

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

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POLICY GAPS IN ANTI DISCRIMINATION LAW FOR LGBTQIA+ PERSONS IN INDIA

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ABSTRACT

In this research, a complete examination of the varied dynamics associated with the LGBTQ+ policy gaps in India is presented. The study investigates the legal, social and cultural elements of issues, ongoing challenges faced by this community in the Indian scenario. Despite significant progress, political victories, increased public awareness, there are significant problems, bias in the system, which needs a continued progress towards the perfect equality. This research finding challenges the policy gaps which are significant to recognize in today's scenario. This study work will try to explore about the consequences and dilemmas faced by the LGBTQ community who feel marginalized from the mainstream world and faces the extreme humiliation, helplessness and identity in every step of their life. This findings of the study highlights the nature of the fight of LGBTQ+ rights and demonstrate the necessity of making of efforts both constant and proactive to address the issue and develop a genuine equality and acceptance is brought into focus by this fact. The LGBTQ is an umbrella term which incorporates a wide spectrum of people who reject the heteronormative structure of the society. This research aims to focus on the anti-discrimination in terms of the fulfilling of their aspirations, desires, dreams, rights raised to the equally treated.

This analysis focuses on the transgender rights including the evaluation of the legislative measures such as the Transgender persons (Protection of Rights) Act, 2019 among others. The understandings plays an encompassing legal, social and cultural factors. The various progress seen in India as well as the global scenario, however there is a significant progress seen in India victories increased public awareness in Indian society. By the demonstrate accepted by the very long time historical context of fact contradictory assumptions that have been effect of the Western culture. This viewpoints highlights the historical significance of cultural sensitivity in the progress of advocating of rights of LGBTQ+ in India. The research particularly concerning about the recent years of the educational, social, marital, legal status, the representation of the

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LGBTQ+ individuals in Indian media, cinemas, social media influences the public perception and self-identity, the anti-discrimination policies and support for gender-neutral facilities the degree of the considering factors like Urban vs Rural setting religious beliefs and caste dynamics. Despite the repeal of the section 377 of Indian penal code in the supreme court ruling in Navtej singh johar vs Union of India (2018) a bench of five judges, it violates the fundamental rights to equality, privacy, dignity for LGBTQ+ individuals community. The landmark judgement decriminalization makes one ask question in the context have we achieved the full equality for these persons or do we need to go beyond the section 377 ? These findings contribute to human rights, equality, and social justice in India perhaps influencing the future policy reforms and legislative changes to increase the rights and welfare of LGBTQ+ persons.

Keywords- LGBTQ, Hijra, Transgender, Work Place inclusion.

INTRODUCTION

LGBTQ stands for the Lesbian, Gay, Bisexual, Transgender and Queer. Basically, these categories as the four traits. In simple understanding gender identity is what the person feels, biological sex which the person has, gender expression is the act and how one looks. The one's biological sex, physical anatomy with whom the person born as the first categorized. The gender identity it is personal feeling of one's own gender between the male and female as second categorized. The sexual orientation the gender when the person gets romantically or sexually attracted to the own identity as the third categorized. The gender expression which the person who chooses to show their identity as the fourth categorized.

Historically, the LGBTQ community has faced discrimination inequality, prejudice because of their gender non-confirming behaviour and same sex sexual orientation. This people exclusively faced a social isolation, misrepresentation, invisibility in the public society. The scope for the transformation for this community is quite limited. In the Russia and India aims a cordial atmosphere for this community by the initiative state and civil society organizations, faces inequalities with considerable from the agencies of law, medicine and religion.

With the gradual enhancement position, status of LGBTQ persons in the global arena, discussed, debated, framed a more importance and the rights ideas along with the equality. The promoting and protecting the rights is complex. The many activists claims the both the

countries having the very few services, violates the fundamental rights of the LGBTQ persons, does not have when compared to equal civil rights, social opportunities, law, marriage, adoption, inherit property of same sex marriage.

