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## ACCESS TO JUSTICE FOR RIGHTS OF TRANSGENDER

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### ABSTRACT

We live in a society that is deeply structured by sex and gender. The categorization of people as 'male' or 'female' permeates our society on every level. But sexual orientation categories based on the gender binary system are disrupted by gender diversity. Gender diversity provides a challenge to the gender binary system in a number of ways—via intersex, third or other genders, gender fluidity, positions outside of gender, gender queer etc. People of the 'Transgender' category also challenge this normalization of gender binaries. In India there are a host of socio – cultural groups of transgender people like hijras/ kinnars, and other transgender identities like – shiv-shaktis, jogtas, jogappas, Aradhis, Sakhi, etc. All members of these subgroups face severe discrimination and harassment in all respects in contemporary India and they are subjected to unfair treatments like verbal abuse, physical and sexual violence; false arrests; denial of share in their ancestral property, services, and admission to educational institutions; and victimization in multiple settings like family, educational institutions, workplace, health care settings, public spaces. Highlighting some major problems faced by Transgender Community in India and to make the society aware about the problems of transgender community and the way forward that has been done by the courts till date for the protection of transgender is the main theme of the paper.

**Key Words:** Sexual Orientation and Gender Diversity, Transgender, Social Exclusion and Discrimination, Transphobia.

## **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 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.<sup>1</sup> 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

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<sup>1</sup> Census of India 2011, available at. <https://www.census2011.co.in/transgender.php>

social structure of India. Nevertheless, few people have risen irrespective of all bigotries and troubles and have made a name for themselves.

### **What Does It Mean To Be A Transgender?**

The term 'transgender' is used in a wider sense, in the present age. Even Gay, Lesbian, bisexual are included by the descriptor 'transgender'. Etymologically, the term 'transgender' is derived from two words, namely 'trans' and 'gender'. Former is a Latin word which means 'across' or 'beyond'. The grammatical meaning of 'transgender', therefore, is across or beyond gender. This has come to be known as umbrella term which includes Gay men, Lesbians, bisexuals, and cross dressers within its scope.

It is to be emphasized that Transgender in India have assumed distinct and separate class/category which is not prevalent in other parts of the World except in some neighbouring countries . In this country, TG community comprise of Hijaras, enunch, Kothis, Aravanis, Jogappas, Shiv- Shakthis etc. In Indian community transgender are referred as Hizra or the third gendered people. There exists wide range of transgender-related identities, cultures, or experience –including Hijras, Aravanis, Kothis, jogtas/Jogappas, and Shiv-Shakthis (Hijras: They are biological males who reject their masculinity identity in due course of time to identify either as women, or 'not men'. Aravanis: Hijras in Tamil Nadu identify as 'Aravani'. Kothi: Kothis are heterogeneous group. Kothis can be described as biological males who show varying degrees of 'femininity'. Jogtas/Jogappas: They are those who are dedicated to serve as servant of Goddess Renukha Devi whose temples are present in Maharashtra and Karnataka. Sometimes, Jogti Hijras are used to denote such male-to-female transgender persons who are devotees of Goddess Renukha and are also from the Hijra community. Shiv-Shakthis: They are considered as males who are possessed by or particularly close to a goddess and who have feminine gender expression). The way they behave and acts differs from the normative gender role of a men and women. For them, furthering life is far more difficult since such people are neither categorized as men nor women and this deviation is unacceptable to society's vast majority. Endeavour to live a life with dignity is even worse. Obviously transvestites, the hijra beg from merchants who quickly, under threat of obscene abuse, respond to the silent demands of such detested individuals. On occasion, especially festival days, they press their claims with boisterous and ribald singing and dancing.

The term Transgender (T.G) is used in the form of an umbrella to include wide range of 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'.<sup>2</sup>

### **Historical Background of Transgenders In India:**

TG Community comprises of Hijras, eunuchs, Kothis, Aravanis, Jogappas, Shiv-Shakthis etc. and they, as a group, have got a strong historical presence in our country in the Hindu mythology and other religious texts. The Concept of tritiya prakrti or napunsaka has also been an integral part of vedic and puranic literatures. The word 'napunsaka' has been used to denote absence of procreative capability.<sup>3</sup>

Lord Rama, in the epic Ramayana, was leaving for the forest upon being banished from the kingdom for 14 years, turns around to his followers and asks all the 'men and women' to return to the city. Among his followers, the hijras alone do not feel bound by this direction and decide to stay with him. Impressed with their devotion, Rama sanctions them the power to confer blessings on people on auspicious occasions like childbirth and marriage, and also at inaugural functions which, it is believed set the stage for the custom of badhai in which hijras sing, dance and confer blessings.<sup>4</sup>

