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‘Discrimination of Transgenders’ – Violation of the Constitution of India

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ABSTRACT

Transgenders have been discriminated and maltreated from the very beginning in all the aspects of life. They are the citizens of a country and are just like every other individual out there, so why so much of discrimination and inequality among them? They must have access to all the rights that is provided to every other individual in general. The authors of the paper have tried to cover maximum about their history and what all obligations the trans face in various fields. This paper also talks about some important rights that has been given to the transgenders and there have been citing of various landmark case laws along with the judgement. The authors have tried to explain in the simplest form about how there's a violation of the Articles of The Constitution of India. Further, this paper also contains a part which speaks of a few of the recent achievements of the transgenders.

Keywords: *Constitution, transgenders, rights, discrimination, inequality.*

I. INTRODUCTION

Our society has always categorized humans into two gender – male and female until 21st century. The society has always stereotyped the transgender and refused to consider it as an individual. The society considered the gender of a person that has been assigned to them at the time of birth and with passing years whose behaviour or identity falls out the of the gender norms of male or female about how they are supposed to be are considered as Transgender. They are called by various names such as third gender, cross dressers, drag king, drag queen, trans, etc. Hence, they can be identified as gay, lesbian, bisexual, heterosexual. Since the beginning transgender have been a part of our community but it has been very challenging for them to come up in the society due the gender stereotyping. The harsh reality is most of trans people are being disowned by their families and due lack or non-availability of proper education or jobs opportunities forces them to begging near traffic signals and inside trains. Some of them are brave enough to take stand for themselves and make their way to achieve their goals thus proving that trans people are as capable as other

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humans and the stereotyping should be stopped. People don't stop mocking or harassing them no matter how hard trans people try to prove themselves which makes it more difficult for them. Some people may be polite to them but never take a step to provide them help. This lack of understanding and ignorance can be reduced by spreading awareness among people and making special laws for their upliftment.

II. HISTORY OF TRANSGENDERS

The evolution of the term transgender was first evolved by a psychiatrist John F. Oliven who invented the term transgender in his reference work *Sexual Hygiene and Pathology*². Then the term got popular by varying definitions by various transgenders and transsexuals. In India transgenders have been given a lot of different names, their community contains of Hijras, Eunuchs, Aravanis, Joggapas, Shivshakti etc. Some of these names have been existing since the 9th century BC. Even it can also be inferred that the Vedic culture recognised three genders, the Vedas describe individuals as belonging to one of three categories, according to one's nature. Various texts suggest that third sex individuals were introduced in pre-modern India. But Transgenders had always been a part of Indian society for centuries, there are historical evidences of it, there are people of "third sex" or person who are not confirm to be male or female in gender in the beginning of ancient India.

Transgenders were there from the beginning, starting from the medieval period itself, from the mythological time. Later on in Mughal Empire also Hijras played a very famous role in royal courts in the medieval India. At that time Transgenders were considered clever, trustworthy, and fiercely loyal and they even had free access to all the places and sections of the population, therefore playing an important role in politics of empire building in Mughal era.

Next in the British period hijras used to accept protection and benefits by Indian states to get into the hijra community. The benefits they received included provision of land, food and smaller amount of money from agricultural houses in exact areas which were removed by the British legislation because the land was not inherited through blood relation. And now in the modern world or contemporary period, Transgenders in India are the most popular and most known third sex in the whole world. As Supreme court declared them as the third gender. So the third gender in India has come out as a very strong group in LGBT rights. In this modern world Government of India has come out with so many welfare policy and schemes as documentation, issuing of citizenship I-card, census, issuing passport and many more. Even

² Oliven, John F. (1965). *Sexual hygiene and pathology: a manual for the physician and the professions*

MGNREGA is a major initiative of which brought employment opportunities for transgenders.

Many more such acts and rights and provisions are made for transgenders by which they can really go forward in their lives and even get a very respectful and normal life, but still after all these facilities made for them they go through severe discrimination and ill-behaviour till date.

III. OBLIGATIONS MET BY THE TRANS

Our genders play a major component in all the fields, be it work, education, etc. Arguably identification of gender is one of the most crucial part of societal formation. There has been a lot of discrimination based on gender in everyone's lives but on the other hand there are also some discrimination which are valid provided the discrimination have a reasonableness and a nexus. The very well known 'Hijra' community or we may say transgenders face difficulties in different parts and is living on margins be it socially, educationally, economically or sexually. Transgenders come from all walks of life and line of work. It was never really that they are some creations or new to society but have been a part since the initial episodes of human race.

