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# Transcending Barriers: Advocating for Comprehensive Legal Recognition and Rights for Transgender Individuals

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## ABSTRACT

*Transgender rights and equality have emerged as crucial issues in the discourse of human rights globally, and India stands at the forefront of this ongoing struggle. Despite significant strides in legal recognition and social awareness, transgender individuals in India continue to face multifaceted challenges, including discrimination, violence, and systemic marginalization. This abstract delves into the landscape of transgender rights and equality in India, examining the progress made, persistent barriers, and the way forward.*

*The legal framework surrounding transgender rights in India has witnessed notable developments in recent years. Supreme Court in 2014 recognized transgender persons as the third gender and affirmed their fundamental rights. Subsequently, the Transgender Persons (Protection of Rights) Act, 2019 aimed to safeguard their rights and provide avenues for legal recognition.*

*Socially, transgender individuals in India grapple with deep-rooted stigmatization and exclusion. Discrimination in education, employment, healthcare, and housing perpetuates cycles of poverty and vulnerability within the community. Moreover, transgender persons face heightened risks of violence, including physical assault, sexual abuse, and harassment, often perpetrated with impunity.*

*Efforts towards advancing transgender rights and equality in India require a multifaceted approach. First and foremost, there is a pressing need for robust implementation of existing legal provisions, accompanied by comprehensive awareness campaigns targeting both the general public and key stakeholders.*

*Ultimately, achieving true equality for transgender individuals in India demands a concerted effort from government, civil society, and the broader community. By upholding the principles of dignity, equality, and non-discrimination, India can realize its vision of a society where all individuals, regardless of gender identity, can live free from prejudice and enjoy full participation in social, economic, and political life.*

**Keywords:** *Transgenders, Rights of Transgenders, Laws related to them, Landmark Judgement, Transgenders population in India.*

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## I. INTRODUCTION

“Transgender people are those who have a gender identity that is not fully aligned with their sex assigned at birth”<sup>2</sup>. “Section 2 (k) of THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019 defines as a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *Kinner, Hijra, Aravani and Jogta*”<sup>3</sup>.

Understanding that being transgender is not a choice or a phase but an inherent part of a person’s identity is crucial. Transgender individuals may identify as transgender men (assigned female at birth but identify and live as men), transgender women (assigned male at birth but identify and live as women), or non-binary, genderqueer, genderfluid, or other identities that do not conform to the traditional male-female binary framework.

It is essential to recognize the diversity and complexity of transgender people, whose experiences are shaped by various factors including culture, race, ethnicity, socioeconomic status, and geographical location. They often face discrimination, stigma, and violence due to societal attitudes and systemic inequalities.

Respecting and understanding transgender identities is vital for creating inclusive and supportive environments where everyone can live authentically and thrive. Advocating for the rights and dignity of transgender individuals is a key component of promoting social justice and equality for all. Recognizing transgender identity as a fundamental aspect of a person is essential for fostering acceptance and support within society.

### (A) Objective of this research paper

1. To understand transgender identity.
2. To discuss regarding the legal recognition and right of transgender
3. To know about the present status of transgenders in India

### (B) What causes some individuals to be transgender?

“There is no singular reason why individuals are transgender. The wide range of transgender expressions and experiences suggests that no single explanation can account for this diversity.

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<sup>2</sup> Guidelines for Psychological Practice with Transgender and Gender Nonconforming People, American Psychological Association (Nov 25, 2015,06:40 PM), <https://www.apa.org/practice/guidelines/transgender.pdf> .

<sup>3</sup> The Transgender Persons (Protection of Rights) Act, 2019 is Act No. 40 of 2019 (India)

Many experts believe that a combination of factors, including genetic influences, prenatal hormone levels, early life experiences, and events during adolescence or adulthood, may all play a role in the development of transgender identities”<sup>4</sup>.

**(C) What rights do transgender individuals have?**

Transgender individuals have the right to live with dignity, free from discrimination and violence. They deserve equal access to healthcare, education, employment, and housing. Legal recognition of their gender identity is crucial, including the ability to change their gender markers on identification documents. Protections against hate crimes and bias-motivated incidents are essential to ensure their safety. Inclusive policies and societal acceptance are fundamental in promoting their well-being and integration into the community. Advocacy for these rights is vital to address the systemic inequalities faced by transgender people, fostering a more just and equitable society.

