LawFoyer International Journal of Doctrinal Legal Research

[ISSN: 2583-7753]

Volume 3 | Issue 4

2025

Follow this and additional research works at: www.lijdlr.com
Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)

To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript Click here

RECOGNISING THE UNRECOGNISED: THE PURSUIT OF IDENTITY AND DIGNITY BY TRANSGENDER PERSONS IN INDIA

K.Abitha[1]

I. ABSTRACT

Transgender persons in India have historically endured social exclusion, marginalisation, and systemic denial of their rights. Despite constitutional safeguards and landmark judicial interventions, including NALSA v. Union of India (2014), and the enactment of the Transgender Persons (Protection of Rights) Act, 2019, they continue to face significant challenges in asserting their identity and securing dignity. This study seeks to explore the legal frameworks, socio-cultural barriers, and policy measures that shape the lived experiences of transgender persons in contemporary India. By analysing judicial pronouncements, legislative provisions, and social realities, the research highlights the gap between legal recognition and social acceptance. It critically evaluates the effectiveness of existing laws in empowering transgender persons and examines the role of public policy, societal attitudes, and educational initiatives in promoting inclusion. The study also draws comparative insights from international human rights practices to suggest pathways for reform. In doing so, it emphasises that legal recognition alone is insufficient; sustained social, cultural, and institutional support is essential to realise the fundamental rights of transgender persons. As Justice Rohinton Fali Nariman once remarked, "The Constitution does not merely protect the majority; it safeguards the rights of those who are marginalised and vulnerable." This research ultimately advocates for a holistic approach that not only recognises transgender persons legally but also affirms their identity, dignity, and rightful place in Indian society.

II. KEYWORDS

Identity, Dignity, Social Inclusion, Marginalisation, Empowerment.

---

[1] Pursuing LLM at Government Law college at Coimbatore, Tamil Nadu (India). Email: abithabindhu.k@gmail.com

III. INTRODUCTION

People who identify as transgender have historically been among the most marginalized groups in India, experiencing discrimination, social isolation, and the denial of fundamental human rights. They have frequently been marginalized in the legal, social, and economic domains and are compelled to live in a society that does not respect their identity and worth. For transgender people, the fight is not just about acceptance; it's also about equality, inclusion, and autonomy.

The Indian Constitution provides a strong foundation for equality, liberty, and non-discrimination through Articles 14, 15, 16, 19, and 21. Landmark judgments, particularly National Legal Services Authority *(NALSA) v. Union of India (2014)*[2], have recognised transgender persons as the "third gender" [3]and affirmed their fundamental rights, including the right to self-identify their gender. Following this, the Transgender Persons (Protection of Rights) Act, 2019 was enacted to safeguard the rights of transgender individuals, covering aspects such as education, employment, healthcare, and protection from discrimination.

The daily reality of transgender people shows ongoing difficulties in spite of these legal steps. Their access to opportunity and dignity is nevertheless restricted by social stigma, ignorance, cultural biases, and poor policy execution. The discrepancy between societal acceptance and legal recognition emphasizes how crucial it is to examine transgender rights as a socio-legal problem that calls for comprehensive solutions, rather than just a legal one.

This research seeks to explore the legal frameworks, judicial pronouncements, and social dynamics that shape the experience of transgender persons in India. By analysing both statutory provisions and societal realities, the study aims to evaluate the effectiveness of existing measures and propose strategies to ensure that transgender individuals are genuinely recognised and empowered to live with dignity, equality, and self-respect.

---

[2] NALSA v. Union Of India, (2014)5 SCC 438(India)

[3] Transgender persons (Protection of Rights) Act,2019,No.40,Acts of parliament,2019, (India)

A. RESEARCH OBJECTIVES

- To examine the socio-legal frameworks that affect the recognition and rights of transgender persons in India, focusing on legal reforms such as the Transgender Persons (Protection of Rights) Act, 2019 and judicial pronouncements like NALSA v. Union of India (2014).

- To analyze the intersectionality of transgender identity across caste, class, and religion, and its impact on the lived experiences of transgender persons in India.

- To assess the gap between legal recognition and social acceptance of transgender persons in India, considering societal attitudes, cultural barriers, and policy execution.

