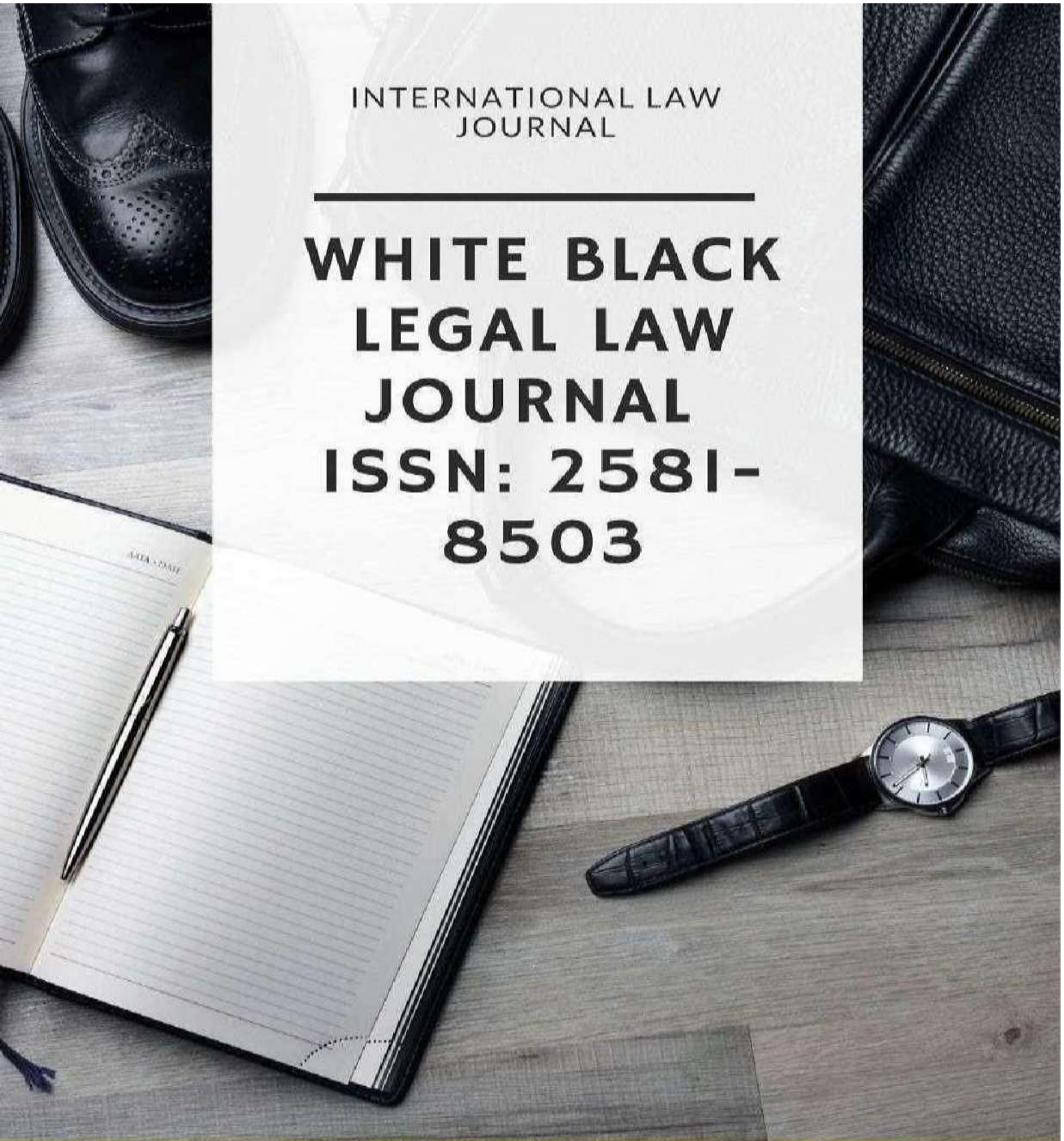




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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and 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

THE ROLE OF NGOS AND ACTIVIST IN ADVANCE IN TRANSGENDER RIGHTS IN UTTAR PRADESH

AUTHORED BY - SARITA DWIVEDI¹,
DR. AMITA RATHI² & DR. PIYUSH TRIVEDI³

Abstract

Transgender rights have gained increasing attention in India, particularly in states like Uttar Pradesh (UP), where socio-cultural challenges often hinder progress. Non-Governmental Organizations (NGOs) and activists have played a pivotal role in advocating for the rights, dignity, and inclusion of transgender individuals. This paper explores the contributions of these entities in advancing transgender rights in UP through legal advocacy, social awareness, policy interventions, and community support.

