



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

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 a professional diploma in Public 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.

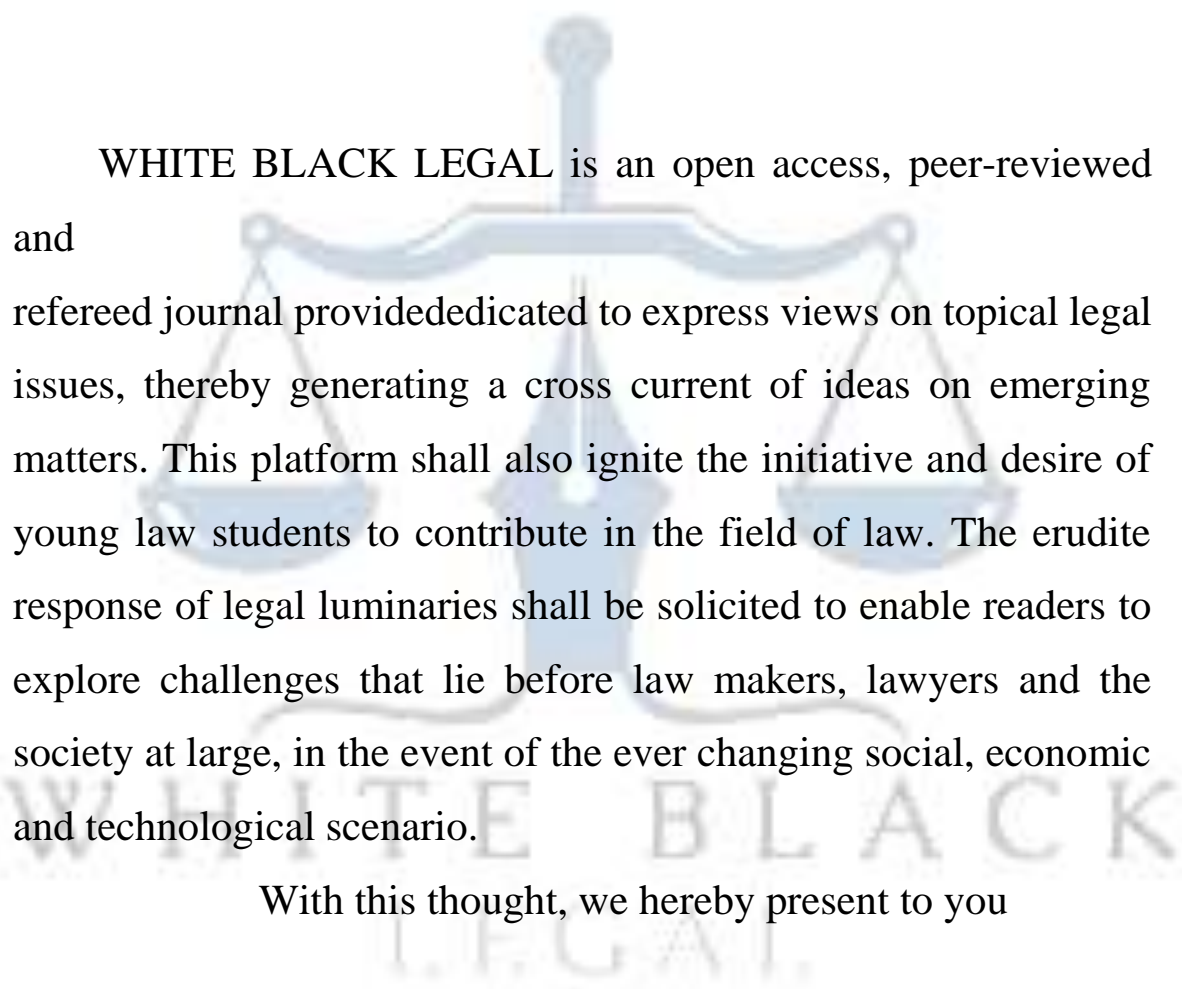


Subhrajit Chanda

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

SOCIAL EXCLUSION OF TRANSGENDER: ACHIEVING SUSTAINABLE DEVELOPMENT GOALS IN INDIA

AUTHORED BY - DR V SHYAM SUNDAR

Assistant Professor of Law (SS),

Chennai Dr. Ambedkar Government Law College, Pudupakkam

ABSTRACT

Gender is a common aspect in every aspect of one's life. It is predestined into two categories: male and female. Most people's gender matches the gender assigned during birth. But for transgender people, this may not be the same. Their feeling, and attitude of attraction towards the different sex leads to a change in their gender identity. After their biological change, they make up their mind to live with the transgender community as their families are not ready to accept them. They were documented as "Third Gender" by the Apex Court of India in the year 2014. After the judgement, their rights and needs were not implemented by Government and Society. The State of Tamil Nadu has taken effective policy related to transgender people and made an unprecedented effort to look into the social needs of the Transgender communities even before the 2014 judgment. The State Government has initiated numerous steps to enhance the high-satisfactory lives of Transgender networks like issuing ration cards, voter identification cards, housing, bank loans, and free travel in government buses. The author will further analyze the social exclusion of a transgender community in India and how pioneer in achieving Sustainable Development Goals for transgender development.

INTRODUCTION

"All human beings are born free....."¹ and includes the Transgender. As human beings, their identity is valid, their feeling is valid, and their life journey is valid. But the society treated them as invalid persons. Transgender is a common people, those who expect dignified respect from the social order. Their desired attention and activities change from the normal course which leads to a pathetic situation in their life.

¹ Article 1 of The Universal Declaration of Human Rights, 1948.

