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The Socio-Legal Status of the Indian Transgender Community

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ABSTRACT

Transgender individuals have been an integral piece of the Indian culture for quite a long time. There is recorded proof in the form of Hindu folktales, epics and early Vedic and Puranic literature since ancient India acknowledging the "third sex" or people not affirmed to a male or female sex, i.e., the idea of "Tritiyaprakriti" or "Napumsaka". The downshift was caused due to the presence of the Britishers in India during the 19th century. It is extremely unfortunate to see people criticising and disregarding humans on the basis of their gender or sexuality. The reason cited, such as sexually deviant and mentally sick and "not worthy", gives us an idea of how the Indian society has a double standard attitude when the same transgenders are invited to the home to bless baby boys. The Indian lawmakers took years to ignore the basic human rights violation that was occurring and understand their plight and give them a sense of respect and individuality in the world. This paper explores the social life of the Indian Transgender Community, where their equation with family and society at large has been studied and analysed and how religion and caste system plays a part in that with the help of various primary data and doctrinal sources. Also, the historical evolution of the laws made for the Transgender community has been critically analysed, considering the main issue that has been underlined and the need to uphold rights from the transgender's perspective. It is imperative to mention the magnitude of trauma, anxiety and depression that takes a toll on a human mind. Despite limited resources, the author has collected and presented the topic in a true and sensitive manner.

I. INTRODUCTION

"It's not just about one person; it's about thousands of people. It's not just about me; it's about all of us accepting one another. We're all different."

--- ***Caitlyn Jenner***

A person's gender, which is deductively assigned to that person at birth, is not limited to a living reality as a man or woman. The possibility of sexuality is not only related to the actual

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characteristics of a person but also consolidates honest and fascinating mental components. Hence, sex is a dependent general term that consolidates different sexual titles between the two positions of individuals.

Starting from ancient events, the Vedic and Puranic works saw the presence of three sexes, viz. male gender, male and female gender, and Tiritiya Prakriti or outcast and equal feminine, masculine and feminine decisions. Hijras are not really men, and mentally they are not women, despite their nature as women, but they have no female regenerative organs and do not set themselves free.

According to Hindu practice, the Hijras were worshipped on-site and kept in an unusual place. She received endowments on such happy occasions as getting married or introducing a young man. As planned, however, this order of the Hijra ethnic group was rejected and was reduced. During the British Empire, a third of men were compared to a dangerous infection that could affect society. As a result, the Criminal Tribes Law was introduced in 1871, which enabled the authority to record the third gender on the basis of a paranoid fear of shameless demonstrations. During this time, the intersex group Hijra people came into effect under the control of Legal Requirements Offices that managed their armed forces. Eventually, the law was repealed in August 1949; Even so, the disgusting noise of the law continued. Fundamental rights guaranteed in Part III of the Indian Constitution are denied and manipulated as often as possible. Society evades and mocks persons of the third local area of sexual orientation. They strive for a solid breakup based on their inclination or gender. As a result, they went undercover in the local hijra area and became victims. If they live there again under a Guru and Chela framework, in view of this situation, they have to be accommodating and pleasant again for the specialists.

(A) Literature Review

Sujita Sethi and Madhusmita Barwa (2018) demonstrate that the abuse of sexual minorities in Indian culture on the ground of them being freak dependent on why and how the issues identified with the privileges of sexes, their medical issues don't discover a place in the top plans of the legislatures and basic freedoms developments. The obstructions to medical care experienced by trans networks where they are even rejected by the public well-being frameworks and why there is a prompt need for a supplier who are prepared to offer legitimate medical services administration to trans individuals. Akhand Sharma (2018) mentions the local terminologies used for the third gender in the Bundelkhand region in Madhya Pradesh, depending upon their area of engagement and work. This gives an idea about the status of

transgender in different regions of India and how they are treated. The significance of the study is to give directions to the government on how a transgender get identity in the society and what programs should be run by the government so that transgender uplift their status and gets respect by the member of the society. PUCL-K (2001) based its research paper in the state of Bengaluru in 2001. The findings were based on the illegal detention, increasing crimes and attacks against the trans community. The discrimination and restrained attitude meted out by the locals, even police officers, in a growing and developing Indian state give out a narrative of an associated social stigma that leads to long-standing human rights violations. Looking from a comparative view, inference can be on the transition of the definite need to go beyond the defence of individual freedom for the trans community after two decades. Venkatesan Chakrapani & Arvind Narrain (2012) work before the legal transition and assertive voices of the transgender community produces clarity between the current standing after considering the road map set out in the past for the future. A huge extent of members appears to misconstrue getting social assurance benefits as getting lawful acknowledgement, while others believe that getting social security benefits and getting a legitimate acknowledgement as a lady are fundamentally unrelated. The paper offers an investigation with worldwide points of reference on transgender rights to imagine what the best system would be in India for legitimate acknowledgement of their sex character. Sapna Khatri (2017) compares being transgender to being untouchable. A migrant way of life, whereas a few deficiencies and a morphed social pecking order. A social plot may make a figment with respect to the well-being since, on ground level, the usage of the thought may demonstrate otherwise. The more noteworthy effect within the lawful scene with connection to caste really exists, whereas the government takes more prominent steps to recognise those that are born into changing castes. Himanshi Singh and Pradeep Kumar (2020) endeavoured to consider almost the mental well-being and other related viewpoints of the people in spite of such restricted assets in spite of all of the lawful, well-being care and caste perspectives encompassing the community. Their social treatment in itself is amusing, where they are gathered to bring great signs after childbirth; however, their claim family individuals inquire them to return them to ordinary life. In spite of the fact that they have an authorised put within the society, they proceed to confront stigmatisation, marginalisation and manhandling. M. Priyakumaran and S. Meenakshi (2020) conducted a study about the effort to sort out a way out for the struggled life of the third gender in Bombay city among mainstream society. In this study, it can be understood that most of the transgender persons turned into beggars and slaves to meet their survival filled with pain and hardships. In order to keep them pain-free, they are addicted to opium as it has been able to numb them

