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Position of Transgender in Contemporary India: An Analytical Study

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ABSTRACT

Gender based discrimination and violence is a menace rooted in India. One of the pertinent issues is the discrimination and violence against transgender persons. Transgender is a person whose gender identity differs from the sex of the person at birth. Their gender behaviour or identity do not match with their biological sex from the time of their birth. They have been most marginalised, forgotten and deprived sections of Indian Society and face discrimination and violence as compared to other genders. When the landmark NALSA judgement came the Transgender Community was elated and contented. It was expected that optimum shift would take place in the attitude of society towards the community, however, results lack the enthusiasm. The lack of implementation of that judgement is the reason that they are still fighting against discrimination and are not recognised in society. This research paper will look at the various forms of discrimination faced by third gender. The paper would also see transgenderism in current scenario highlighting the changes brought on account to the judgement. The article will also look at various legislations and schemes brought by the government for upliftment of the third genders.

“Sex is what you are born with, gender is what you recognize and sexuality is what you discover”.

Anitha Chettiar³

I. INTRODUCTION

In Ancient India, the *Hijaras* or *kinnars* have a recorded cultural history which relate back to thousands of years. Their references can be seen in Hindu texts such as *Mahabharata* and *Ramayana*. One of the many forms of shiva involves him merging with his wife as Parvati to become *Ardhanari* hold significance in the community. The depiction of this community was often theme of art and paintings like sculptures in Sanchi, Ajanta, Amaravati. They held

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³ Anitha chettiar, Problems Faced by Hijras (Male to Female Transgenders) in Mumbai with Reference to Their Health and Harassment by the Police, IJSSH 752, 2015, available at: http://www.ijssh.org/papers/55_1-W10007.pdf (Accessed 1 April 2020).

important positions in courts and various administrative duties during the Mughal-era in India. In India, transgender is known by different names like “*Hijras, Kinnar, Jogtas, Joggapas, Khusras and Shiv shaktis*”.

Aghast feeling captives, our hearts with the persistent rise in number of violence and discriminations faced by minorities in second largest democratic country in the world. Gender based violence against the transgenders came into light through newspapers and media. Violence against transgender person is often manifestations of stigma and discrimination because they do not fit into traditional gender categories. Transgender is a person whose gender identity differs from the sex of the person at birth. Their gender behaviour or identity do not match with their biological sex from the time of their birth. It is interesting to note that unlike any other social norms and rules, human behaviour towards the transgender’s have deteriorated. The Transgender community was euphoric after the landmark NALSA judgment came in 2014. It was hopefully expected that society would recognise them in a humanistic light however, results were far away from this dream. the hijra community still faces low social standing. Some days they are considered auspicious and some days cursed for their presence. The transgenders or hijra community is still revered by society at large. They are often victims of hate crimes, abuse. It is believed that they do not fit in gender binary norms and stereotypes of our society. They have been ignored by our society at large except when they are rewarded during festivities. According to 2011 census, there were around 4.88 lakh trans-people in India.⁴ They are considerably in large number but they are not considered as human beings and face exclusion from the society till this date. In spite of many years the issue of transgender is still a matter of quest in societal and cultural context. Gender equality still remains a challenging factor towards the development of society owing to the existence of gender stratification prevailing within the social structure of India. Nevertheless, few people have risen irrespective of all bigotries and troubles and have made a name for themselves. In this paper the researchers will discuss the issues of discrimination encountered by transgender persons. The paper would also analyse the transgenderism in contemporary times while drawing inferences from the famous NALSA judgement. We will discuss the welfare schemes and initiatives started by government and critically scrutinise the *Transgender Person (Protection of Rights) Act, 2019* in the later part.

II. WHAT DOES IT MEAN TO BE A TRANSGENDER?

The term Transgender (T.G) is used in the form of an umbrella to include wide range of

⁴ Census of India 2011, available at. <https://www.census2011.co.in/transgender.php>.

identities and expressions of people contrary to their biological sex and not limiting it to transsexual people only. There are four types of people categorised in the umbrella definition they are-

(1) Persons whose gender identity or expression or behaviour does not conform to their biological sex.

(2) Transgender people may also include identity to their sex assigned at birth. These are those persons who do not identify as either male or female commonly referred as 'Hijras/Eunuchs'. They are neither men by reason of anatomy or appearance and nor women as they lack female reproductive system. They are claimed as 'third-gender' because of absence of procreation abilities. Among Hijras, there are emasculated men (castrated, nirvana), non-emasculated men and intersexed persons (hermaphrodites).