Sadly, transgender persons have to deal with institutionalised discrimination, harassment, and marginalization in a nation like ours where they have a particular position in society. The well-being of the lack of attention given to the transgender community on the legislative front is two of the primary issues. The stigma around transgender healthcare is pervasive. Their bodies are viewed as abnormal. One of the key causes of both societal stigma and lack of information. A fundamental human right, access to healthcare, is in jeopardy in their situation. The court in India continues to disregard gender parity and "gender neutrality," despite the country's assertions to the contrary when it refers to crimes involving sexual offenses. In addition to recognizing India has made the ground-breaking decision to recognise transgender individuals as having the same fundamental liberties and constitutional rights as those who identify as either male or female.

"A person whose gender does not match the gender assigned to them at birth, yet they are persons with intersex variance and genderqueer," says a transgender person. They are born with either of the anatomies but experience gender expression, identity, or behaviour that is different from their birth sex. "Transgender people attempt to express their gender identity in a variety of ways. Some use their behaviour, dress, or mannerisms to live as the gender they believe is appropriate for them, while others reject the traditional understanding of gender."²

"Transgender people are people whose identities diverge from stereotypical gender norms, which solely recognize male and female genders. They have faced discrimination, social marginalization, and physical violence. Transgender persons are classified as Hijras, Jogappas, Sakhis, Aradhis, and other socio-cultural groupings".³ It may also refer to people who are neither primarily male nor exclusively female. Depending on the context, they may also be called "transvestites," "drag queens," or "drag kings,". Cross-dressers may be included in a very broad definition of the word "transgender". People who identify as transgender may choose not to label either straight, homosexual, bisexual, or sex as their sexual preference. Those having biological gender that "does not fit typical binary ideas of male or female bodies" are known as intersex, which is distinct from transgender. Cisgender is the reverse of transgender and refers to those whose gender identification or expression corresponds to their identified gender.