temporarily from plight. In terms of cultures and tradition, gender is an issue that has been rejected for a long time in India. This diverged gender scale spreads binaries on hetero and non-heterosexual. Gyanendra Kumar Sharma proposes the privileges of transgenders ought to be perceived as they are brought into the world for the sake of third sexual orientation or under other terminology, as in Albania, or their privileges referenced under the constitution or in different resolutions be ensured under state instrument. To secure the privileges of transgenders, and Intensive Research and Educational Center for directing examination on the reason for transgenderise and to fix it by all potential therapies like mental, hormonal, natural or careful. Sakshi Parashar (2017) backs her exploration on the foundation of the NALSA judgment. The conflict depends on whether the court will invalidate the item tried to be accomplished by the Supreme Court in the NALSA judgment in the wake of utilising reservation, which was intended to cure the old foul play on the grounds that for financial contemplations, consideration of transgenders inside OBCs will fundamentally require appropriateness of the smooth layer idea. The booking for transgenders openly posts that restrict their arrangement by strategy or on clinical grounds turns into a problem of most extreme importance. The paper likewise plunges into the appropriateness of rich layers to transgenders whenever they are given reservation as OBC. Venkatesan Chakrapani (2013) further validates that not having a proper healthcare system is an issue, but not having provisions for educating and making the providers equipped with the correct method is even more of a bigger issue to be looked at. Transgenders face insensitive outpatient registration procedures, and there is neglect among health care or treatment providers about the issues in them. Most of the time, the operating hours are inconvenient, especially for those trans individuals in sex work. There is a need for inclusive and non-discriminatory admission policies. Akanksha Mishra (2016) examines the meaning of the Trans people group in antiquated and fanciful occasions and analyses the minimisation that began during the British time. Indian Mythology offers looks at reality now and again and a short gander at the impressions of the past, specifying that the transgender people who are regularly slandered today were once revered and appreciated by and large. Mahabharata and Ramayana were the fortune boxes for references to transgender individuals. Their tumble from balance began in the eighteenth century during the British pilgrim rule.⁴ They lived on the edges of Indian society and confronted segregation in work environments, occupations, public places, and administrations like well-being and instruction. Another report from PUCL (2003) solidifies the eccentric hypothesis and its legislative issues. The option to perceive different sexuality just as insusceptibility from the unfair and harsh marking of despised sexuality and a

completely fledged standardising articulation of particularly basic liberty doesn't yet exist in India. This work gathers extremist energies first toward its accomplishment, satisfaction, and acknowledgement. The privilege to sexual direction and lead points itself in the previous area at freedom from heterosexist and homophobic legislative issues of social forswearing of the equivalent worth of every person. Transgender people groups expand this contestation considerably further. Sapna Khatri (2017) compares transgender people with untouchability. A nomadic lifestyle with various shortcomings and a changed social hierarchy. A social system can create an illusion in relation to well-being, as the implementation of the idea at the base level may turn out differently. The legal landscape regarding castes does indeed exist as the government takes further steps to recognise those born into different castes. Regiane Correa De Oliveira Ramos (2018) finds out that the sense of confusion in terms of belonging arises because hijras distinguish themselves from the hegemonic patterns of masculinity and femininity (what it is to be a man or a woman), thus singling out the division between the affective register of the community (local term) and the language of political representation or identity. The relevant issue that has been pertaining and is the main contention is that no transgender individuals are considered or encouraged to stand up or participate from the lower caste. Niranjana Manna (2020) makes the reader aware of the new terminologies that are being increasingly used and states that transgenders face gender dysphoria after a sex assignment surgery or making public their gender. The dysphoria is a result of the negative reactions and impressions of society and the stigmas attached to it. Sometimes, it may be the result of not having the presence of a companion. Despite several judgements, the need to legalise their marriage rights. Aayushi Aggarwal (2017) recognises the NALSA judgment and the sexual orientation smoothness natural inside people. Nonetheless, 377 of the IPC will not recognise or see their sexuality. Hijras and other trans-individuals are required to carry on with a day-to-day existence without their sexuality, in invalidation of their basic freedom to 'adore or be cherished'. For the transgenders, conduct, social practices, and sexual character aren't overwhelmed by composed principles yet are established and deciphered by their own conventional setting and circumstance in the public eye. It is through this uncertainty that Hijras discover their place and capacity in contemporary society. Rajkumar (2016) properly communicates that the instructive privileges of transgenders are dismissed. Albeit on paper, RTE and a few plans have been guaranteed, the ground truth is very shocking. Outrageous social avoidance decreases confidence and feeling of social duty. The people group should be remembered for the standard advancement program of the country and be shielded from all types of misuse and abuse. Regardless of whether they are joined up with an instructive

foundation, they face badgering and are harassed each day and are approached to leave the school, or they drop out all alone. It is a result of this that they take up asking and sex work. The writer Serena Nanda (1999) writes in her book that there is considerably more smoothness in the connection between sex jobs and culture, especially in the relationship of both sexual varieties in India than the Westerns. It is positively not the situation for India. In India, sex jobs are a lot separated and progressive. Male and female are seen as characteristic classes in corresponding resistance. The chronicled and contemporary image of the social and social inclusion of the hijras gives an image of them setting aside their own room for a suitable vocation with their general surroundings. In India, the night was long when it came to hearing the voices of the Transgender Community. Several accounts by different individuals studied by Dipak Giri (2019) in his book spirals down to one fact that every socio, cultural, legal, or medical aspect and interest of the Transgenders had to be presented in a different light for acceptance. Their gender roles have been on a transition when earlier it was defined by other members of the society. It takes a lifetime for an individual to accept him/herself as a transgender because of the preconceived notions and ironical societal standings. Their depictions in literature and treatment in streets are diametrically opposite. However, the voices have slowly started to be heard, and the journey towards 'self', faced with a lot of huddles and resistance, has been something for the country to see and change."

(B) Research Question

- 1- What are the psychological repercussions of facing an identity crisis and dealing with stigma in a social system?
- 2- How has the healthcare system fared in dealing with the physical and mental health aspect of the transgender community?
- 3- What are the gender identity issues present in the current legal scenario from a Human Rights perspective?