**(a) Human Rights**

Human rights are inherent to all individuals, regardless of sex, caste, race, religion, ethnicity, language, or other status. These rights encompass equality, freedom, liberty, life, education, and expression. Additionally, they safeguard individuals from torture, slavery, and discrimination.

**(b) Rule of law**

The rule of law ensures that all individuals and institutions are accountable to laws that are fairly applied and enforced. It guarantees that no one is above the law and that justice is administered impartially.

**(c) Constitutional provisions protecting Transgender’s rights:**

- Article 14: “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”<sup>5</sup>.
- Article 15: “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them”<sup>6</sup>.
- Article 16: “No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State”<sup>7</sup>.

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<sup>4</sup> National Centre for Transgender Equality, Frequently Asked Questions about Transgender People, (July 9, 2016), <https://transequality.org/issues/resources/frequently-asked-questions-about-transgender-people>

<sup>5</sup> INDIA CONSTITUTION art. 14.

<sup>6</sup> INDIA CONSTITUTION art. 15, cl. 1.

<sup>7</sup> INDIA CONSTITUTION art. 16, cl. 2.

- Article 21: “No person shall be deprived of his life or personal liberty except according to procedure established by law”<sup>8</sup>.

**(D) Laws incorporated for the protection of Transgender’s rights:**

Government of India has enacted several laws to protect the rights of transgender individuals and ensure their inclusion and dignity in society. Some of those are discussed below:

(a) The Rights of Transgender Persons Act, 2014

In 2014, the government of India officially recognized the "third gender" and ensured equal rights in education, employment, social security, and healthcare, promoting the full development of transgender individuals.

“The Rights of Transgender Persons Act, 2014 is a significant legislative measure aimed at protecting and promoting the rights of transgender individuals in India. This act addresses various issues faced by the transgender community, including discrimination, social stigma, and lack of access to education and employment opportunities”<sup>9</sup>. It ensures the right to self-identify one's gender, provides legal recognition, and mandates equal treatment in public and private spheres. Additionally, the act outlines measures for the welfare and rehabilitation of transgender persons, aiming to foster an inclusive and equitable society.

(b) The Transgender Persons (Protection of Rights) Act, 2016

“The Transgender Persons (Protection of Rights) Act, 2016 addresses the 'identification of transgender persons.' It grants transgender individuals the freedom to choose their gender identity. Additionally, transgender people are classified under the SC/ST category, allowing them to benefit from reservation policies designed for backward classes”<sup>10</sup>.

(c) The Transgender Persons (Protection of Rights) Act, 2019

The provisions of the 2019 Act forbid discrimination against transgender individuals. This Act encompasses intersex individuals, hijras, jogtas, and kinnars under its definition of transgender people, in addition to trans-men, trans-women, and genderqueers, though these latter categories are not specifically defined. “According to the 2019 Act, a transgender person is described as an individual whose gender identity does not align with the gender assigned to them at birth”<sup>11</sup>.

According to the 2019 Act, transgender individuals can request a transgender person certificate from the district magistrate. This certificate allows them to change the name on their birth

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<sup>8</sup> INDIA CONSTITUTION art. 21

<sup>9</sup> THE RIGHTS OF TRANSGENDER PERSONS BILL, 2014, Bill No. XLIXC-C of 2014 (India).

<sup>10</sup> The Transgender Persons (Protection of Rights) Act, 2016, Act. No. 210 of 2016.

<sup>11</sup> The Transgender Persons (Protection of Rights) Act, 2019 is Act No. 40 of 2019.

certificate and update all related documents. The Act stipulates that a transgender person can only be identified as male or female after undergoing sex reassignment surgery and subsequently applying for an updated certificate from the district magistrate.

The 2019 Act includes protections for transgender children and mandates that states and institutions develop policies to ensure the welfare of transgender individuals. It permits the separation of a transgender child from their family through a court order. However, unlike the Rights of Transgender Persons Bill of 2014, neither the 2019 Act nor any other legislation provides for reservations for transgender people in educational institutions and employment. The 2014 bill had proposed a two-percent reservation in educational institutions and public employment. The 2019 Act stipulates penalties for offenses against transgender individuals, with imprisonment ranging from a minimum of six months to a maximum of two years, along with a fine. Additionally, the 2019 Act calls for the establishment of a National Council for Transgender Persons.