(3) Transgender includes person who intend to undergo sex reassignment surgery (SRS) or have undergone SRS to align their biological sex with their gender. They are called as 'Transsexual persons'.

(4) There are persons who wear clothes designed for opposite sex or cross-dress in contrast to their gender. They are called transvestites. They are not usually transgender but just feel comfortable to wear opposite sex clothes. They prefer to be described as 'Cross-dressers'⁵.

III. DISCRIMINATIONS ENCOUNTERED BROADLY BY TRANSGENDERS

Transgender person face discrimination every face of their life because they are not fit into gender roles of society. Every transgender person must have encountered verbal, sexual and physical violence at least once in their life. Transphobia is also the biggest reason of such discrimination and violence against these people. Transphobia is a form of hatred, disbelief, terror, fear or distrust for transgender people or people whose gender expression do not conform the traditional gender roles. This causes them to live a life of anxiety and worry. They are afraid of constantly being judged. The areas where transgender person commonly face abuse are-

(A) *Employment-* Transgender persons face extreme difficulty to find a suitable jobs and work of their choice. They are forced into sex work, begging and dancing in bar etc. due to social discrimination in employment. Apart from low level of literacy in community they become socially, politically and economically powerless in the society. In most of the forms there are only two category of gender which is male and female because of which many

⁵ Dr David Delvin, Transvestites and cross-dressing, (Jan, 14, 2015), <https://www.netdoctor.co.uk/healthy-living/sex-life/a2264/transvestites-and-cross-dressing/>.

transgender people couldn't even apply for these jobs. Here are some instances where bright future of some persons was thrown into abysmal.

In Tamil Nadu, a young athlete got selected to the police force but during her medical examination revealing her as transgender was dismissed from the job although women had other qualifications.⁶ Similarly in Maharashtra a young woman was dismissed from her service even after qualifying because police forms did not recognise transgender as a gender.⁷ Another young woman in Tamil Nadu was not allowed to appear UPSC exam because she was transgender and again UPSC only recognise two gender categories i.e. male or female. She filled an appeal and RTI but she was not allowed to appear in exam.⁸ Presently this situation has changed after the NALSA judgement recognising transgender as third gender.

According to survey conducted by NHRC 89 percent of transgender persons do not get employment opportunities despite having qualification and skill which is required for job. Partially being the reason to be compelled to do sex work for livelihood.⁹ During Covid-19 pandemic lockdown these transwomen faced more difficulty to get employment as most of them depend on sex work or begging/ begging as means which was impossible during the lockdown.

(B) *Education* – According to 2011 census of India the literacy amongst transgender persons was 46 percent compared to 74 percent of general population¹⁰. According to a research conducted on 120 transgenders in Coimbatore city 56 percent of persons have primary and middle school education. Some of them hesitated to go school after noticing the changes in them and 64 percent of them belonged to low-income group¹¹. According to NHRC report 52 percent transgender person left school because they faced harassment by classmates and 12 percent transgender people left because they harassed by their teachers in school.¹²

Formal education was a far-fetched dream for such people who whole life is judged by gender identity. Fear of being discriminated is the results that transgenders do not have a substantive number in higher education and universities.

(C) *Family*: Transgender person face discrimination and violence mostly because of the societal expectations which leads to trans-children often reprimanded, blamed and criticised by

⁶ Biology Is Not Destiny: People who are intersex or transgender deserve equal rights and dignity, Economic and Political Weekly, Vol. 48, No. 24 (Jun, 15, 2013), p. 9..

⁷ *ibid.*

⁸ *ibid.*

⁹ The National Human Rights Commission, study on Human Rights of Transgender as Third Gender (2017).

¹⁰ Rema Nagarajan, First count of third gender in census: 4.9 lakh, The Times of India, (May, 13, 2014), Accessed on 13 April 2021.

¹¹ Sridevi Shivakami, P.L. and K.V. Veena, Social Exclusion has a Negative Impact on the Health of Transgender, Indian Streams Research Journal, Solapur, 2011.