(C) Research Objective

The primary objective of the paper is to study the issues related to an identity crisis, individual hardship in a social structure, health care issues and Indian laws.

Specific objectives of the paper are to study:

- i- how the family and relatives and society at large treat and perceive transgenders and how it affects them, and the problems faced by them in daily life.
- ii- About Transgender Health and how the healthcare sectors are performing in this specific area.

- iii- How transgenders face gender dysphoria or identity crisis and how the surrounding affects them.
- iv- About the pertaining issues in the Indian legal system.

(D) Methodology

The researcher has adopted the survey method for the primary data under which the response of the community has been kept and maintained. The workers at several NGOs have first-hand experience in such issues, and their assistance regarding the inputs has been recorded. The researcher has also picked decisive doctrinal sources like books, research papers, journals, articles, newspapers, etc., for the purpose of the research. These books and articles provide a comprehensive study on the topic. Doctrinal, as well as non-doctrinal data, holds equal importance in the present paper as they help the author to support the arguments in an appropriate manner and give the reader a complete understanding of the subject in a better way. Thus, both methodologies helped the researcher to gain a more profound comprehension of the subject with bona fide and sincere beliefs.

II. THE SOCIAL SYSTEM OF THE TRANSGENDER COMMUNITY

Transgender has slandered individuals. In this line, like all other marginalised people, they are also stigmatised so that they cannot participate in all social functions as often as possible due to negative attention. When in doubt, they cannot mix with people in general. That's why they live in different parts of the city, and they have a specific social structure. They have a private house where they live separately from other transgender people. They also contact or communicate with any trans person across the country. They have unprecedented delegated languages known as multi-language and sophisticated practices. Looking at things, transgender people did not do any paid organised work. They are generally excluded from business life. However, some transgender people are currently getting into the business. Usually, they don't get involved in any kind of business. Regardless, at present, some Transgenders are taking part in business. The interest that the transgender profession has for certain people is the opportunity to participate in it. They involve in sex with men while enjoying the friendliness and relative safety of a planned neighbourhood. The benefits are obvious and not the vulnerability and motivation of transgender people living in isolation. Whether with partners or clients, sexual relationships negate the social impact of transgender work and are a source of neighbourhood disputes. They retain the power over people who can "ruin" other transgender people through sexual activity. The positive meaning ascribed to the transgender standard is linked to the invalidation of sexual desire. In fact, several transgender people are honestly interested in

sexual activity. The tolerant practices of guardians and parents towards their trans children counteract the possibilities of psychological well-being. Individuals who showed undeniable levels of familial appreciation during immaturity had significantly higher levels of trust, social support, and general well-being compared to their low-familiarity peers. Young adults who experienced low levels of family recognition during immaturity must make self-defeating considerations and report self-defeating efforts, unlike adults with significant levels of family recognition.

The disposition towards trans individuals, according to the perspective of a traditionalist society who held convictions in their political and strict directions were fundamentally not the same as the individuals who held liberal and moderate convictions. Indeed, even a few investigations propose that the basic thought is that transwomen experience the ill effects of a psychological disorder or just that transwomen are not ladies and ought not to be treated all things considered, and ought not to be managed the cost of rights as ladies. There have been numerous examples where a term of contact has been ended with transwomen in a different workspace. Yet, something that Indian culture needs to escape their heads is that transwomen participate in sexually deviant conduct explicitly. This conviction has especially been solid and has accomplished more damage than anything. Transwomen experience the ill effects of a psychological affliction and, then again, the refusal to view or regard them as ladies or to manage the cost of their rights as ladies, just as a reluctance to acknowledge the possibility of any friendly contact with them whatsoever, either inside one's family bunch or outside.

A part of my paper is dedicated to the relationship between transgender individuals and their relationship with their parents. Out of the 45 transgenders surveyed, only three of them were in contact with their parents. Rest members had no sort of communication and contract left with their family and relatives. The common narrative has been that their families have tried to criticise them and disregard their mental health and accuse them of being sexually deviant. Seventeen of them were college students when they realised their gender identity, and they were no exception to receiving negative reception filled with shame and abuse. Everyone one of them had encountered physical abuse frequently for behaving in a certain manner that society does not prescribe them to. Most of them did not have any friends or social groups from childhood or school. But now, each one of them has their own identity, and one stands tall to next, being their biggest strength.

(A) Caste System In The Transgender Community

In 2014, the Supreme Court, in a milestone judgment², extended governmental policy regarding minorities in society to apply to hijras by aggregately adding them to the other backward class (OBC) classification. With this move, a supplanting OBC character was given to all the hijras regardless of their authority, religion, standing and class. Preceding the hijras turning out to be OBC on paper, there was a well-known presumption in the scholarly community that hijras are a casteless group. This was on the grounds that the hijras become an excluded standing in themselves, with their own performative ceremonies in private spaces. In addition, inside the local area, when a hijra is started through a ceremonial service, there is additionally a renunciation of rank heredity, alongside the sex relegated upon entering the world. Most hijras likewise drop their family names to conceal their religion and position personality. This shields them from character-based segregation. Other hijras, who are from special ranks and religions, frequently don't relinquish their last names.

After hijras were given legitimate acknowledgement as a third gender and amount as a component of the OBC in 2014, there was more noteworthy perceivability of the local area out in the open spaces. One of the aftereffects of this expanded admittance to public space was the foundation of the Kinnar Akhada for rehearsing comprehensive confidence and religion. Laxmi Narayan Tripathi – the head of Kinnar Akhada, and furthermore the main transgender individual to address Asia Pacific in the UN in 2008³ – grew up Brahmin and has transparently guaranteed that there is no rank or religion in the hijra local area. Moreover, asserting that there is no religion in the hijra local area is both questionable and conflicting. There are many between strict hijra celebrations and occasions that are legitimised by various hijra gharanas, which are commended together locally. Regardless of multi-strict devotion being a typical practice locally, a group of hijras disclosed to me that it was hard to do the 'new' desk work and documentation needed to guarantee the 'third sexual orientation' character authoritatively as it would isolate some hijras from their decision of religion.

