



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

**Peer - Reviewed & Refereed Journal**

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK  
LEGAL

## **EDITORIAL**

### **TEAM**

#### **Raju Narayana Swamy (IAS ) Indian Administrative Service officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) ( with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and diploma in Public

a professional  
Procurement from the World Bank.

#### **Dr. R. K. Upadhyay**

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.





## **Senior Editor**

### **Dr. Neha Mishra**



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

### **Ms. Sumiti Ahuja**

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



### **Dr. Navtika Singh Nautiyal**



Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



### **Dr. Rinu Saraswat**

Associate Professor at School of Law, Apex University, Jaipur,  
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

### **Dr. Nitesh Saraswat**

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



### **Subhrajit Chanda**

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WHITE BLACK  
LEGAL

# **TRANSGENDER: A SOCIO LEGAL PERSPECTIVE**

AUTHORED BY - RADHA RANJAN

Doctoral Research scholar

Department of Law and Governance

Central University of South Bihar

## **ABSTRACT**

"Transgenders: A Socio-Legal Perspective" provides a thorough investigation of the intricate interaction between societal dynamics and legal frameworks as they apply to transgender people. This study explores the numerous issues that transgender communities face in society, such as prejudice, healthcare disparities, and legal recognition. The study highlights the critical need for strong legal protections, equal healthcare access, and social acceptance for transgender people. In order to advance transgender rights, it emphasizes significant legal developments and important court rulings. The study also investigates the relationship between cultural norms and changing legal systems, highlighting the need of legal reforms in redressing persistent inequalities. The ultimate goal of "Transgenders: A Socio-Legal Perspective" is to promote a more accepting society where transgender people can live honorable lives unrestricted by prejudice and discrimination. It emphasizes the critical role that legal changes and the development of societal norms will play in realizing this vision, acknowledging that a rights-based strategy is not only a moral requirement but also a legal requirement for securing justice and equality for transgender people.

**Keywords:** Transgender, Indian laws, Gender, Socio-legal, Discrimination

## **INTRODUCTION**

*"Injustice arises when equals are treated unequally and also when unequal are treated equally."*

*Aristotle*

Transgender or the third gender is a term used by all of us for demarcation which means the people who are not conforming with normal sexual characteristics like the male and the female and are



intermediate between the two. In the Indian context, the transgenders are referred by different names like the Hijras, the Eunuchs and the Transsexuals. In the Puranic and Vedic doctrines defined the transgenders as “tritiyaprakriti” who are the people who do not have the reproductive capacities in their entire life. As per the 2011 Census, the transgender constituted as the 4.88 lakhs in our country. They either resort of being like males or females. The problems these people are facing is the utmost discrimination from entire society. However, the root of discrimination starts from the family itself which affects the health and well-being of an individual. They have been facing atrocities in our country since time immemorial. During the British era, the transgenders were not provided with the basic civil rights who were differentiated as dressing like women and did the castration of children. These people come under the larger umbrella of LGBTQ as (Lesbian, Gay, bisexual, transgender, and queer community). However, the judgment of the Hon’ble Supreme Court of India in the landmark judgment of NALSA v. Union of India had recognized transgenders or the hijras as the third gender legally. Post this judgment numerous bills were passed like the Rights of Transgenders Bill, 2014 with amendments in the year 2015 and 2016. Also, in our Indian Constitution their identity, status and existence very much conform to the Article 14, Article 15 and Article 21. Hence, it’s a need of an hour that although they are born differently against their wishes, still they are the children of God and deserve the same level of respect like the males and the females. Proper educational and reservation facilities should be ensured in every sphere so they are not left out from society and ensuring the holistic development of themselves and the country as a whole. Recently, questions on the confluence of societal norms and legal frameworks have been sparked by the topic of transgender rights and recognition. To analyze the socio-legal factors that influence transgender people’s lives, “Transgenders: A Socio-Legal Perspective” digs into this complicated environment. This investigation aims to shed light on the difficulties transgender communities have, from prejudice and healthcare access to legal acknowledgment and social acceptance. This study aims to highlight the urgent need for change and a more inclusive strategy through a thorough analysis of current laws and societal attitudes, ultimately arguing for a society where transgender people are given the respect, rights, and opportunities they deserve.

