, healthcare, skill development and job opportunities for transgender people. States such as Kerala and Tamil Nadu have made strides in executing schemes for transgender education, vocational training, and healthcare, which have positively affected the community. Though, problems remain in terms of uniform execution across the nation, with some regions lagging behind due to local social and cultural factors. In general, the government approach reflects a balance among legislative reform at the central level and regional efforts to deal with the particular requirements of the transgender people.

(A) Statement of the Problem:

In spite of the enactment of progressive policies and legal system for the transgender people in India, like the Transgender Persons (Protection of Rights) Act, 2019, problems persist regarding effective execution and societal acceptance. Many transgender people continue to face discriminations, restricted access to education, healthcare, and employment, and social exclusions, which undermine the intended effect of these policies. The problem lies in the gap among legal recognition and real life experiences, with varying levels of support and awareness across various states and regions. It points out the requirement to assess both the effectiveness of present government policies and the social and cultural challenges that hinder the full integration of transgender people into society.

(B) Research Objectives

- To examine the effectiveness of the Transgender Persons (Protection of Rights) Act, 2019, in making sure legal protection and social inclusion for transgender people in India.

³ Visweswara Rao and K. Nikhita, *Transgender Persons in India : Problems, Policies and Interventions*, DSNLU Journal (2023)

- To analyze the impact of state level policies and welfare schemes on the social and economic growth of transgender people in various regions of India.
- To evaluate the role of social attitudes and cultural factors in the execution and acceptance of government policies aimed at improving the lives of transgender people in India.

(C) Review of Literature:

1. The Third Sex: Transgender persons in India want to be treated as citizens. Is this too much to ask for? (2013). *Economic and Political Weekly*, 48(43), 9–9. <http://www.jstor.org/stable/23528827>. Accessed on 5th August, 2024.

The article highlights regarding the transgender persons position in the society and their demand to be treated equal from the government. In response of such demands government is not taking proper actions in their welfare. They are providing them with inadequate schemes and laws. The article talks about Maharashtra and Karnataka state contribution towards the transgender persons but still they are lagging behind.

2. KARUNANITHI, G. (2015). Transgenders and the Mainstream. *Economic and Political Weekly*, 50(48), 22–23. <http://www.jstor.org/stable/44002892>. Accessed on 5th August, 2024.

The article talks about the transgender persons of Tamil Nadu state of India. It highlights the socio-economic problems faced by the whole community in the state. Article explains that in year 2014, transgender population in India were 4.9 lakh and out of which 22,000 lives in Tamil Nadu state of India. Many transgender persons of the community reside in slum area as they were scared from other people of the society. Due to their identity, transgender persons face humiliation and to run their homes they were forced to beg on the streets as there was no employment available for them. So, transgender persons organise a movement to fight for their status as ‘third gender’. Tamil Nadu is the first state where transgender persons receive the status of ‘third gender’. At present transgender persons in whole India are considered as ‘third gender’.

(D) Research Questions

1. What all programmes and policies framed by the government for the welfare of transgender persons in India?
2. Whether programmes and policies framed for transgender persons are serving any benefit to them in the Indian society?

3. whether there is scarcity of programmes and policies related to transgender persons in India or not?

(E) Research Methodology

In this research doctrinal research method is followed throughout the research paper. The study is based on primary and secondary data. Primary data includes statutes, case laws while secondary data includes articles, blogs, websites and journals. All these data has been used to develop an understanding related to the title of research paper and to highlight the current scenario of the research topic. This paper is written from the research conducted towards doctoral work.

(F) Hypothesis

The analysis of the study leads to the conclusion that Indian government have not framed adequate policies and programmes for transgender persons due to which they are still agonized on various issues faced by them in the Indian society. There is scarcity of schemes and policies by Indian government for transgender persons in India.

II. GOVERNMENT MEASURES TO RECOGNIZE AND PROTECT THE RIGHTS OF TRANSGENDER PEOPLE IN INDIA:

In India, the government has taken different steps to identify and safeguard the rights of transgender people, although challenges still remain. The major policies and legal developments associated to transgender people in India:

The Transgender Persons (Protection of Rights) Act, 2019

The Transgender Persons (Protection of Rights) Act, 2019, is one of the landmark law in India aimed at safeguarding the rights of transgender people. It ensures legal recognition of gender identity, prohibit discriminations, and mandates the establishment of welfare measures for transgender people.⁴

Key Provisions

Rights to self-identify: Transgender persons can self identify their gender as male, female, or transgender, and the government should identify this identity.