There were likewise those hijras who had been effective in finishing their journey to Hajj. The hajji hijras had been fruitful in their journey to Mecca since they had an identification given to them in their sexual orientation doled out upon entering the world, which was 'male'. This was before Saudi Arabia restricted individuals distinguishing as transgender on paper from entering their nation to perform Hajj and Umrah without giving any explanations behind something

² National Legal Services Authority (NALSA) v. Union of India AIR 2014 SC 1863

³ <https://indianexpress.com/article/lifestyle/life-positive/we-are-not-taught-to-love-ourselves-laxmi-narayan-tripathi-6519734/>

similar. While planning for their journey, the implicit standard for hijras is to leave their hair short and attempt fledgling beard growth – regularly by halting chemical admission – to make them look like a 'man'. It isn't any religion that oppresses hijras; it is transphobia. The hijras may have all the earmarks of being a homogeneous group, yet there are rising disparities between various groups of hijras having a place with various socio-strict foundations that should be tended to. There are developing minor voices in the hijra local area in issues identified with strict and standing based separation. Such unheard hijra voices draw out the unpredictable encounters of rejection from inside the hijra local area.

(B) Religions and Their Views

While the followers of Hinduism have different situations on homosexuality as a rule, regardless, there is adequate composing available in Hinduism that discussions volume about same-sex associations and as an increase to same-sex connections. There are safe-haven carvings in India depicting same-sex associations. Events can similarly be found in various amazing stories, for instance, God Ayappa being imagined out of Lord Shiva and Lord Vishnu. The story of Bhagiratha being brought into the world from two women who had intercourse under divine kindnesses, a portrayal of gay shows in Kamasutra, an unpredictable character 'Sikhandi' in Mahabharata and gay Tantric traditions are some unquestionable affirmations of same-sex associations. In any case, in explicit compositions, homosexuality is censured; at this point, it is generally on the explanation that individuals give unnecessary importance to sex. Islamic Shariah law is taken out from the Quran and Muhammad's Sunnah. It's incredibly clear in Islam that homosexuality is an at-fault. This view remains as before in every one of the four schools thought in Sunni law. Further, as shown by Islamic principles, Muhammad communicated those fragile men and masculine woman has the privilege to be criticised and should be removed from houses. The lone chaos concerning homosexuality in Christianity is about the request that how is it possible that gay would individuals be managed. Should they be considered crooks, or should their direct be reviewed? In the two cases, the position is sure that homosexuality is reproved in Christianity. In Zoroastrianism also, homosexuality is seen as something evil and is decidedly precluded. Regardless, there are certain disciples who support Transgender people and consider the above understanding as a distortion of the fundamental guideline of "smart thought, incredible word, extraordinary deed". In Jainism and Buddhism, the position is clear. They weaken a wide scope of sexual activities that are not cultivated with the ultimate objective of age, which infers isolation from homosexuality, even early sex, hetero sex or sex for diversion just is moreover not allowed. While Buddhists say that till the time any sexual development is consensual and is out of warmth, it is allowable.

Dalai Lama also has a tantamount position that gay sex is allowed given nobody is harmed, and it's absolutely consensual.

III. TRANSGENDER HEALTH

"I remember when I was not admitted into a hospital after falling seriously ill. A doctor in a clinic checked me hesitantly and informed us that I had jaundice. He advised us to go to a nearby hospital and get admitted as my condition had deteriorated and needed medical attention. They refused to admit me, and my father stood there alone, not knowing what to do. My mother and brother could not say anything, and my family turned hostile towards me. After many rejections, I was admitted into a govt. hospital as a female patient." These unfortunate incidents were recalled by Shreelakshmi, aged 28, from Bhadrak, Odisha. Although she mentioned the name of the hospitals, I have not mentioned it in my paper to maintain anonymity.

A large portion of the transgender people has confronted clinical carelessness or inappropriate medical care administrations, which holds them back from accomplishing the most elevated conceivable well-being state. There is additionally a major hole among mindfulness and framework with regards to giving clinical offices and utilities. The vast majority of the medical clinics and specialists are not prepared even in metropolitan zones, leaving to the side sub-par portions of the country. Obstructions to medical care experienced by trans networks likewise incorporate an absence of explicit suppliers who are prepared to offer proper medical services to trans individuals and refusal by various public well-being frameworks and health care coverage projects to cover administrations for transgender. The heart-breaking actuality that the sexual minorities' presence has been recorded as unnatural, the issues identified with the privileges of sexes, their medical conditions and isn't the first concern or a plan of the legislatures and basic liberties developments. Among different aberrations, Transgenders are fundamentally bound to contract HIV than everyone. They are likewise helpless against being focused on physical and sexual viciousness and badgering. They are consistently in danger for emotional wellness concerns, for example, misery and endeavoured self-destruction and the most exceedingly terrible perspective while looking over was that a large portion of them stay quiet and don't convey with regards to psychological well-being. They are frequently in a perspective where they are continually considering their life excursions and choices and all the injury and shame that they have confronted. Notwithstanding such an extensive amount of improvement and laws and bills, there is still far to go to set up an ordinary life setting for transgenders.

(A) What is Transgender Health?

The basic misguided judgment of Transgender well-being is that it implies just activities related to transition. Regardless, Transgender well-being is a significantly broader field. As the World Health Organization sees, prosperity is a state of complete physical, mental, and social flourishing, not just the setback of disease or infection. The full picture of Transgender well-being in this manner incorporates broad affirmation of a large number of organisations, confirmations, and resources that trans people need to continue with strong lives in safe organisations. This fuses an extent of fundamental and other clinical consideration organisations, similarly as a consideration on monetary determinants of prosperity, for instance, character report systems desperation, business, housing and a public affirmation of trans people. Trans people are generally speaking experience significant prosperity contrasts and limits to appropriate clinical consideration benefits that keep them away from achieving the most critical possible prosperity status. Among other well-being variations, trans people are on a very basic level more plausible than everyone to be engaged in violence and harassment, to contract HIV, and to be in peril for mental health concerns like wretchedness and tried implosion.