## **II. JUDICIARY'S ROLE IN SAFEGUARDING THE RIGHTS OF TRANSGENDER INDIVIDUALS**

The judiciary in India has played a pivotal role in protecting and advancing the rights of transgender individuals. Key judicial interventions have established significant legal precedents and catalysed policy changes.

### **1. The Naz Foundation v. The Government of NCT of Delhi (2009)**

“The Naz Foundation v. The Government of NCT of Delhi (2009) case was a landmark decision in which Section 377 of the IPC was declared unconstitutional, as it discriminated against the LGBTQ community and violated their privacy rights. This case marked the first significant step towards decriminalizing Section 377 and offered relief to LGBTQ individuals. The petitioners sought legal recognition that allowed consensual sexual activities among homosexual adults. Section 377 of the IPC, introduced during British rule, remained in effect for nearly sixty-eight years after the adoption of India's liberal Constitution. Even after seventy years of independence, gays, lesbians, transsexuals, and bisexuals continue to be denied true equal citizenship.

In 2009, the Naz Foundation, a non-governmental organization, contested the constitutionality of Section 377 under Articles 14, 15, 19, and 21 of the Indian Constitution before the Delhi High Court. The foundation contended that Section 377 of the IPC embodies archaic views on sexuality that no longer align with contemporary societal values. The case was heard by a five-

judge bench led by Chief Justice Deepak Mishra, along with Justices RF Nariman, AM Khanwilkar, DY Chandrachud, and Indu Malhotra. The foundation cited a 2001 incident in Lucknow where HIV prevention workers distributing condoms to gay men were arrested on charges of conspiring to commit an offense. Additionally, the Naz Foundation argued that the provision was being misused to penalize consensual sex that is not peno-vaginal.

Initially, the Delhi High Court declined to hear the petition, stating that the petitioner lacked the standing to bring the matter before the court. However, the Supreme Court, after reviewing the case presented by the Naz Foundation, affirmed that the foundation had the right to file a Public Interest Litigation (PIL) in the High Court.

The Delhi High Court ruled that Section 377 of the IPC cannot be applied to prosecute two consenting adults engaged in sexual activity, as this would infringe upon the fundamental right to privacy, an integral component of Article 21. The court further held that classifying individuals based on their sexual orientation violates another fundamental right, Article 14 of the Constitution, which guarantees equal rights and protection to all individuals irrespective of their differences.

Following this historic judgment, numerous curative petitions were filed challenging the ruling. In these petitions, various organizations and social groups contended that the right to privacy does not provide license to commit unlawful acts. Additionally, many argued that decriminalizing Section 377 of the IPC would adversely impact the institution of marriage and could potentially influence young people towards homosexuality, thus impeding societal progress.

Therefore, the Supreme Court ruled that consensual homosexual relations among adults are not criminal offenses. The court affirmed that individuals identifying as Lesbians, Gays, Bisexuals, and Transgenders (LGBT) are entitled to the same constitutional rights as all other citizens of the country. It characterized homosexuality as a biological aspect of human diversity and underscored that any discrimination based on this would violate fundamental rights<sup>12</sup>.

## **2. Suresh Kumar Koushal & Anr. v. Naz Foundation & Ors. (2013)**

“Despite the landmark and progressive nature of the Naz Foundation case by the Delhi High Court, in a society like India were adapting to unexpected changes perceived to challenge 'culture and beliefs' is challenging, it was unsurprising that the verdict faced widespread criticism nationwide. This backlash ultimately prompted a petition to overturn the judgement

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<sup>12</sup> Naz Foundation v. Government of NCT of Delhi, (2009) 160 DLT 277 (India).

in the case of *S K Koushal v. Naz Foundation*”<sup>13</sup>.

Facts:

The Naz Foundation decision was taken to the Supreme Court, drawing a significant number of interveners. Among them was Suresh Kumar Koushal, the appellant. Other interveners supporting the appellant included organizations and individuals who expressed concerns about preserving moral, cultural, and religious values in Indian society. They argued that Section 377 adversely affected the LGBT community, especially homosexual men.

The appellants also argued that the role of courts should not extend to legislating, a responsibility they believed should rest solely with Parliament. The High Court grappled with whether it was striking down the law or interpreting it narrowly, noting a constitutional presumption in favor of laws as long as they remain in force. They emphasized that the moral or ethical judgment of a law should be determined by Parliament.