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<sup>2</sup>Dr David Delvin, Transvestites and cross-dressing, (Jan, 14, 2015), <https://www.netdoctor.co.uk/healthyliving/sex-life/a2264/transvestites-and-cross-dressing/>

<sup>3</sup> NALSA V. UOI [2014]

<sup>4</sup> ibid

Aravan, the son of Arjuna and Nagakanya in Mahabharata, offers to be sacrificed to Goddess Kali to ensure the victory of the Pandavas in the Kurukshetra war, the only condition that he made was to spend the last night of his life in matrimony. Since no woman was willing to marry one who was doomed to be killed, Krishna assumes the form of a beautiful woman called Mohini and marries him. The Hijras of Tamil Nadu consider Aravan their progenitor and call themselves Aravanis.

Jain Texts also make a detailed reference to TG which mentions the concept of 'psychological sex'. Hijras also played a prominent role in the royal courts of the Islamic world, especially in the Ottoman empires and the Mughal rule in the Medieval India.

During British colonial rule in India in 1864 as a legal transplant of the British 1533 Buggery Act, this section criminalised non-procreative sexualities. Historically it was used to target, among others, transgender persons, including hijras, a traditional community in India and South Asia more broadly. Hijras were traditionally powerful figures in charge of collecting taxes and duties in the Sultanate and Mughal courts. While S377 was not specifically designed to target the hijras, it criminalized them as a group, and had serious implications for the community.

contemporary legal struggles through a historical analysis of how sexuality was used by British colonial rule to thwart potential dissidence from a specific group in India. S377 is an interesting case to evaluate over time the resistance of the hijra community and measure to what extent the law is implemented through particular policies. State policies became punitive in 1864 under the colonial rule.

After a rebellion challenged the British colonial rule in 1857, S377 of the IPC served as a political tool to reassert colonial authority, especially over what it considered to be a 'deviant' group within society. While the hijras have been part of South Asia for thousands of years, their identity stood starkly at odds with Western morality and their conception of gender. Historically, pre-colonial India demonstrated a culture open to sexual fluidity that can be traced back to 5th century Jain religious literary tradition, as well as to ancient Sanskrit texts such as Vatsyayana Kamasutram .

The body policing as well as its medicalisation imposed by colonial rule pathologised all non-heteronormative behaviours. According to Foucault, bodies are controlled through discipline over centuries, by repressing and silencing sexuality. The colonial state asserted control over hijras through constructing knowledge about them as deviant in order to criminalise them as a group. The colonial legislation (Indian Penal Code 1860) and Criminal Tribes Act (CTA/1871-1897) relied upon forensic medical science to provide 'rational' evidence linking fluid sexuality and criminal acts to support court hearings.

**Violence/Discrimination Encountered Broadly by Transgenders**

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

(B) Education – According to 2011 census of India the literacy amongst transgender persons was 46 percent compared to 74 percent of general population. 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 group . 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.

(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 their family members.

(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.

(E) 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.

(F) 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.

## Analysis Of Transgenders in Contemporary Society

**National legal service authority v. UOI**<sup>5</sup> - Article 21 protects one's right of self-determination of the gender to which a person belongs. Determination of gender to which a person belongs is to be decided by the person concerned. In other words, gender identity is integral to the dignity of an individual and is at the core of "personal autonomy" and "self-determination". Hijras/Eunuchs, therefore, have to be considered as Third Gender, over and above binary genders under our Constitution and the laws. Articles 14, 15, 16, 19 and 21, above discussion, would indicate, do not exclude Hijras/Transgenders from its ambit, but Indian law on the whole recognize the paradigm of binary genders of male and female, based on one's biological sex. As already indicated, we cannot accept the Corbett principle of "Biological Test", rather we prefer to follow the psyche of the person in determining sex and gender and prefer the "Psychological Test" instead of "Biological Test". Binary notion of gender reflects in the Indian Penal Code, for example, Section 8, 10, etc. and also in the laws related to marriage, adoption, divorce, inheritance, succession and other welfare legislations like NAREGA, 2005, etc. Non-recognition of the identity of Hijras/Transgenders in the various legislations denies them equal protection of law and they face wide-spread discrimination.

Article 14 has used the expression "person" and the Article 15 has used the expression "citizen" and "sex" so also Article 16. Article 19 has also used the expression "citizen". Article 21 has used the expression "person". All these expressions, which are "gender neutral" evidently refer to human-beings. Hence, they take within their sweep Hijras/Transgenders and are not as such limited to male or female gender. Gender identity as already indicated forms the core of one's personal self, based on self identification, not on surgical or medical procedure. Gender identity, in our view, is an integral part of sex and no citizen can be discriminated on the ground of gender identity, including those who identify as third gender.