1. Denial Of Basic Healthcare Rights

A relevant point of contention transgender people face is neglectful of sexual direction character issues among clinical staff, who perceive just saree-clad "Hijras" – India's standard male-to-female Transgenders who live as a neighbourhood as transgender people. Experts moreover try not to be connected with transgender people as a result of a neurotic dread of coming about disgrace. In a centre, various experts peer down on you if you are tricky to transgenders – there's a disgrace associated. Nor are clinical consideration specialists in India all around instructed about treatments that transgender people endeavour to change to another sex, for instance, chemical substitution treatment (HRT) and sex reassignment medical procedure (SRS), leaving them ill-suited to deal with this current gathering's particular necessities.

"Hijras and other transgender individuals" are perceived as a 'core high-risk group' by India's National AIDS Control Organization (NACO)⁴. Transgender people often face discriminated outpatient enrolment techniques as a result of obliviousness among suppliers about the issues of transgender individuals. Badly designed working hours, particularly for transgender in sex

⁴ Irving, Mitchell. (2016). Internalized Stigma among HIV-Positive Men on Antiretroviral Therapy in Urban India.

work, absence of same-day HIV test results keeping individuals from group results or to come for rehash testing. The lack of male normal accomplice treatment or demand by suppliers on male standard accomplice screening or treatment. Harsh emergency clinic arrangements in enlistment/affirmation of HIV-positive trans individuals. Express trans-accommodating enrolment and affirmation arrangements. Also, there is a Non-discrimination strategy (to forestall segregation based on the sexual direction or sex personality). Also, there is a need to minimise route troubles and improve coordination among administrations.

2. Health Issues And Their Management

i. High Risk of HIV

Transgender people are, on different occasions, more at risk for living with HIV stood out from everyone. HIV related shame and transphobia make limits to the passageway of HIV testing and treatment organisations by transgender people. Social dismissal, monetary shortcoming and a shortfall of business openings suggest that sex work is consistently the most practical kind of pay available to transgender people, and a serious degree of transgender people take part in sex work. For example, the degree of transgender people who are sex workers is evaluated to be up to 90% in India. Overall, HIV inescapability among transgender people who were busy with sex work was 27%, appeared differently in relation to 15% among transgender people who didn't sell sex in 2008. Furthermore, the massive costs related to progress clinical benefits can crush transgender people to acquire cash. Sex workers occasionally get paid more for unprotected sex and often feel under pressure not to use a condom, which makes them especially frail against HIV. India is one country where HIV organisations have been adequately engaged with transgender people – showing up at a normal 83% of the transgender people. They have, in like manner, taken checked steps in officially seeing transgender people, also called Hijras, as a third sexual orientation.

ii. Neglected Mental Health

The Hijras are more disposed to mental issues given that they will undoubtedly get cash for sex, have an earlier sexual presentation, and have a higher power of HIV differentiated and men who have sex with men. Hijra individuals experience mental issues, going from liquor abuse and misuse and dependence on difficult components that have a scope of issues, yet paying little mind to the presence of mental issues in individuals; none had any time had mental gathering for these issues.

Searching for help is absolutely not a sensible option for these individuals as a result of real shame and disgrace from medical care specialists. From a couple of confined psychological

well-being contemplates that exist, issues with sex character are a reoccurring subject. An investigation of 50 hijra women in Mumbai showed that 84% of individuals met the measures for sexual direction character issue according to DSM-IV-TR⁵. This finding was maintained by a subsequent abstract assessment, in which investigators chatted with eight hijras in Bangalore, India, concerning which parts and unprecedented experiences added to their thriving. Among this little model size, there appeared, apparently, to be a tenacious prerequisite for sex change and sexual direction change since they felt disharmony between their internal and outside character.

Transgender people frequently join a Gharana as well as find comparable neighbourhood people. Defenceless self and social affirmation in adolescent ages, horrendous advances, and physical, verbal, and sexual abuse from family and law approval were moreover huge stressors. The hijras continue being troubled in light of the fact that society obstructs getting citizen character cards and proportion cards, just as an acknowledgement to instructive organisations. The Transgenders consistently experience a wide arrangement of harsh points of view and institutional inconveniences in bunch their fundamental necessities or in having their sex character respected. This harsh disposition toward the people is meddling and harming their psychological prosperity and has made a position of depression.

iii. Suicidality and Non-self-destructive injury or self-damage (NSSI)

A lifelong presence of the NSSI has been recognised in 46.3% of total patients and 28.73% detailed right now captivating in NSSI (inside in any event the previous few months). Extensive observations showed that those with a lifelong presence of NSSI have more degrading general psychopathology; essentially, lower confidence had endured more transphobia and experienced more prominent relational issues than those without NSSI. Discoveries were comparative when contrasting current with non-current NSSI. Generally speaking, natal male patients revealed less friendly help than natal female patients, yet current NSSI was more normal in natal female patients. Relapse examinations affirmed that natal female sexual orientation and more prominent general psychopathology anticipated current and lifetime NSSI. Further examinations affirmed that overall psychopathology itself could be anticipated

Most of the transgenders admitted to having suicidal tendencies at one point in time. During my survey, while interacting with senior officials, I came to know that there was one individual, who is not named here, who tried committing suicide multiple times before finally being

⁵ Kalra, Gurvinder & Shah, Nilesh. (2013). The Cultural, Psychiatric, and Sexuality Aspects of Hijras in India. *International Journal of Transgenderism*. 14. 171-181. 10.1080/15532739.2013.876378.

abandoned by his family. He has tried to slit his wrists and tried consuming poison multiple times. Apart from that particular individual, most of them have never consulted with any doctors regarding their mental state. Fortunately, none of them has ever contracted HIV or any other STDs. There is awareness among this close-knit society that help each other health wise also and provide companionship so that no one feels alone and feels involved.