With each passing day the transgender community is adding up more and more to it's world but still it's considered as a minority and they are discriminated and downtrodden in every aspect. It's not only the girls in our society who face societal pressure, transgenders play a major role in it too. They are treated and considered as weaklings. Our society and country is developing in every aspect but as soon as it comes down to accepting transgenders in specific fields each one is reluctant about their gender because of which they don't get treated equally and the society hesitates to accept them as a part of society. Even after the growing and broad mindsets of people, transgenders feel degraded among us because of the not-so-normal behaviour of the society.

Workplace

Trans employees experience high rates of abusive co workers in workplace. There are trans friendly places but we all know not everything that claims to be something is actually something and tragically transgenders face harassment or mistreatment and discrimination in trans friendly places as well. The harassment extends to severe physical as well as sexual assaults. Because of the grievances and challenges faced by them in the workplace they are bound to change jobs every now and then.

Education

One of the biggest areas where transgenders experience a lot of hate and harassment is in the field of education. They were not given admissions in schools and college and their educational rights were denied. The lack of understanding and acceptance towards a different gender creates a crisis for them. This obligation is the main factor which makes it difficult for them to earn their daily bread and butter. Even though they have been given a recognition in the legal world but the real conditions have marginalized them in every sector which makes them unequal as compared to other people in the society.

Unemployment and Poverty

Due to lack of good education or any education at all, they remain unemployed throughout lifetime which eventually leads to poverty. Harassment in workplace is also one of the reasons why their state of mind is at peak which leads them to not to work. And then this leads to poverty among them. Had they been treated equally, the problem wouldn't have arose. In India where the country in itself is fixated on poverty, addition of such cases are also one of the reasons why India is always behind. According to an annual telephone survey which was conducted in the U.S., it was established that the transgender people were 11% were implausible to be working as compared to others. There have been reports³ where it has been stated that a lot of potential and hardworking trans have been denied employment and turned away because of the 'third gender' issues. The first-ever study on the rights of transgenders by National Human Rights Commission is an evidence of the statistics mentioned. According to the reports, mostly about 92% of the transgenders have a disadvantage of the right to participate in any form of economic activity in the country. The reports by the *Times of India* says that even the qualified and the talented ones with good degree holders have been refused employment.

Acceptance in society and family

A lot of references claim that most of the families of transgender people are discouraging when it comes towards acceptance of transgender youth/children because that brings them down to how the society would react to their children about coming out in the open, sometimes they are sexually abused or even they face violence or expulsion from their homes or from main stream society after disclosing the gender identity to family. There have been numerous number of cases where transgenders don't open up to their own families because of

³ <https://www.moneycontrol.com/news/india/about-96-of-transgenders-are-denied-jobs-60-have-never-attended-schools-study-2836281.html>

the fear of the repercussions. The study of human rights reveal ⁴that the total population of transgenders in India according to a census collected is 4.9 lakh and out of which only 30,000 are registered with the election commission and the estimates also state that there are over 60lakh transgenders who didn't come out of the closet to avoid discrimination and non-acceptance in family and society.

Others

Transsexuals experience discrimination and harassment not only in workplace or educational institutions but also in health care sectors, housing and public accommodations all over the world. They are discriminated or denied renting and housing because of the transphobic landlords. And gay and transgender individuals experience an outright refusal of services when attempting to access a host of public accommodations including restaurants, parks, hotels, libraries, buses, museums, and elsewhere simply because of their sexual orientation or gender identity.⁵ Often the members of the marginalized gender like trans are also victim of various offenses and as such they cannot claim any protection because the crimes under the India Penal Code are not gender neutral nor there are any provisions regarding the specific gender in the Constitution. In the viewpoint of the recent outbreak of the COVID-19, the transgender community has exacerbated by the pandemic. As we already that know they have always suffered when it comes to health care as well which is actually a basic privilege provided to every individual but in India the transgender community has also been deprived of the health care rights because of their gender. The fear of being stigmatized, harassed and disrespected is the reason why the trans have been avoiding to get tested for COVID-19 which is again a serious issue because firstly, this could boil up the issue as a whole and secondly, they are being negligent of their own health which could worsen their health. Members of the transgender community have expressed their fears at not being able to physically isolate. In India many in this community already have serious healthcare challenges related to HIV and now transgender children and older transgender persons who are at greater risk of the coronavirus infections are feeling extremely vulnerable given the lack of healthcare facilities available to them.⁶