¹² *Supra* note 8.

their family members. According to a study by the National Institute of Epidemiology around 60,000 transgender persons across 17 states including Tamil Nadu found that large population of persons received no support from their biological parents.¹³ Parents disown and evict their child because they feel it would bring disgrace and shame to family and often have effects on other children of the family. Also, transgender persons find difficulty to claim their share of the property or inherit those properties what would be lawfully theirs. Sometime teenager or child decide to run away from their house because they are not able to tolerate the abuse and discrimination by their family. According to a study conducted by Kerala Development Society on behalf on National Human Right Commission only 2 percent transgender person living with their family.¹⁴

(D) Exclusion from Health Services- Transgender person health problems do not find place in the top agenda of the government list. Transgender people face worldwide substantial health disparities and barriers to access appropriate health care services. Transgender person is more likely to face sexual violence and harassment as compared to general population who contracts HIV. The risk for developing mental health issues often resulting in suffering depression and likely to attempt suicide increases gradually. Transgender communities experienced discriminatory treatment by health care providers, refusal by many health care insurance programmers to cover services for trans-persons. The National AIDS Control Organisation (NACO) in 2015-16 noted rate of HIV prevalence amongst trans-population to be 8.82%, the second highest amongst the high-risk groups.¹⁵

HIV prevalence among the transgender community is estimated to be 8.2 percent. A range of social, economic and legal factors contribute to the increased risk of HIV faced by these people. The Pehchan project works with transgender people across 18 Indian states to increase their access to health, social and legal services.¹⁶

(E) House Accommodations Problems- Transgender persons often face discrimination in accessing house for accommodations which includes discrimination in the rental market, high rents, refusal of housing facilities, even if they get house they are subjected to harassments from landlords, neighbours. Housing is a serious problem for transgender person also lack of identity documentation is also the reason that accommodation facilities is denied to these people. In

¹³ Police harass transgenders most, says study, The Times of India, (Accessed on Apr, 17, 2021).

¹⁴ *Supra* note 11.

¹⁵ Annual Report, Department of Health and Family Welfare, Ministry of Health and Family Welfare, Government of India (2015-2016).

¹⁶ Shaikh, S. Empowering communities and strengthening systems to improve transgender health: Outcomes from the Pehchan programme in India, (2016) Journal of the International AIDS Society (Accessed on Apr, 17, 2021).

Kochi 21 Transgender people appointed for job in Metro Services but in one week out of 21 transgender people eight have quit their job and the reason being nobody is ready and willing to give house and rooms on rent to them.¹⁷

(F) *Gender based violence*- Transgender persons face violence like sexual violence, physical violence, assault etc. simply because of who they are. The numbers of violence against these people a much higher as some often goes unreported. They have been facing most of the violence by their own families, friends and partners. Government collects every year NCRB data which shows the crime against person committed but there is no specific mention of crimes commits against transgender person.

A female identified transgender person A. Revathi in her autobiography “*Truth about me*” narrated how she suffered violence in her school she explained that¹⁸

“At school, I felt fear looking at the big boys, those in Classes 11 and 12. And they were always on the lookout for me. They had marked me out from the others. Whenever I walked past them on the school grounds, they would yell, ‘Hey girl-boy’ and hit me on the head with their balled-up fists. They would pinch me on my chest, and taunt me saying, ‘When you played Chandramathi, what did you stuff your chest with?’ On the days this happened, I did not want to sit next to the boys in my class, for I felt coy and shy.”

On 2 December 2017 Bhavitha a transgender person from Telangana, was found dead near a dustbin. The police did not allow her sisters and other hijra persons to claim her body because only the blood relations and parents can lay such claims.¹⁹

A PIL filed by Karan Tripathi sought separate data on transgender prisoners in the NCRB reports. The Central government told the Delhi high court that transgenders will now be included as a separate gender in National Records Bureau’s Prison Statistics Report 2020 onwards.²⁰

(G) *Discriminatory Laws*- Indian Courts recognised Transgender person as “Third Gender”. But we still have discriminatory laws like there is no law which supports marriage of transgender persons and having spouse and setting up of their own family. Recently cabinet

¹⁷ Ramesh Babu, In one week, eight transgender employees quit working for Kochi Metro, Hindustan Times, (25 June 2017), 07:18 IST, (Accessed on Apr, 13, 2021).

¹⁸ A. Revathi, *The Truth about Me: A Hijra Life Story*, Penguin India, New Delhi, 2010.

