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REPORTING OF CRIMES AGAINST TRANSGENDER PERSONS IN MUMBAI AND SUBURBAN REGIONS: ISSUES AND CHALLENGES

(A Socio-Legal Study of Underreporting, Institutional Barriers, and Access to Justice)

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Abstract

This study examines the underreporting of crimes against transgender persons in Mumbai and its suburban regions despite legal recognition under Indian law. Adopting a socio-legal approach, it combines doctrinal analysis with empirical data from 25 semi-structured interviews. The study identifies key barriers such as fear of harassment, social stigma, lack of legal awareness, and distrust in police authorities. Institutional challenges, including insensitive policing, procedural complexities, and inadequate infrastructure, further hinder access to justice. The findings reveal a gap between legal protections and their implementation. The study highlights the need for sensitization of authorities, simplified procedures, and strengthened legal aid to ensure an inclusive justice system.

Keywords

Transgender Rights; Underreporting of Crime; Access to Justice; Institutional Barriers; Socio-Legal Study; Mumbai; Criminal Justice System; Police Sensitization

1. Introduction

India has made major progress in protecting the rights of transgender individuals, particularly with the Judgment in National Legal Services Authority v. Union of India, (2014) and enactment of The Transgender Persons (Protection of Rights) Act, 2019. These developments aimed to protect transgender people from discrimination and provided them legal protection. However, many transgender persons still deal with common problems including physical

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assault, sexual violence, harassment, economic exploitation and social exclusion.³

Field interactions reveal that many transgender respondents have experienced repeated instances of harassment and violence. One respondent stated, “Even when we try to complain, the police do not take us seriously and sometimes insult us instead.” Another participant highlighted that “reporting crimes feels risky because it may lead to further harassment rather than protection.” This reflects a broader pattern of underreporting driven by fear of harassment, social stigma, lack of legal awareness, and distrust in law enforcement agencies.

The underreporting of crimes against transgender people is an important matter that goes unchecked. Because they are afraid of being abused or judged, many victims prefer not to report their crimes.⁴ Since some police officers may not be willing to listen to their problems, there is also a loss of trust in the police.⁵ Further, transgender people find it more challenging to get justice when they are unclear of their legal rights and support structures.⁶

Researching these problems becomes even more necessary in a city like Mumbai and Suburban regions being one of India’s most urbanized and socially diverse cities, where there is a huge and active transgender community.⁷ The city gives a valuable environment for understanding how crimes get reported, the challenges transgender persons experience in reaching law enforcement agencies, and the actual availability of justice for transgender people.

The objective of this research is to fill the gap between what transgender persons actually live and what the legislation guarantees.⁸ The study attempts to draw attention to the actual difficulties the community faces and offer solutions by concentrating on crime reporting, institutional obstacles, and access to justice. Despite extensive national-level research, there is a lack of focused socio-legal studies examining underreporting of crimes against transgender persons in metropolitan contexts like Mumbai, which this study aims to address.

³ *National Legal Services Authority v. Union of India* (2014) 5 SCC 438; *Transgender Persons (Protection of Rights) Act, 2019*.

⁴ Rukmini Sen, ‘Police Violence and Transgender Communities in India’ (2019) *Indian Journal of Gender Studies*.

⁵ Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South India* (University of Chicago Press 2005).

⁶ Aniruddha Dutta, ‘Transgender Rights and the Law in India: Problems of Implementation’ (2019) *Journal of Indian Law and Society*.

⁷ Akkai Padmashali and others, ‘Transgender Rights in Urban India: Gaps in Policy and Practice’ (2020) *Economic and Political Weekly*.

⁸ Sharlene Nagy Hesse-Biber, *The Practice of Qualitative Research* (3rd edn, Sage Publications 2017).

2. Research Problem

Crimes against transgender people are still mostly underreported, despite legislation protecting them.⁹ Fear of stigma, discrimination, and bad experiences with officials prevent many people from coming forward.¹⁰ Due to this, a number of cases never make it to the judicial system, depriving victims of justice and support.¹¹ This scenario reveals a significant gap between what the law says and what actually takes place in reality. In other words, there is a clear distinction between the "law in books" and the "law in practice," which ultimately results in transgender people being denied justice.¹²

3. Objectives of the Study

1. To examine the nature of crimes and factors contributing to underreporting of offences against transgender persons in Mumbai and its suburban regions, including violence, harassment, discrimination, and the impact of social stigma, fear, and distrust in legal institutions.
2. To analyse institutional and legal challenges affecting access to justice, including the role of law enforcement, procedural barriers, and the effectiveness of existing legal frameworks in protecting transgender rights.
3. To suggest measures for improving access to justice, including legal awareness, sensitization of police and authorities, and strengthening support mechanisms to ensure fair and equitable treatment.