NGOs have been instrumental in ensuring legal protection for transgender people, especially after the landmark *Nalsa v. Union of India (2014)*⁴ judgment and the enactment of the Transgender Persons (Protection of Rights) Act, 2019. They work towards the effective implementation of these legal provisions by engaging with government authorities, filing public interest litigations, and raising awareness about the rights of transgender individuals. Furthermore, NGOs have been crucial in providing legal aid and helping individuals secure gender identity documents.

Activists have played an equally significant role by mobilizing communities and advocating against discrimination, violence, and social exclusion. They use social media, public campaigns, and protests to highlight issues such as lack of access to education, healthcare, and employment for transgender individuals. Activists also collaborate with local and national organizations to create safe spaces and opportunities for skill development. This study highlights the indispensable role of NGOs and activists in transforming the socio-legal landscape for transgender rights in Uttar Pradesh. Their work not only benefits transgender individuals but also promotes a more inclusive and equitable society.

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⁴ (2014) 5 SCC 438

Keywords: social inclusion, policy implementation, discrimination, gender identity, social justice.

Introduction

Transgender individuals in India have a long and complex history, marked by both cultural recognition and systemic marginalization. Traditionally, the Hijra community held a significant place in Indian society, enjoying royal patronage in pre-colonial times. However, the advent of British colonial rule and the subsequent criminalization of their identities through laws such as the Criminal Tribes Act of 1871 led to their social and economic exclusion. Even after India gained independence, transgender individuals continued to face discrimination, violence, and denial of basic rights.

Uttar Pradesh (UP), being one of the most populous states in India, reflects these national struggles at an amplified level. Transgender individuals in the state face severe social stigma, family rejection, lack of education, and limited employment opportunities. Many are forced into begging or sex work due to economic constraints and exclusion from mainstream society. Although the *Supreme Court's landmark NALSA judgment (2014)*⁵ recognized transgender persons as a third gender and directed the government to take affirmative actions for their welfare, the implementation of these policies remains weak in UP.

The Transgender Persons (Protection of Rights) Act, 2019, was another legal step aimed at securing the rights of transgender individuals by prohibiting discrimination in education, employment, healthcare, and housing. However, the act has received criticism from activists and NGOs, who argue that it fails to fully empower transgender individuals, particularly in areas like self-identification, reservations, and access to social welfare programs. The practical implementation of this law in UP has been slow, leading to continued marginalization of the community.⁶

Historical Context of Transgender Identity in India

Transgender identities have been an integral part of Indian history and culture for centuries. The Hijra community, which includes transgender, intersex, and gender-nonconforming

⁵ (2014) 5 SCC 438

⁶ <https://pmc.ncbi.nlm.nih.gov/articles/PMC4949312/>

individuals, has played a unique socio-cultural role in India. Historically, Hijras were respected as spiritual figures, believed to have the power to bless or curse, and they often performed at childbirth ceremonies, weddings, and festivals.

1. Transgender Identity in Ancient and Medieval India

Ancient Hindu scriptures such as the Ramayana and Mahabharata recognize gender-fluid and third-gender identities. The character of Shikhandi in the Mahabharata is often cited as an example of gender transformation. During the Mughal era (16th–18th century), Hijras held influential positions in royal courts as advisors, administrators, and guards in harems. They were respected members of society and often held land grants and pensions from the ruling class.⁷

2. British Colonial Rule and Criminalization

The status of the Hijra community drastically changed under British colonial rule. The **Criminal Tribes Act of 1871 labeled Hijras as a “criminal caste”, allowing the British government to surveil, harass, and restrict their movement. The law led to forced displacement, social marginalization, and economic exclusion of transgender individuals. Even after India’s independence in 1947, societal prejudices remained, and the Hijra community continued to face discrimination and exclusion from mainstream society.