The Supreme Court held the following points:-

- (1) Hijras, Eunuchs, apart from binary gender, be treated as "third gender" for the purpose of safeguarding their rights under Part III of our Constitution and the laws made by the Parliament and the State Legislature.
- (2) Transgender persons' right to decide their self-identified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender.

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<sup>5</sup> AIR 2014 SC 1863

- (3) We direct the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.
- (4) Centre and State Governments are directed to operate separate HIV Sero-surveillance Centres since Hijras/ Transgenders face several sexual health issues.
- (5) Centre and State Governments should seriously address the problems being faced by Hijras/Transgenders such as fear, shame, gender dysphoria, social pressure, depression, suicidal tendencies, social stigma, etc. and any insistence for SRS for declaring one's gender is immoral and illegal.
- (6) Centre and State Governments should take proper measures to provide medical care to TGs in the hospitals and also provide them separate public toilets and other facilities.
- (7) Centre and State Governments should also take steps for framing various social welfare schemes for their betterment.
- (8) Centre and State Governments should take steps to create public awareness so that TGs will feel that they are also part and parcel of the social life and be not treated as untouchables.
- (9) Centre and the State Governments should also take measures to regain their respect and place in the society which once they enjoyed in our cultural and social life.

In the landmark judgement of **K Puttaswamy**<sup>6</sup>, it was held that sexual orientation is an essential attribute of privacy. Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual. Equality demands that the sexual orientation of each individual in society must be protected on an even platform. The right to privacy and the protection of sexual orientation lie at the core of the fundamental rights guaranteed by Articles 14, 15 and 21 of the Constitution.

In the **Navtej Singh Johar v. UOI**<sup>7</sup> - The fallacy in the Judgment of **Suresh Kumar Koushal & Anr. v. Naz Foundation & Ors.** (supra) is that the offence of "carnal intercourse against the order of nature" has not been defined in Section 377. It is too wide, and open-ended, and would take within its sweep, and criminalise even sexual acts of consenting adults in private. In this context, it would be instructive to refer to the decision of a Constitution Bench of this Court in **A.K. Roy v. Union of India** wherein it was held that:

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<sup>6</sup> AIR 2017 SC 4161

<sup>7</sup> [2018] 10 SCC 1



“ 62. The requirement that crimes must be defined with appropriate definiteness is regarded as a fundamental concept in criminal law and must now be regarded as a pervading theme of our Constitution since the decision in Maneka Gandhi. The underlying principle is that every person is entitled to be informed as to what the State commands or forbids and that the life and liberty of a person cannot be put in peril on an ambiguity. However, even in the domain of criminal law, the processes of which can result in the taking away of life itself, no more than a reasonable degree of certainty has to be accepted as a fact. Neither the criminal law nor the Constitution requires the application of impossible standards and therefore, what is expected is that the language of the law must contain an adequate warning of the conduct which may fall within the proscribed area, when measured by common understanding....” . The Judgment does not advert to the distinction between consenting adults engaging in sexual intercourse, and sexual acts which are without the will, or consent of the other party. A distinction has to be made between consensual relationships of adults in private, whether they are heterosexual or homosexual in nature.

Furthermore, consensual relationships between adults cannot be classified along with offences of bestiality, sodomy and non-consensual relationships.

Sexual orientation is immutable, since it is an innate feature of one’s identity, and cannot be changed at will. The choice of LGBT persons to enter into intimate sexual relations with persons of the same sex is an exercise of their personal choice, and an expression of their autonomy and self-determination. Section 377 insofar as it criminalises voluntary sexual relations between LGBT persons of the same sex in private, discriminates against them on the basis of their “sexual orientation” which is violative of their fundamental rights guaranteed by Articles 14, 19, and 21 of the Constitution.

The mere fact that the LGBT persons constitute a “miniscule fraction” of the country’s population cannot be a ground to deprive them of their Fundamental Rights guaranteed by Part III of the Constitution. Even though the LGBT constitute a sexual minority, members of the LGBT community are citizens of this country who are equally entitled to the enforcement of their Fundamental Rights guaranteed by Articles 14, 15, 19, and 21.

### **Towards A Gender-Inclusive Future: Judicial Developments Recognising Rights Of The Transgender Community In India**

1. In a recent case before the Madras High Court, it was observed that medical courses in India amplify queerphobia and discrimination against the LGBTQ+ community. It was seen that

several treatments performed by medical practitioners with respect to transgender persons are forms of “conversion therapy” in the name of medical and mental health support.