IV. EVOLUTION OF THE TRANSGENDER LAWS

(A) Impact And Issues Of The Nalsa Judgement

15th April 2014 was a significant day for the Indian Transgender Community. The SC verdict⁶ made transgender a separate gender from the binary gender and protected their human rights. The court additionally concluded that Hijras, Eunuchs are to be treated as "third gender". It made different affirmations and headings to the Center and State Governments, for example, to work separate HIV Zero-Surveillance Centres, Provision for isolated public toilets and proper clinical consideration in emergency clinics for transgender's, outline different social government assistance mindfulness plans for the improvement of the status of the transgender community and to recover the regard and trust that the transgender community need. One can't disregard the way that the Transgender Community for long has endured and gone through torment, embarrassment, and agony. They stayed silent and endured; however, at last, through this judgment, the state of the transgender community has improved.

Nonetheless, the fundamental issue with judgment was that the transgender is an umbrella term for individuals whose gender identity is not quite the same as the gender given to them upon entering the world, and on account of India, there is an assortment of characters, like Kothi, Transman, and so on isn't plainly laid out in the judgment. The judgment has been termed as "confusing," and it joins a few Transgender characters, for instance, alluding to all Hijras as 'third sex'. It has been called attention to that at one viewpoint; it attempts to advance self-identification in any case; in another way, it is attempting to advance more mental tests. The issue of sex also wasn't looked profound into. The requirement for discrete detainment offices was not contemplated. It additionally doesn't mind the brutalities caused to the Transgender people group by the police who don't tune in and address the complaints of the Transgender people group. Along these lines, the judgment doesn't investigate the long haul and broad answer for the issues looked at by the Transgender local area.

⁶ *Ibid.*

A large portion of the Transgender laws all throughout the world is, indeed, not founded on the standard of self-distinguishing proof, that is, the point at which the individual picks their sex personality and the law remembers them by their own revelation and without requesting an outsider mediation to insist something similar. This mediation can be an emphasis on medical procedure, a clinical conclusion or some other such practice. In the United Kingdom, for instance, the Gender Recognition Act powers people to stay inside the twofold of male and female with a further strange prerequisite that the individual should demonstrate that that they are living in their procured sexual orientation for at any rate two years prior to being lawfully perceived. The Transgender Persons (Protection of Rights) Bill, 2016, which was professed to be a principled development to the NALSA judgment, doesn't ensure the privilege of self-identification. From its underlying definition - "Transgender individual methods an individual who is neither completely female nor entirely male" - the Draft Bill subverts the soul of the NALSA judgment. Furthermore, it proceeds to set up a screening council that will decide the genuinity of a person's character. The inquiry that arises is - could one be able to be dismissed by the council?

The content of the NALSA judgment closes with interest from the Supreme Court that the centre and the state governments should maintain the privilege of Transgender people to choose their self-identified sex; and, as per this, be conceded full legitimate acknowledgement towards the equivalent. The guidance suggests that the public authority needs to find genuine ways to incorporate the local area, not simply inside its arranging and execution of government assistance arrangements, but more quickly to set up strategies to recognise the sexual orientation personality of these people. With an end goal to follow responsive improvements to NALSA, it strangely arises that state offices currently have an onus to additionally disturb Transgender people who are attempting to look for help through the judgment. The consideration of "two-character archives bearing the new name and sexual orientation" ends up being another outlandish deterrent, in light of the fact that the service of outer issues makes the ludicrous suspicion that Transgender people may have had some previous technique to obtain personality reports in their preferred sex preceding NALSA.

The push for character documentation is additionally something the private area is blaming so as to postpone open positions and keep down on offering formal arrangements while referring to personality-based details as the issue. At last, the work is never offered, or the Transgender up-and-comer won't ever choose. Numerous schools and college excuses expressing staff and authorities don't know about any such judgment, nor have they any idea on any guidelines from the state to deal with sex change in archives. Obviously, simple formalisation of character

doesn't quickly bring about the Transgender local area's independence from severe man-centric constructions, nor are they shielded from the easy-going day by day alienation perpetrated by the general public and state. It is additionally obvious that the state and central organisations have done little to take cognisance of the NALSA judgment. What is executed is a twisted, inconsistent framework that adds to the underestimation and policing of the local area. Transgender people should be perceived without the possibilities of clinical finding, without types of cliché affirmation or the interruption of discretionary elements that deny people to be simply the most genuine articulation. In the event that any enactment is carried out, it should mirror the guideline of self-recognisable proof and self-announcement and spotlight on tending to the generous difficulties looked by the local area.

(B) Transgender Persons (Protection Of Rights) Bill, 2019.

The Transgender Persons (Protection of Rights) Bill, 2019, was passed with the goal of protecting transgender people's rights by preventing discrimination in healthcare, education, employment, and access to government and private businesses. However, in the name of community empowerment, the bill exposes people to institutional harassment and dehumanises their bodies and identities. The transgender community in India has vehemently opposed the bill, claiming that it infringes on their basic rights and that they do not agree with the NALSA decision.

The bill takes away a person's right to choose his or her sexual orientation, which is a crucial aspect of the right to security outlined in the NALSA decision. According to the bill, archiving a change in sexual orientation character must be done following proof of a sex reassignment medical operation that has been confirmed by the District Magistrate. This infringes on the Transgender community's right to autonomy and privacy, as well as exposes them to provocation in the hands of experts.

Another biased aspect of the bill is that the punishment for sexual mistreatment of transgender people is only two years, although comparable conduct committed against women would result in a legitimate punishment of up to seven years. In this approach, assigning different degrees of punishment for the same type of misbehaviour solely on the basis of sexual identity is inherently oppressive, subjective, and in violation of the Equal Protection Bill. The bill is particularly open to criticism since it overlooks the violence and cruelty that transgender persons endure in their own homes. The law prevents people from leaving their families and entering the trans-local area, so infringing on their right to belong to an association and their freedom of movement. If family violence occurs, the only option available to the transgender

population is to seek treatment in a rehabilitation centre. Furthermore, the measure lacks any transparent and realistic plan to attain the goal it intends to achieve, such as "inclusive education and opportunities" for the transgender population. There are no provisions for giving scholarships reservations, modifying the curriculum to make it transgender-inclusive, or ensuring safe, inclusive schools and workplaces for transgender people.