## **RESEARCH METHODOLOGY**

The research methodology which adopted for article is Doctrinal method. This method majorly focuses upon secondary sources of books gathered from library and accessed through various websites. The researcher is to do an in- depth analysis of case laws of Supreme Court and High



Court, particularly on Transgender and Secondary sources of data collection include statistical reports of National Crime Records Bureau (NCRB) and Ministry of health. APA 7th Edition has been used as a reference for this article.

## **ORIGIN AND IDENTITY FORMATION OF TRANSGENDERS**

The definition given by the Transgender Persons (Protection of Rights Bill), 2019 defines a transgender person is someone *“whose gender does not match the gender assigned to that person at birth and includes trans-men or trans-women, persons with intersex variations, gender-queers, and persons having socio-cultural identities such as kinnar, hijras, aravani, and jogta.”*

The roots of the transgenders can be traced back to the ancient times where there was a Satpatha Brahman who was not fitting into the either category of the male and the female. Many ancient sacred texts also referred the transgenders as Hijras. They also happened to be concentrated in different parts of the country. For example, in the states of Tamil Nadu there was a myth which existed where Aravani married Lord Vishnu. Aravani was considered to be the incarnation of Mohini, as the annual festival of Koovagam was celebrated. On this auspicious day, they give themselves in marriage in order to mourn his death, as widows the day followed with. In states like Gujarat and Madhya Pradesh, the identity of Hijras have been found in myths of: “Arjuna” has been determined as eunuch named Bahuchara: where the story of Sikhandin Amba returned from his exile after long time. One of the Pandavas of the Mahabharata, spent almost a year at the Court of Virat, who was considered to be a ‘eunuch’. However, it is unclear how the Hijras have been able to identify themselves with Arjuna. But although they projected themselves as greatest warriors in the Sanskrit poetry. According to India last 2011 Census approximately 4,87,803 lakhs have been considered to be the transgenders where 54854 are below 6 years. Their literacy is 56.7%. Concentrated amount of population is being found in states like Uttar Pradesh and Maharashtra with population of 28% and 8% respectively. In other states like Andhra Pradesh its 9% with Madhya Pradesh and West Bengal with 6%. Hijras are considered to be the most marginalized sections of the society. They are not given equal status and opportunities. They are provided with minimal or nil educational facilities. They are sidelined from the entire society. Due to the lower literacy approximately 45% people are working as main workers and rest are engaged in the practices of prostitution.

## **SOCIO ECONOMIC CONDITIONS OF TRANSGENDERS**

In the ancient text of Hindus, they have been associating themselves with close affinity with the mother Goddess. They also considered to have an ambivalent figure with that of Lord Shiva. These are the people who had lack of fertility powers. They played an important role as guards during the period of Mughal empire. Since time immemorial they have been performing practices of badhai and blessings at various functions. Also belonging to the lowest strata of the society with least population, they have been facing atrocities in the educational, social and economic sectors. Many of them are engaged in the prostitution sector as a result of which many of them get contracted to diseases like HIV AIDS which not only affects the physical health but mental well-being as well. These are the people who are sidelined from various facets of life and get least minimal opportunities to express their ideas. They have been the victims of the physical abuses and physiological problems they have been facing. Their presence is evident on the streets and roads found begging.

## **EXCLUSION FROM SOCIAL AND CULTURAL ARENAS**

Our Indian society as such accepts the tolerance in sphere of religion, customs and practices. Although it's a saying that our country has considerable amount of tolerance for such activities the understanding towards same sex and orientations is nil. There have been huge Human rights violations that the transgender communities have been facing. Many families don't accept the male if their activities are considered to be quite feminist. They may also go the extend of disowning their male if they are not conforming with the normal gender characteristics. They may provide several unrealistic reasons for this such as they may provide disgrace to the family and their inability of the child to take of the family. On later stages, the women transgenders find it difficult to claim a share in the property for inheritance. Even from the police authorities they face atrocities and fake allegations. Types of discrimination they face in the healthcare sectors is deliberate 'usage' of the term males by making them stand in the male queues and being the victims of verbal harassment from the hospital staff and others. They are denied with basic medical services on account of their identity.

## **EXCLUSION FROM POLITICAL PARTICIPATION**

In the year 1871, when the Britishers enacted the Criminal tribes Act there were certain communities and tribes which were allegedly addicted to the commission of the non-bailable offences. They were considered to be criminals by birth. When the Criminal Tribes act, 1871 was

amended it included the term eunuch corresponding to the male sex who were considered to be impotent. The local government had to keep a check on all these eunuchs who were made liable for crimes of kidnapping and castrating the young children under the erstwhile Section 377 of the Indian Penal Code, 1860.