4. Research Methodology

This study adopts a mixed-method approach, integrating doctrinal and empirical research to understand the challenges faced by transgender persons in relation to crime and access to justice. The empirical component is based on 25 semi-structured interviews with transgender individuals from Mumbai, Thane, and Navi Mumbai, along with inputs from NGO representatives and legal aid providers working with the community.

⁹ *Transgender Persons (Protection of Rights) Act, 2019*.

¹⁰ Rukmini Sen, 'Police Violence and Transgender Communities in India' (2019) *Indian Journal of Gender Studies*.

¹¹ Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South India* (University of Chicago Press 2005).

¹² Aniruddha Dutta, 'Transgender Rights and the Law in India: Problems of Implementation' (2019) *Journal of Indian Law and Society*.

4.1 Doctrinal Research

Analysing the present legislation, judicial decisions, and guidelines with respect to transgender rights and the system of criminal justice. Doctrinal research concentrates on analysing legal protections that are available and evaluate how successfully these laws address the issues that transgender people face.

4.2 Empirical Research

The empirical research involved interviews with transgender individuals from Mumbai, Thane, and Navi Mumbai, along with interactions with NGO workers, legal aid providers, and informal discussions with police officers to gain practical insights. The data was analysed using thematic analysis to identify key patterns related to underreporting, institutional barriers, and access to justice. Ethical standards were strictly maintained, with informed consent obtained and participants' identities kept confidential.

4.3 Sampling Method

The study involves the snowball sampling method for data collecting, where existing participants help in identifying and connecting with other potential participants. This method is particularly useful in reaching underprivileged populations, where direct access is frequently challenging.

4.4 Limitations

One of the major shortcomings of this study's is a lack of government record related to transgender individuals, which limits quantitative research. Also, fear, shame, and issues about confidentiality may make many participants hesitant to reveal their personal experiences, which may have an impact on the data gathered.

5. Theoretical Framework

This study is grounded in the Access to Justice Theory, which emphasizes that the mere existence of legal rights is not sufficient unless individuals can effectively access mechanisms for their enforcement. In the context of transgender persons, access to justice is often restricted by institutional barriers, procedural complexities, and lack of inclusive support systems. This framework helps explain how such limitations contribute to the underreporting of crimes and hinder meaningful engagement with the criminal justice system in Mumbai and its suburban regions.

The study also draws on Minority Stress Theory, which explains how continuous experiences of stigma, discrimination, and social exclusion create psychological and social stress among marginalized communities. For transgender individuals, this stress often results in fear and reluctance to approach formal institutions, including the police and courts. This framework helps in understanding how lived experiences of marginalization influence decisions around reporting crimes and accessing justice.

6. Literature Review

Existing literature on transgender rights in India consistently highlights the high prevalence of violence and its invisibility within official systems. Studies indicate that transgender persons frequently experience physical, verbal, and sexual abuse; however, such incidents remain largely absent from official records. Scholars interpret the low figures in crime statistics as evidence of severe underreporting rather than low incidence, pointing to structural gaps in recognition and documentation that obscure the lived realities of the community.¹³

A significant body of research also emphasizes the role of police and institutional bias in discouraging crime reporting. Empirical studies reveal that transgender persons often face harassment, ridicule, or neglect when interacting with law enforcement authorities, leading to deep mistrust in the criminal justice system. In some instances, authorities themselves are identified as contributors to abuse, further reinforcing reluctance to report crimes and perpetuating a cycle of underreporting.¹⁴

Socio-economic exclusion is another key theme in the literature. Due to discrimination in education and employment, many transgender individuals are pushed into informal and insecure livelihoods, increasing their vulnerability to exploitation. Scholars argue that such marginalization not only heightens exposure to crime but also limits access to legal remedies, as individuals in precarious conditions are less likely to engage with formal institutions.¹⁵

Despite extensive national-level research, there is a lack of focused studies examining metropolitan contexts such as Mumbai and its suburban regions. Existing literature often

¹³ National Human Rights Commission, *Study on Human Rights of Transgender Persons in India* (NHRC 2018).