⁴ <https://www.moneycontrol.com/news/india/about-96-of-transgenders-are-denied-jobs-60-have-never-attended-schools-study-2836281.html>

⁵ <https://www.americanprogress.org/issues/lgbtq-rights/reports/2011/07/19/9927/gay-and-transgender-discrimination-outside-the-workplace/>

⁶ <https://www.hhrjournal.org/2020/03/living-on-the-edge-covid-19-adds-to-distress-and-discrimination-of-indian-transgender-communities/>

IV. TRANSGENDERS ACCESS TO RIGHTS

Transgenders have never been acknowledged as a normal person on any of their achievements rather their existence is only criticized by everyone, nobody ever stand or fight for their rights that they have as a citizen of this country or as a person. The various rights that they have are right to education, right to freedom, right to equality and many more. And among those rights there are some for which or to achieve which the transgenders have to go through a lot and those rights are-

Right to marry and have a family:

It is mainly seen that Transgender people face a lot of problem and legal issues with regard to marriage. Some of the people are aware that transgenders are often able to enter into a heterosexual marriage after undergoing a sex-reassignment. But something that is less known is that transgenders may also be married to a person of same sex. Like heterosexuals, there are many transgender people who want to have or form a stable and long-lasting relationship and it has been also found that many transgender, adults are in serious committed relationships and many of them have been together for more than 10years. It has been found that social aspects of committed relationship between same sex partners highly similar to the heterosexual partnerships.

When the Supreme Court legalized the marriage for same sex couples in June 26, 2015, it was a great day for transgenders of all sexual orientation, because the highest court in the land had declared the right to marry to be gender disparities. Transgenders have a long history of being rejected and denied to the right to marry and having their partners and marriage disrespected. They have always been treated as a shame to the society and even to humanity, not only in terms of marriage but also their existence at a point was not accepted by other people they were always treated brutally by their family members as well as outsiders and even now also in some regions of every state such type of a behaviour is shown towards them. In terms of marriage they were never accepted or get registered as a married couple, according to some transgenders they were even beaten to death if they try to raise their voice against this inequality. To get married transgenders have to cross many hurdles, even if they are transman or transwoman they have to obtain the identity cards of 'cismale' and 'cisfemale' to get married. Otherwise they are allowed or can live together but their marriage will not be considered legal. These people may belong to a different community of the society but at the end of the day they are even human and 'person' and according to the Indian Constitution everyone and every person has the right to obtain the fundamental rights,

that is the right to equality under Article 14. Transgenders and their spouses are often disrespected and ill-treated in all walks of their lives. They were never accepted as a normal married couple and were always discriminated and harassed. Moreover they always have to fight for their rights and struggle to get a normal life with respect and a proper identification.

But in the landmark judgement, the Madurai bench of the Madras high court has upheld the right to marry for transgender persons. The court held that a person who is born intersex but identifies herself as a woman should be treated as “bride” under section 5 of Hindu Marriage Act, 1955. Directing that the marriage between a male and the transwomen to be registered under the act, Justice G.R Swaminathan in his judgement said that a transsexual was also a bride and the term referred to in the Act was not to be considered to only women.⁷ In terms of adoption Indian adoption laws does not allow or give rights to a transwoman or transman to legally adopt a child. So they adopt or take the custody of a child outside the legal framework. And even after they adopt a child there’s always a chance that if the birth parents of the child are alive then they can come and claim their right on the child if he/she manages to achieve something or become someone of importance, even if the transwoman or transman has raised the kid informally. The transgender is then left in the stagger. These people should also be given the right and legal authority to adopt a child and raise him/her, to become a parent to have that privilege that other men and women enjoy and get. Transgenders are no less than any other men or women they are equally eligible to have every right and get treated as a normal human being.

Property rights

In Uttar Pradesh attention was drawn with regard to inheritance laws that neglected the transgender. Uttar Pradesh state government under Yogi Adityanath cabinet has cleared the amendment to the UP revenue code for insertion of third gender. The amendment will give the transgender the succession and physical rights as members of landowner’s family. 4 The rights to inherit the ancestral property will not only protect the third genders from social ostracism but will also give them equal rights in the society. The amendment was made to sections 4(10), 108(2), 109 and 110 of UP Revenue Code (Amendment) Act, 2020. The cabinet also mentioned that this amendment will bring social recognition to the transgender community.