The description in the Rig ved, puranas, Bhagawath Gita, Ramayana, Mahabharata, Manusmriti make the reference of the same sex behaviour. The sculptures discussed about the sexual acts between females and it connects with present day notion “sex for pleasure” and reference made through the Ancient and the Medieval Jain texts also same sex desire. Thus, the Indian ancient times to the present English label such as the “gay” or “lesbian” recently.

India's evolutionary history laws on LGBTQ rights descriminalization based on constitutionality of colonial law introduced by the britishers in 1860 significance statues section 292, 377 of the Indian penal code. Now the certain section of Article 377 have been amended New legislature deal advancing of the equal rights LGBTQ community, the supreme court ruling in Navtej Johar vs Union of India case, irrational, indefensible and manifestly arbitrary violated the LGBT person equality, life, dignity, personal liberty, non discrimination, privacy and freedom of expression under Article 14, 15, 19 and 21 of the constitution. The court verdict transformative constitutional, further generate inclusiveness in the society concerning the sexual minorities of the country.

The NALSA Act 2019, in the case National Legal Services Authority vs UOI 2014 the landmark SC, the court verdict states that the transgender as “third gender” which including the hijras and eunuchs were the Supreme court upheld that the self identify gender without the sex reassignment surgery where the violation of the fundamental rights Article 14 with dignity, Article 19 where as they can talk, dress, act, behave in a manner they like, Article 21 these are two inseparable for transgender citizens against the discrimination. The court made clear distinction biological sex and psychological sex, gave a significance importance identification based on psychological sex. The act doesn't address the transgender reservation, NALSA judgement based on the totally social, educational backwardness.

For years, the Indian census has acknowledged the third gender i.e, collecting the statistics 2011 data transgender was gathered including got the information on the job, literacy and caste, the total number of transgender people in India is estimated around the 487, 803. There is highest concentrations found in the Uttar pradesh (137, 465), Andhra Pradesh (43, 769),

Maharashtra (40, 891) and Bihar (40, 827). Transgender people has experience verbal abuse, assault, bullying, sexual violence and social constraints on a daily basis discriminated against the heterosexual sexual counterparts suffered from the bad health, depression, suicides, HIV/AIDS, mass emigration.

India has a record when comes to the LGBT rights, in February 2014, the supreme court declared the hijra or transgender persons as the third gender, landmark verdict on september 6, 2018 section 377 granted fundamental human rights rights to every human rights, gender, sexual conduct orientation. However there is a stigma still with associated with the LGBTQ people at the micro level family unit and society at macro level. The global media emphasis on representation on the LGBTQ community is expanding, this study propound the suggestions for improving the process of attention and formulation could stand as independent from gender stereotypes. which have an impact on the public policy addressing fundamental issues such as the shelter, education, occupation, health security, inheritance rights. The uplifted the socio-cultural, political and economic position of LGBTQ community on the greater scale, yet the path is still difficult.

The Gay rights as Human rights, according to Justice K.G.Balakrishnan former chief justice of India, “Human rights of LGBT community needed protection, they should not be classified as criminals” (Rao 2017:130) today there are various groups of the gay rights advocacy. The discussions held at the international forum resolutions but the always not binding on member nations, United nations have included the rights of the people, sexual orientation, gender identities and gender expression. The role of association such as the Non-governmental organizations (NGOs) and Community based organizations (CBOs) plays a vital role to sexual minorities in the cities includes the Humsafar trust in 1994 for the especially gay males and other minorities, Gay Bombay in 1998 for the space for them meet socially, network, discuss support, Queen Azaadi Movement the goal is to live in a “society sans discrimination”, the all sexual minorities support of the rights Hijras, Kothis, Panthis. Healthcare Professionals for Queen Indians (HPQI) was address the issues, concern, needs and discuss mental mental health faced by the LGBT+.