(C) Marriage & Personal Laws

Special Marriage Act of 1954 sets down arrangements for individuals of India and all Indian nationals of other nations, permitting them to wed independent of their confidence, rank and religion. In this way, while the marriage laws in India have developed dynamically with time, however, there is no such arrangement for the equivalent sex couples to wed where transgender couples are permitted to wed, receive and acquire their life partner's property. The interest for the public authority is to form enactment allowing something similar. It has been a long time since the SC decriminalised homosexuality, and sometimes the governing body needs to manage these inquiries.

There are a few petitions on same-sex relationships forthcoming with the courts. Notwithstanding, the truth of the matter is that, albeit the Union government, in 2018 remaining it for the court to settle on the lawfulness of section 377, yet has likewise shown that it is probably going to go against any request for same-sex marriage. However, this is by all accounts opposing in the light of the legal professions thinking about that on the off chance that we truly need to hold fast to the guideline of uniformity with regards to Transgender individuals then the option to wed, pass on property, share protection (clinical and life) are all important for this. In this manner, refusal of these essential rights just based on sexual direction is frightful and unlawful, abusing the protected privileges of the right to equality (Article 14) and liberty (Article 19).

Marriage laws all through the nation are changing quickly because of changing popular assessment and mentalities on different issues around them, including sex and sexual direction. New laws and approaches discard old and obsolete; this could make different legitimate difficulties as territories attempt to stay up with the speed of progress. There are different lawful issues; for example, the individuals who take part in early sex are bound to go into same-sex relationships, like same-sex marriage. In any case, they may confront different difficulties when going into or living in same-sex relationships. This can affect a wide scope of zones like work, lodging, emergency clinic visits, and protection strategies. Regularly, transgender individuals have an alternate sexual orientation character and express their sex uniquely in

contrast to the sex recorded on their introduction to the word testament. Transgender individuals could possibly choose to utilise chemicals or go through surgeries to change their actual personality. As a component of their change cycle, some transitionary change their authority names and, in certain states, may lawfully change their sex on birth certificates and driver's licenses.

Before same-sex marriage equity, and transgender relationships could be influenced in light of constraints in regards to an individual's present sexual orientation in true records. When fabricating a "same-sex" marriage is denied, then this could influence a transgender lady who isn't permitted to wed a man in a region who doesn't see an adjustment in sex and deals with him like a man. In any case, this kind of boycott can likewise influence a transgender lady who isn't permitted to wed a lady in the area who has accepted sexual orientation change and treats her as a lady. A few states have done something contrary to their restriction on the same-sex union to address this issue. Possible end of existing relationships between a man and a lady in the event that one accomplice has had sex previously or during the marriage. Right now, marriage between two grown-ups in the US, you at this point don't require every individual to be of similar sex or to have similar sex. Along these lines, transgender individuals presently don't have to demonstrate that they are of the very sex or that another person is getting hitched. In any case, there may, in any case, be a few circumstances in different spots where different issues can emerge.

V. GENDER DYSPHORIA

The sense of self that a person has as a male, female, or alternative gender is known as gender identity. Most people's natal gender and gender identity are in sync; however, certain people's natal gender and gender identity are not in accordance, resulting in a distressing condition known as gender dysphoria (GD).

Transgenders seeking treatment at gender clinics around the world have increased dramatically in the last decade. This increase in seeking help can be attributed to a number of factors, including increased exposure to transgender content on the internet, increased access to transgender characters in social media, and increased receptivity by family members and peers to transgender issues. Gender Variance is an umbrella term depicting practices, interests, appearance, expression, or a personality of people who don't adjust to socially characterised standards expected of their natal sexual orientation. Related terms incorporate sexual orientation nonconforming, transgender, gender identity, and so on, i.e.,

Gender Dysphoria is described by a solid and constant distinguishing proof with the other

gender and uneasiness with one's own sex. People who experience continuous distress with their biological sex or with the sex part of that sex and who show a solid and constant cross-sexual orientation identification can be determined to have transgenderism. This has been seen as a paradigmatic move toward depathologising sex variation character and conduct. The particular trademark characterising gender dysphoria envelops constant uneasiness with one's sex and a wish to dispose of their sexual attributes and get sexual qualities of the other sex. Sex character probably mirrors an intricate interaction of natural, ecological, and social elements. Transgender is a descriptor to portray people with an attested sex personality not the same as their actual sex attributes. Transgender alludes to distinguishing individuals whose sexual orientation character, articulation, or practices cross or rise above socially characterised classifications of sex. Lately, India has likewise seen a flood in mindfulness, social and media activism in Gender Dysphoria.

Indian transgenders face the outrageous absence of emotional and educational, or informative support from family and society. They defied with their own feeling of estrangement and disarray, just as the overwhelmingly negative messages in their home and society, most transgender sort out some way to cover their bearing. There are uncommon situations where transgenders had support from their relatives. Transgender youth defying a varying issue that may impact energetic and mental success provoking posttraumatic stress issues. Transgenders confronting various degrees of shame, socially isolating, and verbal and genuine violence bargain their psychological flourishing, possibly inciting gloom and also tension. Sex change is a danger factor for going through physical, mental and sexual maltreatment.

The HIV/AIDS mediation programs have opened spaces for hijras, Aravanis, and transsexuals to work in NGOs and CBOs on HIV/AIDS and transsexual rights issues. The UNDP (2010) report incorporates that proficient transsexuals are denied business openings by the righteousness of their transsexual status. Regardless there are events of moderately barely any transsexuals who have had an effect through media activism. Not just money-related issues, hijras also oversee issues in practising their citizenship rights. Despite the way that hijras have tried and have had won territory, state and public decisions and were Mayors and MLAs, without a public strategy, they unwilling crucial thing rights. Moreover, those tested in races in the woman class were turned down for the reason that they were not characteristic females.