Judgement:

The Court concluded that Section 377 does not inherently pose a risk of arbitrary enforcement targeting specific groups, arguing that the law specifically criminalizes sexual acts deemed 'against the order of nature,' rather than acts occurring in ordinary circumstances. It further stated that the High Court overlooked the fact that only a small fraction of the LGBTQIA+ community in the country had been charged and prosecuted under Section 377, asserting that this alone "cannot justify" declaring the law unconstitutional.

Regarding the question of whether the law infringes upon fundamental rights guaranteed by the Constitution, such as the right to privacy, dignity, and freedom of expression, the Court asserted that "the mere misuse of the section by police officers and others does not invalidate the section itself." Without delving into further analysis, the Court determined that Section 377 "does not suffer from unconstitutionality." Consequently, the Court reversed the decision of the Delhi High Court.

**3. National Legal Services Authority v. Union of India (2014)**

Facts:

“The severe injustices and human rights violations experienced by India's transgender community led to the submission of a petition. It was argued that laws concerning marriage, adoption, inheritance, succession, taxation, and welfare were contingent upon binary gender categorizations assigned at birth. This long-standing practice has marginalized individuals of

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<sup>13</sup> Suresh Kumar Koushal & Anr. v. Naz Foundation & Ors., (2014) 1 SCC 1 (India).



the third gender, leaving them vulnerable to discrimination across various domains without legal protections. Consequently, the case reached the courts following a Public Interest Litigation filed by the National Legal Services Authority, with subsequent petitions from other parties.

Several interveners joined the petitioners, arguing that Indian law only recognized binary genders—male and female—and that the absence of legal provisions catering to their needs violated multiple constitutional rights. These included the rights to a dignified life, equality before the law, non-discrimination, and freedom of expression. They highlighted widespread societal contempt and exploitation faced by their communities, underscoring the urgent need for legal protections to safeguard the rights and freedoms of transgender individuals. Laxmi Narayan Tripathy, who affirmed her identity as 'Hijra,' actively participated in the court proceedings on behalf of the transgender community. Tripathy shared personal challenges and hardships, advocating for the recognition of their gender as a 'third gender.' She argued that denying this recognition deprived them of their legal rights to choose and express their sexual orientation, thereby violating their rights guaranteed under Articles 14 and 21 of the Constitution. The 2020 film "Laxmii," starring Akshay Kumar, was inspired by her life story.

In response, the defendants argued that the state government had established an 'Expert Committee on Transgender Issues' and assured that the petitioner's perspectives would be considered in the deliberations. Various states and Union Territories also asserted that they had implemented substantial measures to enhance the societal status of the transgender community.

#### Judgement –

The Court also ruled that Hijras and eunuchs should be recognized as 'third genders.' It affirmed the transgender community's right to self-identify their gender and mandated that the State protect their gender identity by legally recognizing them as 'third gender.' Additionally, the Court issued several directives to both central and state governments, which included establishing separate HIV Zero-Surveillance Centers, providing segregated public toilets and adequate medical care in hospitals for transgender individuals, implementing various social welfare awareness programs to enhance their living conditions, promoting public awareness about injustices faced by them, and rebuilding public confidence in their community”<sup>14</sup>.

#### **4. Navtej Singh Johar v. Union of India (2018)**

“After the historic ruling in the NALSA case, numerous influential individuals filed a petition

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<sup>14</sup> National Legal Services Authority v. Union of India, (2014) 5 SCC 438 (India).

with the Supreme Court, urging a five-judge bench to reverse the decision in *S K Koushal v. Naz Foundation*. Among the petitioners were dancer Navtej Singh Johar, chef Ritu Dalmia, journalist Sunil Mehra, businesswoman Ayesha Kapur, Keshav Suri and hoteliers Aman Nath. It was widely acknowledged that India needed to abolish an outdated law that blatantly violated the fundamental rights of its citizens. Therefore, the case of *Navtej Singh Johar v. Union of India* marked a significant milestone in granting LGBT individuals the essential rights and freedoms they rightfully deserved as human beings”<sup>15</sup>.

#### Facts:

“The central issue in this case, like its predecessors, was the constitutionality of Section 377. Navtej Singh Johar, a dancer and member of the LGBT community, filed a writ petition in the Supreme Court in 2016 seeking recognition of the rights to sexuality, sexual autonomy, and choice of sexual partner under Article 21 of the Indian Constitution. He also sought a declaration that Section 377 was unconstitutional. The petitioner argued that Section 377 violated Article 14 of the Constitution (Right to Equality Before the Law) because it was overly broad and lacked a clear definition of "carnal intercourse against the order of nature." There was no reasonable distinction or classification between consensual natural and unnatural sexual acts”<sup>16</sup>.