Research Problem

The research problem for this research paper are Data gaps and measurements issues, official surveys often fails to collect the data on sexual orientation and gender identity, there is no

uniformity globally accepted method for defining sexual orientation. This research paper look into the minority stress in which it creates chronic anxiety, fear and hopelessness among the LGBTQ+ individuals, particularly youth. Discrimination in the workplace and education system with facing the poverty homeless this are such factors which leads to the impact on wellbeing. This research particularly aims on the policy making face challenges deep rooted in the data limitations, social stigma, political volatility regarding to transgender rights, healthcare access. This research paper identifies and describes contemporary areas and legal issues in the recent ongoing discrimination, prejudice, marginalization, stigmatization, additionally impact of internal psychological functioning. The research also extends to the global best practices by the various countries and successful integration LGBTQ rights into the legal and social frameworks, the research study light on the challenges highlighted the progress achievement and purpose of policy, addressing various factors underscores the urgency of concerning the efforts of upliftment and empowerment of the community.

Research methodology

The research study deals with the secondary source: Shodhganga, swayam, various governmental schemes, policy making websites, Ngo publications, for the comparative analysis I have researched the various countries' documents.

Objectives of the study

1. To understand the wide broad scope of the various gaps in the policy making
2. To analysis the present trends, current issues on this community
3. To critically determine of the challenges of the anti discrimination law implementation by the parliamentary

Research question

1. Discuss the he/she/they in the 21st century to demonstrate the gap between the tangible and intangible divides in the society?
2. Whether the LGBTQIA is sensitive enough to provide adequate legal regime sexuality sex vis a vis in LGBTQ community?
3. Whether these policies create a positive status likely to strengthen the Grey areas of this community?

The Transgender Persons (Protection of Rights) Act, 2019

This act first comprehensive legislature effort to address transgender in India, the purpose was passed in Indian parliament with objective of overall welfare of the Transgender people in India³. The bill introduced by the Ministry of the social justice and empowerment in Lok Sabha of parliament on 19th July 2019⁴. The first Right of Transgender Person Bill was introduced in 2014 as a private member Bill by Tiruchi siva. The bill was passed in Rajya Sabha in 2015 the bill was pending and discussing in Lok sabha⁵. Meanwhile a writ petition filed before the supreme court of India National Legal Service Authority vs Union of India⁶ It is known as the NALSA judgement. Constitutionally it follows, under Article 21 of constitution Dignity includes diversity in self expression, allows a person to lead a dignified life, it places one's gender identity within frameworks of fundamental right to dignity, under Article 14, 19 of constitution right to equality and freedom of expression. The transgender persons are subjected to extreme discrimination in all spheres of the society. Gender is defined by the dress, words, action, behaviour, under Article 15, 16 of the constitution on grounds of sex is explicitly prohibited, biological attributes such as chromosomes, genitalia, and secondary sexual characteristics but also includes gender. The court held that discrimination on ground sex included discrimination basis of gender identity⁷.

Educational Institutions Reservations

In the Nalsa judgement, SC stated in the judgement central and state government treat as the socially and educationally backward classes in all kinds of reservation of admission in educationally backward, expert committee recommend to government should provide scholarships fee waiver, free textbooks, free hostels and other facilities. The educational institutions shall provide opportunities for sports, leisure activities to trans persons without discrimination. According to the Expert Committee's report, a helpline for career advice, promotion, online placement assistance should be established⁸. Agreed to create a distinct

³ "The Transgender Persons (Protection of Rights) Act, 2019: A Critical Analysis" (International Journal of Law Management & Humanities) <<https://ijlmh.com/the-transgender-persons-protection-of-rights-act-2019-a-critical-analysis/>> accessed April 18, 2026

⁴ "Defining LGBTQ+" (*The Center*, March 29, 2023) <<https://gaycenter.org/community/lgbtq/>> accessed April 9, 2026

⁵ Math S and others, "The Rights of Persons with Disability Bill, 2014: Implications for Neurological Disability" (2016) 19 Annals of Indian Academy of Neurology 28

⁶ AIR 2014 SC 1863.

⁷ Comment on the Transgender Persons (protection of rights), Bill, 2016, Vidhi centre for legal policy, November, 2016.

