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**A COMPREHENSIVE ANALYSIS ON THE RISE OF TRANSGENDER
RIGHTS AND PUBLIC ATTITUDE TOWARDS TRANSGENDER RIGHT
AND IDENTITY**

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ABSTRACT

Transgender people have existed in every society, nation, culture since ancient times while the rights of the members of the transgender community have started gaining attention only in the modern world. Regardless of gender affirmation surgery, every Indian citizen has the right to determine their gender identity. In the Nation Legal Service Authority v. Union of India case, this has been upheld. This judgement has paved way for the introduction of a separate enactment for the transgenders called the Transgender Persons (Protection of Rights) Act, 2019. Despite the fact that transgender people are protected by a special law, they nonetheless face significant discrimination in India and even abroad. In addition to facing discrimination in their legal and social rights, transgender people face marginalization in society and the possibility of being entirely shut out from the society. The fact that many legal documents in India still only allow for the designation of gender—male or female, despite all of these acts and programs amply illustrates the fight of the transgender population to have their existence even partially acknowledged. Transgender rights are an important part of the LGBTQ+ movement, representing the fight for equal rights and protections for individuals whose gender identity differs from their assigned sex at birth. The aim of this paper is to highlight the uneven rights and gender status of the transgender population. The authors conduct a doctrinal analysis of the legislation already in place regarding transgender issues. The authors concentrate on analyzing the issues surrounding transgender rights, offering practical recommendations for safeguarding those rights, and proposing actions that the public and government should do to acknowledge transgender people as a third gender.

KEY WORDS: Transgender rights, discrimination, LGBTQ+, third gender.

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INTRODUCTION:

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

-A. Chettiar³

The 21st century has been marked by genuine worries regarding gender and sex in order to promote egalitarian society. Though gender is derived from biological sex, it is a complicated social construct that is distinct from sex. Although gender becomes defined in infancy, it is nonetheless wonderfully flexible and full of unexpected turns. India's transgender community is an indigenous minority with a vibrant and rich cultural heritage. Unfortunately, democratic inclusion and accommodation of transgender people could never occur due to the dominant power of heteronormative traditions. A new chapter in India's democracy unfolding has emerged as a result of the activism of multiple groups challenging this exclusion and neglect. On April 15, 2014, the Supreme Court of India rendered a historic ruling that identified transgender people as the third gender in accordance with the constitution, in *National Legal Service Authority (NALSA) v. Union of India and Ors*⁴. In NALSA, the Supreme Court not only declared transgender people to be a "third gender," but it also instructed the federal government and state governments to implement the appropriate Social Welfare Schemes and conduct public awareness efforts to eradicate the stigma associated with transgender people. They have not only been segregated from the society but also have been ostracized from their rights and privileges. Despite the fact that our society is changing in many ways, transgender individuals are still not fully accepted as members of the community. The struggle for LGBTQ+ rights, including public education and anti-discrimination legislation, frequently intersects with the fight for transgender rights. However, tailored campaigning activities are necessary to address the unique needs of transgender people, such as access to healthcare that affirms their gender identification and legal acknowledgment of it.

³ Anitha Chettiar, “Problems Faced by Hijras (Male to Female Transgenders) in Mumbai with Reference to Their Health and Harassment by the Police” *International Journal of Social Science and Humanity*, Vol. 5, No. 9, September 2015, p. 752

⁴ AIR 2014 SC 1863

DEFINITION OF TRANSGENDER

According to Section 2(k) "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, gender queer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.⁵ In its contemporary definition, the term 'Transgender' is an "umbrella" term that is used to define a variety of identities and practices, which may include (but not limited) to transsexual people; male and female cross-dressers (also known as "transvestites," "drag queens" or "drag kings"); intersexed persons, and men and women, regardless of their sexual orientation, their manifestation or characteristics are supposed to be gender different. Broadly, Transgender may be referred to those people whose character or behaviour does not fall in the conventional gender norms. The term Transgender may also include those persons who do not identify themselves as Transgender, but others perceive them as gender-different and as a consequence they are oppressed, physically abused, discriminated and face other forms of human rights violations in their day to day life. The other existing terms generally used for Transgender are "gender variant," "gender different," and "gender non-conforming."