¹⁹ Sayantan Datta, We Refuse to be Subjects of Experiment for Those Who Do Not Understand Us: Transgender Persons Bill, Economic and Political Weekly, Vol. 52, Issue No. 49, (Dec, 19, 2017).

²⁰ Shreya Agarwal, Transgenders to be included as a separate gender category in NCRB Reports: Centre informs Delhi high court, Livelaw, (Dec, 7, 2020) (Available at <https://www.livelaw.in/news-updates/transgender-ncrb-gender-category-delhi-high-court-karan-tripathi-166909?infinitemscroll=1>).

approved the *Surrogacy (Regulation) Bill, 2020* which allows surrogacy for divorcee, widow, heterosexual couples and single women as well but bill is completely silent on the right of parenthood of Transgender people. Even the adoption laws do not allow transgender persons to legally adopt children. Sometimes they do it illegally to support children who are run away of abandoned by their families. Gauri Sawant a self-identifying hijra plays a real-life role of mother to her adopted daughter.²¹ Motherhood is often perceived from a gender norm which requires it to fulfil the womanhood criteria.²² There is urgent need to revisit the notions of motherhood, adoption. We need to look above the marriage and kinship outside the binary gender sex.

Section 377 of *Indian Penal Code, 1860* was struck down was discriminatory in nature and decriminalise the same sex between homosexual people. Also, the new *Transgender Persons (Protection of Rights) Act, 2019* is also discriminatory in nature and gives punishment between 6 months to 2 years if sexual offence is committed against the Transgender persons which is lower in comparison to crime committed against women.

(H) Societal Response- From ancient times our society has condemned and not accepted to those people who do not conform to its societal norms. Transgender community is the one such group who have been discriminated, marginalised, abused and neglected in almost every known society. They are invisible in the society. They are not invited in any functions, weddings and other social activities. According to NHRC survey 99 percent transgender persons who participated in the survey accepted that they have social rejections more than one in the past. These persons are usually ostracized by families and other social organisations and face social exclusion in every phase of their life.²³

(I) Lack of legal Redress- Before *Transgender Persons (Protection of Right) Act, 2019* there are no special dealings with the right of the Transgender persons. There are various kind of abuses done with the transgender person like sexual violence, physical violence which violate their basic human rights and right to live with human dignity. They are raped, gang raped, arrested arbitrarily, physically assaulted and much more. Access to justice for transgender people is at a lower level, they are not supported and helped by police if they approach police for justice. Instead faced harassments by police officers and police demand bribes to see their case because of this is they discourage to approaching the police. Transgender people faced the

²¹ Ina Goel, What does it mean to be a Hijra Mother? *Economic and Political Weekly*, Vol. 53, Issue No. 8, (Feb, 24, 2018).

²² Bianco, Marcie, Not Having Them At All: Why Childfree Women Are Banding Together, *Quartz*, (Oct, 9, 2015), available at <http://qz.com/520484/not-having-them-at-all-why-childfree-women-are-band>.

²³ *Supra* note 13.

lack of basic recognition before the law which impedes them to recourse for the crime which is committed against them.

(J) *Gender identity issues*- In India gender expressions combine only masculine and feminine elements and this is the reason that transgender persons encounter severe discrimination in India. Gender generally determines every aspects of life of every individual including name, clothes, appearance, behaviour, occupation, mobility etc. Every document which identifies the person such as passport, driving licence, mark sheets, Aadhar card and pan card etc. carries the gender identification also even the public utilities like toilets in malls, airport, changing room also the security check in airports and other public places is gender specific in India. India is gender specific country, the right of transgender to have an own their identity has been denied. There is lack of understanding of the complexities of their biological sex and the gender identity of the Transgender community.

On 15th April 2014, apex court passed a NALSA judgement which recognised transgender people as ‘Third gender’ and thus forgoing the binary gender system of country. The court give right to self- determination of gender, by giving psychological test over biological test and thereof give recognition in the law. They also placed obligations to the central and state government to create legal and political environment which allow transgender persons to access their rights and reach their full potential in the society. Due to lack of proper documents many transgender students couldn’t get admission into universities.

