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LEGAL RECOGNITION OF TRANSGENDER PERSONS: A COMPARATIVE STUDY OF INDIA, USA, AND UK

AUTHORED BY - JITESH

1. ABSTRACT

The legal status of transgender people has been an important subject of comparative constitutional and human rights discussion. This research paper conducts a comparative study of the law regarding recognition, protection and definition of the rights of transgender people in India, United States and the United Kingdom. India represents a jurisdiction transferring rights to transgender people through the landmark *NALSA v. Union of India (2014)* judgment, which was subsequently operationalized through legislation establishing the right to self-identify. The United Kingdom uses the *Gender Recognition Act 2004* as its central governance framework, including certification-based rights, which has been subject to considerable debate due to the medical and bureaucratic ways of implementing rights. The United States does not have a national framework, meaning a disjointed reality, where state-based rules create a system with varying standards of recognition from self-identifying models to White Court action model.

This paper evaluates the strengths and weaknesses of the three systems in balancing autonomy, dignity, and administrative practicality by evaluating laws, court decisions, and policy frameworks. The analysis also places the national approaches within broader international human rights standards, including self-determination and non-discrimination principles. Ultimately, whilst the approaches have made advancements, each jurisdiction exemplifies a broader conflict between formal legal and reality on the ground, or also can be described as formal recognition and lived experiences, and demonstrates a clear need for more accessible, inclusive, and uniform models for gender recognition.

Keywords: Transgender Rights, Legal Recognition, Comparative Criminal Procedure, United States State Laws, Human Rights.

2. RESEARCH METHODOLOGY

The research design used in this study will be a comparative doctrinal research methodology, combining jurisprudential research with intersectional and socio-legal approach to study the legal status of transgender individuals in India, United States and United Kingdom. The study is based on the systematic analysis of fundamental legal documents, such as the provisions of the constitution, statutory systems and landmark court decisions, such as *NALSA v. Union of India (2014)*, *Bostock v. Clayton County (2020)*, and the UK's *Gender Recognition Act 2004* to read between the legal principles of gender identity and recognition. The differences and similarities in legal recognition paradigms, accessibility of the procedure, and availability of anti-discrimination enforcement in the chosen jurisdictions are examined using a comparative model. India is a postcolonial constitutional democracy with developing statutory safeguards, the United States is a fragmented system of federalism characterized by disparities at the state level, and the United Kingdom is a medicalized but structured route to legal gender change. Intersectional analysis is also included in the study to examine the relationship between caste, race, class, and colonial legacies and gender identity in the determination of legal outcomes and access to justice. Peer-reviewed journal articles, policy briefs, NGO reports, and international documents on human rights, such as the Yogyakarta Principles, are critically assessed as secondary sources to place the national laws in a global perspective. Findings are synthesized using analytical tools like legal hermeneutics, comparative matrices and critical discourse analysis to evaluate the normative frame of transgender rights. Though the research is restricted to the publicly available legal documents and literature, it will provide a rigorous and globally knowledgeable assessment of the legal recognition mechanisms with regard to the best practices and consistent gaps in protecting transgender individuals.

3. RESEARCH GAP

As transgender recognition of persons has become a common practice across the world, the existing literature does not appear to have a thorough comparative examination that incorporates intersectionality realities and enforcement structures. In India, even despite progressive judicial statements, the statutory provisions such as the Transgender Persons Act (2019) are not sufficient to guarantee self-identification and effective availability. State-level laws are fragmented and inconsistent in protecting individuals in the U.S. and in the UK medicalized processes under the Gender Recognition Act (2004) do not consider non-binary identities. In addition, caste, race, and legacies of colonialism are not considered in the majority

of studies on the access to justice. The study addresses this gap by providing a jurisdictionally subtle, intersectionally aware, and implementation-based comparative analysis.