Going to the roots of the practice, it was found that this apathy stemmed from the medical curriculum that doctors study during their formal training which describes sodomy, lesbianism and oral sex as sexual offences and cross-dressing as a sexual perversion. This inevitably trickles down to the practice followed when LGBTQ+ identifying individuals approach doctors.

Comprehensive measures were suggested to several branches of the State, including a suggestion to amend the curriculum to educate students to understand the sensitivities of the LGBTQ+ community. The Bench warned of strict action to be taken in case any professional is found indulging in changing anyone's sexual orientation.

2. Police reforms: Given the widespread stigma attached to LGBTQ persons, the hostility they face at the behest of policemen denying protection and inflicting harassment is immense. The absence of an internal circular or notification perpetuates the ignorance among the police. In this regard, the Court directed the following:

- (a) The Police Department must refrain from harassing not only LGBTQ+ folks but also activists and NGOs advocating for these communities.
- (b) The Police Conduct Rules must have a clause that stipulates punishment in case of harassment to LGBTQ+ allies or individuals.
- (c) Sensitisation programs to be conducted through people identifying with the community or by activists believing in the cause.

In 2020, the Karnataka govt had released a notification excluding transgenders from recruitment to the police. Thereafter the Karnataka govt agreed to provide reservation for transgender persons in State police recruitment as a matter of policy.

In addition to this, concession was sought in age, cut-off marks and physical criteria as provided to other reserved categories, and that reservation should be provided for transgender persons in public employment, public education, allotment of housing sites and schemes.

In July 2021, the Karnataka govt officially agreed, and was the first to introduce a 1 per cent reservation for the transgender community in government jobs. Another petition arose soon after, for considering reservation for transgenders in State-owned corporations and statutory bodies.

3. Measures being taken by the Central government for the trans community

Steps being taken by the Central government for the benefit of the trans community include:

- (a) Allocation of funds to set up shelter homes as part of the Garima Greh project
- (b) Formulation of a support scheme by the Union Ministry of Social Justice and Employment called Support for Marginalised Individuals for Livelihood and Employment (SMILE)
- (c) Online training programs enabling issuance of identity cards to transgender persons on a national portal for transgender persons by District Magistrate or Collectors
- (d) Conducting awareness programs for Child Welfare Committees, Juvenile Justice Boards, prison functionaries, healthcare officials and media professionals

4. Sensitizing media houses on reporting issues of LGBTQ+ individuals:- In a recent order, the Madras High Court took note of the different initiatives being taken up by the media to ensure sensitivity while reporting on trans issues. Some of the steps being taken are as follows:

- (a) Seminars being arranged for building a queer-friendly future.
- (b) Compilation of words and expressions to be used while reporting or writing about the LGBTQ+ community
- (c) Formal training to editors and reporters while reporting and doing stories on queer issues

5. Initiatives taken by government for Transgender persons:-

- Tamil Nadu- Tamil Nadu was the first state who has shown unprecedented efforts to protect 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 be 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 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.
- 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.

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

### **Transgender Persons (Protection Of Rights) Act, 2019**

#### Key Features of the Law

- 1) Definitions: The definitions of transgender persons and people with intersex variation have been made inclusive of males and females, even if the person has not undergone any therapy such as hormone therapy, sex reassignment procedure or any other.
- 2) Non-discrimination: The law is in the strict prohibits of discrimination against transgender persons at educational or professional institutions, healthcare and other public facilities as well as reinforces their right of movement, property and holding of offices.
- 3) Identity Certificate: It administers the right to a gender identity that is self-perceived and further casts a responsibility on the district magistrate for the issuance of a 'certificate of identity as a TG person, without undergoing a medical assessment. It also provides for a further change of gender to female or male for any person claiming a change in gender.

4) Equal Opportunities: It further administers equal opportunities with regard to policy matters for the transgender community. The law has mandated the formulation of certain specific policy measures that would be inclusive of transgender persons.

5) Complaint Officer: The law requires every establishment to create a specific designation of a complaint officer.

6) Healthcare and Medical Facilities: The law also provides for the establishment of separate HIV surveillance centres for TG persons; the facilities need to be inclusive of healthcare relating to hormone therapies, sex reassignment procedures etc., as well as cover medical expenses by an insurance scheme that is specific to the medical needs of transgender persons.

7) National Council for Transgender Persons ('NCT'): The law also mandates the constitution of the NCT in order to guide and advise government officials for the auditing of existing policies and the formulation of new ones as well as redressal of grievances.

8) Offences and Penalties: Offences such as forcing transgender persons into labour; or refusing accessibility to public facilities; mental, emotional, physical and sexual abuse or violence; and other related offences have now been covered under the act and are punishable by law.

### **Conclusion And Suggestions**

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 be 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 its totality if its 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 individual's 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.