3. Legal Recognition of Transgender Rights in Modern India

The legal battle for transgender rights in India took a significant turn with the National Legal Services Authority (NALSA) v. Union of India⁸ judgment in 2014. This landmark Supreme Court ruling was a historic victory for the transgender community.

Key Provisions of the NALSA Judgment (2014)⁹

1. Recognition of Transgender as the “Third Gender”

The court affirmed that transgender individuals have the right to self-identify as male, female, or third gender without mandatory medical procedures.¹⁰

⁷ WHO. Transgender people and HIV; Geneva, Switzerland: WHO; 2015.

⁸ (2014) 5 SCC 438

⁹ Ibid

¹⁰ Grant J, Mottet L, Tanis J, Harrison J, Herman J, Keisling M. Injustice at every turn: a report of the National Transgender Discrimination Survey. Washington, DC: National Center for Transgender Equality and National Gay and Lesbian Task Force; 2011.

2. Right to Equality and Non-Discrimination

The judgment declared that transgender persons should be treated as socially and economically backward classes, granting them access to reservations in education and employment.¹¹

3. Government's Duty to Protect Transgender Rights

The Supreme Court directed the government to take affirmative action to ensure healthcare, education, and employment opportunities for transgender individuals. The ruling also called for public awareness campaigns to reduce stigma and discrimination. Despite this progressive ruling, its implementation has been slow and inconsistent, especially in states like Uttar Pradesh, where transgender individuals continue to struggle for their basic rights and social acceptance. The Transgender Persons (Protection of Rights) Act, 2019, was introduced to provide a legal framework for transgender rights, but it has been criticized for failing to fully uphold the self-identification rights established in the NALSA judgment.

Transgender Rights in Uttar Pradesh: Implementation Challenges

The cultural and social stigma against transgender people remains strong in Uttar Pradesh. Many families still disown transgender children, forcing them into poverty and unsafe livelihoods such as begging and sex work. Education and employment opportunities remain scarce despite the Supreme Court's directive for reservations. The process of obtaining a transgender identity certificate under the 2019 Act is bureaucratic and invasive, leading to denial of basic rights for many individuals.

The historical marginalization of transgender individuals, compounded by the slow implementation of legal protections, continues to hinder their full participation in society. While the NALSA judgment laid the foundation for transgender rights, much work remains to be done in Uttar Pradesh to translate legal recognition into real-life improvements for the community.¹²

¹¹ Ibid

¹² <https://www.thehindu.com/news/national/uttar-pradesh/up-police-book-trans-activists-fighting-for-horizontal-reservation-after-complaint-from-transgender-welfare-board-member/article69116196.ece/amp/>

Challenges Faced by Transgender People in Uttar Pradesh

1. Social Discrimination and Stigma

Transgender individuals in Uttar Pradesh face deep-rooted social discrimination that begins within their own families and extends to every aspect of life. Many transgender people are disowned by their families at a young age, leaving them without financial or emotional support. The stigma attached to non-binary gender identities makes it difficult for them to access education, employment, and social services. They are often ridiculed, harassed, and even subjected to physical violence in public spaces, workplaces, and educational institutions. Society's unwillingness to accept transgender individuals as equals forces many into isolated communities, limiting their participation in mainstream life.¹³

2. Lack of Government Support and Legal Barriers

Despite legal recognition of transgender rights through the Supreme Court's NALSA judgment (2014) and the Transgender Persons (Protection of Rights) Act, 2019, the implementation of these laws in Uttar Pradesh remains inadequate. Transgender persons struggle to obtain official identity documents such as Aadhaar cards and voter IDs, which are essential for accessing government schemes and benefits. The process of obtaining a transgender identity certificate, mandated under the 2019 Act, is complicated and often involves invasive scrutiny by district authorities. Furthermore, while the law prohibits discrimination in education, employment, and healthcare, there is no strict enforcement to ensure compliance by public and private institutions.