4. RESEARCH PROBLEM

Although there is official legal progress, transgender individuals in India, the USA, and the UK still experience institutional obstacles to law recognition. The statutory system of India is in opposition to its constitutional pledge of self-identification, the USA guarantees are disjointed, and the UK medicalization of the process leaves non-binary identities out. These jurisdictional discrepancies, intersectional issues, and gaps in enforcement are not well represented in the existing scholarship. This paper responds to the issue through a critical analysis of the operation of recognition laws in practice and if they promote dignity and autonomy and equality in various legal systems.

5. OBJECTIVE OF THE STUDY

- To compare legal frameworks on transgender recognition in India, USA and UK.
- To examine constitutional norms, laws and important judicial cases of each jurisdiction.
- To compare procedural accessibility and the importance of self identification versus medical certification.
- To evaluate implementation policies and real-life implications on the rights of transgender people.
- To determine whether there is a deficiency in the legislation of a country compared to international human rights provisions (e.g., Yogyakarta Principles).
- To emphasize best practices and offer reforms of inclusive, rights-based legal recognition.

6. INTRODUCTION

Legality of transgender people is a foundation of inclusive constitutional democracies and a perfunctory of how human dignity, autonomy and equality will be achieved. In different jurisdictions, the experience of affirming gender identity has been influenced by different legal traditions, socio-political movements, and judicial interventions. In this comparative paper, the author will examine the legal systems of transgender recognition in **India**, the **United States**, and the **United Kingdom** and point at similarities and differences related to how they approach gender identity, self-determination, and anti-discrimination laws.

IN India

The constitutionality of legal acceptance of transgender persons was confirmed through the historic Supreme Court decision *National Legal Services Authority v. Union of India (2014)* which ruled that the right to self-identify the gender falls under Articles 14, 15, 19, and 21 of the Constitution. The Court acknowledged the past of marginalization of transgender communities and ordered affirmative action and laws.¹ This resulted in the introduction of the *Transgender Persons (Protection of Rights) Act, 2019* that prohibits discrimination and includes identity documentation. Nevertheless, the Act has been criticized to mandate gender recognition that is medically or bureaucratically certified and, therefore, negate the principle of self-identification that is commendable in NALSA.²

us United States

The US has a mishmash legal environment. Although federal jurisprudence, like *Bostock v. Clayton County (2020)* Title VII has been extended to sex discrimination to include transgender people, and the law is inconsistent in its application. In some states, the change of gender markers is possible through self-identification, and in others, medical or judicial conditions are required. Lack of a federally enacted law on gender identity recognition introduces unequal access to medical services and legal records and anti-discrimination solutions³. In addition, the recent historical tendencies in legislation in various states have incorporated the limitations of gender-affirming treatment and access to public facilities, which have caused the concern of retrogression in transgender rights.

GB United Kingdom

The UK provides a more organized legal system by providing the **Gender Recognition Act 2004** which enables people to alter their legal gender provided they fulfill some requirements, such as obtain a diagnosis of gender dissonance and reside in the new gender a minimum of two years. This has been criticized as a means of medicalizing identity, though this offers a way into recognition, and excludes non-binary persons.⁴ This is supplemented by the **Equality Act 2010**, which outlaws discrimination grounded on gender reassignment, and provides wider

¹ <https://lawfullegal.in/transgender-law-reform-a-comparative-legal-study-between-india-and-the-global-south-north/>

² <https://ijlsi.com/wp-content/uploads/Comparative-Analysis-of-Legal-Framework-of-Transgender-Persons.pdf>

³ <https://lawfullegal.in/transgender-law-reform-a-comparative-legal-study-between-india-and-the-global-south-north/>

⁴ <https://ijcrt.org/papers/IJCRT25A5146.pdf>

safeguards in the employment, education and services the state renders. Nonetheless, the current discussions about reforming the Gender Recognition Act indicate the disputes between legal formalism and gender-diverse reality.

7. LITERATURE REVIEW

Transgender persons have been gaining more and more scholarly study in legal recognition, but have been inconsistently theorized in different jurisdictions. This literature review integrates prominent scholarly publications, case laws, statutory provisions and international standards applicable in India, the United States and the United Kingdom.