⁷ <https://www.theleaflet.in/transgenders-have-marriage-rights-under-the-indian-constitution-says-madras-high-court/#>

V. THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS), 2019

The Transgender persons (Protection of rights) Bill, 2019 act aims to end the discrimination against transgender person in acquire employment, education and health care, housing and other services. It aims to protect them from the stereotyping them and to make them aware of their rights. After 2016 bill, a bill was passed in the year 2018 succeeding the latest bill of 2019. The preceding bill opposed and criticized through protests by social activists, transgender people and lawyers in India. In case of National Legal Services Authority v. Union of India AIR 2014 SC 1863, the Supreme Court of India held that right to self-identification will be applicable to the third gender and they will also be granted reservations in jobs opportunities, admissions in Educational Institutions and other welfare services. Section 377 of Indian Penal Code criminalized homosexual act as unnatural offence. In case of Navtej Singh Johar v. Union of India Writ Petition (Criminal) No. 76 of 2016 decriminalizing consensual sexual conduct between two same sex adults. The 2019 bill was passed on 5 August, 2019 by the lower house of the parliament and on 26 November, 2019 by the upper house of the parliament. The act was published on 5 December, 2019 in the Gazette of India. The act came into force effect on 10 January, 2020.⁸It recognizes the right to self-perceived gender identity and provides for certification from a District Magistrate; in case a transgender person has had a gender-change surgery, the law says they can obtain a certificate from the medical facility where they had the operation, and apply for a change in their certificate. It tells a transgender person should be identified as one on basis of the certificate of identity issues by the district magistrate. It decriminalizes begging and also recognizes offences against transgender forced labour, denial of use of public places and physical, sexual, verbal, emotional abuse which stands as an imprisonment not less than a term of six months and can extend up to two years and fine. The bill ensured a secure life for the transgender by forbidding their separation from their family. The act also protects transgender child and ensures that a transgender child can be separated from their family by a court order similar to the The Transgender persons (Protection of rights) Bill, 2018 bill.⁹ On 18 April 2020, the government published Draft Transgender Persons (Protection of Rights) Rules, 2020 in exercise of its powers under the 2019 statute, seeking comments and suggestions on the same from the public.

Drawbacks of the Transgender Persons (Protection of Rights), 2019

Some of the contentions brought up by activists :

⁸<https://www.thehindu.com/news/national/transgender-persons-act-comes-into-effect/article30545336.ece>

⁹ [https://en.wikipedia.org/wiki/Transgender_Persons_\(Protection_of_Rights\)_Act,_2019](https://en.wikipedia.org/wiki/Transgender_Persons_(Protection_of_Rights)_Act,_2019)

- The definition of “Transgender Person” put down in the bill could be interpreted as trans are required to have certain medical procedures before lawfully changing their sexual orientation.
- The bill only permits for the certificate to recognize a person as Transgender until they go through a sex reassignment surgery and apply for certificate.
- It empowers the district magistrate to judge the rightness of the application and conclude whether to provide the the change in gender certificate but it doesn’t lay down the guidelines on how this decision ought to be made.
- Rather than having the freedom to decide their sexuality, India's transsexual should now submit to a certification process involving a government official and doctor.
- In the event if transsexuals are sexually attacked, their assailant face a imprisonment of term of two years whereas against at least seven years for women who are assaulted and did not issue for extensive punishment for crimes such as rape committed against transsexual.
- On the off chance that young trans people who want to leave their home due to the pressure to adjust to the sex they were brought into the world with, they can no longer join the trans community rather they must go to a court, which will send them to a rehabilitation centre.

VI. SOME LANDMARK CASES OF TRANSGENDERS:

- **Jayalakshmi v. State of Tamil Nadu 2007, SCC OnLine Mad 583 : (2007) 4 LW 404 : (2007) 4 Mad LJ 849 : (2007) 2 LW (Cri) 927**

In this case despite multiple arguments from the respondents that Jayalakshmi case was motivated by monetary intentions, the Court ruled unequivocally that this was a case of custodial violence and there is no doubt that the physical and sexual abuse of Pandian at the hands of the police officers was responsible for her suicide.

The court also noted that the attempt of police to manipulate and tamper the evidence that’s hiding the dying declaration of Pandian and misleading the Court about Pandian’s interrogation. Based on a report developed by an enquiry commission, statements of doctor and acquaintances and Pandian’s dying declaration, the Court directed disciplinary action against perpetrating police officers and directed the government of Tamil Nadu to provide

Rs.5 lakhs in compensation to Jayalakshmi.¹⁰

➤ **Shivani Bhat v. State of Nct of Delhi & Ors, 2015 SCC OnLine Del 12514 : (2015) 223 DLT 391**

In this case it held that Shivy had been subjected to illegal confinement, harassment and rebuke by his family and the police of UP and Delhi. In response to an interim order of the court Shivani's parents had retracted their police complaint and agreed to support Shivani's return to the US to continue his studies. The Court appreciated the parents' changed stance. Further, it issued an order to the UP and Delhi police to refrain from harassing transgenders.