NALSA VERDICT OF THE SUPREME COURT,2014:

NALSA verdict is considered to be a substantive justice document. This section summarises the main substantive justice principles included in the 103-page NALSA Verdict of April 15, 2014, using activist groups' descriptions and evaluations of the judgment's provisions as well as NALSA's original text. The agenda of the transgender mobilisations includes the following important aspects that demonstrate a tendency towards substantive justice.

Right to equality:

The Constitution of India, 1950 provides every person an equal status before the law and an equal protection of laws within the territory of India. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.⁶ The word any person here means every individual, without any discrimination based on any of the category which includes caste, creed, religion, sex, etc. A transgender in India is included

⁵ The Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019

⁶ Article 14 of the Constitution of India,1950

within the words any person“ and is given equal status to that of every is gender in India. The transgender community cannot be discriminated on the ground of non-application of any of the laws within the nation by reason of their differences and dividing them based on any arbitrary class. In *Naz Foundation v. N.C.T Delhi*⁷ the Delhi High Court has declared Section 377 of IPC as unconstitutional. Court has said that Section 377 of IPC insofar as it criminalizes consensual sexual act of adult in private is violative of Article 14, 15 and 21 of the Constitution. According to the Court's interpretation of Article 14, any classification or distinction must be based on comprehensible differences that make sense in connection to the desired goal and cannot be unjust or unfair. Since Section 377 does not make a distinction between activities that are done in public or privately, or between acts that are done with consent and those that are not, it ignores important considerations including age, consent, the nature of the act, and the absence of harm. Thus, it looked arbitrary and illogical to criminalise something in the absence of proof of harm.. This judgment of Delhi High Court could not sustain and this was overruled by the Supreme Court in *Suresh Kumar Koushal v. Naaz Foundation*⁸ the Supreme Court has held that Section 377 of IPC is not violative of Article 14, 15 and 21. According to the Supreme Court, Section 377 does not criminalise anyone based on their sexual orientation or identity.It only lists specific behaviours that, if they were committed, would be constituted an offence. All sexual conduct is regulated by such a ban, irrespective of gender identity and orientation.The spirit of the Constitution is violated by this ruling. The definition of "person" was expanded in *National Legal Service Authority v. Union of India*⁹, where it was decided that Article 14 of the Indian Constitution did not limit the term's use to males or females alone. Being neither male nor female, hijras or transgender people belong to the expression “person” category and are therefore entitled to legal protection under the law in all areas of state activity, such as employment, healthcare, and education, as well as the same civil and citizenship rights as any other citizen of this nation. The transgender community is protected by the Indian Constitution and, as such, is entitled to all the rights stipulated therein. In actuality, the much-lauded National Legal Service Authority (NALSA) ruling is largely to blame for the uncertainty.

⁷ 2010 Cr.LJ.94(Delhi)

⁸ (2014) 1 SCC 1.

⁹ AIR 2014 SC 1863

Prohibition Against Discrimination

The State is prohibited from treating any citizen unfairly based merely on their place of birth, race, caste, religion, or any combination of these¹⁰. Since transgender people are human, they should not face discrimination. According to the Transgender Persons (Protection of Rights) Act, 2019¹¹, no individual or organization is allowed to discriminate against a transgender person on the basis of any of the following: a) refusing them access to or terminating their employment in educational institutions or services; b) Unfair treatment in or related to employment or a line of work; c) Refusal to accept a job offer; d) Denial or discontinuation of unfair treatment in the provision of healthcare services; e) Refusal to accept a job offer or to be treated unfairly in relation to access to, or use of, any goods, accommodations, services, facilities, benefits, privileges, or opportunities that are intended for the general public or are generally available to the public; The following situations can be considered unfair treatment: f) denial or discontinuation of the right to move around freely; g) denial or discontinuation of the right to live, buy, rent, or occupy any property; h) denial or discontinuation of the opportunity to run for or be elected to public or private office; and i) denial of access to, removal from, or unfair treatment in a government or private establishment that may be caring for or housing a transgender person.¹²

Right to Employment or Occupation

The Constitution's Article 16 addresses equal opportunity when it comes to public employment. It includes the no person or establishment shall discriminate against a transgender person in employment or occupation. Article 16 (2) says no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State. Supporting the objective of Article 16, the Transgender Persons (Protection of Rights) Act, 2019 also provides that no establishment shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion and other related issues.¹³ Every establishment is required to guarantee adherence to the Act's provisions and offer transgender individuals any amenities that may be

¹⁰ Article 15 of the Constitution of India

¹¹ Act No.40 of 2019.