In the landmark judgment delivered by the Delhi High Court in July 2009 i.e., *Naz Foundation government of NCT of Delhi* where the verdict decriminalized the acts of homosexuals which is consensual in nature throughout the Indian territory. The judgment was given by Justice Ajit Prakash Shah and Justice Muralidhar. The Court stated that the rights enshrine under Article 21 of the Indian Constitution. The Delhi High Court did not strike down the entire section, just made it unconstitutional. Transgender face lack of legal recognition in the society. Be it access to government rations and subsidies, application of passport and opening of bank accounts. However, now the transgenders come under the category of OTHER groups. The Hijras or the transgenders face the basic problem of sustaining and forming an organization along with getting themselves registered in the organizations as well.

However, certain acts like the Indian Trusts Act and the Societies Registration Act ensures the people to form legal organizations which pose a great threat to these transgenders. For example, in order to get oneself registered proof of identity is of paramount importance. But these communities don't have a legal identity of their own. Similarly opening of the bank account to carry out the financial transaction too pose a great threat for these communities. Therefore, the organizations should ensure effective mobilization of resources and provision of quality services.

## **NATIONAL LEGAL SERVICES AUTHORITY**

### **V. UNION OF INDIA**

The landmark judgment of *NALSA v. Union of India* recognized the transgender as the “third gender” and was to be constitutionally provided all the rights and privileges provided under Indian Constitution. This judgment was given by Justice Radhakrishnan and Justice A.K. Sikri. In the year 2012, National Legal Services Authority along with Shri Laxmi Narayan Tripathy had filed a Public Interest litigation in the Supreme Court of India highlighting the atrocities faced by the transgenders in different facets of life. Earlier the transgender didn't fall under the ambit of genders of “socially acceptable nature”. They were treated as untouchables. Such non-recognition is violation of fundamental rights and other human rights in the Indian Constitution.

## NALSA GUIDELINES

- Hijras and Eunuchs came under the category of “third gender”.
- Social and educational facilities to be provided to prevent the backwardness of these communities
- Responsibility of the government for the operation of HIV Zero surveillance centers
- Creation of public awareness and prevention of discrimination against transgenders.
- Creation of separate medical facilities and toilets.

## PRESENT SCENARIO

Even after the declaration of the landmark judgment still the taboo of separation and discrimination of hijras still take place. The other provisions only provide provides with the cursory glance. The positive aspect being slowly and gradually these communities are being provided with the reservation in colleges and other job opportunities for ensuring equal job opportunities. The *Transgender Persons (Protection of Rights) Bill, 2019* was introduced on 19<sup>th</sup> July, 2019 in the Lok Sabha by Mr. Thaawarchand Gehlot, Minister for Social Justice and Empowerment. This bill defined who a transgender is. It defined it as somebody “*whose gender does not match the gender assigned to that person at birth and includes trans-men or trans-women, persons with intersex variations, gender-queers, and persons having socio-cultural identities such as kinnar, hijras, aravani, and jogta.*”

## HIGHLIGHTS OF THE BILL

- The bill ensured the protection of the transgender communities against discrimination on the grounds of the (i) proper educational facilities; (ii) employment opportunities; (iii) healthcare; (iv) access to, or enjoyment of goods, facilities, opportunities available to the public; (v) right to movement; (vi) right to reside in the territory, rent, or otherwise occupy property; (vii) opportunity to hold public or private office; and (viii) access to a governmental or private establishment in whose custody and care a transgender person is.
- Ensuring them the right of residence which shall include a household. Proposal for establishment of adequate rehabilitation centers for these communities on appropriate orders of the Court.
- Proper recruitment policies and processes shall be provided and discrimination on no grounds shall be taken up.



- Proper health and medical facilities especially for diseases like HIV AIDS. Surveillance centers shall be established and for sex reassignment surgeries.
- Certificate of identification to these communities on appropriate orders of the District Magistrate. If a transgender undergoes a surgery for conversion to male or female then revised identity proof shall be provided.
- Vocational, occupational and proper recreational activities to be provided to the transgenders with no discrimination.
- There are certain offences and penalties against the Hijras such as forced labour, denial of the usage of public places, sexual, physical and mental torture to be strictly dealt with.
- A National Council for Transgender people persons (NCT) to be established which shall consist of a Chairperson who is the Union Minister for Social Justice, Vice-Chairperson who is the Minister for state social justice, one representative each from the department of Human Resource Development, Health, and home affairs. Other members shall represent the members from NITI Aayog, and National Human Rights Commission. Adequate representation to be given to the state governments as well. The council also included five members belonging to the transgender community and five experts belonging to the NGOs.
- Although the bill is passed by the Lok Sabha it is yet to be passed by Rajya Sabha for approval.