Non discrimination: The Act prohibits discrimination against transgender people in areas like education, employment, healthcare, and access to services.

⁴ Ayush Raina, A Brief Analysis of the Transgender Persons Act, 2019 - Murder Of Gender Justice? Law Street Journal, (2020)

Welfare Measures: The Act mandates the government to offer social welfare programs to make sure the wellbeing of transgender people, comprising educational scholarship and healthcare benefits.

Formation of a National Council for Transgender Persons: The Act calls for the creation of a National Council for Transgender Persons, which is intended to observe and inform on policies and programs for transgender people.⁵

Supreme Court's NALSA Judgment (2014)

National Legal Services Authority v. Union of India: This landmark judgment by the Supreme Court of India identified transgender persons as a "third gender." The Court directed the government to give them with equal rights and opportunities and take steps to make sure their social, educational, and economic wellbeing.

Key Directives:

Legal identification: The ruling affirmed the legal rights of transgender people to self identify their gender.

Welfare Measures: It mandated that the government must make policies to deal with the healthcare, employment, and education requirements of transgender persons.

Equality before Laws: Transgender persons were to be treated equally under the law, without discrimination on the basis of gender identity.

III. PROGRAMMES AND POLICIES FRAMED BY THE INDIAN GOVERNMENT FOR TRANSGENDER PERSONS:

(A) Support for Marginalized People for Livelihood and Enterprise (SMILE)

The Ministry of Social Justice and Empowerment has introduced the nationwide initiative called "SMILE," which includes two main sub schemes: 'Comprehensive Rehabilitation for the Welfare of Transgender Persons' and 'Comprehensive Rehabilitation of People Engaged in Begging.' This program is made to execute different welfare measures aimed at rehabilitating transgender people and people involved in begging. It focuses on giving health care, counseling, educational support, skills development, and promoting economic opportunities. This scheme will be conducted in partnerships with State Governments/UTs, Local Urban Bodies, NGOs, People Based Organizations, institutions, and other key stakeholders to make sure holistic

⁵ Suvam Kishore, *Transgender In India: A Socio-Legal Study*, *Indian Journal of Integrated Research in Law*, 3 (2023)

assistance and empowerment.⁶

(B) National Council for Transgender Persons(NCTP)

The NCTP is responsible for overseeing and evaluating the execution of the Transgender Persons (Protection of Rights) Act, 2019, as well as offering recommendations to the government on measures to enhance and protect the rights of transgender people.

Its key objectives include addressing livelihood-related challenges and raising awareness about the transgender people to foster social justice. The NCTP aims to promote the acceptance of transgender people within their families and society at large. Additionally, it seeks to ensure the creation of transgender welfare boards in all states and to guarantee that the essential needs of the transgender people, including housing, food, healthcare, and education, are adequately met.⁷

1. Importance of NCTG in empowering Transgender Persons

Established in 2020, the NCTP is dedicated to promoting the welfare and empowerment of transgender people in India. Here are some key aspects of its importance:

Legal Recognition: The creation of the NCTP represents a significant step toward securing legal recognition for transgender people in India. It acknowledges them as a distinct people entitled to equal rights and protection under the law.

Representation: The NCTP serves as a platform for transgender people to have a voice at the national level, ensuring that their concerns are heard and addressed by the government.

Policy Development: The NCTP plays a vital role in shaping policies and programs aimed at improving the welfare and empowerment of transgender people. It provides valuable recommendations to the government on areas such as education, healthcare, employment, and legal rights.

Raising Awareness: The NCTP plays a key role in highlighting the challenges faced by transgender people in India. Through its efforts, it aims to reduce stigma and discrimination, promoting broader societal acceptance and understanding.