Finally, the Court upheld the right of all persons to certain inalienable right. It also placed sexual orientation and gender identity as essential aspects of fundamental right to self-determination, dignity and freedom. This judgement emphasized the marginalisation and exclusion of transgenders in society. It recognized that negative social attitudes against transgenders caused police and family interference.¹¹

➤ **National Legal Services Authority v. Union of India, AIR 2014 SC 1863**

National legal services authority (the petitioner) in 2012 filed a writ petition to the Supreme Court of India to recognize the third gender and provide self-identification to the people who fall in the same category because it violates the fundamental rights of the Constitution of India as the citizen of India.

The two-judge bench recognized third gender and held that they are entitled to fundamental rights under the Constitution. It recognized third gender as socially backward and educationally backward class of citizens who will be entitled to reservations in job opportunities and educational institutions and also took step to initiate social welfare schemes for them.

➤ **Navtej Singh Johar v. Union of India, AIR 2014 SC 1863**

Navtej Singh Johar v. Union of India has been a landmark case in which decision of Supreme Court of India decriminalized all consensual sexual conduct between adults including same sex. To overrule the decision of *Suresh Kumar Koushal v. Naz Foundation (2014)*, the three judge bench of the Supreme Court in 2016 proposed that a larger bench must acknowledge the issues raised as a result, a five-judge bench heard the matter. The petitioner challenged on the ground that the section 377 of Indian Penal Code was violating the constitutional rights under Article 14, 15 and 19 of the Constitution of India and also Right to Privacy. Some

¹⁰ <https://translaw.clpr.org.in/case-law/jayalakshmi-vs-state-of-tamil-nadu-ors/>

¹¹ <https://translaw.clpr.org.in/case-law/shivani-bhat-vs-the-state-of-nct-of-delhi/>

Respondents argued that Right to Privacy was not infringed and such acts were disparaging the constitutional concept of dignity and declaring Section 377 unconstitutional may violate Article 25 of the Constitution of India.

The five-bench of the Supreme Court of India relied upon its decision in *National Legal Services Authority v. Union of India* and *K.S. Puttaswamy v. Union of India*,¹² held that Section 377 amounts to an unreasonable restriction on the right to freedom to expression since consensual carnal intercourse in private “does not in any way harm public decency or morality” and if it continues to be on the statute books, it would cause a chilling effect that would violate the privacy right under Art. 19 of the Constitution of India.

VII. HOW IS IT VIOLATIVE OF THE CONSTITUTION?

The inclusion of Article 15 in The Constitution of India shows that our forefathers envisioned India with ‘zero discrimination’. They were the true visionaries who wanted all of us to be equal in all aspects. It is each and everyone’s responsibility to uphold this ideal thought and ensure every person lives a life with dignity and equality. Article 15 of The Constitution of India tells us about the prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth. In *NALSA v. UOI, AIR 2014 SC 1863*,¹³ the Supreme Court made it clear that the transgender community was to be treated as a “socially and educationally backward class”, for the purpose of availing of reservation schemes under Articles 15 and 16 of the Constitution. Predictably, the government never acted on this, and under the Act, there is no mention of affirmative action. Clearly, the incidents that have run past the transgender community shows us how badly they have been discriminated and treated unequally. The Transgender Persons (Protection of Rights) Act, 2019, that has been passed for the protection of rights of the transgender persons violates their rights which basically should be the basic rights of every other individual. There was an argument regarding the passing of the act as the act was violative of the rights and it treats the trans community with suspicion and reinforces prejudices against them. Instead of developing or protecting their rights, the act rather violated their right to equality, life and privacy under Articles 14 and 21 of The Constitution of India. The self identification part of the act from Section 4-6 covers about the method of state identification but it is anyways violating the rights to self-identification of gender which is a part of right to life under Article 21 of The Constitution of India as recognized after the *NALSA*¹⁴ judgement. The Chapter VIII of The Transgender Persons

¹² <https://globalfreedomofexpression.columbia.edu/cases/navtej-singh-johar-v-union-india/>

¹³ <https://indconlawphil.wordpress.com/2020/01/31/the-constitutional-challenge-to-the-transgender-act/>