3. Violence and Harassment

Transgender individuals in Uttar Pradesh frequently face violence, abuse, and harassment, both from society and law enforcement agencies. Many transgender people are at risk of domestic violence, with families resorting to physical and psychological abuse to force them into conformity. Police brutality is a significant issue, with many transgender individuals reporting cases of arbitrary arrests, extortion, and physical abuse by law enforcement officers. Crimes against transgender individuals, including sexual assault and murder, often go unreported or ignored, as victims fear further

¹³

<https://www.livehindustan.com/uttar-pradesh/deliberation-continues-on-reservation-category-for-transgenders-in-up-201742319986711.html>

harassment from authorities. The lack of legal support and sensitization among law enforcement officials contributes to the continued victimization and marginalization of transgender people.¹⁴

4. Unemployment and Economic Marginalization

Transgender individuals in Uttar Pradesh face severe discrimination in employment, leading to high levels of unemployment and economic insecurity. Many employers refuse to hire transgender people due to prejudice, lack of awareness, and workplace stigma. Even when transgender individuals do secure jobs, they often face workplace harassment, exclusion, and unequal treatment. Due to the lack of formal employment opportunities, many transgender people are forced into begging, sex work, or daily-wage labor, exposing them to further exploitation and violence. The absence of government-supported skill development programs and employment opportunities further restricts their access to financial independence and dignified livelihoods.

Government Initiatives and Gaps in Policy Implementation

Welfare Schemes and Legal Protections

The Uttar Pradesh government has introduced some initiatives to support transgender individuals, including the establishment of a Transgender Welfare Board, which aims to address the community's concerns. Some districts have also launched monthly pension schemes for transgender individuals living in extreme poverty. Additionally, transgender persons have been included in state-sponsored health programs, particularly those related to HIV/AIDS prevention and awareness.¹⁵ However, these initiatives remain limited in scope and effectiveness. Many transgender individuals are unaware of the available welfare schemes due to poor outreach and lack of government engagement with the community. The application processes for these schemes are often bureaucratic and difficult to navigate, leading to exclusion of many eligible beneficiaries. Moreover, the implementation of legal protections against discrimination remains weak, with no strong monitoring system to ensure equal access to education, healthcare, and employment.¹⁶

¹⁴ <https://www.opendemocracy.net/en/5050/india-transgender-discrimination-health-gender-affirmation-surgery/>

¹⁵ Global Commission on HIV and the Law. HIV and the law: risks, rights and health; New York, NY: UNDP; 2012.

¹⁶ Poteat T, German D, Kerrigan D. Managing uncertainty: a grounded theory of stigma in transgender health care encounters. Soc Sci Med. 2013; 84:22–9. Doi: 10.1016/j.socscimed.2013.02.019.

Lack of Employment and Education Opportunities

Despite the Supreme Court's directive for education and job reservations for transgender individuals, Uttar Pradesh has not effectively implemented affirmative action policies. Government institutions and private employers continue to discriminate against transgender applicants, making it difficult for them to secure stable jobs. Vocational training and skill development programs for transgender people are minimal, and there is no structured plan to integrate them into the workforce. As a result, transgender individuals remain economically disadvantaged and dependent on informal means of survival.¹⁷

Challenges in Accessing Healthcare

While transgender individuals are entitled to free healthcare under various government schemes, they often face discrimination in hospitals and clinics. Medical professionals frequently misgender or mistreat transgender patients, discouraging them from seeking necessary medical care. Additionally, gender-affirming healthcare services, such as hormone therapy and gender-affirming surgeries, are either unavailable or unaffordable for most transgender individuals in UP. The lack of mental health support further exacerbates issues of depression, anxiety, and trauma within the community.¹⁸

Need for Stronger Policy Implementation

Despite legal protections, the gap between policy and implementation remains a critical issue in Uttar Pradesh. Awareness campaigns, anti-discrimination training for government officials, and legal reforms are essential to ensuring that transgender individuals can exercise their rights without fear of discrimination and violence. The state government must take proactive steps to:

- Strengthen enforcement of anti-discrimination laws.
- Expand employment and educational opportunities through reservations and inclusion policies.
- Improve access to healthcare with gender-sensitive training for medical professionals.
- Ensure police accountability and create safe reporting mechanisms for transgender individuals facing violence.

¹⁷ Movement advancement project | A broken bargain for transgender workers [Internet] [cited 2015 Oct 13]. Available from: <http://www.lgbtmap.org/policy-and-issue-analysis/transgender-workers>.

¹⁸ UNESCO. Education sector responses to homophobic bullying. Good policy and practice in HIV and health education; Booklet 8; Paris, France: UNESCO; 2012.