Support and Resources: The NCTP is crucial in offering vital support and resources to transgender people, such as access to healthcare, legal assistance, and vocational training. These initiatives help ensure that transgender individuals lead a dignified life while encouraging their increased contribution to society.⁸

⁶ <https://transgender.dosje.gov.in/>

⁷ Monojit Garai, Empowering the Transgender Community in India, NSOU Open Journal (2023)

⁸ Vajiram (2025) National Council for Transgender Persons. <https://vajiramandravi.com/upsc-exam/national->

(C) State Policy For Transgender Persons in Kerala, 2015

In 2015, the Kerala Government introduced and implemented the State Policy for Transgender Persons, designed to protect the constitutional rights of transgender people, aligning with the Supreme Court's decision in *NALSA v. Union of India*. The policy recognizes the widespread injustices faced by transgender people, including discrimination from their families, and highlights their exclusion from various socio-economic and political spheres as a core issue. By addressing this exclusion, the policy aims to eliminate the stigma and discrimination that transgender people endure.

The policy refers to several key documents that outline the challenges faced by transgender people, such as the Constitution of India, the *NALSA* judgment, and a 2013 report from the Expert Committee set up by the Ministry of Social Justice and Empowerment. It also draws on an empirical study conducted by Kerala's Social Justice Department to better understand the experiences of transgender people in the state.

The policy presents a comprehensive strategy to safeguard the rights of transgender people, emphasizing equality, freedom of expression, and access to development opportunities. It recommends the establishment of a Transgender Justice Board to prevent discrimination by government agencies and ensure equal access to essential services like education, healthcare, and public transportation. Additionally, the policy advocates for raising awareness within law enforcement and the judiciary to combat stigma and encourages the active participation of transgender people in cultural activities.⁹

To enhance employment and healthcare opportunities, the policy suggests that relevant departments support self-employment initiatives, execute transgender-inclusive policies in educational institutions, and integrate transgender people into healthcare and insurance programs. Key recommendations also include offering counseling services, financial assistance for sex reassignment surgeries, and the creation of HIV health centers.

The policy prioritizes the protection of transgender people from violence and discrimination, proposing measures like a helpline, crisis management centers, and free legal aid. It also supports the recognition of their rights to marriage, partnerships, and parenting. Additionally, the policy calls for the establishment of shelter homes, housing programs, and access to food security through the Public Distribution System, alongside providing financial backing for

council-for-transgender-persons/

⁹ R, Sreelakshmi, (2023), *Transgender Policies of The Government: A Study*, Journal of People, Politics and Administration, 1(1), pg.36-54.

transgender-focused organizations.

Implementation: The policy outlines the primary stakeholders tasked with its execution and presents a detailed action plan for their roles. It recommends the creation of a State Transgender Welfare Board and District Transgender Justice Committees, clearly defining their functions. This framework is designed to promote coordination among various government departments in addressing the issues faced by the transgender people. Moreover, the policy emphasizes that the Board should include representatives from the transgender people to ensure their active participation in the decision-making process.¹⁰

(D) Sweekruti: Assistance to Parents of Transgender Children

The "Assistance to Parents of Transgenders" scheme is a component of the "Sweekruti" initiative, managed by the Social Security and Empowerment of Persons with Disabilities (SSEPD) Department of the Government of Odisha. This scheme is designed to offer financial aid to parents of transgender children, helping them navigate challenges like societal intolerance, stigma, discrimination, and violence, thus enabling them to raise their children more effectively.

The Sweekruti initiative is centered around several key goals aimed at ensuring fair treatment for transgender people:

- To foster an environment that ensures equal opportunities, social justice, and empowerment for transgender people in the state.
- To promote the active involvement and voluntary participation of all stakeholders in facilitating the social integration of transgender individuals.
- To expand outreach programs that protect the rights and entitlements of transgender people within the state.
- To support both individual and collective initiatives by transgender people aimed at employment, self-employment, and access to socio-educational services.
- To enhance the effectiveness of the current execution framework and improve the overall support system.