¹⁴ National Crime Records Bureau, *Crime in India Reports* (various years).

¹⁵ Gayatri Reddy, *With Respect to Sex: Negotiating Hijra Identity in South India* (University of Chicago Press 2005).

generalizes findings across India without addressing the specific institutional and socio-economic dynamics of urban settings. This gap underscores the need for localized socio-legal research to better understand underreporting, police interaction, and access to justice in cities like Mumbai.¹⁶

7. Legal Framework

India has progressively developed a legal framework to recognize and protect the rights of transgender persons, though gaps remain in its implementation. The Constitution of India provides the foundation through Articles 14, 15, 16, and 21, which guarantee equality before law, prohibit discrimination, ensure equal opportunity in public employment, and protect the right to life and dignity. These provisions form the constitutional basis for addressing discrimination and ensuring access to justice, including in the context of reporting crimes.¹⁷

A significant advancement came with the Supreme Court's decision in *National Legal Services Authority v. Union of India*, which recognized transgender persons as a "third gender" and affirmed their right to self-identification. The judgment also emphasized the need for sensitization of law enforcement agencies and equal access to legal remedies, making it central to discussions on crime reporting and institutional accountability.¹⁸

The Transgender Persons (Protection of Rights) Act, 2019 provides statutory protection by prohibiting discrimination and criminalizing various forms of abuse, including physical, sexual, and economic exploitation. However, procedural challenges and weak enforcement mechanisms often limit its effectiveness, discouraging transgender persons from reporting offences.¹⁹

Further, criminal law under the Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023 addresses offences such as assault, harassment, and intimidation. However, the largely gender-neutral framework does not adequately capture transgender-specific vulnerabilities, leading to issues such as misclassification of offences, reluctance in

¹⁶ Akkai Padmashali and others, 'Transgender Rights in Urban India: Gaps in Policy and Practice' (2020) *Economic and Political Weekly*.

¹⁷ *Constitution of India*, arts 14, 15, 16, 21.

¹⁸ *National Legal Services Authority v. Union of India* (2014) 5 SCC 438.

¹⁹ *Transgender Persons (Protection of Rights) Act, 2019*.

registering complaints, and procedural barriers.²⁰

Historically, certain state laws, such as the Bombay Prevention of Begging Act, 1959, have been misused to criminalize transgender individuals, particularly those engaged in traditional livelihood practices. Similarly, enforcement under the Police Act, 1861 and its state amendments often lacks sensitivity toward transgender issues, resulting in harassment, bias, or neglect when crimes are reported.²¹

Other protective laws, while not transgender-specific, are relevant for safeguarding against sexual and workplace abuse. These include the Sexual Harassment of Women at Workplace (POSH) Act, 2013 and the Protection of Children from Sexual Offences (POCSO) Act, 2012, which may apply to transgender persons in workplaces and educational settings. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) guarantees access to education for all children, including transgender children, while the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can protect transgender persons from caste-based discrimination or violence.²²

At the state level, policies such as the Maharashtra Transgender Welfare Policy (2015) provide welfare benefits, scholarships, skill development programs, and healthcare support for transgender individuals.²³

Legislation addressing broader social protections also indirectly safeguards transgender persons. The Rights of Persons with Disabilities Act, 2016, ensures accessibility and equal rights for transgender individuals with disabilities. The Prohibition of Child Marriage Act, 2006 protects transgender minors from forced marriages or coercion. Property and inheritance rights are addressed under the Indian Succession Act, 1925 and the Hindu Succession Act, 1956 (amended 2005), which affirm the legal capacity of transgender persons to inherit property.²⁴

²⁰ *Bharatiya Nyaya Sanhita, 2023; Bharatiya Nagarik Suraksha Sanhita, 2023.*

²¹ *Bombay Prevention of Begging Act, 1959; Police Act, 1861.*

²² *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; Protection of Children from Sexual Offences Act, 2012; Right of Children to Free and Compulsory Education Act, 2009; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.*