Additionally, the petitioner argued the following points:

- Section 377 infringed upon Article 15 of the Constitution by discriminating against lesbians, gays, and others in the community based on their choice of partner.
- Section 377 constituted a clear violation of Article 19 as it curtailed individuals' freedom to express their sexual identity through speech or choice of romantic partner.
- The criminal provision also infringed upon the privacy of LGBT individuals, subjecting them to fear of humiliation and societal exclusion.

Various non-governmental organizations, religious bodies, and other representative entities also sought to intervene in the case. The Union of India stated that it deferred to the "judgment of the Court" on the constitutionality of Section 377. Some opposing arguments contended that the right to privacy had limits, characterized such acts as undermining the "constitutional concept of dignity," expressed concerns about the spread of HIV/AIDS in society, and warned that striking down Section 377 could adversely affect the institution of marriage and potentially infringe upon Article 25 of the Constitution, which guarantees freedom of conscience and the

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<sup>15</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

<sup>16</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

right to propagate religion.

Judgement:

Upon reviewing the decision in *Suresh Kumar Koushal*, the Supreme Court observed that it had relied on a minority viewpoint to deny fundamental rights to the LGBT community, failing to distinguish between consensual and non-consensual sexual activities among adults. The Court emphasized that there should be a clear distinction between consensual relationships among adults in private, whether heterosexual or homosexual. Furthermore, consensual relationships between adults should not be equated with acts such as sodomy, bestiality, or non-consensual relationships.

Furthermore, the Court assessed the constitutionality of Section 377 in light of Articles 14, 15, 19, and 21 of the Constitution. Drawing from the *NALSA* decision, which provided equal legal protection to transgender individuals, the Court reaffirmed that sexual orientation and gender identity constitute essential aspects of an individual's identity. Referring to the *KS Puttaswamy* decision, which acknowledged the relationship between privacy and autonomy and recognized the right to sexual orientation as intrinsic to the right to privacy, the Court emphasized the need to expand the scope of the right to sexual privacy to safeguard sexual orientation rights. Additionally, the Court cited its rulings in *Shafin Jahan v. Asokan K.M.* and *Shakti Vahini v. Union of India* (2018) to uphold that an adult's right to choose a life partner is a fundamental component of personal liberty.

Regarding the interplay of morality and constitutionality, the Court emphasized that any subjective judgment of public or societal morality that discriminates against LGBT individuals and leads to their prosecution based solely on an inherent trait contradicts Constitutional morality. Such judgments cannot justify a legitimate State interest. The Court further emphasized that any limitation on the right to privacy must meet the criteria of legality, the presence of a valid state interest, and reasonableness.

The Court upheld that sexual orientation is inherent, intrinsic, and immutable. It determined that an LGBT individual's decision to engage in intimate relationships with others of the same sex reflects their autonomy and self-determination. Furthermore, despite their status as a sexual minority, the LGBT community is entitled to unequivocal equal protection under Part III of the Constitution.

The 5-judge bench unanimously ruled that Section 377 was unconstitutional and narrowed its application to exclude consensual sexual conduct between adults in private, regardless of their genders. The Court, however, emphasized that consent must be given freely, voluntarily, and

without any duress or coercion.

### III. PRESENT SITUATION OF TRANSGENDERS IN INDIA

“With a population of approximately 1.44 billion”<sup>17</sup>, India stands as the world's largest democracy, celebrated for its "unity in diversity". “The transgender community, which the 2011 Census of India estimated to number approximately 0.49 million, continues to face marginalization in society and has forged its own unique methods for fostering community.”<sup>18</sup>. “Census data reveals that literacy rates among transgender people are significantly lower, with only about 43% being literate, compared to the general population's 74% literacy rate”<sup>19</sup>. This community faces numerous social, cultural, legal, and economic challenges, enduring targeted violence and harassment. Economic deprivation and exclusion from mainstream opportunities have exacerbated their struggles, impeding access to essential healthcare services. Moreover, they encounter gender discrimination, particularly in healthcare settings, which undermines their morale. “Consequently, around 20% of the transgender population has healthcare needs that remain unaddressed and necessitate specialized attention.”<sup>20</sup>.