¹² Section 3 of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019.

¹³ Section 9 of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019

necessary¹⁴. The Act also stipulates that each institution must appoint a person to serve as a complaint officer in order to handle complaints pertaining to violations of the Act's requirements.¹⁵

Right to Life

No person shall be deprived of his life or personal liberty except according to procedure established by law¹⁶. One of the most fundamental rights under this article to live with dignity is the freedom to choose one's own identity. This right is covered and safeguarded by this article because it represents the most significant human right—the right to life—which the state is obligated to defend against infringement. A fundamental feature of Article 21 of the Indian Constitution is the right to a dignified life for transgender communities. Their right to dignity is upheld when their gender identification is acknowledged, and it is violated when it is not. They are free to express themselves and go about their lives fearlessly. The Court decided that, much like the right to enjoy life, liberty, and property, having a good reputation was a necessary component of personal security and was guaranteed by the Constitution.¹⁷

Right to Identity

The Supreme Court ruled that it was unconstitutional to recognize solely the male and female gender identities. The court determined that the ability to self-identify as one's gender, even as a "third gender," was a crucial component of the constitutional right to live with dignity in NALSA. In addition, affirmative action policies were mandated by the state to guarantee equality for transgender individuals. The ruling, which stands in sharp contrast to the Court's previous regressive ruling in *Suresh Kumar Koushal and others v. Naz Foundation and others*¹⁸, should serve as an example for judges in the several nations that still only recognize a gender binary.

Right to Health Care

¹⁴ Section 10 of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019.

¹⁵ Section 11 of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019.

¹⁶ Article 21 of the Constitution of India, 1950

¹⁷ *State of Maharashtra v. Public Concern for Governance Trust*, A.I.R. 2003 S.C. 223. The Court held that a good reputation was an element of personal security and was protected by the Constitution, equally with the right to the enjoyment of life, liberty and property.

¹⁸ 2010 Cr.LJ.94(Delhi)

The common conception of transgender health is that it refers only to medical procedures involved in transition. However, Transgender health is a much broader field. As the World Health Organization recognizes, health is a state of complete physical, mental, and social well-being, not merely the absence of disease or infirmity. The full picture of transgender health thus involves broad recognition of all the services, protections, and resources that transgender people need to live healthy lives in safe communities. This includes a range of primary and other health care services, as well as a focus on socio-economic determinants of health such as identity document policies poverty, employment, housing and public acceptance of transgender people. Transgender people worldwide experience substantial health disparities and barriers to appropriate health care services that keep them from achieving the highest possible health status. Among other health disparities, transgender people are significantly more likely than the general population to be targeted for violence and harassment, to contract HIV, and to be at risk for mental health concern such as depression and attempted suicide¹⁹. In this regard, the Transgender Persons (Protection of Rights) Act, 2019 provides that the appropriate Government shall take the following measures in relation to transgender persons, namely:

- a) to set up separate human immunodeficiency virus Sero-surveillance Centers to conduct sero-surveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf;
- b) to provide for medical care facility including sex reassignment surgery and hormonal therapy;
- b) before and after sex reassignment surgery and hormonal therapy counselling;
- c) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines;
- d) review of medical curriculum and research for doctors to address their specific health issues;
- e) to facilitate access to transgender persons in hospitals and other healthcare institutions and centers;

¹⁹ Sujita Sethi and Madhusmita Barwa, “Transgender Health and Their Rights in India”, International Journal of Research in Social Sciences, Vol. 8 Issue 10(1), October 2018, p. 282.

g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.²⁰

Right to Change in Gender

Legislation passed in 2019 permits transgender individuals in India to register as members of a third gender and changes their legal gender upon sex reassignment surgery.²¹

Right to Residence

No kid may be taken away from their parents or close family because they identify as transgender, unless a court of competent jurisdiction orders it to be in the child's best interests. Every transgender person is entitled to the following:

- a) the ability to live with their parents or other close family members;
- b) the freedom from exclusion from the household in whole or in part; and
- c) the freedom to utilize and enjoy the household's amenities without facing any discrimination.²²

A transgender person must be placed in a rehabilitation facility by an order from the appropriate court if a parent or member of their immediate family is unable to care for them.²³

Right to Education

Every educational institution that receives funding or recognition from the relevant government is required to offer transgender people inclusive education, equal access to sports, recreation, and leisure activities, and to these possibilities without prejudice.²⁴

²⁰ Section 15 of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019.