- To explore international human rights frameworks and compare them with India's legal approach to transgender rights, drawing lessons from global best practices.

B. RESEARCH QUESTIONS

- How do the legal frameworks, including the Transgender Persons (Protection of Rights) Act, 2019, and judicial rulings like NALSA, shape the recognition and rights of transgender individuals in India?

- What are the intersectional challenges faced by transgender persons in India, particularly concerning caste, class, and religious identity, and how do these dimensions affect their access to education, healthcare, and employment?

- To what extent do societal attitudes and cultural biases impede the social inclusion of transgender persons, despite legal provisions for their rights?

- How do international human rights frameworks, such as the Yogyakarta Principles and the United Nations declarations, influence transgender rights in India?

C. RESEARCH HYPOTHESES

- Legal recognition of transgender persons in India, particularly through the Transgender Persons (Protection of Rights) Act, 2019, has been insufficient in fostering real social inclusion due to gaps in policy execution and societal resistance.

  Intersectionality, particularly caste and class, significantly exacerbates the discrimination faced by transgender persons in India, resulting in compounded marginalization in education, healthcare, and employment.

- International human rights frameworks, such as the Yogyakarta Principles, have influenced India's legal approach to transgender rights, but India's implementation of these frameworks remains inconsistent and incomplete.

  Transgender persons who receive social acceptance and family support experience better mental health outcomes and improved socio-economic conditions compared to those who face rejection and marginalization.

- The effective implementation of affirmative action, skill development programs, and policies that address the intersectional vulnerabilities of transgender persons will improve their social and economic inclusion in India.

D. RESEARCH METHODOLOGY

This research adopts a qualitative approach, focusing on legal analysis, case studies, and interviews to examine the socio-legal challenges faced by transgender persons in India. It analyzes key legislative measures such as the Transgender Persons (Protection of Rights) Act, 2019 and judicial rulings like NALSA v. Union of India (2014), assessing their effectiveness in protecting transgender rights. The study also compares India's approach with international frameworks like the Yogyakarta Principles to identify best practices. Interviews with transgender activists and focus groups will provide insights into the lived experiences of transgender individuals, while examining how intersectionality—caste, class, and religion—affects their rights.

The research will propose policy reforms to address gaps in legal protections and social inclusion.

E. HISTORICAL AND CULTURAL EVOLUTION OF GENDER DIVERSITY IN INDIA

India has a long history of exhibiting a sophisticated awareness of gender diversity. Indian culture, religion, and literature recognized identities other than male and female, in contrast to the strict binary view of gender that is common in many countries. Gender fluidity and the socio-religious roles of gender-diverse groups are frequently mentioned in ancient literature and epics. For example, the idea of Ardhanarishvara, a hybrid of Lord Shiva and Goddess Parvati, represents the inherent coherence of both masculine and feminine values.

Ancient society acknowledged non-binary gender identities as part of its cultural ethos, as seen by the Mahabharata's Shikhandi myth, which depicts gender transition within a moral and social narrative. Certain societal and ritualistic duties were played by traditional transgender communities, including jogappas, hijras, aravanis, and thirunangais. They were frequently considered auspicious during specific rites, blessed babies and newlyweds, and took part in temple ceremonies.

These communities demonstrated a kind of societal acceptance and inclusion by contributing to social and religious life and occupying unique cultural areas, rather than just being tolerated. However, the onset of British colonial rule fundamentally changed this historical context. Hijras and related groups were labeled "criminals by birth" by the Criminal Tribes Act of 1871, which resulted in widespread social exclusion and institutional marginalization. Centuries-old cultural acceptance was upended by the colonial legal system, which also restricted social and economic prospects and ingrained stigma that has endured till the present day.

The legal, political, and social structures continued to mostly ignore transsexual groups after independence. The social and economic marginalization that was started during colonial times was reinforced by the continued exclusion caused by the lack of official acknowledgment in legislation, welfare programs, employment, and education. However, indications of a social and cultural renaissance have emerged in

recent decades. The visibility and acceptance of transgender identities have started to return thanks to activism, media exposure, and campaigning.