¹⁴ <https://www.hindustantimes.com/india-news/supreme-court-notice-to-centre-on-plea-against-transgender->

(Protection of Rights) Act 2019, which covers about the penalties for the offences committed against trans doesn't cover penalties about the offences against the educational rights of the trans and their discrimination in it. It doesn't even cover the part where it speaks about their family or their right to adopt a child part and there are absolutely no part which speaks about the penalties regarding their basic rights. The Supreme Court has recognized that identification of just two genders violated constitutional rights but there hasn't been any recognition or any penalty and neither it has been prejudiced or mentioned about the offences or penalties that one will be awarded with when an individual or a group of individuals are denying admission to the to a transgender individual in any of the educational institutions because of they being the transgenders. Right to education is a basic right under Article 21 A of The Constitution of India and any person denying education to a transgender must be considered as a serious offence and a provision must be made which would penalize them under Section 18 of The Transgender Persons (Protection Of Rights) Act, 2019.

VIII. BREAKING BARRIERS ACROSS THE FIELD

Transgenders have started reversing the discriminatory behaviour of the society towards them and have achieved success as well and from different regions of the country. Few of the achievers are Padmini Prakash who is a news anchor in a Tamil news channel, an actor and also a trans rights activist, then there's Kamla Jaan from MP who won the Mayor elections in the year 1999 and much more. There have been a good number of achievements by the transgender community and few of which that took place recently are mentioned as follows :

- In the month of June 2020, the handling of operation and maintenance of four septage treatment plants in Odisha have been handed over to the women and transgender self-help groups. One of the transgender groups in Cuttack, Odisha has taken up the responsibility and according to the sources each self help group will get around 1.5 lacs per annum. Principal secretary, housing and urban development.
- Rani Kinnar is another one bright example of how she reversed the apathy and the maltreatment by the mainstream society by becoming the first cab driver. She first started driving auto rickshaw along with another trans in the Nayapalli region of Bhubaneswar but most the people denied her for the ride when they saw her to be a trans and later she took up providing some free services and she drove an ambulance and gave rides to pilgrims in Puri. Eventually she managed to get some loans through sources but not any financial institutions or banks as they rejected her for loan because of her gender. With

the help of loan from other sources, she bought a cab for herself and now women love her the most and feel safe to take rides with her.

- Grace Banu of Chennai who is the first engineering graduate from the transgender community in the state now holds a respectable job as a consultant at a start-up in New Delhi. At the time when the transgender people were not allowed to take up professional courses she decided to break the stereotype and applied for a seat. Her struggle to reach the platform hasn't been easy. With all the discrimination in school, her society and her village and the gender based bullying and insensitivity towards her was the biggest turning point where she had taken major life decisions but managed to hold it all together and just went forward with achieving her dreams.

There are many such stories and each one of them had their share of ups and downs and undeniable struggle. They have proved to outshine the community in an obvious and a flamboyant manner. The transgender people have been connivent of the belittlers.

IX. CONCLUSION

Transgenders have been mistreated from the initial stages and that's no news for us. In the workplace, educational fields, health care, their own homes, etc, they have been discriminated and offended, sometimes physically, mentally and both. This has discouraged some of them to come out and encouraged some of the transgenders to fight the battles and reverse the mistreatment and discrimination and they have also showed the world that they are no less and what all they are capable of. There can be a lot of measures which could be taken to raise awareness about the transgenders among the individuals and there have been NGO's and various State governments which have already organized schemes and awareness programme which have been successfully conducted. Transgenders have always been a part of our society for centuries now, they have evolved a lot from the medieval period to this modern period. But still they fight every day for their rights and to make their identity in between all other men and women, they are still discriminated and disrespected in all grounds of their lives. And even they struggle to have or start a normal family like others for that they go through a lot of hurdles, like to get married and have a relationship and most importantly make it registered and accepted legally they have to convince so much to the society and they also don't easily get legal adoption of a child they also struggle in that part. They really are fighting a lot to get a strong position in the society and for their fundamental rights that they truly deserve. Transsexuals have confronted discrimination for quite a long time and it is dehumanizing for them to be refused their dignity, individual identity and most importantly

their fundamental rights. The Transgender Persons (Protection of rights) Bill, 2019 in its current form continues to them into insignificance driving, making a joke of their struggles by neglecting to make secure for them their fundamental rights. It has left a bigger number of inquiries unanswered than the concerns it means to address. At present it may not be of much assistance to the Transgender Community but atleast we can help and expect it to evolve for their betterment and provide the necessary.