IV. ANALYSIS OF TRANSGENDERISM IN CONTEMPORARY SOCIETY

(A) Right to live with dignity

The apex court in National Legal Services Authority v. Union of India²⁴ relied on the principles of transformative constitutionalism hold that constitution must guide the society toward pragmatic approach where fundamental rights are fiercely guarded. Constitutional morality would prevail over societal morality to ensure that human rights of LGBT community are protected. The court held that gender identity is intrinsic to one’s personality and denying that would be violative of one’s dignity. The court affirmed that consensual carnal intercourse between adults be it homosexual or heterosexual, in private space does not in any way harm public decency or morality. Sec 377 was violative of Art 19(1)(a). The right to choose partner of his or her choice is a facet of individual liberty. The right to live with dignity has been recognized as a human right on the international front and by number of precedents of this Court

²⁴ (2014) 5 SCC 438 (India).

and, therefore, the constitutional courts must strive to protect the dignity of every individual, for without the right to dignity, every other right would be rendered meaningless.

The Apex court held that transgender persons were entitled to fundamental rights under Constitution of India. Art. 14, 15, 16, 19(1)(a) and 21. Further, court referred to international treaties and Yogyakarta Principles to recognise transgender persons human rights.

(B) Right to have an identity

It is estimated at 75 percent of transgender people have not obtained Aadhar Cards. They are deprived of basic facilities like PAN card Ration cards to get government subsidies. In 2005, the Indian passport application forms were updated and mentioned the third gender in their form. Although it is still not a uniformly applied practice. In Special leave petition filed by Human network, Reshama has challenged the September 19, 2017 order passed by the High Court at Patna dismissing her petition for self-identify as the Third Gender in PAN for the purpose of linking PAN and Aadhaar and to avail of the associated benefits. In a win for the entire transgender community, the Centre has amended the Income Tax Rules, 1962 to allow transgenders to be recognized as an independent category of applicants for obtaining a Permanent Account Number (PAN) for their tax-related transactions.²⁵

(C) Right to vote and participate in elections

Under Constitution of India every citizen have the constitutional right to vote and compete in elections. Till 1993, the electoral ballots had only two categories of gender i.e, male and female. In 1994 the transgender persons were allowed to participate in voting process. Since then, the election commission recognised 'Eunuch' as citizens. Some of them contested in general elections for seats of Members of Parliament in 2014. On 12th March 2021, BJD member Sasmit Patra introduced the *Constitution (Amendment) Bill, 2020* (substitution of articles 331 and 333) in the Upper House which provides for the reservation to transgender in parliament and state assemblies.²⁶

(D) Right to marry and adopt children

Transgender persons are yet to exercise their democratic rights in marriages, adoption or raising a child regardless of recognised as transgenders. A strong contention in favour of providing adoption facilities to this community is no one from general population would come forward to

²⁵ Apporva Mandhani, Centre Amends rules to include transgender option in PAN Cards, Livelaw (Apr, 10, 2018) <https://www.livelaw.in/centre-amends-rules-include-transgender-option-pan-cards-read-notification/>.

²⁶ PTI, Bill seeking reservation for transgenders in Parliament, Deccan Herald (Mar, 13, 2020, 19:06 IST) (Accessed on Apr, 17, 2021).

adopt a transgender child who either maybe a runaway or abandoned. Since time immemorial this community has often taken care of such children now what is wrong if they want to legally adopt such child who is already adopted in every sense.

Formerly section 377 of *IPC* was nothing but the manifestation of Victorian era where sexual activities were only for procreation of children. The traditional concept of marriage for procreation of children has to be updated with evolution of concept of sex. With the advent of technology specially in medical sciences procreation is possible through different means like IVF, sperm donors, freezing eggs. Social morality changes from time to time. Five-judge bench unanimously held that Sec 377 of Indian Penal Code, 1860, insofar it applied to consensual sexual conduct between adults in private was unconstitutional. However, court has not said anything in regard to their right to marriage adoption. It is expected in future that the Apex court would shed some light in this regard.

(E) Mental trauma faced by transgender children

Transgender children have substantially higher rates of anxiety and depression as compared to cisgender. Children specially teenagers are constantly in threat of being judged for their sexual preferences in contradiction to their gender. The children are often not supported by their parents succumbed to societal pressure. The psychological changes undergone by a child who is attracted to same sex or like to cross dress and change of sexual orientation are left unheard. Leading them to belief they are different than others.

Social media also plays a role in changing today's modalities of society. What is considered cool and not fitting the threshold has left children exposed to myriad beliefs. Imagine the pressure on children to befit such norms and how difficult it would be for a trans child who is trying to understand the genetic changes undergoing their bodies.