²³ *Government of Maharashtra, Maharashtra Transgender Welfare Policy, 2015.*

²⁴ *Rights of Persons with Disabilities Act, 2016; Prohibition of Child Marriage Act, 2006; Indian Succession Act, 1925; Hindu Succession Act, 1956 (Amended 2005).*

Labour laws and social security schemes, including the Employees State Insurance Act, 1948 and the Maternity Benefit Act, 1961, provide health insurance, maternity benefits, and workplace protections that can extend to transgender employees, depending on state-level enforcement. These laws complement the statutory protections of the Transgender Persons Act, creating a broader socio-legal safety net for transgender persons.²⁵

Despite this complex legal framework, enforcement gaps, lack of awareness, institutional bias, and procedural hurdles continue to hinder the reporting of crimes by transgender persons, particularly in urban and suburban areas such as Mumbai, Thane, and Navi Mumbai. Effective access to justice requires not only legal provisions but also active implementation, police sensitization, community awareness, and supportive institutional mechanisms.²⁶

8. Nature of Crimes Against Transgender Persons

Transgender persons face diverse forms of violence and exploitation affecting their physical, psychological, and economic well-being. Common offenses include physical assault and violence, often occurring in both public and private spaces, leading to repeated victimization. Sexual exploitation and abuse are also prevalent, particularly among those in vulnerable socio-economic conditions, though such incidents remain largely underreported due to stigma and fear of victim-blaming. Verbal abuse and public humiliation are frequent, contributing to social exclusion and mental distress. Economic exploitation, including employment discrimination and denial of opportunities, further marginalizes transgender individuals and pushes many into insecure work conditions. Additionally, instances of police harassment and refusal to register complaints discourage victims from seeking legal remedies. These crimes occur across multiple settings and involve various perpetrators, reflecting the combined impact of societal prejudice, economic vulnerability, and institutional bias.

9. Underreporting of Crimes: Key Factors

1. Fear of Harassment and Retaliation

Many transgender people fear that reporting the police or other authorities may result in more harassment rather than protection. Reporting crimes is a dangerous and stressful process because of this fear of revenge, which is particularly intense when the

²⁵ *Employees' State Insurance Act, 1948; Maternity Benefit Act, 1961.*

²⁶ Aniruddha Dutta, 'Transgender Rights and the Law in India: Problems of Implementation' (2019) *Journal of Indian Law and Society.*

culprit is someone with social or institutional power, such as a police officer, employer, or family member.

2. Lack of Trust in Police

A further important component causing underreporting is a lack of faith in the police. Victims are occasionally disregarded or held accountable for the crimes committed against them, according to even personal experience. Such incidents discourage future reporting and create the impression that the criminal justice system is indifferent to transgender populations.

3. Social Stigma and Discrimination

Transgender people are significantly prevented from reporting crimes due to social shame and discrimination. Victims are made to feel ashamed or afraid of being judged by deeply rooted societal biases, such as marginalization, mockery, and exclusion.

4. Lack of Legal Awareness

Lack of legal knowledge is a further significant hurdle. The Transgender Persons (Protection of Rights) Act, 2019, certain sections of the Indian Penal Code now BNS (2023), and the POSH Act are just a few of the laws and protections that many transgender people are not aware of.

5. Documentation Issues

The reporting procedure is made more difficult by problems with documentation. This makes it more difficult to file complaints or seek legal remedies because authorities can reject cases or doubt their identification. These procedural obstacles restrict victims' access to justice and discourage them from contacting law enforcement.

10. Institutional Barriers

1. Insensitive Police Attitudes

Police officers' insensitivity is one of the main institutional obstacles transgender people must overcome. Many officers are ignorant of the legal protections offered by the Transgender Persons (Protection of Rights) Act, 2019 and other laws, and they lack training on matters unique to gender diversity.

2. Procedural Difficulties

Transgender victims frequently run across complicated processes and bureaucratic roadblocks even when they want to access the criminal justice system. Attending hearings, filing a First Information Report (FIR), and negotiating administrative formalities can be difficult, particularly for people who are not familiar with legal procedures.

3. Absence of Gender-Inclusive Infrastructure

In India, a lot of police stations and courts lack the resources necessary to meet the unique needs of transgender people. There are frequently insufficient amenities including gender-neutral restrooms, separate waiting areas, and private spots for making statements.