Scholars

- **Paisley Currah** and **Susan Stryker** have extensively written on the politics of transgender identity and legal recognition.⁵
- **Dean Spade's** work, especially *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*, critiques the limits of legal reform in achieving trans justice.⁶
- **Stephen Whittle**, a leading voice in trans legal studies, has critiqued the GRA's procedural rigidity.⁷
- **Aditya Srivastava** have critiqued the *Transgender Persons (Protection of Rights) Act, 2019* for institutionalizing bureaucratic hurdles and failing to uphold the spirit of *NALSA*.⁸

Case Laws

- *NALSA v. Union of India*, AIR 2014 SC 1863
- *Bostock v. Clayton Country*, 590 U.S. (2020)
- *Christine Goodwin v. United Kingdom* (2002)

⁵ <https://www.jstor.org/stable/27649781>

⁶ <https://www.jstor.org/stable/j.ctv123x7qx>

⁷

https://www.researchgate.net/publication/330369245_Chapter_26_Employment_Issues_for_Transgender_and_Gender_Variant_People_A_Legal_Perspective

⁸ <https://lawfullegal.in/transgender-law-reform-a-comparative-legal-study-between-india-and-the-global-south-north/>

Key Legislation

- *Articles 14, 15, 19, and 21* of the Constitution.
- Gender Recognition Act 2004
- Equality Act 2010

Books & Reports

- *Comparative Analysis of Trans-Gender Laws of India and USA* by **Dr. Vidyottma Jha**, Supreme Court Advocate⁹
- *Global Legal Landscapes for Transgender Rights* by **Swarnima Singh Tomar** and **Dr. Jyoti Yadav**, which highlights India's socio-legal challenges post-2019 Act¹⁰

INDIA: CONSTITUTIONAL PROMISE AND STATUTORY

AMBIGUITY

A. Judicial Recognition: NALSA v. Union of India (2014)

The National Legal Services Authority v. Union of India Supreme Court ruling was an enormous milestone in the constitutional law among us students. Presided over by Justices K.S.Radhakrishnan and A.K.Sikri, the ruling officially acknowledged transgender individuals as the “third gender” and affirmed their status as equal beneficiaries of the Constitution as any other person.¹¹

Articles of the Constitution which were invoked: -

- **Article 14:** Ensures parity with the law and comparable protection of the laws. The Court said that this is applicable to everyone including trans folks irrespective of their gender identity.
- **Article 15:** Bans inequality based on sex. In this case, sex was understood as gender identity, thus trans people were also covered.
- **Article 19(1)(a):** Guarantees the freedom of expression and speech. The ruling supports the fact that trans people are free to adopt their gender identity.
- **Article 21:** Addresses the right to life and personal liberty, which consists of the right to live with dignity and control over individual gender.

Landmark Directives:

⁹ <https://books.kdpublications.in/index.php/kdp/catalog/download/238/235/2063?inline=1>

¹⁰ <https://ijcrt.org/papers/IJCRT25A5146.pdf>

¹¹ <https://transgender.dosje.gov.in/GarimaGreh/About>

- Accept transgender people as a separate category of law (a third gender).
- Ratify **self-identification** as a constitutional right, without the provision of medical or psychological certification. –
- Require the central and state governments to:
 - Offer education and employment **reservations**.
 - Have **welfare schemes** that are specific to transgender.
 - Hold **widespread awareness programs** to fight discrimination and stigma.

This ruling formed the basis of a rights-based approach that focuses on dignity, autonomy and inclusion. Nevertheless, its liberalism has not been converted completely into law.

B. Statutory Framework: transgender persons (protection of rights) act, 2019

The Act passed as a reaction to *NALSA* sought to enshrine the rights of transgender individuals. Although it has far-reaching definitions and anti-discrimination clauses, it has been broadly criticized as weakening the self-identification principle and not including important civil rights.