While legal advancements such as the NALSA judgment and the 2019 Act** have provided a framework for transgender rights, Uttar Pradesh has yet to fully implement these protections**. Transgender individuals continue to face discrimination, unemployment, violence, and lack of government support. Addressing these challenges requires stronger legal enforcement, increased government engagement, and active collaboration with NGOs and advocacy groups** to ensure transgender individuals can live with dignity, equality, and security.

Role of NGOs in Transgender Advocacy

Non-governmental organizations (NGOs) play a crucial role in advocating for transgender rights and improving the socio-economic conditions of transgender individuals in Uttar Pradesh. Given the gaps in government policies and the deep-rooted social discrimination faced by transgender people, NGOs serve as a bridge between the community and legal, healthcare, and employment systems. Their efforts span across legal aid, social welfare, skill development, and policy advocacy, working towards the overall empowerment of transgender individuals.

Legal Aid and Policy Advocacy

One of the primary roles of NGOs in transgender advocacy is legal assistance and policy reform. Many transgender individuals are unaware of their legal rights under the NALSA judgment (2014) and the Transgender Persons (Protection of Rights) Act, 2019. NGOs conduct legal awareness programs to educate transgender individuals about their rights, protections against discrimination, and avenues for seeking justice. NGOs also provide free legal aid to transgender individuals who face workplace discrimination, denial of government services, eviction from housing, or police harassment. In Uttar Pradesh, where implementation of transgender rights remains weak, NGOs act as pressure groups to hold the government accountable and push for inclusive policies that address the needs of the community.¹⁹

Healthcare and Social Welfare

Access to healthcare and social services remains a major challenge for transgender individuals in UP, as many face discrimination in hospitals, denial of medical services, and a lack of gender-affirming healthcare. NGOs work to fill these gaps by providing:

HIV/AIDS prevention programs, given the high vulnerability of transgender individuals to HIV due to socio-economic marginalization and lack of awareness. Many NGOs conduct free HIV

¹⁹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC4949312/>

testing, counseling, and distribution of prevention kits.

Mental health support, as transgender individuals often struggle with depression, anxiety, and trauma due to social rejection and violence. NGOs offer counseling services, peer support groups, and crisis intervention programs. Gender-affirming healthcare access, including guidance on hormone therapy and gender-affirming surgeries, which are often expensive and unavailable in government hospitals. Some NGOs collaborate with private doctors and medical institutions to ensure transgender individuals receive respectful and inclusive medical care. In addition to healthcare, NGOs also assist transgender individuals in securing housing, food security, and access to government welfare programs by helping them navigate bureaucratic processes and obtain the necessary documentation.

Skill Development and Employment

Economic independence is essential for transgender empowerment, yet employment discrimination remains a significant barrier in Uttar Pradesh. NGOs work to improve education and job opportunities for transgender individuals through:

Vocational training programs, where transgender individuals are trained in tailoring, beauty services, handicrafts, and digital skills to help them secure sustainable livelihoods.

Job placement programs, where NGOs partner with inclusive businesses and organizations to encourage transgender hiring and ensure workplace safety and equality. Entrepreneurship support, helping transgender individuals start small businesses, self-employment ventures, and cooperative enterprises by providing microloans, mentorship, and business training.

Some NGOs have successfully worked with corporate sectors and local businesses to create transgender-inclusive hiring policies, but these initiatives need scaling up and stronger government backing to ensure broader impact.²⁰

In the absence of strong government intervention and societal acceptance, NGOs remain the backbone of transgender advocacy in Uttar Pradesh. Their role in legal aid, healthcare access, economic empowerment, and policy reform is instrumental in creating a more inclusive and

²⁰ Health Policy Project, Asia Pacific Transgender Network, United Nations Development Programme; Blueprint for the provision of comprehensive care for trans people and trans communities in Asia and the Pacific; Washington, DC: Futures Group: Health Policy Project; 2015

equitable society. However, these efforts require greater government collaboration, financial support, and societal engagement to create lasting change for the transgender community.