4. Lack of Accountability Mechanisms

The lack of accountability for wrongdoing by law enforcement authorities is another major obstacle. There aren't many official procedures to deal with police harassment, intimidation, or carelessness against transgender victims. Disciplinary procedures are frequently unclear or ineffectual, and internal concerns are rarely addressed.

11. Access to Justice

Due to societal exclusion and institutional injustices, transgender persons in India continue to face significant barriers in accessing justice. Despite progressive legislation such as the Transgender Persons (Protection of Rights) Act, 2019 and the Legal Services Authorities Act, 1987, access to formal legal systems remains limited in practice. Legal aid services are often inaccessible, inadequately staffed, and not sufficiently equipped to address the specific challenges faced by transgender individuals. Additionally, lack of legal awareness further discourages victims from seeking remedies, as many are unfamiliar with their rights and complaint procedures.

Non-governmental organizations (NGOs) play an important supportive role by providing legal assistance, counselling, and acting as intermediaries between victims and legal institutions. However, their reach remains limited, particularly in suburban and economically disadvantaged areas. As a result, many transgender persons rely on informal community networks for immediate support and conflict resolution. While these networks provide

emotional and social security, their use often leads to avoidance of formal legal mechanisms, thereby contributing to the underreporting of crimes.

This reliance on informal systems highlights the structural deficiencies within the justice system and underscores the urgent need for more inclusive, accessible, and responsive legal frameworks that can effectively address the needs of transgender communities.

12. Findings and Discussion

The findings of the study indicate that underreporting of crimes against transgender persons is not merely an individual choice but a consequence of structural and institutional failures. These findings align with earlier studies (Logie et al., 2012; Chakrapani & Vijin, 2015), which highlight that stigma, discrimination, and institutional bias discourage marginalized communities from engaging with the criminal justice system.

In the context of Mumbai and its suburban regions, the study reveals that despite the existence of legal protections, their implementation remains inconsistent. Institutional barriers such as insensitive police behaviour, procedural complexities, and lack of accountability mechanisms significantly restrict access to justice. This reflects a clear gap between legal recognition and practical enforcement, reinforcing the concept of “law in books” versus “law in practice.”

Despite its progressive reputation as a major urban centre, Mumbai reflects broader national patterns of marginalization. The presence of a visible transgender population has not translated into effective access to justice or adequate grassroots support. The study demonstrates that systemic issues, including police indifference and procedural barriers, persist even in urban settings with relatively greater resources.

At the community level, legal developments such as *National Legal Services Authority v. Union of India* have not fully translated into lived realities. Transgender persons continue to face violence, discrimination, and exclusion in everyday life. This gap between legal provisions and their implementation highlights the need for institutional reforms, increased sensitization, and accessible support mechanisms to ensure meaningful and equitable access to justice.

13. Suggestions

1. Sensitization Training

Police, judges, and other law enforcement officials should get regular training about transgender rights, legal safeguards, and community challenges.

2. Community Policing Initiatives

The divide between law enforcement and marginalized groups can be closed by fostering trust via ongoing involvement with transgender populations.

3. Simplification of Legal Procedures

For transgender people, complaint procedures and legal procedures should be more easily accessible, clear, and user-friendly.

4. Strengthening Legal Aid Services

Transgender people should have access to specialized legal aid and counselling services, including help with paperwork, case filing, and court proceedings. This will lessen reliance on unofficial community networks while enabling victims to seek justice.

5. Awareness Campaigns

Encouraging legal literacy among transgender people is crucial to ensuring that they are aware of their rights and the channels through which they can report offenses. To reach a larger audience, awareness campaigns can use online resources, workshops, brochures, and collaborations with non-governmental organizations.

6. Policy Implementation Monitoring

To guarantee accountability in the application of laws pertaining to transgender people, regular monitoring and assessment systems must be established. To ensure that legal safeguards translate into practical results, this can involve reporting of implementation gaps, and recurring evaluations by impartial organizations.

14. Conclusion

Underreporting of crimes against transgender persons in Mumbai stems from interconnected institutional, social, and legal challenges. Despite progressive measures such as the Transgender Persons (Protection of Rights) Act, 2019 and the landmark ruling in National Legal Services Authority v. Union of India, transgender individuals continue to face violence, discrimination, and barriers in accessing justice. Structural issues, including insensitive law enforcement, procedural complexities, lack of legal awareness, and persistent social stigma, prevent victims from reporting crimes and reinforce the gap between legal provisions and their implementation.