² What does transgender mean?, APA, <https://www.apa.org/topics/lgbtq/transgender>, last visited on 08/12/2024

³ Understanding the Transgender Community, HRC foundation, <https://www.hrc.org/resources/understanding-the-transgender-community>, last visited on 08/12/2024

Some individuals will not get into any category but are referred to as transgender. The article discusses transgender rights in India and their legal protection. The Constitution of India guaranteed rights to Transgenders peoples too. Presently, in India, the rights related to transgender like, employment, education, and health services safeguarded by the new Act in the year 2019.⁴ Welfare schemes have also been put in place to safeguard transgender people's rights.⁵ The policy implementation to protect the transgenders those who are all face discrimination once they changed. They face extreme discrimination in education and health care services. They are not provided with proper equal access to educational institutions. They do not have easy access to toilet facilities in educational institutions. Transmen are facing lots of sexual abuse from male students and transwomen are neglected by the female students as they thought that they are still male.

TRANSGENDER POSITION IN INDIA

In India, unlike most of Asia, transgender people do not have legal protection. Transgender people are recognised as the third gender in various states, including Tamil Nadu, Kerala, and Odisha. The single-member bill by Member of Parliament Mr. Tiruchi Siva aims to protect transgender people.⁶ “A transgender person is defined as someone who is partially female or male, or a combination of female and male, or neither female nor male, according to the bill. Furthermore, the person's gender cannot be the same as the gender assigned at birth”.⁷ Transmen, trans-women, those with intersex variants, and gender-queers are all included in the bill.⁸

The SC has held in a landmark verdict⁹ in 2014, laying out a framework for transgender people's rights. It reads: “The right to choose one's gender is included in the right to life and the right to live with dignity, recognising the civil rights of this section.” The SC ordered the state to incorporate the term "third gender" for the Transgender in all aspects like forms and applications. It was mandated that a person's choice of one of the three genders be solely their own. Ironically, the nation that is forward-thinking enough to acknowledge the third gender is

⁴ The Transgender Person (Protection of Rights) Act, 2019

⁵ *What are the Rights of Transgender in India*, Ipleaders, <https://blog-ipleaders.in/cdn.ampproject.org/v/s/blog.ipleaders.in/legal-rights-of-transgender-india>, last visited on 08/12/2024

⁶ Transgender Persons (Protection of Rights) Bill of 2016

⁷ Sec 2(k) of the Transgender Person (Protection of Rights) Act, 2019

⁸ The Transgender Persons (Protection of Rights) Bill, 2016, PRS Legislative Research, <https://prsindia.org/billtrack/the-transgender-persons-protection-of-rights-bill-2016>, last visited on 09/12/2024

⁹ *National Legal Services Authority Vs. Union of India*, Writ Petition (civil) No. 604 of 2013, 5 SCC 438

still too archaic to establish laws against sexual offenses that are gender-neutral. Because these criminal regulations do not even encompass the masculine gender, the debut of the transgender person is a pipe dream. Fortunately, transgender individuals now have constitutional equality. The equal standing that people have under the nation's Constitution is known as constitutional equality.¹⁰

No one shall be the target of sex-based prejudice. However, despite having both legal recognition and enshrined in the constitution equality, the way transgender people are treated in society and the law because there are no laws, it is implied that their basic rights under Articles 14, 15, 19, and 21 are violated. This is because there are no laws against sexual offenses. lack gender neutrality. It is terrible since it is alleged that the majority of sexual crimes against transgender people happen when they seek assistance from the authorities. The PUCL of Karnataka looked into transgender people being subjected to human rights violations, and the findings were shocking. It also provided for reservations for this marginalized segment inside the OBC quota. Karnataka is the first and only state to provide 1% reservations for Transgenders in the direct recruitment process from 2021 and before the Odisha government in 2016 provided social welfare benefits. It was suggested that a commission like the National Commission for SC/STs be established to protect the interests of this minority. Since, the beginning of recorded history, trans individuals have existed in every race, class, and community. The common name of “Transgender” was coined in the year mid of 1990s for the hijras, kinnars, and others. Despite recent progress for the LGBTQAI+ community, many transgender people believe there is still much more work to be done in the struggle for equality.¹¹