## **SURESH KUMAR KOUSHAL V. NAZ FOUNDATION AND OTHERS**

It overruled the previous judgment of *Naz Foundation v. Government of NCT of Delhi* in which made the Section 377 as unconstitutional. The judgement was given by Justice G.S. Singhvi and Justice S.J. Mukhopadhyaya. They stated:

*“A miniscule fraction of the country’s population constitutes lesbians, gays, bisexuals or transgenders” and that the High Court had erroneously relied upon international precedents “in its anxiety to protect the so-called rights of LGBT persons”.*

*“In view of the above discussion, we hold that Section 377 IPC does not suffer from the vice of unconstitutionality and the declaration made by the Division Bench of the High Court is legally unsustainable.”*

## **IN K.S. PUTASWAMMY AND ANR V. UNION OF INDIA**

A nine-judge Supreme Court bench considering a challenge against the biometric project Aadhar card decided unanimously that privacy is a basic right in *K.S. Puttaswamy and Anr v. Union of India* (2017). With the recent ruling that Section 377 of the Indian Penal Code is "unconstitutional," there is hope for those working to legalise homosexuality in India. The government and its agents must refrain from interfering with what occurs in a private setting between people of the same sex. A step towards achieving the aforementioned objective is the right to privacy judgement.

## **NAVTEJ SINGH JOHAR V. UNION OF INDIA**

Navtej Singh Johar filed a petition against Section 377 of the Indian Penal Code in *Navtej Singh Johar v. Union of India* (2018), arguing that it infringed upon his constitutional rights to equality, privacy, freedom of expression, human dignity, and protection from discrimination. The court ruled that criminalizing people having consensual intercourse in private violates their right to privacy. The right to life would be violated if one were to deny someone their sexual orientation, which is an innate component of self-identity. Consequently, consenting to sex between two adults of any gender was made legal under Section 377 of the Indian Penal Code.

## **RECENT VIEWS SAME SEX MARRIAGES**

On October 2023, Supreme Court ruled that transgender people in heterosexual relationships are entitled to marry under current law, including marital regulations imposed by personal laws. When deciding on petitions seeking legal status for same-sex marriage, a Constitution Bench led by Chief Justice of India D.Y. Chandrachud ruled that "transgender persons in heterosexual relationships have the freedom and entitlement to marry under the existing statutory provisions." The Chief Justice reasoned that as transgender people can be in heterosexual relationships such as those between cis-males and cis-females, marriage laws can be used to register unions between transwoman and transman, transwoman and cisman, or transman and ciswoman. According to national marriage laws, including personal laws, a transgender man is entitled to marry a cisgender woman. A transgender lady also has the legal right to wed a cisgender male. It is also possible for transsexual men and women to get married.

## PERSPECTIVE OF HUMAN DIGNITY

The Universal Declaration of Human Rights, 1948 became the Magna Carta of the worldwide scenario. One of the promising principles of the UDHR is all individuals are born free with equal number of rights and dignity. Justice Kirby stated that:

*“This language embraced every individual in our world. It did not apply only to citizens. It did not apply only to 'white' people. It did not apply only to good people. Prisoners, murderers and even traitors were to be entitled to the freedoms that were declared. There were no exceptions to the principles of equality.”*

In *Maneka Gandhi v. Union of India and Another* ensured that every individual has right to life and personal liberty under Article 21 of the Indian Constitution. It also stated that dignity is considered to be sacrosanct in all respects.

In a judgment given by European Court of Justice in *P v. S* it was stated on the ground an individual is dismissed or he or she wishes to undergo reassignment, that individual is treated in an unfavorable manner where he or she was deemed to be long before that individual had undergone to gender reassignment.