(E) PM-Daksh Scheme

The PM-Daksh Scheme is a government initiative aimed at supporting individuals from marginalized communities, such as Scheduled Castes (SCs), Scheduled Tribes (STs), and Other

¹⁰ <https://translaw.clpr.org.in/reports-and-policies/state-policy-for-transgenders-in-kerala-2015-2/>

Backward Classes (OBCs), by equipping them with valuable skills. "PM-Daksh," which stands for "Pradhan Mantri Dakshta Aur Kushalta Sampann Hitgrahi," is designed to enhance the employability of these communities or help them launch their own businesses. The scheme provides short-term training, skill enhancement (learning new skills), and skill upgrading (refreshing existing skills) through accredited training centers, both government-run and private. The program's main objective is to create more employment opportunities and foster self-reliance for these groups. As of 2023-24, over 1.87 lakh people have benefited from the scheme, with plans to expand its impact in the coming years.¹¹

The PM-Daksh Scheme has several key objectives:

- **Skill Development for Marginalized Communities:** The scheme focuses on providing people from SC, ST, and OBC backgrounds with vital skills to improve their chances of securing better employment.
- **Promoting Entrepreneurship:** It offers training on self-employment and business creation, encouraging people to start their own ventures.
- **Boosting Employment Opportunities:** The scheme prepares people with the necessary skills to work in various sectors, expanding their job prospects.
- **Supporting Growth and Social Contribution:** It provides a structured path to personal success, while also ensuring that these communities make meaningful contributions to society.
- **Providing Short-term and Long-term Benefits:** The program equips people with skills for immediate employment and provides continuous opportunities for upskilling and reskilling to support long-term career development.

(F) Job reservation for transgender

Karnataka has become the first state in India to execute a 1% reservation for the transgender people in all government jobs. The state government informed the high court through a report that, after amending the Karnataka Civil Service (General Recruitment) Rules, 1977, an official notification has been issued. This notification establishes a 1% reservation for the third gender across both general and reserved categories. It also mandates that job announcements for government positions must include an "others" category, in addition to the male and female categories. Furthermore, the notification underscores the importance of ensuring that

¹¹ PM-DAKSH Yojana <https://socialjustice.gov.in/schemes/100>

transgender people are not subjected to discrimination during the recruitment process.¹²

(G) NISHTHA (National initiative for School Heads' and Teachers' Holistic Advancement)¹³

Under this scheme of Government of India, teachers are trained nation-wide to maintain a gender neutral environment in school premises and classrooms. Teachers are provided proper training for bridging the gender gap among the students which consequently contributing in their lives by building their gender neutral mindset.

(H) Skill India Mission¹⁴

Skill India Mission is a campaign started by PM Narendra Modi in 2015 year. The campaign targets to train people in various different industry related jobs. Ministry of Skill Development and Entrepreneurship implements many schemes like Pradhan Mantri Kaushal Vikas Yojna (PMKVY), Jan Shikshan Sansthan (JSS) and National Apprenticeship Promotion Scheme (NAPS) for providing short term skill development training and Craftsman Training Scheme (CTS) for providing long term training to the youth belonging to all sections of the society including transgender persons also.

(I) Garima Grehs: Shelter Homes For Transgender Persons¹⁵

The Government of India scheme – SMILE (Support for Marginalised Individuals for Livelihood and Enterprise) provides for garima grehs i.e. shelter for transgender persons with basic facilities like shelter, food, medical facilities and recreational facilities.

IV. ADVANTAGES RECEIVED TO TRANSGENDER PERSONS VIA GOVERNMENT PROGRAMMES AND POLICIES

Since centuries transgender persons were so much dominated by cisgender persons that from beginning of their lives they start getting avoided by their own parents and family members. They are ignored so much that they develop a feeling of lack of self-confidence and they start hesitating in coming out in public spaces. In most of the cases transgender persons are thrown out of their homes. Their families do not want to keep any connection or contact with them. So basically we can say that transgender persons get deprive of so many basic human and fundamental rights in their childhood only.

Consequence of such harsh and rough instances in their lives lead them to not join school in

¹² Giriraj (2023), Social Defence, <https://transgender.dosje.gov.in/docs/NISDJournal.pdf>

¹³ Ibid p.2.

¹⁴ Ibid p.2.

¹⁵ Ibid p. 2.

their childhood due to which they get deprived of basic education. Due to this deprivation of basic education transgender persons are more prone to get humiliated and become victims of so many crimes like fraud, harassment, rapes, trafficking, etc.

Due to illiteracy, transgender persons face many hurdles and problems in their lives like issue of livelihood, shelter, non-employment and social acceptance. Because of lack of education and in dealing with so many problems transgender persons are unaware of government's schemes, policies and programmes which are launched or organized for their welfare. As they are unaware of their legal and human rights, transgender persons are more likely to face unnecessary obstacles in their work. So we can say that to make transgender persons receive benefit of government's scheme and policies, government should work on making them aware about their fundamental and human rights.