WORLD HEALTH ORGANISATION (WHO) INITIATIVE

It has explicitly defined the distinction between these phrases, which are sometimes used interchangeably. In the context of Transgender health, the WHO has taken appreciative measures for their specific health needs. Through, the International Classification of Diseases (ICD-11), the WHO made a significant change related to Transgender rights. As per the ICD-11, they introduced “Gender Incongruence” replacing “Gender Identity”. The present WHO policy ensures that Transgender have the right to receive appropriate and respectful healthcare

¹⁰ Article 14 of Equality before the law under the Indian Constitution 1950

¹¹ *Transsexual Women and Feminist Thought: Toward New Understanding and New Politics*, Chicago Journals, <https://www.journals.uchicago.edu/doi/10.1086/664478?mobileUi=0>, last visited on 11/12/2024

services which include hormonal therapy, mental health counselling, and Sexual Reassignment Surgery (SRS). Thus, WHO ensures that transgender people are recognised with Human Rights. The WHO has a target to achieve a competent health workforce before 2030 for all including Transgenders.

HEALTH AND MEDICAL FACILITIES FACED BY THE TRANSGENDERS

Significant health inequalities affect transgender people in several areas. Actual or perceived barriers to care may affect transgender people's desire and ability to get it and stigma within medicine and the availability of health care in general. Transgender women, also known as MTFs, are widely having a global HIV incidence of 20% and are acknowledged as a group of people with a disproportionately high infection rate. In a US sample of 1093 transgender people, "clinical depressive disorder (44.1%), anxiety (33.2%), and somatization were all quite prevalent (27.5 percent). In the biggest nationwide study of transgender people to date (n=6,456), 26% of respondents stated they presently or in the past used alcohol or drugs to cope with abuse, 30% of respondents said they currently smoked (1.5 times the rate of the general public), and 41% said they had attempted to kill themselves." The same being encountered by some of these national healthcare hurdles, transgender people suffer several that are exclusive to them and are greatly exacerbated. Transgender people typically need medical treatments, in addition to the usual treatment, such as hormone therapy and/or surgery. This text's objective is to provide a brief assessment of the existing literature describing the obstacles that transgender people have in obtaining high-quality medical treatment, as well as to suggest research priorities for figuring out both the causes of these hurdles and possible workarounds.

Lack of availability to health treatment is the main obstacle to successful hormone therapy and regular hospital treatment for transgender patients. Transgender patients contend that the main obstacle to access is a lack of specialists in the area, despite guidelines and evidence in favour of the new transgender medical care paradigm. The care of transgender people is not covered in traditional medical curriculum, and too few doctors are knowledgeable and comfortable treating this population. Financial obstacles (lack of insurance, lack of income), discriminatory treatment, and healthcare professionals' other ones include a lack of cultural awareness, barriers in the healthcare system, and economic barriers that have been reported (transportation, housing, mental health). While other minor groups also tend to face

some of these healthcare insurance hardships, transgender people suffer more as they are exclusive to them and are worse. Affordable health care is one of the most significant welfare measures. Gender-positive healthcare includes surgical and non-surgical procedures that aid a person in expressing their deeply held gender identity.

Sex reassignment surgery ("SRS"), hormone treatment, and psychotherapy are a few of them. The problem is much trickier than it seems. SRS is thought seen as a cosmetic operation that doesn't require intervention. On the other hand, the transgender community claims that medical care that is gender-affirming is necessary. They are necessary for social acceptance as well as bodily self-acceptance and identity. Given the significance of these procedures for maintaining one's identity and gaining societal acceptability, referring to them as "cosmetic" would be unfair to the transgender community. Medical necessity and the "autonomy principle" are the two most well-known justifications or reasons for state-sponsored SRS surgery.