Many areas are witnessing the reclaiming of traditional rituals and cultural practices, which connect current recognition difficulties to past traditions of social engagement and respect. Contextualizing current legal frameworks and policy initiatives requires an understanding of this historical and cultural history. It emphasizes that historical upheavals and societal biases are the causes of transgender people's marginalization rather than their inherent nature. In order to create laws and policies that guarantee transgender people in India true social inclusion, equality, and dignity, it is imperative to acknowledge this trend.

IV.   INTERSECTIONALITY: TRANSGENDER IDENTITY ACROSS CASTE, CLASS, AND RELIGION

The lives of transgender people in India are profoundly influenced by intersectional elements including caste, class, and religion, making them impossible to fully comprehend from a gender-only lens. According to Kimberlé Crenshaw, intersectionality[4] describes how different social identities overlap to produce distinct kinds of marginalization and discrimination. These overlapping identities have a substantial impact on transgender people's access to healthcare, work, education, and social engagement, leading to heightened vulnerabilities that vary according on the sociocultural and economic setting.

For transgender people, intersectionality based on caste is especially important. Members of historically marginalized groups, such Scheduled Castes (SC) and Scheduled Tribes (ST), experience a "double burden" of exclusion: discrimination as gender nonconforming people and structural oppression as members of lower caste groups. Access to government social programs, higher education, and political representation are frequently hampered by this simultaneous marginalization. On the other hand, transgender people from higher castes might have comparatively greater structural prospects, but they still have to deal with enduring social stigma and

---

[4] Kimberie Crenshaw, Intersectionality, overlapping social identities and marginalisation.

rejection from family members due to deeply ingrained gender standards. Therefore, programs that only address gender cannot address the multiple layers of disadvantage created by the interaction between caste and gender.

Marginalization is made even more severe by economic status. Low-income transgender people usually do not have access to formal education and are forced to labor in the unorganized sector, engage in sex work, or beg for money. Because poverty restricts access to social mobility, legal remedies, and healthcare, it exacerbates vulnerability. On the other side, transgender people from the middle and upper classes might have greater access to private healthcare, education, and legal options; however, discrimination[5] in society, impediments to employment, and lack of family or community support are also common. Gender identity and economic inequality interact to affect not only quality of life but also the capacity to claim legal rights and social acceptance.

Transgender experiences are also intricately shaped by religion and cultural conventions. Transgender people have historically been incorporated into social and religious life, including temple rites and ceremonial roles, in certain Hindu and indigenous traditions, which has given them some degree of social acceptance and cultural validity. But in some areas, religious conservatism still serves to legitimize exclusion. Rigid binary gender standards are frequently upheld by minority religious communities, including Muslim and Christian groups, which limit the acceptance and involvement of transgender people. Thus, gender interacts with religious and cultural norms to influence the level of social inclusion and acceptance experienced by transgender people.

There are significant legal and policy ramifications when caste, class, and religion come together. Although the Transgender Persons (Protection of Rights) Act, 2019 affirms rights to healthcare, work, and education and offers general protections against discrimination, it does not specifically address the compounded disadvantages faced by transgender people from marginalized caste, economic, or

---

[5] United Nations, Universal Declaration of Human Rights,G.A.Res. 217A(III), U.N.Doc A/810 At 71 (1948)

religious backgrounds. In order to guarantee fair recognition and protection for all transgender individuals, this disparity emphasizes the necessity of multifaceted legal frameworks and focused social interventions. Therefore, it is essential to comprehend intersectionality not just for scholarly research but also for developing inclusive policies and advancing social justice, equality, and meaningful dignity.

V. LEGAL PLURALISM AND CONFLICTS IN TRANSGENDER RIGHTS

India's legal system is characterised by legal pluralism, where multiple sources of law—constitutional law, statutory enactments, personal laws, and customary practices—coexist. While this pluralistic framework aims to accommodate diversity, it often creates conflicts and gaps in the recognition and protection of transgender rights. Transgender persons frequently encounter challenges arising from the interaction of statutory law, personal laws, and societal norms, which can hinder the practical realisation of their identity and dignity.