Reports suggest that transgender children who are supported in their gender identity have normative levels of depression and only minimal level of anxiety. The study suggests that anxiety, depression, suicidality associated with transgender children is not inherent rather is the result of bullying, rejection and disrespect.²⁷

(F) Shortcomings of law

Before 2020 we did not have law, which address the rights of transgender community. To give effect to the decision by apex court, parliament passed *Transgender Persons (Protection of Rights) Act, 2019* intended to benefit the community. However, the act was heavily criticised

²⁷ Is being a transgender child traumatic? Trauma institute and child trauma institute (May 3, 2016), available at <https://www.childtrauma.com/blog/trans>.

for failure to consider the ground realities and for not being efficient to protect interests of the transgender community. Some critical points are –

i. Protection from discrimination - the act provides for protection against discrimination against employment, healthcare which is also guaranteed under Constitution of India. However, no penalty has been prescribed against the person who discriminates a transgender. It does not talk about monetary compensation as a relief against discrimination.

ii. Recognition of identity – the act provides for recognition of identity. A transgender person can make an application to District Magistrate to receive a certificate of identity. This procedure of obtaining certificate however seems contrary to the spirit of judgement. The judgement states that self-determination of gender is an integral part of personal autonomy and falls within the ambit of personal liberty guaranteed under the Constitution of India. The act provides for right to self-perceived identity but it is unclear as to what this right entails.

iii. The act does not address the aspects of procedure to obtain certificate of identity. As example

- It does not have a procedure to be followed before issuance of certificate
- No appeal provision if the certificate is refused
- Procedure to rectify the defects if any, in certificate
- Rights of residence, surrogacy, adoption, marriage has not been mentioned.

iv. Reservation – the NALSA judgement directed the government to treat the transgender community as “socially and educationally backward class” and give them reservation in admission to educational institution, jobs etc, but the act is silent on this issue.

v. Medical care - The community alleges that the act does not provide a definite plan with concrete steps to implement the health care services and medical facilities apart from being on paper. It does not address the plight of victim of abuse like providing counselling, hormonal therapy etc

vi. Penalties – The punishment given this act is discriminatory in nature. *“if someone sexually abuses or harasses a trans person, then the culprit gets a jail term up to 2 years”*.²⁸ It means they are not looking the victim as human, but seeing them through the lens. The punishment seems to be rhetoric in nature. If a trans person considers herself as a woman then why can't she have same rights as that of women on subjected to sexual harassment. It does not provide for any information of failure to designate a compliance officer to deal with complaints in case

²⁸ The Transgender Persons (Protection of Rights) Act, 2019, Sec. 18.

of violation of law.

vii. The act fails to address the sexual, physical or mental assault. It doesn't for instance talk about gender neutral laws and punishments like rape, murder, hate crime.

viii. The act no where mention any rights provided to a citizen of India on account of being recognised as a gender. The issues of marriage, inheritance, parenthood, surrogacy and adoption are left unattended.

ix. The National council for transgender person made under act does not have a procedure of regular meeting, annual reports of areas of development.

x. The provisions does not address the issues of challenges being faced by violence from families, being outcaste etc rather requires them to send to rehabilitation centre. One is compelled to think if segregation and relocation is really answer to these issues.

The act was passed without any debate in Lok Sabha on the same date when proposal of abrogation of Art. 370 of the Constitution was introduced. The bare reading of the act shows the hastiness of providing a law for the transgender community. The transgender community termed the day act was brought as 'Gender Justice Murder Day'. Unless these points are addressed the protection sought for transgender person will be a futile exercise.

(G) Initiatives taken by government for Transgender persons

In the landmark judgment of National Legal Services Authority v. Union of India²⁹, courts criticised the government for such discrimination against these people.

The court further directed the central and state governments to take steps for advancement of the transgender community including recognising third gender as a "socially and educationally backward class of citizens" entitled to reservations in educational institutions and public employment and to frame social welfare schemes for the community.