Key Provisions:

- **Section 2(k):** defines “transgender person” as follows: trans-men, trans-women, individuals who have intersex variations, genderqueer, and socio-cultural identities such as Hijra, Aravani and Jogta.¹²
- **Sections 4-7:** Force transgender individuals to petition the District Magistrate in order to obtain a certificate of identity. To change gender, one would have to produce evidence of **sex reassignment surgery (SRS)** to change gender to male or female.
- **Section 3:** Obtains the discrimination in education, employment, health, admission in a public area and a house.
- **Articles 8-15:** Require governments to offer universal education, vocational training, healthcare and social security.

Criticisms:

- **NALSA violation:** The SRS and certification leave is against the affirmation of self-identification by the Supreme Court.

¹² <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2163904>

- **There is no clarity** regarding rights concerning **marriage, adoption, inheritance**, and family law.
- **No reservation facility**, although it was provided by NALSA.
- Lack of clearly defined enforcement systems and non-enforcement rules.

The Act represents a conflict between recognition and control - giving identity and putting it under bureaucratic review.

C. Implementation and welfare measures

The application has been ad hoc and symbolic despite the intent of the legislation. I have read several articles about this and it does not yet feel like a real-life application of theory and practice. A number of programs have been initiated, but institutional obstacles are still there, and this is what I observe in the campus atmosphere.

Garima Grehs (Shelter Homes):

- Built through the **SMILE scheme** under the ministry of social justice and empowerment.
- Shelters, food, medical services, recreation, and skill training of needy transgender people.
- Aimed to provide safe haven and rehabilitation particularly to those who are not accepted by the family or are in danger of being homeless.

National Council of Transgender Persons:

- Prepared under **Section 16** of the Act.
- It consisted of government members, transgender members, and specialists.
- Required to oversee implementation, counsel policy, and coordinate ministries.
- Has been criticized as representing a limited representation and powerlessness to enforce.

Other Measures:

- Transgender persons should be included under the **OBC category** in terms of reservation (not statutory, but administrative).
- **National Portal on Transgender Persons** was launched to simplify the certification applications.
- **Transgender Ayush Cards** to receive healthcare.

Persistent Challenges:

- **Bureaucratic gatekeeping:** There is slow and erratic issuance of certificates.

- **Insufficiency of sensitization:** Government officials, medical personnel and even educators have not been trained on gender matters.
- **Stigmatization and violence:** Transgenders still experience harassment, marginalization, and abuse.
- **Law uncertainty:** There is no clarity regarding civil rights, such as marriage, adoption, and property inheritance.

So, yes, this part is in fact an indication of an actual disparity between constitutional ideals and statutory execution. As mentioned in my literature notes, *NALSA* was meant to introduce a radical structure that is based on dignity and autonomy, yet the 2019 Act and its enforcement simply fails to provide substantive equality. There is an urgent necessity to reform not only the law but the institutional culture and the popular consciousness.

UNITED STATES: FRAGMENTED PROTECTIONS AND POLITICAL BACKLASH

A. Federal Protections

Legal acknowledgment of transgender people in the United States takes the form of a conglomeration of federal court cases, laws, and executive measures that we have been learning about in law school. The decisions or laws that are made are based on the previous ones, and none of them is comprehensive and thus, housing, education, healthcare, and public accommodations still should be provided with special protections.

- **Bostock v. Clayton County (2020)**

This decision by the Supreme Court had a giant effect of 6-3. In the majority opinion of Justice Neil Gorsuch, he observed that it is no different to discriminate against someone based on sex, as is the case with discrimination based on gender identity.¹³ According to him, this implies that Title 17 of the Civil Rights Act of 1964 prohibits discrimination of transgender in the workplace. The case was a combination of three lawsuits, one of which was the struggle by Aimee Stephens, who was fired after she announced she was switching.

¹³ <https://supreme.justia.com/cases/federal/us/590/17-1618/>

Although Bostock is literally speaking of employment, we have already observed its logic creep into broader interpretations of civil-rights law, however, without extending it to housing, education, health care, and public spaces until new laws intervene.