One major area of conflict arises in the intersection of personal laws with transgender identity. India's personal laws governing marriage, adoption, inheritance, and family relations—applicable to Hindu, Muslim, Christian, and Parsi communities—are largely predicated on a binary understanding of gender. As a result, transgender people have legal challenges while attempting to exercise rights including succession, adoption, and marriage registration. Although general safeguards are provided by the Transgender Persons (Protection of Rights) Act, 2019, many transgender people are left in a legal limbo since these rights are not adequately reconciled with current personal law frameworks.

Additionally, there are intricate interactions between constitutional and statutory provisions. In addition to the NALSA ruling (2014), which expressly acknowledges the freedom to self-identify one's gender, Articles 14, 15, and 21 of the Constitution guarantee equality, non-discrimination, and personal liberty. Conflicts occur when statutory laws or administrative processes do not conform to constitutional principles, and enforcement of these rights is uneven. The 2019 Act's requirements for formal gender certificates, for example, may clash with the judiciary's recognized right to self-

identification, illustrating the friction between the law and its application. Legal disputes are further exacerbated by social and customary standards.

Despite legal safeguards, transgender people are nonetheless marginalized in many communities by customary norms. Social acceptability frequently lags behind formal recognition, leading to de facto exclusion from communal involvement, inheritance, and marriage. This gap between the law and social reality highlights the drawbacks of a strictly legalistic approach and highlights the necessity of balancing personal laws, statutory regulations, and social norms. Coordination of policies and thorough legislative reform are necessary to resolve these problems. Essential initiatives include integrating intersectional considerations into legal frameworks, streamlining recognition procedures, and harmonizing personal laws with constitutional safeguards. In India, legal plurality offers both benefits and challenges. While different systems may reflect variety, they must be in harmony to guarantee transgender people's full realization of their rights, dignity, and social inclusion.

VI. TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019

The Indian legislature made a historic effort to address the structural marginalization of transgender people and offer a legislative framework for protecting their rights with the Transgender Persons (Protection of Rights) Act, 2019. Decades of transgender community campaigning, court rulings like *NALSA v. Union of India (2014),* and the realization that transgender people experience severe discrimination in social participation, work, healthcare, and education all led to the Act's passage. Its fundamental goal is to guarantee transgender people's safety, respect, and integration into society at large while offering channels for addressing abuse and prejudice.

The ability to self-identify as gender is one of the Act's fundamental provisions. The Act permits government officials to provide an official certificate of identity to transgender individuals, who are legally permitted to identify as male, female, or transgender. Access to healthcare, work possibilities, educational institutions, and other social welfare programs can all be facilitated with this credential. The goal of

the provision is to formally acknowledge transgender people and enable them to fully engage in civic and societal life.

Additionally, the Act expressly forbids discrimination against transgender people in important domains like the workplace, healthcare, education, and the supply of products and services. Transgender people can seek legal remedies against harassment, abuse, or exclusion thanks to the grievance redressal framework it established through designated authorities at the district and state levels. The Act also requires the government to improve the socioeconomic standing of transgender populations by implementing social welfare programs, such as healthcare, skill development, and livelihood initiatives.

The Act has drawn a lot of criticism in spite of these beneficial aspects. One significant issue is the need for a proof of identity, which some contend goes against the self-identification principle upheld by the Supreme Court in NALSA (2014). Access may be restricted for people residing in distant or socially marginalized places due to the bureaucratic certification process. Additionally, although the Act makes reference to affirmative action in the workplace and in education, it makes no specific mention of quotas or procedures for their efficient application. Inadequate penalties for discrimination and uneven enforcement have limited the Act's practical application.

When compared to worldwide best practices, India's laws are seen as having a progressive goal but a narrow jurisdiction. Stronger frameworks have been put in place in nations like Argentina [6]and Canada, which permit self-identification without facing administrative obstacles, offer extensive anti-discrimination safeguards, and incorporate transgender rights into a variety of fields, such as healthcare and education. The need for additional reform is highlighted by the fact that India's Act falls short in addressing the intersectional vulnerabilities of transgender people, including caste, class, and economic hardship.