Activists and Grassroots Movements in Uttar Pradesh

Transgender activists and grassroots movements have played a pivotal role in advocating for the rights and welfare of transgender individuals in Uttar Pradesh (UP). Through personal initiatives, community-led efforts, and strategic use of social media, these activists have brought about significant awareness and policy changes.²¹

Notable Transgender Activists in Uttar Pradesh and Their Contributions

Priyanka Singh Raghuwanshi

Priyanka Singh Raghuwanshi is a prominent transgender model and actress based in Lucknow, Uttar Pradesh. She founded the Aadishiv Transgender Foundation, an organization dedicated to advocating for transgender rights and welfare. Through her foundation, Priyanka has been instrumental in providing support and resources to transgender individuals, facilitating their integration into mainstream society. Her work encompasses raising awareness about transgender issues, promoting education, and advocating for equal opportunities in employment.²²

Role of Social Media and Community-Led Initiatives in Raising Awareness

Social media platforms have become powerful tools for transgender activists in Uttar Pradesh to amplify their voices and reach a broader audience. Activists like Priyanka Singh Raghuwanshi utilize platforms such as Instagram to share their stories, challenges, and achievements, thereby humanizing the transgender experience and fostering empathy among the public. These platforms also serve as channels to disseminate information about transgender rights, health services, and support networks. Community-led initiatives have been central to grassroots movements in UP. Local support groups and networks provide safe spaces for transgender individuals to share experiences and mobilize collective action. These initiatives often organize workshops, sensitization programs, and public events to educate society about

²¹ Transforming our world: the 2030 Agenda for Sustainable Development: Sustainable Development Knowledge Platform [cited 2015 Oct 13]. Available from:

<https://sustainabledevelopment.un.org/post2015/transformingourworld>

²² https://www.google.com/amp/s/timesofindia.indiatimes.com/entertainment/events/lucknow/walk-for-a-cause/amp_articleshow/104011126.cms

transgender issues, challenge stereotypes, and promote inclusivity.

Case Studies of Successful Activism Leading to Policy Changes

Shabnam Mausi's Political Milestone

Shabnam Mausi made history by becoming the first transgender person elected to public office in India. She served as a Member of the Legislative Assembly in Madhya Pradesh from 1998 to 2003. Her election was a significant milestone, challenging societal norms and paving the way for greater political participation of transgender individuals.²³

Laxmi Narayan Tripathi's Advocacy

Laxmi Narayan Tripathi, though not from Uttar Pradesh, has had a profound impact on transgender activism nationwide. She founded the Astitva Trust, an organization working towards the welfare of sexual minorities. Laxmi's advocacy contributed to the landmark 2014 Supreme Court judgment recognizing transgender individuals as a third gender, thereby granting them legal recognition and protection.²⁴

Challenges in Policy Implementation

Despite these advancements, challenges persist in the effective implementation of policies. For instance, the Transgender Persons (Protection of Rights) Act, 2019, intended to safeguard transgender rights, has faced criticism for its procedural complexities. The Act requires individuals to obtain a certificate of identity, a process that has been described as cumbersome and invasive, hindering many from accessing their rights.

In conclusion, the efforts of transgender activists and grassroots movements in Uttar Pradesh have been instrumental in advancing the rights and welfare of transgender individuals. Through persistent advocacy, strategic use of social media, and community engagement, these activists have challenged societal norms and influenced policy changes. However, continuous efforts are necessary to address the ongoing challenges in policy implementation and to ensure that legal advancements translate into tangible improvements in the lives of transgender individuals.

²³ <https://shesightmag.com/transgender-shabnam-mausis-code-violation-dilemma/>

²⁴ <https://et-edge.com/conferences/diversityandinclusion/teams/laxmi-narayan-tripathi/>

Challenges Faced by NGOs and Activists in Transgender Advocacy

Despite the crucial role played by NGOs and activists in advancing transgender rights in Uttar Pradesh, they face numerous challenges that hinder their effectiveness. These challenges range from legal and bureaucratic hurdles to public resistance and financial constraints, making it difficult to create lasting change for the transgender community.

While the Transgender Persons (Protection of Rights) Act, 2019, provides a legal framework for transgender rights, its implementation remains weak in Uttar Pradesh. NGOs and activists often struggle with:

Complex bureaucratic processes: Many transgender individuals face difficulties in obtaining legal documents such as identity certificates, Aadhaar cards, and voter IDs, which are necessary for accessing government schemes. NGOs assisting with these processes often encounter delays, administrative red tape, and inconsistent policies at the district level.