Justice Radhakrishnan stated regarding the transgender identity as:

*“The self-identified gender can be either male or female or a third gender. Hijras are identified as persons of third gender and are not identified either as male or female. Gender identity, as already indicated, refers to a person 's internal sense of being male, female or a transgender, for example hijras do not identify as female because of their lack of female genitalia or lack of reproductive capability. This distinction makes them separate from both male and female genders and they consider themselves neither man nor woman, but a third gender.”*

As far the Article 19(1)(a) is concerned regarding the rights of transgenders:

*“Gender identity, therefore, lies at the core of one's personal identity, gender expression and presentation and, therefore, it will have to be protected under Article 19(1)(a) of the Constitution of India. A transgender's personality could be expressed by the transgender's behavior and presentation. State cannot prohibit, restrict or 42 interfere with a transgender's expression of such personality, which reflects that inherent personality. Often the State and its authorities either due to ignorance or otherwise fail to digest the innate character and identity of such persons. We, therefore, hold that values of privacy, self-identity, autonomy and personal integrity are*

*fundamental rights guaranteed to members of the transgender community under Article 19(1)(a) of the Constitution of India and the State is bound to protect and recognize those rights.”*

In *President of Republic of South Africa v. Hugo*, it was stated by the Supreme Court of South Africa which prohibits discrimination to the people belonging to the disadvantaged strata of society in order for the establishment of the just, democratic and constitutional order for the society.

## YOGYAKARTA PRINCIPLES

Yogyakarta principles are the set of international human rights with relation to sexual orientation and third gender identities. Such principles affirm the legal binding principles of international standards for providing promising and bright future for such communities as every person is born free and dignity.

An expert meeting was held in Indonesia at Gadjah Madah University dating 6-9<sup>th</sup> November, 2006 where experts from 25 countries discussed the relevant issues related to human rights law with relation to Sexual orientation and gender identity.

Some of the provisions under the Yogyakarta principle are as follows:

- Enjoyment of human rights which are universal in nature.
- Ensuring equality and nondiscrimination of these communities
- Recognition in the eyes of law
- Right to life and privacy
- Freedom of speech and expression

Although the Yogyakarta principles are not binding still, they are considered to be of paramount importance for governing of the rights of an individual as stated in the NALSA judgment for addressing the sensitive issues related to human rights violations. Principle 33 states that:

*“Everyone has the right to be free from criminalization and any form of sanction arising directly or indirectly from that person’s actual or perceived sexual orientation, gender identity, gender expression or sex characteristics.”*



## **PREAMBLE**

The Preamble of the Yogyakarta principles deal with several principles namely:

- Recalling that every individual is born free
- Awareness
- Understanding
- Observance
- Noting

## **INTERNATIONAL PERSPECTIVE OF TRANSGENDER RIGHTS**

Many countries have made prime efforts for making legislative procedures for recognition of transgender rights in their own countries. Some of the countries are as follows:

<b>COUNTRY</b>	<b>LAWS</b>
JAPAN	Special cases in handling Gender for people with gender identity disorder. (Act No.111 of July 16,2003)
UNITED KINGDOM	Gender Recognition Act,2004
PAKISTAN	Transgender Persons (Protection of Rights) Bill,2018
BELGIUM	Gender identity law (abolishing sterilization) July 2017
PORTUGAL	Gender identity law (expansion of self-determination) July 2018
ECUADOR	Civil Registration Act (gender identity recognition on the basis of legal documents)
VIETNAM	Transgender Rights Law, November 2015

## **PENDING BILLS**

There are some of the countries which have not got approval from their respective Parliament in relation to transgender bills. Some of the countries are as follows:

- BRAZIL
- INDIA

- PERU
- SPAIN
- SWEDEN
- COSTA RICA

## **RECOMMENDATIONS AND SUGGESTIONS**

Some of the recommendations and suggestions for improving the conditions of these communities are as follows:

- The Immoral Trafficking Prevention Act, 1956 is used less for prevention of trafficking but used for intimidation those who are vulnerable groups i.e. The individual sex worker who is opposed to the pimps and brothel keepers.
- Provisions of civil rights such as access to ration cards, inheriting the property, and adoption of children should too available to every person, regardless of their gender and their identity.
- Although being legally recognized as transgenders still they face discrimination in different strata of society. What is more important is proper implementation of rules and regulations for the same.
- The Police authorities should take effective and speedy measures for establishment of the Station House Officers in the police stations, along with the human rights activist and social activists for investigating into the matters where the police are guilty for ill treatment of the hijras. Immediate action should be taken.
- Different cells in the police stations should be established for crimes committed by the hijras. They should not be sent into the cell where there are male counterparts otherwise there shall be chances of rape, harassment and abuse.
- Transparency should be ensured by the police authorities while dealing with the hijras in the Kothis, facts relating to penalties and information in the public areas.
- There should be proper sensitization workshops where by the NGOs and the human rights group for breaking the social prejudices in the society and proper training should be provided to them for giving equal status to these communities when comparing ith, the general public.
- In schools and colleges adequate awareness and training sessions should be provided regarding heterosexual biasness in the society, provisions of the judgment free information

to them, imparting liberal education, same sex orientation, behavior of all the sexual identities.