²¹ Section 7 of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019.

²² Section 12(1) of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019.

²³ Section 12(2) of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019.

²⁴ Section 12(3) of the Transgender Persons (Protection of Rights) Act, (Act No. 40 of 2019) 2019.

THE TRANSGENDER BILL 2015 AND TRANSGENDER COMMUNITIES' CRITICISMS :

The Transgender Bill was drafted by the Ministry of Social Justice and Empowerment (MSJE) in 2015 in response to NALSA. The secretary, Gazala Meenal, invited feedback, ideas, and insights from the trans community and civil society at large by January 16, 2016.²⁵ The critique provided by Sampoorna, an online collective of trans and intersex individuals, is noteworthy as it is more extensive and reflects the community's overall resistance and recommendations to the unsatisfactory Transgender Bill, 2015. The following are Sampoorna's key critiques of the aforementioned 2015 Bill²⁶:

First, by excluding out people who are intersex. All intersex individuals deal with serious problems such as limited access to healthcare, education, and work, as well as violence, stigma, and prejudice on many fronts. Furthermore, some individuals who identify as transsexual also have intersex variants. The bill should be titled The Rights of Transgender and Intersex Persons Bill, according to the critique.

Second is the removal of transgender person certification and diagnosis. Sampoorna vehemently objected to the 2015 Bill's requirement that intersex and transgender people be diagnosed and certified by the relevant authorities in order to be eligible for benefits as such.

Third, Health as a Principal Aspect. In Sampoorna's critique, the World Professional Association of Transgender Health (WPATH) standard international practice of adopting nonpathologizing diagnostic frameworks for trans and intersex people was underlined. It suggested that "a separate chapter on health should be brought into the Bill that fully addresses the trans and intersex health care as well as general health care of these communities" since "health is a huge concern of trans and intersex people" .

Fourth, the growing accountability of the state. Sampoorna thought that the state's primary responsibility of drafting and implementing laws that protect transgender and intersex individuals was not addressed in the government's draft statement, which focused only on educating the public about transgender communities . In the absence of concrete strategies for the empowerment of excluded populations, a fair and just approach to promoting awareness would seem superficial and tokenistic.

²⁵ <https://thewire.in/gender/failures-of-the-new-transgender-bill>

²⁶ <https://orinam.net/sampoorna-response-msje-trans-rights-bill/>

Fifth is affirmative action. The Joint Secretary of MSJE, Ghazala Meenai, received a letter from Sampoorna recommending that all trans and intersex persons be viewed as social outcasts and that affirmative action be pursued in the areas of employment and education. Transgender and intersex people who identify as SC, ST, or OBC should receive special consideration for benefits and affirmative action. Additionally, a system for granting caste certificates to transgender and intersex people who leave home at an early age should be put in place.

PARLIAMENTARY STANDING COMMITTEE AND PROGRESSIVE RECOMMENDATIONS:

The government forwarded the draft Bill to a Parliamentary Standing Committee in response to community criticism. The Parliamentary Standing Committee on Social Justice released the 43rd Report on Transgender Bill 2016 in July 2017 following the receipt of written suggestions and in-person depositions . Notwithstanding the criticism from the transgender community, some of the important suggestions of the parliamentary committee (43rd Report, 2017)²⁷ aimed at empowering the trans community included the following:

1. Transgender people should have the freedom to identify as a man, woman, or transgender person. Hormone therapy or surgical intervention should not be necessary for this decision (43rd Report, 2017: 41-52).
2. Chapter I of the Bill should define discrimination and give a list of various discriminatory offenses that transgender people experience (43rd Report, 2017: 32–34).
3. Considering that many transgender people are in partnerships that resemble marriage without receiving official state recognition, the 2016 Bill makes no mention of significant civil rights like marriage and divorce, adoption, etc. These rights are vital to the lives and realities of transgender people (43rd Report, 2017: 94).
4. The Bill makes no mention of giving transgender people reservations under the heading of citizens from socially and educationally disadvantaged backgrounds (43rd Report, 2017: 79).