V. SCARCITY OF GOVERNMENT POLICIES AND PROGRAMMES FOR TRANSGENDER PERSONS IN INDIA

In present scenario, Indian government is launching many schemes, policies and programmes in favour of transgender persons as mentioned above. But as it is already discussed in above paragraphs that the term "transgender persons" is an umbrella term which means it will include many identities in it. Covering the issues of all the distinct identities and launching schemes in welfare of all will not serve to all. Many problems are left unsolved and unheard like transgender persons residing in not so developed areas of the country faces lot of problems and they suffer a lot in such under developed areas.

Transgender persons who all are residing in metropolitan cities or near metropolitan cities are well aware of their legal and human rights. They do not face much issue as in such cities there are abundance of employment opportunities and rental homes. But in not so developed areas like under developed villages of the country, their lives of transgender persons are miserable.

There are government schemes in their favour but some more policies and schemes need to be framed by the Government of India for the welfare of transgender persons by keeping in mind the target of those under developed areas of the country. There are scarcity of government remedies and measures in such areas which may help transgender persons in making their lives better.

VI. CONCLUSION

To conclude, government policies of India on transgender people have made important strides in recognizing and safeguarding their rights, particularly through legal system such as the

Transgender Persons (Protection of Rights) Act, 2019, and the recognition of transgender people as a third gender in the NALSA case. These legal milestones have offered transgender people with greater visibility, legal recognitions, and protection against discriminations. In addition, initiatives such as the SMILE Scheme and Garima Greh shelter homes have focused on the rehabilitation, empowerment, and well being of transgender people, providing access to education, healthcare, skills development, and social security. Policies at the state level, like Karnataka's 1% reservation for transgender people in government jobs, further highlight the increasing commitments to inclusivity.

Though, in spite of these advancements, there are still gaps in the execution of these policies and in the day-to-day realities faced by transgender people. Social stigma, discrimination, and violence continue to hinder the full realization of their rights, and access to vital services such as healthcare and education remains uneven. While legal system have been established, the true challenge lies in guaranteeing that transgender people benefit from these policies in their everyday lives, especially in rural areas where awareness and infrastructure are limited. To attain meaningful progress, the government should focus on more robust enforcement, public education campaigns, and the inclusion of transgender people in all aspects of society, guaranteeing that they are not only legally safeguarded but also socially accepted and empowered.

VII. SUGGESTIONS

- The government authorities must execute comprehensive training programs for law enforcement and judicial officers to deal with discrimination and guarantee better protection for transgender people.
- Better funding and support for transgender inclusive healthcare services, including mental healthcare, must be prioritized to make sure access to necessary services.
- Public awareness campaign must be introduced to combat social stigma and encourage the acceptance of transgender people in every aspect of society.
- There must be stronger monitoring mechanism to make sure the effective execution of policies and welfare schemes at the grassroots level.
- Government policies must be developed to make more inclusive educational opportunities and job reservations to boost the employability and economic independence of transgender people.

VIII. REFERENCES

1. Visweswara Rao and K. Nikhita, Transgender Persons in India : Problems, Policies and Interventions, DSNLU Journal (2023)
2. Ayush Raina, A Brief Analysis of the Transgender Persons Act, 2019 - Murder Of Gender Justice? Law Street Journal, (2020)
3. Suvam Kishore, Transgender In India: A Socio-Legal Study, Indian Journal of Integrated Research in Law, 3 (2023)
4. Monojit Garai, Empowering the Transgender Community in India, NSOU Open Journal (2023)
5. Vajiram (2025) National Council for Transgender Persons. <https://vajiramandravi.com/upsc-exam/national-council-for-transgender-persons/>
6. R, Sreelakshmi, (2023), Transgender Policies of The Government: A Study, Journal of People, Politics and Administration, 1(1), pg.36-54. <https://translaw.clpr.org.in/reports-and-policies/state-policy-for-transgenders-in-kerala-2015-2/>
7. PM-DAKSH Yojana <https://socialjustice.gov.in/schemes/100>
8. Giriraj (2023), Social Defence, <https://transgender.dosje.gov.in/docs/NISDJournal.pdf>