- **Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (2009)**

Under this act, hate-crimes against a victim based on their real or perceived gender identity, sexual orientation or disability became a federal crime.¹⁴ It was signed into 18 U.S.C. section 249 and it allows federal agencies the mandate to investigate and prosecute violent acts against trans people where the local jurisdictions fail to do so. It also demands that the FBI trace the data of hate-crime by gender-identity, which would make the country see the extent to which transphobic violence really takes place.

B. State-Level Divergence

The US does not yet have a stable, national-wide transgender policy system, and thus the legal situation is more of a patchwork quilt with some states being highly accommodating to transgender people and others being quite unfriendly.

1. Progressive States

All-inclusive policies have been leaped forward by states such as California, New York, and Oregon:

- They officially acknowledge non-binary identities, and therefore you can have an X on your ID, rather than M or F.
- Gender-affirming healthcare is covered by Medicaid and private insurance, and thus the parents and students do not incur those unbelievable additional expenses.
- Trans folks are now provided protection under anti-discriminatory laws at work, rent, school and medicine.
- Educational institutions are not restrictive in their policies, and trans individuals can participate in sports activities according to their gender identity.

2. Regressive Legislation

An insane increase in anti-trans bills in 2025:

¹⁴ https://en.wikipedia.org/wiki/Matthew_Shepard_and_James_Byrd_Jr._Hate_Crimes_Prevention_Act

- Approximately **991 bills** were proposed in **49 states** and **122 bills** came into reality.¹⁵
- The most common bans include:
 - Making gender-affirming care illegal to children (and even adults).
 - Campus trans students are denied access to athletics that fit their identity.
 - Limiting the use of bathrooms and making individuals to use some pronouns in the schools.
 - The redefinition of the meaning of sex to biological meaning and hence gender identity becomes sidelined by the law.¹⁶

According to the ACLU and the Trans Legislation Tracker, these laws are super harmful, even before the enactment, both mentally and physically.

3. Federal Executive Action

By early 2025 the President signed an executive order and re-introduced inclusive passport policies, allowing a traveler to identify as X instead of their gender without medical documentation. However, since the executive order can be easily overturned, it is not a firewall against the harder state-level prohibitions.

C. Legislative Efforts and Challenges

1. Equality Act (H.R.15, 119th Congress)

Introduced in April 2025 by Rep. Mark Takano and a small group of others, the Equality Act simply seeks to make modifications to the Civil Rights Act to explicitly cover individuals with regard to their sexual orientation and gender identity within the workplace, housing, education, and public spaces and, even, credit markets.¹⁷ ¹⁸ It has many voices of supporters, although the bill has been meeting a difficult fight in a Republican-dominated Congress, with apprehensions of religious exemptions and parental rights.

2. Transgender Bill of Rights

This is a proposed resolution that outlines federal promises to transgender equality- such as improved access to healthcare, ID recognition and violence protection. At this point it is more of a formality than a reality since it is still in committee.

¹⁵ <https://translegislation.com/>

¹⁶ <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2025>

¹⁷ <https://www.congress.gov/bill/119th-congress/house-bill/15/text/ih>

¹⁸ <https://equality.house.gov/equality-act-introduced-119>

3. Socio-Political Climate

There has been an influx of anti-trans bills that have come with:

- Increasing violence and hate crimes committed against the transgender population.
- Crisis of mental health, particularly trans youth.
- Discrimination in housing and employment aggravated by legal insecurity.

There is also conflicting opinion of the people: even though 75% of Americans support anti-discrimination protection of LGBTQ+ individuals, the level of support of trans-specific rights, such as youth healthcare and sports, has dropped.¹⁹

In this part, the author has emphasized that even federal level symbolic gains are tentative in the U.S. transgender legal recognition is volatile, and even state level efforts to enforce actual, substantive equality continue to be reversed by backlash and lack of support in legislation.