²⁷ 43rd Report. (2017). Standing Committee on Social justice and Empowerment <https://www.livelaw.in/parliament-standing-committee-bats-transgender-rights-read-report/?infiniteScroll=1>

5. Since hijras and transgender people deal with a number of extra sexual health challenges, there should be separate HIV sero-surveillance centers run by the federal and state governments (43rd Report, 2017: 93).

Nonetheless, the majority of the Parliamentary Standing Committee's proposals were turned down by the Ministry.

PROBLEMS OF TRANSGENDER PROTECTION (PROTECTION OF RIGHTS) ACT,2019:

The community's protracted attempts to obtain parliamentary approval for its rights were meant to culminate in the Trans Act 2019. However, trans activists claim that many of the community's accomplishments from the 2014 NALSA (National Legal Services Authority) ruling have been undone by the Act. The following reasons contributed to the transgender and intersex communities' disappointment and angst over the TPA, 2019:

1. While self-identification of gender was permitted by the NALSA ruling, the 2019 Act grants the district magistrate (DM) the authority to identify an individual as transgender. The NALSA ruling also declared that it was unethical and unlawful to insist on SRS (sex reconstruction surgery). It emphasized how essential gender self-determination is to an individual's identity and dignity. The 2019 Act, however, stipulates that in order to identify as male or female, a person must provide the magistrate with documentation of surgery. Activists claim that this provides the DM a great deal of power, opening the door to abuse and arbitrariness.²⁸

2. Compared to cis-women, the Act stipulates less severe penalties for acts of aggression and assault against transgender individuals. Section 18, which addresses Act violations and associated punishments. It was brought up that the clause does not list the components of the offenses. [A case about this unequal punishment based on gender has been filed before the Indian Supreme Court²⁹. Reepak Kansal, the petitioner, asked the court to amend the Indian

²⁸ Sampoorna. (2019, July 19). SPWG Statement on Transgender Persons Protection of Rights Bill 2019. <https://sampoornaindiablog.wordpress.com/2019/07/19/spwg-statement-on-transgender-persons-protection-of-rights-bill-2019/>

²⁹ Agarwal, T. (2020). Plea in SC Seeks Modifications in the IPC Sections Related to Sexual harassments against Transgenders. Lawstreet. <https://lawstreet.co/judiciary/transgenders-supreme-court-modification-ipc-sections/>

Penal Code, 1860 and issue clear instructions to the central government on how to handle harassment of transgender people.]

3. Moreover, the 2019 Act does not even specify a penalty for discriminating against transgender people, despite its intended enactment to abolish discrimination against them by other people or organizations. It says that a transgender person may be placed in a rehabilitation facility with an order from a competent court if their immediate family is unable to care for them. This violates Article 21 of the Constitution, which safeguards the right to life and dignity. The 2019 Act does not acknowledge the autonomy of transgender individuals in making decisions.

4. The Act further disobeys the NALSA ruling by treating the transgender community as a socially and educationally inferior class of individuals and by refusing to grant reservations for public positions and entrance to educational institutions. On the day that Article 370 was removed in 2019, the Trans Act was passed despite strong pleas to refer the draft Bill to a select committee. When the Trans Act was approved, just half of the Rajya Sabha's members were present. Despite the fact that the state government of Karnataka has decided to grant transgender people reservations under the Other Backward Class (OBC) category³⁰, the Act makes no mention of the affirmative action stipulated by the NALSA.

5. The Standing Committee, which reviewed the 2016 Bill, stated that a person's status as transgender must be officially recognized by the Screening Committee. It also emphasized how crucial it is for the Chief Medical Officer to monitor any possible certificate misuse and suggested that the Chief Medical Officer's responsibilities be explicitly outlined in the Bill. The 2019 Bill, however, does away with the District Screening Committee's requirements and gives the District Magistrate the authority to grant the Certificate in accordance with established procedures as stated in regulations.

6. The National Council of Transgender is an extremely troublesome provision for the trans population. The Act mandates that the government nominate Council members, with a vastly disproportionate underrepresentation of trans populations. There should only be five transgender people on board out of a total of 25 members³¹.

³⁰ <https://lawstreet.co/executive/transgender-karnataka-government-karnataka-hc/>

³¹ <https://feminisminindia.com/2019/08/05/critique-transgender-persons-protection-of-rights-bill-2019/>

7. The Bill states Regarding anything done or intended to be done in good faith in accordance with the provisions of this Act and any rules made thereunder, no suit, prosecution, or other legal proceedings may be brought against the appropriate Government, any local authority, or any officer of the Government . The community's critique states that everyone has the inherent right to challenge the law.