⁸ Ministry of Social justice and welfare, Transgender Person (Protection of Rights) Bill, 2016

mechanism to issue orders for particular actions such as counselling, career assistance, and so on⁹. Section 3 discrimination against transgender people in employment, education, and health care services, but does not specify any penalties. Transgender people are entitled to reservations in the sphere of work, as envisioned under Article 16(4) of the constitution¹⁰, the state is obligated to take affirmative action to ensure that they are properly represented in public service¹¹. This community is lagging behind human development including the education high level of social stigmatization, insensitivity and apathy teachers and the peer students, this area of focus in the transgender community who drop out from the school by choice but by force of discrimination and abuse.

Health care and sanitation

The expert committee and standing committee limit counselling only to sex Reassignment Surgery and hormonal therapy¹², there is no provision of psychologically counselling or counseling to mental health. The prevalent health care faced by the community is gender dysphoria which should be dealing by on daily basis can be struck down at any time, any age, without warning, entire head and chest excruciating pain as the result and the hormonal level shifting from the male to female or vice versa, by the passing of the laws is not enough for the sake of the name instead of passing laws in reality which benefit for the transgender people government could be assisted them by providing medical aid for such crucial problems, The Expert committee and standing committee's health related recommendation are included into the act¹³. It is solely provides the counselling for sex reassignment surgery and hormone therapy¹⁴. The procedure and kind of medical assistance empowerment and empowerment in the sector of medicines. The act violates the Article 14, 21 of the Indian constitution by only providing medical assistance to transgender people if they are not prepared to assign their sexual orientation. The Article 14 of the Indian constitution the law guarantees the Rights of life and liberty and the equitable treatment of all people Article 21. As a trans gender member community there was a lack of separate public toilet in the public places which leads to the no separate toilet tends to the prone of the sexual assault and supreme court has recognised the

⁹ "Activists Oppose Bill on Transgender Rights" (The Hindu, December 16, 2015) <<https://www.thehindu.com/news/cities/bangalore/activists-oppose-bill-on-transgender-rights/article7993938.ece>> accessed April 18, 2026

¹⁰ The supreme court noted in the NALSA decision.

¹¹ National Legal service Authority vs union of India (UOI) and Ors (2014) 5 SCC 438 (SC).

¹² Murad MH and others, "Hormonal Therapy and Sex Reassignment: A Systematic Review and Meta-Analysis of Quality of Life and Psychosocial Outcomes" (2010) 72 Clinical endocrinology 214

¹³ The Transgender persons (protection of rights) Act, 2019, section 15.

¹⁴ The Transgender Persons (Protection of rights) Act, 2019, section 15(3).

centre and the state government to take proper measures for this community. Since the rules are just in the paper not reached the implementation stage which has been voiceless and defenseless in the society.

Welfare schemes

The umbrella scheme for transgender person may be formulated empowerment for this LGBTQ community, assistance in providing the rehabilitation centres with the help of the Ministry of Rural Development and Ministry of Housing and Urban Poverty Alleviation¹⁵. Effective establishment of vocational training centres by the private and Government agencies for these LGBTQ communities. It provides the wide corporation by providing economic support to the transgender community. To cope with trauma and violence, a Crisis Counselling Service modelled after Rape and Crisis Intervention Centres would be established. The government should undertake welfare programmes and steps to accommodate transpeople people in the mainstream of society according to the Chapter IV, headed Welfare Measures by Government¹⁶. The act does not give any guidance from the NALSA decision by eliminating the sections establishing national and state transgender welfare commission, the council is said to be a huge entity with the little enforcement powers¹⁷. Empowerment through skill development training and livelihood is providing the short term skill development training and craftsman scheme¹⁸ for all sections of the society including transgender persons across India.

Public awareness

The central and state government has an inclusive approach towards the trans genders they should not be treated as the untouchables. The committee gives as the sensitive issue on transgender, adopt awareness at various levels such as the school and colleges both the private and government, offices, police station. Regards to concern of transgender persons, to utilise the Anganwadi centres and self help groups by providing information to parents and youth. Steps should be taken at different levels schools and colleges, government, private workplaces, police stations. The Legal provisions such as the Under section 12, prevents transgender children from

¹⁵ <<https://www.rural.gov.in/>> accessed April 18, 2026

¹⁶ The Transgender Persons (Protection of rights) Act, 2019 section 8.