UNITED KINGDOM: LEGAL REGRESSION AND INSTITUTIONAL BARRIERS

A. Gender Recognition Act, 2004

When the Gender Recognition Act (GRA) 2004 was introduced, all believed that it was an innovative act. It also allowed trans adults to change their gender legally by holding onto a Gender Recognition Certificate (GRC), and that would enable them to change their birth certificate, a marriage record, and pension benefits.²⁰

Key Requirements for a GRC:

- Applicant must be over 18.
- Must provide:
 - Prescription gender dysphoria by a registered medical professional.
 - Person has lived in the “acquired gender” at least two consecutive years.
 - An official statement of purpose to live in that gender indefinitely.
- Applications are audited by a Gender Recognition Panel; the panel does not see the applicants face-to-face.²¹

Criticisms:

¹⁹ <https://thehill.com/homenews/lgbtq/5273207-democrats-equality-act-lgbtq-rights-takano-baldwin/>

²⁰ <https://www.legislation.gov.uk/ukpga/2004/7/contents>

²¹ <https://transactual.org.uk/the-gender-recognition-act-2004/>

- **Pathologization:** It entails a medical diagnosis, which supports the notion that being transgender is a disorder.
- **Unavailability:** It is a bureaucratic process that is expensive and emotionally exhausting.
- **Capturing of non-binary persons:** The Act fails to acknowledge non-binary identities.
- **Spousal veto:** Married applicants require the approval of their spouse and it will postpone or prevent recognition.
- **Minors:** The young people who are below 18 are not legally recognized as boys or girls.

However, even at its inception, the GRA has not been up-to-date with global best practices, such as self-identification models in Argentina, Malta, and Ireland.

B. Equality Act, 2010

Equality Act 2010 sort of placed all the older laws against discrimination in the same dish and introduced nine characteristics of protection, one of which is the gender reassignment.

Scope of Protection:

- It takes direct and indirect discrimination, along with all that harassing and victimising.
- Performs duties in workplaces, university, residential and any one governmental work.
- Parental cover begins when an individual declares that he/she is proposing to undergo a gender reassignment, no medical certificate or GRC is required.²²

Ambiguities and Limitations:

- The term transsexual, still applied in the Act, is somehow outdated and elite.
- **Single-sex exemptions:** Schedule 3 provides that where single sex services are offered, trans people can be prevented accessing them where it is a proportionate way of fulfilling a legitimate purpose. This has had mixed outcomes particularly in the health care, shelters and prisons.

²² <https://www.equalityhumanrights.com/equality/equality-act-2010/your-rights-under-equality-act-2010/gender-reassignment-discrimination>

- **Legal tension:** The Act lacks a very cozy compromise between the rights of trans people and the rights of cisgender women in gendered spaces, which has caused a great deal of lawsuits and even political dramatics.

Equality Act provides a strong foundation to protect, yet the phrasing and exemption are currently the focus of the debate in the UK divide over trans-rights.

C. Judicial Setback: For Women Scotland v. Scottish Ministers (2025)

In my newfound research on gender law, a historic case of the UK Supreme Court that completely redefines the use of man, woman and sex in the Equality Act 2010 as terms of **biological sex**, essentially excluding the acquired gender of a person with a GRC, has come to my attention. This ruling signifies a significant shift towards a more restrictive interpretation of law and has been the cause of a great deal of discussion amongst students, scholars and even policymakers.²³

Case Background:

- The case challenged the statutory guidance issued in accordance with Gender Representation on Public Boards (Scotland) Act 2018, which had expanded the definition of woman to encompass trans women who have GRCs.
- The Court determined that this was an unlawful interpretation and it was beyond the legislative competence of Scottish parliament.

Implications:

- **The law:** The Equality Act no longer recognizes trans women any longer as women with GRCs, in terms of sex-based protections, potentially affecting litigation strategies and advocacy.
- **Denial of gendered space:** Trans individuals can now be denied women only spaces, accommodations and facilities, and this brings up the matter of discrimination and anti sodomy laws.
- **Policy confusion:** Employers and service providers are confused on how to strike a balance between rights, duties and possible liability particularly when formulating internal policies or compliance regulations.
- **International criticism:** ILGA-Europe has given the UK a lower ranking in terms of legal recognition on the basis of a loss of trans rights, which may affect international mobility of students and international cooperation. –

²³ <https://www.supremecourt.uk/cases/press-summary/uksc-2024-0042>

- **The academia role:** Universities must now consider revising their curricula, advisory and support services to trans students in view of this precedent.