GOVERNMENT POLICIES VIS-A-VIS TRANSGENDER RIGHTS:

The first two Indian states to implement transgender welfare policies were **Tamil Nadu** and **Kerala**. The policy states that transgender people are entitled to free housing, various citizenship documents, free sex reassignment surgery (SRS) in government hospitals (only for male-to-female patients), admission to government colleges with full scholarships for postsecondary education, and alternative means of subsistence such as starting income-generating programs and self-help groups (for savings).). Additionally, Tamil Nadu was the first state to establish a transgender welfare board including members of the community³². In 2016, Kerala began offering free surgery in its public hospitals.³³

In order to coordinate all policy choices and development efforts relevant to the transgender population in the state, the state of **West Bengal** established a transgender welfare board in 2015.⁴² Transgender advocates, meanwhile, have called the board a "all-around failure." As of July 2017, the board, which is supposed to convene monthly with officials from several state government ministries, had only met five times.³⁴

The state of **Odisha** implemented welfare benefits for transgender individuals in July 2016, providing them with the same benefits as those who fall below the poverty line. The Odisha Department of Social Security claims that this was done in an effort to raise their general social and economic standing.³⁵

The announcement regarding the implementation of pension programs for transgender individuals was made by **Andhra Pradesh's** Chief Minister, N. Chandrababu Naidu, on November 28, 2017. The policy was passed by the Andhra Cabinet on December

³² Karthikeyan, Divya (25 May 2017). "Tamil Nadu, once a pioneering state for welfare of transgenders, now shuns the third gender."

³³ Devasia, TK. "Why Kerala's free sex-change surgeries will offer a new lifeline for the transgender community", Scroll.in. Retrieved 19 March 2016.

³⁴ The Hindustan Times, Tuesday, 4th July 2017

³⁵ Dash, Jatindra (2 June 2016). "Odisha becomes first state to give welfare to transgender community" Reuters.

16, 2017. In accordance with the policy, each transgender person above the age of 18 would receive a social security pension from the State Government in the amount of ₹1,500 per month. In addition, the government plans to build transgender-specific restrooms in public areas like movie theaters and shopping centers. A transgender welfare board has also been established by the state.

The Finance Minister of Kashmir presented a bill to the **Jammu and Kashmir** Legislative Assembly in January 2018 that would provide free life and health insurance to transgender individuals, as well as a monthly sustenance stipend for those who are 60 years of age or older and have registered with the Social Welfare Department. Aspects of the plan that demand the establishment of medical boards in order to issue "transgender certificates" have been criticized by transgender activists.

In May 2018, the **Delhi** government declared that a seven-member committee would be formed to examine issues concerning the transgender population, such as reports of sexual abuse, workplace discrimination, and other social difficulties.

The **Rajasthan** Transgender Welfare Board (RTWB) declared in July 2018 that it would start providing "multi-purpose identity cards" to approximately 75,000 transgender individuals in the state to facilitate their access to government programs and benefits. In late September 2018, the **Uttarakhand** High Court ordered the State Government to create social welfare programs for the improvement of transgender individuals and to reserve space in educational institutions for transgender persons.

Early in 2019, the **Assam** Social Welfare Department released a draft "transgender policy" that included a number of goals, such as granting transgender individuals admission to schools, housing and sanitary facilities for the destitute, spreading awareness, and issuing self-identification identity cards. The policy's definition of "transgender" is one area where the All Assam Transgender Association has expressed criticism.

The **Maharashtra** government established a "Transgender Welfare Board" in February 2019 to carry out health initiatives and give transgender individuals access to formal education and career possibilities. The board offers free housing to applicants for scholarships and skill development programs to assist transgender people in finding employment. In the same month, **Gujarat**, a neighboring state, established a board akin to

this one. The Gujarat board works with state agencies to make sure the transgender population can benefit from government programs and offers a range of welfare programs for employment and education. Additionally, an educational campaign was launched to raise public awareness.

The **Bihar** government announced in July 2019 the establishment of a transgender welfare board, which would look into and document the legal and societal obstacles that transgender individuals in the state experience. The board would also offer financial support for sex reassignment surgery up to ₹150,00. Furthermore, those who deny transgender people housing on rent or access to medical services risk serving a six- to two-year prison sentence.