¹⁷ “Activists Oppose Bill on Transgender Rights” (The Hindu, December 16, 2015) <<https://www.thehindu.com/news/cities/bangalore/activists-oppose-bill-on-transgender-rights/article7993938.ece>> accessed April 18, 2026

¹⁸ Viji, “Craftsmen Training Scheme” CDAC-Hyderabad (October 15, 2015) <<https://en.vikaspedia.in/viewcontent/social-welfare/skill-development/schemes-for-skill-development/long-term-training/craftsmen-training-scheme?lgn=en>> accessed April 18, 2026

being removed from their families despite they experience the most hostility and prejudice in their own homes. Under section 12 (3) of the legislation specific if the children family members are unable to care for them would sent to rehabilitation centre. Under section 2(k) of the act intersex people are included, under Indian penal code, 1860 the punishment offered under the act for sexual abuse conducted against the transgender is suffucient. The SMILE¹⁹ (Support for marginalised Individual for livelihood and enterprise) umbrella scheme covers the welfare measures for transgender community focus on the rehabilitation, medical, provisions of medical facilities, counselling, education, skill development, economic linkages.Finally the transgender persons protection of rights act 2009 describes about the non discrimination, recognition of the identity, right to residence, formulation of the welfare schemes to advise, monitor and evaluate protection of their rights .Public awareness programmes, the central and state has taken several steps to implement transgender community measures for the advancement of the transgender community. Making as the legal recognition as the third gender, as the socially, educationally backward class of the citizen. Various steps to frame social welfare schemes for the community, court directed the Ministry of Social Justice and Empowerment to conduct detailed research to understand the needs of transpeople²⁰.

The expert committee in August 2013 which published January 2014, the subsequently the government Transgender Person (Protection of Rights) Bill 2016 (Bill No.2'10 of 2016) on 2 August 2016²¹, the various provisions reportedly in the 2014 private bill. The result refuse of the many recommendation of the Expert Committee among the Transgender community, lawyers, activists in India²².The protest the bill was sent to the Standing Committee in September 2016, submitted its report in July 2017, the newer version of bill was tabled in Loksabha, passed in December 2018 ignored many recommendations made by standing committee²³, the bill was passed in parliamentary on 26 November 2019, the act suffers many loopholes, the act neglects various recommendations of standing committee and expert

¹⁹ "SUPPORT FOR MARGINALIZED INDIVIDUALS FOR LIVELIHOOD AND ENTERPRISE (SMILE) SCHEME" (Press Information Bureau) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2226198®=3&lang=1>> accessed April 18, 2026

²⁰ Ibid 4

²¹ "Activists Oppose Bill on Transgender Rights" (The Hindu, December 16, 2015) <<https://www.thehindu.com/news/cities/bangalore/activists-oppose-bill-on-transgender-rights/article7993938.ece>> accessed April 18, 2026

²² The Hindu Bureau, "Opposition to Transgender Persons Rights Amendment Bill Gains Steam in Karnataka" (The Hindu, March 23, 2026) <<https://www.thehindu.com/news/cities/bangalore/opposition-to-transgender-persons-rights-amendment-bill-gains-steam-in-karnataka/article70776150.ece>> accessed April 18, 2026

²³ Nair S and Tiwary D, "Lok Sabha Passes Transgender Persons Bill with 27 Changes" The Indian Express (December 18, 2018) <<https://indianexpress.com/article/india/parliament-winter-session-lok-sabha-passes-transgender-bill-5497844/>> accessed April 18, 2026

committee defied the judgment National Legal Services Authority vs Union of India²⁴, Justice K.S Puttaswamy & Anr vs Union of India & ors²⁵, Navtej Singh Johar vs Union of India²⁶.