The Act is merely a foundation, but it marks a major turning point in legal recognition. In order to truly empower transgender people, additional legislative reforms that fill

---

[6] Gender Identity Law, Argentina,2021.

in the gaps in personal legislation, workplace protections, and social welfare are needed, as well as effective policy execution, judicial assistance, and societal sensitization. Legal acknowledgment and social reform can help India's transgender people achieve equality, dignity, and meaningful inclusion.

VII. COMPARATIVE PERSPECTIVES ON TRANSGENDER RIGHTS

Comparative global perspectives are very helpful in understanding transgender rights in India because they reveal best practices, legal innovations, and policy approaches that can guide local reforms. While many nations have embraced more inclusive and rights-based frameworks that provide important lessons for legislation, policy, and public acceptability, India has made strides with the NALSA ruling (2014) and the Transgender Persons (Protection of Rights) Act, 2019. Many people consider Argentina to be a global leader in the field of transgender rights.

People can self-identify as their gender without the need for medical procedures, surgery, or official permissions thanks to the nation's Gender Identity Law of 2012. The law requires self-identified gender to be reflected on official papers, including as passports and national ID cards. In addition, it guarantees access to healthcare, forbids discrimination on the basis of gender identity, and offers legal redress for infractions. Argentina's program exemplifies a rights-based, non-bureaucratic approach, empowering transgender persons while reducing administrative impediments.

Human rights laws, progressive provincial laws, and constitutional principles all work together to preserve transgender rights in Canada. Discrimination on the basis of gender identity and gender expression is expressly forbidden by the Canadian Human Rights Act. Comprehensive laws guaranteeing access to gender-affirming healthcare, workplace rights, and inclusive education have been passed by provinces including British Columbia and Ontario. Instead of depending only on discrete laws, Canada's strategy shows how successful it is to integrate transgender rights throughout several sectors.

Nepal is yet another illuminating example. Its 2007 interim constitution and further legal changes acknowledge the existence of a "third gender" category and permit people to identify their own gender on official papers. Both legal recognition and real-world social inclusion are demonstrated by Nepal's inclusion of transgender people in social welfare initiatives and election procedures. In contrast, India's legal system has a progressive goal but a narrow scope and implementation. The 2019 Act's poor enforcement procedures and requirement for certificates for legal recognition run counter to the self-identification principle.

Furthermore, caste, class, and minority status are examples of intersectional vulnerabilities that are not sufficiently addressed by Indian law. Indian policymakers can find ways to: By examining models from Argentina, Canada[7], and Nepal, Make legal recognition processes simpler. Assure thorough anti-discrimination safeguards in the fields of healthcare, employment, and education. Include transgender rights in public policy, political representation, and larger social welfare frameworks.

According to a comparative analysis, legal recognition is not enough to achieve effective transgender inclusion; statutory rights must be balanced with administrative effectiveness, social acceptability, and intersectional policy concerns. India can move toward transgender equality, dignity, and holistic empowerment by adopting global best practices. A comparative analysis underscores that legal recognition alone is insufficient; effective transgender inclusion requires harmonising statutory protections with social acceptance, administrative efficiency, and intersectional policy considerations. Adapting international best practices can guide India toward holistic empowerment, dignity, and equality for transgender persons.

VIII. DIGITAL RIGHTS AND ONLINE SPACES: THE NEW FRONTTIER FOR TRANSGENDER EMPOWERMENT

Online platforms have become increasingly potent venues for transgender advocacy, visibility, and community development in the digital age. Through social media platforms like Instagram, YouTube, and X (previously Twitter), transgender people

---

[7] Canadian Human Rights Act.

have been able to tell their own stories, dispel preconceptions, and create supportive communities that cut across social and geographic barriers. As a result, digital platforms have emerged as a crucial instrument for self-expression, activism, and empowerment, allowing transgender people to publicly declare their identities and call for equality.

However, the digital realm also presents significant challenges and vulnerabilities. Transgender individuals are often targets of cyberbullying, online harassment, and hate speech, which can have severe psychological and social consequences. Misgendering, doxxing (public exposure of personal details), and targeted trolling campaigns are frequent, yet legal protections against such acts remain inadequate in India. The Information Technology Act, 2000, though providing general safeguards against cybercrimes, does not specifically address gender-based or identity-based online harassment, leaving many victims without effective legal recourse. Furthermore, there is still inequality in digital inclusion itself.