- **Tamil Nadu-** Tamil Nadu was the first state who has shown unprecedented efforts to protects the Transgender people and access them to social protection schemes of the State and Central government. They provide free sex reassignment surgery for transwomen in selected government hospitals in the state. They have given full scholarship and free housing facilities to and issued notice to schools and colleges that Transgender people will not denied admissions. Tamil Nadu government has also offering training and financial assistance of Rs.20 thousand for the welfare of this community. Tamil Nadu government through welfare board has issued

²⁹ (2014) 5 SCC 438 (India).

identity cards to transgender people so they easily get rations and other welfare schemes. Also, the media of Tamil Nadu has played very important role to create awareness about the rights of Transgender people. The Tamil Nadu government has also created database for transgender people which is also very big achievement.³⁰

- **Karnataka-** Karnataka state has established several welfare boards for the protection of human right issues of the TG community. ‘Mythri’ pension scheme is launched for the transgender people under which people between age group of 18 to 64 are entitled to receive 500 rupees monthly pension also the people with annual income less than 17,000 in urban areas also people in rural area annually income less than 12,000 are eligible to get benefit of this scheme.³¹

- **Delhi-** The government of Delhi provides 1,000 rupees per month to the Transgender people who are living in Delhi for 3 years.

- **West Bengal-** On 15th July 2015 West Bengal government setup a separate welfare board for the Transgender person and recognise Transgender people as third sex so they can seek address all the grievances. For the welfare and their social recognition as well as Independence they appointed India’s first transgender principle in college also, they constructed separate toilets for them. They introduced SRS facilities in government hospitals because it can be costly affair in private hospitals.³²

- **Sikkim -** In Sikkim the state government provides Rupees 2000 monthly stipends to new born transgender babies and also provides education to these children.³³

- **Kerala-** Kerala government has set up the justice board on 10th January 2017, exclusively for the Transgender people. They are also providing legal aid service to ensure that these people will not face discrimination and harassment. Kerala, in 2015, adopted a “State Policy for Transgenders” that calls for a society where men, women and transgender persons have equal access to capabilities, economic opportunities, assets and services, right to dignity and freedom from violence and right to expression. Reflecting the transgender policy of the state, a daylong athletic meet was held on April 28, 2017. Kerala state literacy mission authority (KSLMA) was rolled out SAMANWAYA, there main focus was on the providing continuous education of members of the transgender community.

³⁰ The National Human Rights Commission, study on Human Rights of Transgender as Third Gender (2017).

³¹ Ibid.

³² Ibid.

³³ The National Human Rights Commission, study on Human Rights of Transgender as Third Gender (2017).

V. CONCLUSION

Transgender persons face atrocities and discrimination throughout their life because of social stigma regarding gender and sexual orientation. The judiciary has taken giant leap to help them achieve their fight for autonomy. The lack of awareness and implementation of NALSA judgement at grassroots level are demerits of the spirit of decision. A specific legislation for rights of transgender person cannot conclude that their interests are meted out. The researchers Would like to suggest some reforms to curb and improve the status of transgender –

- Sensitisation of police by organisations, seminars, workshops and training programmes will help the community to access legal mechanism.
- Every public authorities and private entities must make rules for representation of transgender persons. If they are not adequately represented how will any effective measures against discrimination may eb taken.
- Education curriculum must aware the young children about gender equality, gender bias, stereotypes. So that they can respect all gender at common parlance.
- Education transgenders can reduce gender biasness. Reservations in schools and colleges could result in progressive step towards empowerment.
- No state can benefit it totality if their minorities are not backed up. Gender development plays a crucial role for overall development of country. legislature shall make effective laws to ensure gender justice.
- This is the twenty-first century an era of globalised world where communities at large are connecting. The society must be transformed to fight these rooted gender-based norms and stereotypes in our country.
- Statistical data is required to measure the direction of positive implementations. It would show the status of data in gender economic effect, crimes against transgender, representation in school and universities, income generation and overall development.
- Media and social networks have a broader and greater impact of social causes. Campaigns to promote gender equality and sensitisation would help create awareness among individual at large.
- Establishes hotlines and helpline numbers to access to help and support. They can keep the victim's identity as secret and provide counselling.

- Government must reach the local governments, village councils and NGOs to reach the grassroot level and give special instructions to respond and extend immediate help to any aggrieved transgender persons.
- Awareness of schemes and fundamental rights of individuals paramount rest will follow the procedure. So mass advertisement, campaigns, special instructions must be spread at large.

The identity of an individual should be treated with utmost respect. The fight of the transgender community is to be recognised as human and accepted into the society. They wanted to be treated with same respect and dignity as of anyone in society. I think as a society we owe them that much.