HUMAN RIGHTS OF TRANSGENDERS: INTERNATIONAL CONVENTIONS & NATIONAL LEGISLATIVE PERSPECTIVES

Transgenders are vulnerable in the world for the past centuries. Some international convention talks about advancing orientation towards sex and equality over Gender Identity.¹² The panel of experts in "International Human Rights Law and sexual orientation and Gender Identity" enacted the "Yogyakarta Principle from 6 to 9 November 2006. Principle 1, Human beings of all sexual orientations and gender identities are entitled to the full enjoyment of all human rights". The state must implement the principles in their local laws for the benefit of all.¹³ More Indian legislatures establish the rights of the Transgender. The Indian Penal Code, 1860, Criminal Tribes Act, 1971, The Constitution of India, 1950, The Immoral Traffic (Prevention) Act, 1956, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH), The Transgender Persons (Protection of Rights) Act, 2019.

The Act for Preventing, outlawing, and addressing female sexual exploitation at Work, 2013, is exclusively intended to "protect women in the workplace and is gender-specific."

¹² Universal Declaration of Human Rights, 1948 – for the all-human beings to be equal which includes transgenders. International Covenant on Civil and Political Rights, 1966, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) 1979, <https://ohrh.law.ox.ac.uk/advancing-sexual-orientation-and-gender-identity-equality-through-cedaw/>, last visited on 11/12/2024

¹³ <https://yogyakartaprinciples.org/principle-1/>, last visited on 11/12/2024

However, it doesn't speak about the fact that males and transgender people can also experience sexual harassment at work. Speaking specifically about transgender people, they are a sexual minority who are more vulnerable to harassment and violence than males owing to their sexuality and then women due to the absence of legislation protecting them. After the passage of the Transgender Persons (Protection of Rights) Act, transgender now has formal recognition of transgender individual, transgender people are now allowed to work anywhere without facing any legal repercussions for their gender identity. Because the male-dominated culture still does not recognize the different sexes as among them, who are equally able to work and earn, transgender people are also victims of sexual harassment at work under POSH. The Transgender Persons (Protection of Rights) Act, 2019 aimed to provide for the Protection and welfare rights of the Transgender. The prohibition against "discrimination, recognition of the identity of transgender persons, welfare measures by the government, Education, Social security, health aspects of transgenders, offenses, and penalties for the crimes against transgenders" were incorporated in the Act. The Act fulfils the SDG which were implemented by the UN Development Group related to Lesbian, Gay, Bi-sexual, and Transgender persons.¹⁴ The National Council for Transgender Persons was enacted on 21/08/2020 through Governmental order.¹⁵

TRANSGENDER POPULATION AND EMPLOYMENT RATES IN INDIA

The census of India, 2011 stated that there nearly 487503¹⁶ are living in the country. Uttar Pradesh is having more transgenders, followed by Andhra Pradesh and Maharashtra. Tamil Nadu stands in the 7th Position. Out of the total 16% of SC Transgenders and 7% of ST Transgender are living. The overall literacy rate is 56.07%. The NHRC's first-ever research on transgender rights gives a clear image of the nation's transgender situation. According to the survey, ninety-two percent denied participation in any employment. The government must ensure that, with just a small percentage of them finding beneficial work.¹⁷ Only a smaller number of transgenders achieved some high in their life. Like the first advocate - Sathyasri Sharmila, first Judge - Joyita Mondal, first police officer - Prithika Yashini, first college

¹⁴ <https://unsdg.un.org/sites/default/files/2020-06/Lesbian-Gay-Bisexual-and-Transgender-Persons.pdf>, last visited on 11/12/2024

¹⁵ Section 16 of the Act. <https://static.pib.gov.in/WriteReadData/userfiles/221294.pdf>, last visited on 11/12/2024