172nd Law commission report

These reports comprehensively focus on the sexual offences and various recommendations on the fields of the law, it also made many recommendations including gender neutrality, discriminations of homosexuality, criminalization in homosexual acts, trans gender rights, legal rights, social issues, this commission report recognition of transgender as the third gender. However this report many suggestions but not yet implemented faces continues significant challenges and discriminations, however the introducing of the laws which protect the rights of the community, in perspective of the anti-discrimination laws, employment opportunities, education, housing etc. The commission has recommended various changes widening the scope of the offences in section 375 of IPC, other changes such as the recommended in section 376, 376A to 376D. The reports also gives a comprehensive explanation on the section 375 and 377²⁷. The deletion of 377 was recommended which was not much more about the gender neutrality or the legal safeguards of the transgender, section 377 states that the having voluntary carnal intercourse with any animals, may leave such person to their deserts²⁸, the preceding got change in the provisions from the section 375 to 376-E. This report didn't shape until 2012, which able to progress the mindset of law makers another decision by a court Naz Foundation vs Govt of NCT of Delhi²⁹ Judgment that fundamental changes in the interpretations of law. This commission has recommended various changes in code of criminal procedure 1973 and the Indian evidence act, 1872.

Sex Reassignment Surgery

A surgical process of change in the physical appearance and sexual anatomy of the individual with the gender identity, it's an expensive procedure, it is a journey to living as the true selves. SRC is a limited various factors includes such as cost, lack of healthcare coverage and social stigma and members of the community typically do not make enough money to afford this

²⁴ AIR 2014, SC 1863.

²⁵ (2017) 10 SCC 1.

²⁶ (2018) 7 SCC 192.

²⁷ The Indian Penal code, 1860.

²⁸ PTI, "Cabinet Approves Transgender Bill" (*BusinessLine*, July 10, 2019) <<https://www.thehindubusinessline.com/news/national/cabinet-approves-transgender-bill/article28355950.ece>> accessed April 18, 2026

²⁹ (2009) 160 Delhi Law Times 277.

surgery, it is noted significantly not all individual within LGBTQIA+ choose to undergo SRS and respected as a personal choice with the acknowledge of being transgender and proper medical certificate .The supreme court held recognition of one gender lies at the heart of the fundamental right to dignity, the legal recognition of the transgender as the Third Gender as the new law reassign their sexual orientation in order to live a life with dignity and freedom guaranteed under the constitution³⁰ and a person should have unrestricted access regardless of their ethnicity or sexual orientation. The fundamental rights transgender people in Part III of the constitution violated the new statutes is extra vires, which is wholly ultra vires and against the 14, 19, 21 Articles of the Indian constitution. According to the new law the transgender has to be follow a Two step procedure a transgender person may apply to the District Magistrate for issuance of a certificate of identity as transgender person in the appropriate format with supporting documentations. After the issuance the transgender person undergoes surgery to change gender either as male or female³¹ effect with the medical superintendent or chief medical officer of the medical institution has undergone surgery to the district magistrate for revised certificate in form prescribed³².This is the proof of the Sex Reassignment of the transgender person.

Trans-Children well-being

In the report detailed about the abuse, denial of the identity for young transgender people, natal homes³³ become setting where transgender children minors, freedom to decide and express where here the gender is limited, in order to avoid the domestic violence frequently compel women to flee their homes, transgender youngsters are forced to seek sanctuary with the Hajira families³⁴ in Jamaats³⁵.For dormitories, adopted parents are the Hajira elders and Hajira community as the relatives and friends, and the harassment of the trans children by their own family members , this committee is the high level sensitivity of trans children's needs. In 2019, the transgender people's life is entirely ignored disregards committee recommendations that

³⁰ National Legal service authority vs union of India (UOI) and ors.(2014) 5 SCC 438 (SC).

³¹ Sub-section (1) of section 6.

³² The transgender persons (protection of rights) Act,2019.