“The suicide rate among transgender individuals in India stands significantly high at 31%. Nearly half of them have attempted suicide before reaching the age of 20. Additionally, 46.3% of transgender people have experienced non-suicidal self-injury (NSSI) at some point in their lives, with 28.73% currently engaging in NSSI. This community grapples with challenges such as family rejection, unemployment, mental abuse, and workplace discrimination. Many transgender individuals leave their homes due to the fear of parental rejection, which further isolates them and increases the likelihood of living in poverty”<sup>21</sup>.

From the preceding discussion, it is evident that there is a growing need for the Indian public to shift their perceptions towards the transgender community. The first step should come from the public, followed by initiatives from the Government of India. “Encouragingly, there have been instances highlighting public acceptance of the third gender, such as retired Indian cricketer

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<sup>17</sup> India's Population Estimated At 1.44 Billion, 24% In 0-14 Age Bracket: UN Report, NDTV, (April 17, 2024 10:23 AM) <https://www.ndtv.com/india-news/indias-population-estimated-at-1-44-billion-24-in-0-14-age-bracket-un-report-5459766>

<sup>18</sup> Transgender in India, Population Census 2011, <https://www.census2011.co.in/transgender.php>.

<sup>19</sup> The Third Gender in a Third World Country: Major Concerns and the “AIIMS Initiative”, National Library for Medicines, National Centre for Biotechnology Information, (April 29, 2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10148579/#CR5>.

<sup>20</sup> The Third Gender in a Third World Country: Major Concerns and the “AIIMS Initiative”, National Library for Medicines, National Centre for Biotechnology Information, (April 29, 2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10148579/#CR5>.

<sup>21</sup> The Third Gender in a Third World Country: Major Concerns and the “AIIMS Initiative”, National Library for Medicines, National Centre for Biotechnology Information, (April 29, 2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10148579/#CR5>

Gautam Gambhir wearing a Dupatta and Bindi in support of transgender individuals”<sup>22</sup>.

Alongside public initiatives, the Government of India has taken proactive measures by introducing various welfare policies and schemes aimed at uplifting the transgender community. These initiatives encompass census efforts, documentation processes, issuance of citizenship ID cards and passports, as well as comprehensive measures for social, economic, and political empowerment. Additionally, there are housing provisions, legal reforms, police initiatives, and constitutional safeguards intended to prevent human rights violations against transgender individuals. The introduction of institutional mechanisms further underscores the government's commitment to addressing the specific needs and challenges faced by the transgender community.

#### **IV. CONCLUSION**

India, as a democratic nation, encompasses a diverse populace with an array of challenges. Religion and caste are persistent issues, and the country cannot afford to add gender discrimination to its list of struggles. Although the issue of gender rights has made significant progress, it remains a critical concern. In the past, gays and lesbians faced discrimination due to their sexual orientation, and now transgender individuals are fighting for their rights as equal human beings. Every person is born with inherent rights conferred by their country, and a gender transformation should not strip away these fundamental rights. Our Constitution affirms that everyone has the freedom to live as they choose, and no law should infringe upon this freedom. The journey of transgender individuals from societal exclusion to inclusion has been both commendable and challenging. They have managed to carve out a place in society, although their acceptance has been fraught with difficulties. The unique problems they face necessitate a broader societal adjustment. Article 14 of the Constitution guarantees equality for all, yet this principle is often disregarded in the case of transgender people. Despite not being considered untouchable by law, society often treats them as such. With a population exceeding 1 million, it is unjust to ignore the rights and needs of this significant community.

Transgender individuals already contend with the physical changes and challenges associated with their gender transition. They take significant risks to live authentically and should not be penalized for their choices. It is crucial for society to expand its mindset and accept transgender people for who they are. The government should prioritize organizing educational programs to

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<sup>22</sup> Raka Mukherjee, Gautam Gambhir Was Spotted Wearing A Dupatta and Bindi At An Event, Here's Why, NEWS 18, (SEPTEMBER 14, 2018, 01:37PM), <https://www.news18.com/news/buzz/gautam-gambhir-was-spotted-wearing-a-dupatta-and-bindi-at-an-event-heres-why-1877071.html>

raise awareness about the transgender community and their rights.

These individuals have endured harassment, family rejection, and societal discrimination, and they deserve equal standing in society. A nationwide awareness campaign should be launched to foster acceptance and understanding of transgender people. Society must open its hearts and minds to embrace these individuals as valuable and equal members of the human family.

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