¹⁶ <https://www.census2011.co.in/transgender.php>, last visited on 11/12/2024

¹⁷ Neeraj Chauhan, *About 92% of Transgenders are deprived of their rights, refused Jobs; Just 2% Stay With Parents*, <https://www.indiatimes-com.cdn.ampproject.org/v/s/www.indiatimes.com>, last visited on 12/12/2024

principal - Manabi Bandopadhyay, the first person to contest in the election – Mumtaz, first MLA – Shabum Mausi, first soldier in Army – Shabi and first medical assistant in operation theatre – Jiya Das.¹⁸ Change must begin at the family level as a culture. Children should be taught that trans persons are just like us, with hopes and dreams. They may not always have the resources to fulfil their goals, and we can help them along the way. We must treat them with respect, just as we would any other human being. “Equal opportunity in hiring, providing infrastructure such as restrooms for the third gender, action against misconduct/harassment, medical insurance and policies, and health care” are all examples of how workplaces can be more transgender-inclusive. Finally, we must make our society more inclusive for them by allowing them with us equally.¹⁹

SOCIAL EXCLUSION OF TRANSGENDER IN OCCUPATION AND EMPLOYMENT:

The Gender Recognition Act, 2004 of the United Kingdom, The Canadian Human Rights Act, The Gender Identity Law, 2012 of Argentina, and other countries' laws emphasize the rights of the Transgender. In India, the Apex Court and some of the High Courts provide welfare measures for the transgender community. The case laws namely, *National Legal Services Authority (NALSA) Vs. Union of India* (2014 – Recognition of Transgender as Third Gender), *Navtej Singh Johar Vs. Union of India* (2018- ensuring dignity and gender identity), *National Legal Services Authority Vs. Union of India* (2017 – Transgender rights implementation), *Gopi Shankar.M Vs. State of Tamil Nadu* (2019 – Madras High Court directed to give community identity cards to Transgender) provided welfare measures to that community. The said enactments and cases provided welfare measures to Transgender but, but social exclusion of transgender individuals in the realm of occupation and employment is a significant issue in India. Despite legal advancements recognizing transgender rights, pervasive societal attitudes, stereotypes, and discriminatory practices often hinder their full participation in the workforce. Transgender individuals frequently encounter discrimination during job searches and in the workplace. This discrimination can manifest in various forms, including biased hiring practices, workplace harassment, and unequal opportunities for career

¹⁸ <https://www.indiatoday.in/education-today/gk-current-affairs/story/list-of-transgenders-firsts-who-made-it-big-in-their-fields-1276415-2018-07-03>, last visited on 11/12/2024

¹⁹ *Occupational identity Engaging socio-cultural perspectives*, Research Gate, https://www.researchgate.net/publication/233099013_Occupational_identity_Engaging_socio-cultural_perspectives, last visited on 12/12/2024

advancement. While legal frameworks in India have evolved to recognize transgender rights, implementation and enforcement of these laws may be lacking. Transgender individuals may not always have legal recourse against workplace discrimination, and the absence of comprehensive anti-discrimination laws specifically addressing gender identity can contribute to their vulnerability. Transgender individuals often face challenges in securing employment due to societal prejudices and stereotypes. They may be confined to specific industries or roles and encounter barriers when attempting to enter traditionally gendered occupations. Workplace harassment, including verbal, physical, or psychological abuse, is a prevalent issue for transgender individuals. A lack of awareness and understanding about transgender issues can contribute to the creation of hostile work environments.

Many workplaces lack inclusive policies that specifically address the needs of transgender employees. This includes the absence of gender-neutral facilities, non-discrimination policies, and healthcare provisions that cater to the unique needs of transgender individuals. Discrimination against transgender individuals often begins during their educational years, leading to limited access to quality education. This educational exclusion can subsequently impact their employment prospects and professional development. The social exclusion of transgender individuals in employment contributes to economic disparities. Limited access to employment opportunities can lead to financial instability, poverty, and dependence on informal and precarious forms of labour.