The **Uttar Pradesh** Kinnar Akhada Parishad asked that a transgender welfare board be established by the government in 2014, following the Supreme Court's recognition of transgender persons as belonging to a third gender. The State Law Commission presented the government with a recommendation in March 2019 to recognize transgender people's desires and safeguard their civil and other rights. The government's disregard for transgender people in inheritance laws was brought to the commission's attention. During this monsoon season, the Uttar Pradesh Assembly enacted the Uttar Pradesh Revenue Code Bill, 2020, which identifies and permits transgender individuals in the state to inherit ancestral agricultural land. The Uttar Pradesh government chose to establish a transgender welfare board in September 2020, following the awarding of transgender people the right to inherit their ancestral agricultural property.

RECOMMENDATIONS:

Based on the research's findings and using doctrinal approach, the researcher would like to suggest a few progressive policies that, in the researcher's opinion, will significantly increase the likelihood that transgender people will have equal rights. These recommendations will not only aid in the eradication of the issues transgender people encounter, but they will also cause a paradigm shift in the way we view transgender people. The government, educational institutions, non-governmental organizations, the media, the general public, medical facilities, and the transgender community have all received the recommendations.

- Interest-free financing programs should be made available by the federal and state governments to the transgender population. These programs will enable them to launch

enterprises and even pursue vocational training that they would not otherwise be able to. This can also be used to other fields, such as farming and housing.

- When feasible, provide unique public amenities like office areas and even restroom train compartments. As a result, there will be less prejudice and more respect for the community. The Tamil Nadu government started this initiative by providing fresh toiletries for the transgender community at the recently constructed Anna Noortrandu bus stop in Chennai.
- To address issues of employment and education for the community, the government ought to set aside more reservations for the transgender population. This will guarantee the group's objectivity and enable them to obtain government employment and appropriate education without facing restrictions or harassment.
- Transgender child adoption ought to be investigated and made feasible. This may be accomplished by amending previously drafted legislation. After vetting, a vetting committee ought to be established to assist in examining applications and educating potential adoptive parents on adoption.
- Through education, educational institutions play a vital role in influencing societal morals. Through various means, these institutions may assist transgender people in recognizing themselves as members of society and instilling in them a sense of self-respect. The curriculum should be designed to contain themes that will help educate students on societal concerns, such as those pertaining to the transgender community and people with disabilities.
- To help transgender people integrate as best they can into society, NGOs should collaborate with state government agencies.
- The media must to be urged to highlight instances of sexual minorities being violated and to assist them in speaking out and securing their legal rights. To help end transgender-related issues, journals, articles, and magazines should be promoted. Social media companies ought to lead the charge in reducing instances of online harassment and the use of derogatory language directed at minorities. By educating the public and soliciting their thoughts, social media campaigns and surveys can be used to assist reduce instances of harassment and discrimination.
- Medical facilities need to be properly prepared to handle transgender patients. Transgender people should be encouraged to attend free treatment and counseling sessions. When an inpatient is admitted, specific medical facilities, beds, or wards must be available for their privacy and according to need. Guidelines for performing sex

reassignment surgery should be provided, and if at all feasible, qualifying cases should also get financial assistance from the local government.

CONCLUSION:

The study throws light to the life of transgender persons and how various factor influence them. The influence of Interpersonal support and Coping Strategies is very much important for a balanced life for very human being and as a vulnerable community the importance of these factors are much high in their case. The effect of Interpersonal support and coping strategies was studied in detail and it gives some insight of how a person's life can be constructed or destructed. The most effective approach to understand the transgender movements that have taken place in India since 2014 is to look at the contradictions between the ruling government's persistent attempts to curtail and postpone the substantive rights and entitlements that the trans community has been granted by the Supreme Court of India. Since 2015, the government has drafted several bills that, while ostensibly intended to make NALSA a law, in fact went against the intent of the ruling. Another approach to understand the government's hesitation is to consider how the world's major neoliberal governments operate. The strategies employed by the government could potentially reconcile the expansion of civil rights with reductions to public spending and welfare, which leads to reducing socioeconomic entitlements. However, the transgender communities' persistent collective mobilisations led to some real progress and rights for development. The group has persisted and has been filing petitions for reservations in government positions and educational institutions to several High Courts. The creation of a trans-friendly health infrastructure must be made widespread in order to contribute to the community's development.