Addressing this issue requires a comprehensive approach focused on effective enforcement, institutional accountability, and social sensitization. Simplifying legal procedures, strengthening oversight mechanisms, and promoting gender-sensitive practices within law enforcement are essential.

Ensuring meaningful access to justice ultimately depends on coordinated efforts between the state, civil society, and community networks. Strengthening both legal and social frameworks is crucial to creating an inclusive environment where transgender persons can live with dignity, equality, and full protection of their rights.

15. Bibliography

- [1]. National Legal Services Authority v. Union of India, (2014) 5 SCC 438 (India)
- [2]. The Constitution of India (1950)
- [3]. The Transgender Persons (Protection of Rights) Act (2019)
- [4]. The Transgender Persons (Protection of Rights) Rules (2020)
- [5]. Bharatiya Nyaya Sanhita (2023)
- [6]. Bharatiya Nagarik Suraksha Sanhita (2023)
- [7]. The Legal Services Authorities Act (1987)
- [8]. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013)
- [9]. The Protection of Children from Sexual Offences Act (2012)
- [10]. The Right of Children to Free and Compulsory Education Act (2009)
- [11]. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989)

- [12]. The Bombay Prevention of Begging Act (1959)
- [13]. The Police Act (1861)
- [14]. The Rights of Persons with Disabilities Act (2016)
- [15]. The Prohibition of Child Marriage Act (2006)
- [16]. The Indian Succession Act (1925)
- [17]. The Hindu Succession Act (1956, as amended in 2005)
- [18]. The Employees' State Insurance Act (1948)
- [19]. The Maternity Benefit Act (1961)
- [20]. National Crime Records Bureau: Crime in India 2022 statistics. Ministry of Home Affairs, Government of India (2023)
- [21]. National Human Rights Commission: Study on human rights of transgender persons in India. NHRC, Government of India (2018)
- [22]. Ministry of Social Justice and Empowerment: Annual report 2019–2020. Government of India (2020)
- [23]. Government of Maharashtra: Maharashtra state policy for transgender persons. Social Justice Department (2015)
- [24]. Agnes, F.: Law and gender inequality: The politics of women's rights in India. Oxford University Press (2011)
- [25]. Basu, D.D.: Introduction to the Constitution of India, 23rd edn. LexisNexis (2015)
- [26]. Chakrapani, V., Vijin, P.P.: Transgender health in India: A scoping review. *Int. J. Transgenderism* 16(3), 123–131 (2015)
- [27]. Narrain, A., Bhan, G. (eds.): Because I have a voice: Queer politics in India. Yoda Press (2005)
- [28]. Reddy, G.: With respect to sex: Negotiating hijra identity in South India. University of Chicago Press (2005)
- [29]. Chakrapani, V., Newman, P.A., Shunmugam, M., Kurian, A.K., Dubrow, R.: Barriers to free antiretroviral treatment access among kothi-identified men who have sex with men and aravanis (transgender women) in Chennai, India. *AIDS Care* 19(6), 681–690 (2007)
- [30]. Logie, C.H., Newman, P.A., Chakrapani, V., Shunmugam, M.: Adapting the minority stress model: Associations between gender nonconformity stigma, HIV-related stigma and depression among men who have sex with men in South India. *Soc. Sci. Med.* 74(8), 1261–1268 (2012)

- [31]. Poteat, T., German, D., Kerrigan, D.: Managing uncertainty: A grounded theory of stigma in transgender health care encounters. *Soc. Sci. Med.* 84, 22–29 (2013)
- [32]. Human Rights Watch: “They say we’re not human”: Denying rights to people due to sexual orientation and gender identity in India. Human Rights Watch (2014)
- [33]. UNAIDS: The gap report: Transgender people. Joint United Nations Programme on HIV/AIDS (2014)
- [34]. Sahodaran: A situational analysis of transgender persons in Mumbai. Mumbai (2016)
- [35]. Humsafar Trust: Community-based report on transgender rights and access to justice in Mumbai. Mumbai (2018)
- [36]. Ministry of Law and Justice, Government of India: *Bharatiya Nyaya Sanhita* (2023). Available at: <http://www.legislative.gov.in>
- [37]. National Portal of India: Transgender persons welfare schemes (2023). Available at: <https://www.india.gov.in>