Limited access to education, no employment, no viable economic conditions, and deprivation by the parents lead some transgender individuals may turn to sex work as a means of survival. The sexual teasing and torture from society push them into prostitution. In recent times, the number of transgender sex workers numbers are increased in multiple and they are facing lots of sexual and physical harassment from their clients and law enforcement. They don't have the financial capacity to protect themselves from legal proceedings. By way of coercion, some transgender sex workers undergo Sexual Reassignment surgery for prostitution. That leads to a higher prevalence of HIV/AIDS and face lots of health diseases.

CONCLUSION

Discrimination of transgenders can be witnessed in many domains, as evidenced by literature and media depicting the issues and struggles that they confront. Many researchers have also corroborated and suggested that the Transgender's social sidelining led to a loss of uniqueness, self-assurance, and a feeling of personal and communal accountability. The society and students must be educated about the Transgenders.²⁰ The Apex Court also supported transgender people's ability to choose whether to identify as a woman, man, or Transgender. This would safeguard their entitlement to respect and decency in treatment in their daily lives. Additionally, the court mandated that transgender persons get accommodations in public educational and employment settings from both the federal and state governments, as well as social support programs. In this sense, one can contend that applicants' eligibility to receive benefits intended for transgender people must be verified using objective standards. Benefits may be fraudulently claimed by others if the only requirement for eligibility is one's self-declared gender identification Bill, 2016: Transgender Persons (Protection of Rights), establishes protections against discrimination for transgender people and helps programs for their health, education, and employment. This allows the Bill to recognise the identification of transgender people by allowing for both a screening procedure and self-perceived gender identity. Transgender people's ability to exercise their right to health has been severely restricted in India for millennia due to persistent discrimination against this minority. The Transgender Person Act of 2019 had high hopes but has fallen short of them. The *NALSA* case (2014) paved the way for the community's progressive and beneficial rights. The policies in India have, to put it mildly, been deficient, particularly in the area of healthcare. A fundamental human right, access to healthcare, is in jeopardy in their situation. An aspect that rarely receives much attention but is crucial for the majority of transgender persons is gender-affirmative surgery. Transgender people frequently struggle to balance their outward exposure with the general state of their community invisibility and are at risk for health problems. These services both keep people physically and psychologically healthy by preventing illness and disease from occurring, and they also lessen the pain or suffering that comes with a disease or illness by providing medical attention. The Supreme Court upheld the right to choose one's gender identification in the *NALSA* case. This imposed a responsibility on the part of the State to uphold the rights and welfare measures made for the transgender community.

²⁰ Ashokan Subbiah, *Velusamy M, Social & Legal issues, and its development Scenario of Transgender people in the modern society with special reference to Tamil Nadu*, <https://www.jsweb.in/uploads/3/1/7/2/31729069/020205.pdf>, last visited on 14/12/2024

Finally, speaking about the social exclusion of transgender community is a matter of justice and human rights alone however also a crucial component in achieving SDGs in India. By nurturing inclusivity and dismantling unfair practices, we the society pave the way for a more equitable and sustainable society. To achieve the inclusion of transgender community into society, the State and every individual ensure that they will attain legal Recognition and protection, Inclusive Education, enhanced healthcare access, anti-discrimination in job opportunities, govt support in entrepreneurship, and mental health & well-being. The true measure of development lies not only in economic progress but also in the inclusivity and well-being of every individual, regardless of their gender identity.

2019, Transgender Protection Act, clearly talks about their rights and benefits. As per the Act, the state has ensured the safeguard of human rights of transgenders in the normal course of life. The voice of the Transgender has to be given a response and their claims for their rights should be given priority by the government. The government has to take necessary steps publicities through the media and social networking sites about the welfare schemes of the Transgenders. The proper counselling should be given to Law Enforcement particularly Police Department to handle the Transgenders without violating their human rights and discrimination. Gender identification is the choice of the transgender who identifies herself as a woman, then protection available to women victims of crime must be made available to her. The Union Government has to take proper data and census about the transgenders and ensure that everyone tastes the welfare schemes.

To conclude, what Transgender expect from society is the quote of Bill Maher “Transgender people deserve something vital; they deserve your respect.”