³³ Silliman J, "Invisible Crib of Abuse" Telegraph India (September 16, 2025) <<https://www.telegraphindia.com/opinion/invisible-crib-of-abuse-natal-home-is-where-violence-against-a-girl-child-begins-prnt/cid/2123252>> accessed April 18, 2026

³⁴ "The Third Gender and Hijras" (Religion and Public Life) <<https://rpl.hds.harvard.edu/religion-context/case-studies/gender/third-gender-and-hijras>> accessed April 18, 2026

³⁵ "HAF Policy Brief: LGBTQ Rights" (Hindu American Foundation, November 26, 2019) <<https://www.hinduamerican.org/issues/haf-policy-brief-hindu-teachings-inclusive-of-lgbt-people/>> accessed April 18, 2026

the transgender children can only live apart from their families if the court orders it³⁶. Finally, as a result the family is abusive a transgender youngster³⁷ cannot choose to live in a supportive family. The different family structure recommended by the standing committee, the state government established rehabilitation centres to their unique requirement urges.

The Justice Verma Committee, 2013

Committee appointed by government of India in 2013, wide spread of the protest following gang rape of young woman in New Delhi. Addressed the rights, protect of the LGBTQIA community, steps to address the discrimination faced by the LGBTQIA+ community recommended the decriminalization of homosexuality state that the section 377³⁸ was violative of fundamental rights under Indian constitution supreme court of India was striking down in which was major step forward³⁹ the associated challenges with the sexuality explain different sexual orientations, due to the lack of scientific understanding this homosexuality is considered as the mental disorder it understood involving evolution, partial conditioning, neurological due to the genetic reasons, sex as the term in Article 15 of the Indian constitution includes different sexual orientation “Magnus Hirschfeld’s Doctrine of Sexual Intermediaries and the Transgender Politics of (No) Identity of Bauer”⁴⁰. The third sex is regarded as the symbol of sexual diversity in addition to exceeding binomial sexuality, 2014 was a watershed moment in the community’s acceptance of its unique identities to breakdown all the previous institutions, marginalised identities rights and with the NALSA⁴¹. The ruling validated the recognition of respect for gender identities.

Conclusion

The government has taken measure to include trans people community, in india its high time that government needs to run visible programmes to include help trans the rise above pain caused by centuries. The purpose of social welfare legislation should be protect the rights of the marginalised, is not allowed purely because of community discrimination disallow the

³⁶ The Transgender persons (protection of rights) Act, 2019, section 12.

³⁷ “Gender Diverse and Transgender Youth: How to Support Your Child” (Stony Brook Medicine Health News, January 23, 2025) <<https://health.stonybrookmedicine.edu/gender-diverse-and-transgender-youth-how-to-support-your-child/>> accessed April 18, 2026

³⁸ abid

³⁹ abid

⁴⁰ “Draft Transgender Persons (Protection of Rights) Rules, 2020” (PRS Legislative Research) <<https://prsindia.org/billtrack/draft-transgender-persons-protection-of-rights-rules-2020>> accessed April 18, 2026

⁴¹ National legal services authority vs union of india (2014) 5 SCC 438(India).

members participation in political spaces which creates the political disclosure where here the law cannot brings changes unless the society is ready to accept trans people .In 2019 India, passed a Transgender Persons (Protection of Rights) Act which is a huge step forwarding in recognizing, protecting transgender rights legally as the result there is a detailed account of successes and failures. The act is lacking in many of key area, not only certificate procedure for gender identity recognition raise, but principles of the individual's autonomy. The absence of barriers in workplace and educational institutions many struggles. There is facing of the significant differences in literacy rates and employment, inadequate punishments violence and prejudice and to address critical matters like adoption and marriage rights the act ability to protect the transgender. Important on possible changes to India's legal system to expand the protection of the rights and establish the gender recognition with safeguarding the human rights. The suggestion here is wants to close the gaps between the goals and the actual impact transgender individuals in India. Taking steps in the right directions need the extensive changes reworking on rights before it executing on the trans people. The transgender community's well-being must continue the cultural shift. Will India be able to build a life with respect and dignity and enjoy all their rights as the citizens of India.