Inadequate enforcement of anti-discrimination laws: Although the law prohibits discrimination in employment, education, and healthcare, many institutions fail to comply due to a lack of monitoring and accountability. Activists and NGOs must often engage in lengthy legal battles to ensure that transgender individuals receive their rights.

Limited government cooperation: While some government departments collaborate with NGOs on awareness campaigns and welfare programs, others remain unresponsive or reluctant to engage with transgender advocacy efforts. This lack of institutional support slows down policy implementation and social inclusion initiatives.

Conclusion and Recommendations

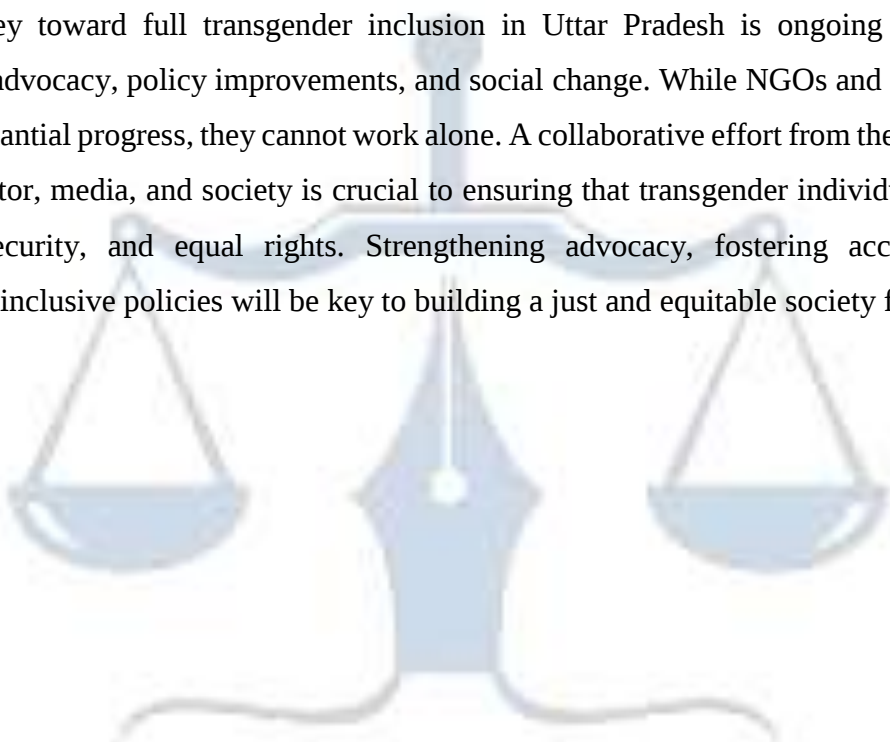
The role of NGOs and activists in advancing transgender rights in Uttar Pradesh has been significant in bridging the gap between legal recognition and actual social inclusion. Despite legal advancements such as the NALSA judgment (2014) and the Transgender Persons (Protection of Rights) Act, 2019, transgender individuals continue to face systemic discrimination, unemployment, lack of access to healthcare, and social stigma. NGOs and activists have played a crucial role in legal advocacy, healthcare access, skill development, and awareness campaigns, yet they face major hurdles such as bureaucratic obstacles, public resistance, and funding shortages. Addressing these challenges requires multi-level

collaboration, policy reforms, and long-term commitment from various stakeholders, including the government, corporate sector, civil society, and international organizations.

1. Strengthening NGO Efforts through Collaboration with Government and International Agencies
2. Need for Inclusive Policies and Social Sensitization Programs
3. Future Scope of Research on Transgender Rights and Advocacy in Uttar Pradesh

Final Thoughts

The journey toward full transgender inclusion in Uttar Pradesh is ongoing and requires persistent advocacy, policy improvements, and social change. While NGOs and activists have made substantial progress, they cannot work alone. A collaborative effort from the government, private sector, media, and society is crucial to ensuring that transgender individuals live with dignity, security, and equal rights. Strengthening advocacy, fostering acceptance, and promoting inclusive policies will be key to building a just and equitable society for all.



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