- The Press Council of India should issue guidelines with regard to the guidelines for ensuring the respectful and sensitive treatment of these issues.
- Vocational training activities should be established for the hijra communities.

## **CONCLUSION**

The socio-legal perspective on transgender people in "Transgenders: A Socio-Legal Perspective" highlights the intricate interplay between societal perceptions and legal frameworks. It sheds light on the ongoing prejudice and marginalization they experience. Although progress has been made in recognizing transgender rights, discrepancies still exist in some places. It is clear that we require full legal safeguards, access to healthcare, and societal acceptance. In the end, this study emphasizes the necessity of developing a more accepting society where transgender people may live full lives free from prejudice and discrimination and emphasizes the critical role that legal reforms play in accomplishing this aim. Both a moral obligation and a legal requirement, society must evolve in the direction of better understanding and acceptance. The transgenders represent one of the important sections not only in our country but worldwide. Their acceptance in the society should be respected rather than been discriminated on any grounds. They are elements of God who have come to the Earth by God's choice. They are one of us. Proper educational and vocational training should be provided to them by making their stand in the society. Making of the laws is not sufficient, implementation of the same is of paramount importance. Although after the landmark NALSA judgment the transgenders have got some relief but still taboo remains about their identity against them. Proper reservation amenities should be provided as they represent the minuscule amount of the population. Rest the mentality and beliefs of our thinking should be changed in order for our country to be progressive in nature.

## **REFERENCES**

- Spade, D. (2015). "Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law." South End Press.
- Greenberg, J. (2019). "Becoming Nicole: The Transformation of an American Family." Random House.
- Stryker, S. (2008). "Transgender History." Seal Press.

Currah, P., Juang, R. M., & Minter, S. P. (eds.) (2006). "Transgender Rights." University of Minnesota Press.

- Strangio, C. (2019). "Transgender Rights: From Obama to Trump." The New Press.
- Wilchins, R. A. (2002). "Queer Theory, Gender Theory: An Instant Primer." Alyson Books.
- Minter, S. P., & Daley, D. (2006). "We Won't Back Down: Barriers to Health Care for Transgender People." National LGBTQ Task Force.
- Namaste, V. K. (2000). "Invisible Lives: The Erasure of Transsexual and Transgendered People." University of Chicago Press.
- Hines, S. (2007). "Transgender Identities: Towards a Social Analysis of Gender Diversity." Routledge.
- Puar, J. K. (2007). "Terrorist Assemblages: Hom nationalism in Queer Times." Duke University Press.
- Kirby, M. (2016). Human Rights Gay Rights. In 'Humane Rights'. Future Leaders.
- In K.S. Putaswamy and Anr v. Union of India. (2017) 10 SCC
- Navtej Singh Johar vs Union of India Ministry of Law WRIT PETITION (CRIMINAL) NO. 121 OF (2018).
- Post, P. (2002), Crossing to Safety: Transgender Health and Homelessness, Healing Hands: A publication of the Health Care for the Homeless Clinician's Network.
- York, K. M., Tyler, C. L., Tyler, J. M., & Gugel, P. E. (2008). The ever-changing face of sex stereotyping and sex discrimination in the workplace. Journal of Leadership and Organizational Studies, 15, 123-134. doi:10.1177/1548051808321692.
- Dworkin, S. H., & Yi, H. (2003). LGBT identity, violence, and social justice: The psychological is political. International Journal for the Advancement of Counselling, 25, 269-279. doi:10.1023/BADCO.00000005526.87218.9f.
- SujitaSethi, & MadhusmitaBarwa (2018). Transgender Health and Their Rights in India. International Journal of Research in Social Sciences.
- Lorenz, R. D. (2005). Transgender immigration: Legal same-sex marriages and their implications for the defense of marriage act. UCLA Law Review.