On the whole, this decision can be seen as a big blow to the rights of trans people, as well as an intensification of the conflict between the UK cultural context and the increased focus on human rights and equality issues in the context of the law and its development.

D. Healthcare and Social Climate

NHS Gender-Affirming Care:

- **Waiting times:** The wait time in some regions is as long as **eight years** before people access GICs in 2025.^{24 25}
- **Youth access:** Trans teens are now more restricted and checked in regards to blockers and hormones (after the Cass Review).
- **Mental health effect:** The later you come out the more there are possibilities that you might become depressed, anxious, even having suicidal ideas as a trans person.

Government Response:

- They launched a pilot, costing £125k, to provide digital mental-health assistance and community-based care to individuals on those waiting lists.
- Dr. David Levy is leading a national audit of adult services of gender-dysphoria to solve the delays and streamline care.

Social Hostility:

- The press tends to portray the rights of trans as a threat to the safety of women or free speech.
- Politics is also growing increasingly divided, with trans rights becoming a narrative of a “culture war”.
- There has been an increase in hate crimes perpetrated against trans people, and the trust of people in institutions is declining.

Trans folks in the UK continue to experience increasing bureaucratic and social obstacles despite the legal recognition. The combination of judicial losses, extended waits in the doctor lines and snarling rhetoric is fostering a retrogressive and outcast

²⁴ <https://www.gov.uk/government/news/support-for-adults-facing-staggering-waits-for-gender-services>

²⁵ <https://www.independent.co.uk/bulletin/news/nhs-wait-times-gender-dysphoria-care-b2826809.html>

feeling.

COMPARATIVE ANALYSIS

Dimensions	India	USA	UK
Legal Gender Recognition	Third gender via NALSA; certificate via DM	Varies by state; federal ID policies shifting	GRC via tribunal; medical diagnosis required
Anti-Discrimination laws	Constitution + 2019 Act	Title VII + Hate Crimes Act	Equality Act 2010
Self-Identification	Partially recognized	Recognized in some states	Not recognized post-2025 ruling
Healthcare Access	Mandated but uneven	ACA protections; state-level bans rising	NHS delays; limited access for youth
Marriage Rights	Recognized under Special Marriage Act	Protected under <i>Obergefell</i> ruling	Allowed post-2013; exceptions in NI
Current Challenges	Bureaucratic hurdles, stigma	Legislative backlash, violence	Legal regression, exclusion from services

CONCLUSION

The situation with legal recognition of transgender people in India, the United States, and the United Kingdom is still quite lopsided, and highly debated. The *NALSA v. Union of India* ruling provides a progressive basis that is founded on dignity and self-identification in India, whereas the Transgender Persons (Protection of Rights) Act, 2019 puts up bureaucratic and medicalized obstacles that erode its power to transform. Federal protections, such as the ones upheld in *Bostock v. Clayton County* exist in the United States. The Hate Crimes Prevention Act are significant, but the absence of a unified federal law and the growth of antagonistic state-level legislation have resulted in a disjointed legal system in which the rights of trans people are constantly eroded. The United Kingdom, in which the Gender Recognition Act 2004 and the Equality Act 2010 had previously appeared to be a pioneer, has now fallen backward as the judiciary is returning to the application of biological essentialism and denying trans persons the benefits of sex-based protections. In all of the three locations, there is a ongoing conflict

between official legal acknowledgment-certificates, ID markers, anti-discrimination legislation- and actual equality, which denotes a real access to healthcare, civil rights, and freedom against being stigmatized and assaulted. To get beyond symbolic inclusion, rights-based, interdisciplinary, and self-identification-based approach to the law is necessary to affirm autonomy, structuralize institutional obstacles and make justice a reality for trans people concerning both the law and lived life.