Kamla Jaan was picked as the essential civil chief of Katni, Madhya Pradesh. She continued with her condition in the year 2000 at any rate, surrendered in the year 2003. The explanation was that the political resistance documented a charm at a lower court, and from there on, at the Jabalpur High Court, conveying that Kamla Jaan had lied about her sex. The resistance won

the case imparting that the political decision had been illicit. Here the equivalent condition of the body was brought into question, and it was characterised as a cut-off for the ability to challenge and take an interest in the political decision. The body got risky due to its sex non-likeness, and it was blocked from a political association which is one of the political benefits of an Indian tenant.

Some crucial rights denied to hijras merge ration(family) card, an alternative to project a democratic structure, right to marriage, youth assurance, opening a financial balance and different other head (transsexual) rights. A piece of the lawful issues looked at by transsexuals in India like bona fide assertion of their sexual bearing character (burden in getting authentic attestation as a lady or a transsexual lady), legacy, wills and trusts, movement status, business segment, and authorisation to public and private clinical advantages. The qualification in name and sex on the accreditations is additionally an issue. The sex given out in the wake of entering the world alluded to on first involvement on the planet check, and other schools/school reports don't sort out with the sex character, and appropriately transsexuals are denied attestation in universities for undeniable level preparing. They got kids to address them as mother or auntie or by some other. Hijras moreover face physical and sexual brutality from police and nearby miscreants/blackmailers taking into account the chance of their work. Hijras are exasperated by police from various perspectives, and enormous amounts of these go unreported as they dread that their dissent will be viewed as a fake story. There are occasions of assault and intense lead at home, customer power Aravanis sex labourers for unprotected sex, and some really attack them after the sexual demonstration. A tremendous number of these savage scenes and infringement of transsexual rights go unreported and choose to help others.

(A) How transgenders have overcome identity crises?

Lately, transgenders have begun sharing their issues openly with the help of common society associations. Their essential need is that the affirmation of their way of life as female or third sexual orientation class by the public authority and the public authority set up reasonable in producing plans for them. In August 2008, hardly any transgender associations met up under the standard of the Federation of Indian Transgender (FIT) to guarantee that the board played out their obligation well. In 2010, the Tamil Nadu government assigned many bunch houses to transgender under Indian Awas Yojana conspires and acquainting annuity with help the more established ones. In certain states, transgender has begun their self-improvement and are occupied with a few different exercises, for example, running arrangement stores, food shops, and so on. The Tamil Nadu government has reported a plan where a bank gives 25% sponsorship. Notwithstanding this, they have acquired the legislature settling asset to begin

miniature undertakings. The model of miniature credit and miniature undertakings helps numerous transgenders in certain states, which supports the certainty of transgender with confidence and sense of pride in the general public and empowers them to get out the grasp of neediness and business sex work. Different transgender worked their possessed gainful exercises. Transgender people group points are to change the antagonistic mentality of the general population towards the transgender where local area and to get acknowledgement in his general public. Undoubtedly it is a much-needed development that transgender has included them in profitable action and pursuing getting personality in the general public, keeping them outside the umbrella of LGB (Lesbian, Gays and Bisexual) in light of the fact that the issues of transgender emerge from their equivocal sexual character. Transgender is attempting to get into the standard of the Indian culture. The transgender individuals that I surveyed is a community that works under the Lion's Club International in Balasore, Odisha. They travel to villages and inferior parts in order to raise awareness about the transgender community the issue of being stigmatised and promote higher education among children. Many of them are self-employed and are involved in plantation, animal husbandry and embroidery work. Often times the organisation makes them participate in their social programmes. The way society perceives them is changing, and their acceptance is increasing, and they are making sure they just don't stop at this.

VI. CONCLUSION

To protect the transgender communities, there are many policies and schemes implemented by the government. Public authorities ought to eradicate stigmatisation, exploitation and human rights violation for the betterment of the transgender community. Govt. ought to give essential well-being, instructive and other fundamental facilities to the transgender. Specific increment in the literacy rate in transgender by building extraordinary schools "SATs" (social change of transgender in schools) for transgender since they are likewise the piece of society. Also, if female transgenders can be included in the police department, then it would be instrumental in setting the thing in motion where the perspectives and attitudes may change. Private offices like that of the banking sector can utilise transgender for their jobs. They have a 1% quota in a private area. Occupations are fundamental for the satisfaction of their monetary requirements. Govt. also, NGOs. Should give the financial chances to address the monetary necessities of transgenders. It is advised that that govt. Must think of giving vocational training in technical institutions to make the transgenders efficient and build their capacity. Also, some social awareness programmes should be launched in order to decrease the illicit drug addictions and habits in transgender.

The COVID-19 pandemic has brought to the heinous front types of occupational discrimination faced by transgender people. The Equality Bill extends the meaning of the expressions "employee" and "employer" under Sections 2(m) and 2(o) to incorporate a few kinds of disorderly area labourers like homegrown specialists. In any case, researchers have raised worries about how the privileges of non-standard specialists, including independently employed labourers, road sellers and other gig economy labourers, are ensured. For example, numerous administration government assistance plans give independent work freedoms to help transgender individuals. Along these lines, there is still some vagueness encompassing the privileges of such people under the bill. By tending to such difficulties, the Equality Bill, whenever brought into power, can help tackle net imbalances in the private work area.

It is additionally imperative to remember the huge aberrations among rural and metropolitan reactions to people distinguishing themselves as transgenders. In rural India, transgenders are excluded and harassed by both relatives and society everywhere, bringing about numerous such people concealing their sexuality. In such conditions, where destitution is now wild, transgender individuals can't look for work openings. Some are even afraid to come out, as they fear being "corrective rape". Accordingly, changing attitudes and making more noteworthy acknowledgement of transgender individuals is fundamental in all cases – not simply in the metropolitan area. Today, the development is acquiring energy with the decriminalisation of homosexuality and more prominent perceivability and affectability towards the transgender issues in India. The establishment of an enemy of segregation law by Parliament will surely be a venturing stone the correct way. All things considered, enactment alone won't improve the existence of Indians. To guarantee the transgender community actual acknowledgement in work environments across India, we should initially contend with fighting by getting rid of our imbued biases towards substitute sexualities and different sex characters.

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