Economic and educational limitations prevent many transgender people from having access to digital literacy, internet connectivity, and technical resources. This digital gap limits access to online learning, jobs, and e-governance programs. In a world that is becoming more digitally connected, people who are already marginalized by social and legal structures are further marginalized by being excluded from online places.

Despite these challenges, the digital space holds transformative potential for legal awareness and mobilisation. Online campaigns such as #TransLivesMatter and #RightToIdentity have successfully drawn attention to issues of discrimination and violence, influencing both public opinion and policy discourse. Digital activism has also helped in mobilising community networks that provide psychological support, healthcare guidance, and legal assistance.

Addressing the challenges in this domain requires a comprehensive policy approach. Strengthening cyber laws to explicitly include gender identity-based harassment, enhancing digital literacy programs for transgender persons, and promoting online safety frameworks are crucial. Collaboration between government bodies, social

media platforms, and civil society can create safer, more inclusive digital environments.

Achieving the larger objectives of identity, dignity, and equality for transgender people depends on assuring their full and safe engagement in online environments. After all, digital rights are human rights. Therefore, the digital frontier is both a responsibility and an opportunity; it is a place where inclusivity needs to be intentionally created, safeguarded, and maintained.

IX. MENTAL HEALTH AND PSYCHOSOCIAL WELL BEING OF TRANSGENDER

Access to healthcare, identity recognition, and social experiences are all intricately linked to the mental health and psychosocial well-being of transgender individuals. Transgender people experience pervasive discrimination, stigma, and exclusion from family, schools, and employment in India. Chronic stress, internalized stigma, and a sense of alienation are all brought on by these experiences, and they have a big impact on mental health outcomes. Studies on human rights and psychology consistently demonstrate that transgender people have greater rates of anxiety, depression, self-harm, and suicide thoughts than the general population.

This is primarily because of social rejection rather than internal identity conflict. Family rejection is often the first and most painful experience for many transgender individuals. Traditional family structures rooted in heteronormativity often view non-binary or transgender identities as shameful or unnatural. This rejection can lead to homelessness, economic vulnerability, and social isolation. The absence of familial and emotional support can severely impact self-esteem and mental stability. In contrast, studies indicate that acceptance and affirmation by family and peers dramatically reduce psychological distress, highlighting the role of social acceptance in mental health resilience. Discrimination in the workplace and in schools also adds to psychological and emotional stress.

Bullying, harassment, or a lack of gender-neutral facilities cause many transgender people to drop out of school, which denies them the chance to become financially

independent. Low self-esteem and social alienation are further sustained by workplace exclusion or denial of employment. Many transgender people are forced into dangerous situations as a result of the ensuing economic instability and dependency, which makes them more susceptible to abuse and exploitation. Another significant obstacle is access to mental health care. The majority of Indian mental health practitioners lack gender diversity awareness and sensitivity training. The stigma and mistrust of healthcare systems are reinforced by the fact that some people still perceive transgender identification as a psychological condition. Additionally, transgender people who are economically marginalized cannot afford the high expense of therapy and gender-affirming care.

There is a structural lack of psychosocial assistance for this community since public healthcare infrastructure hardly ever offers specialized mental health or counseling services. New community-based models, however, appear promising. Peer counseling, crisis helplines, and support groups are now offered by a number of NGOs and queer collectives, helping transgender people manage stress and find a sense of community. Access and results are starting to change as a result of inclusive mental health programs that use trauma-informed care and gender-affirming therapy. These initiatives show that social affirmation, policy support, and human connection are just as important to transgender people's mental health as medical care.

India needs policy-driven improvements in mental healthcare if it hopes to see significant progress. Government financing for community-based counseling programs, the creation of transgender mental health facilities in public hospitals, and the mandatory inclusion of gender sensitivity in psychology and psychiatry curricula are all crucial. Human rights must include mental health rights as a fundamental component. In the end, the fight for transgender people's equality and dignity revolves around mental health empowerment. The state, families, and society must work together to establish circumstances that foster acceptance, identity, and optimism in order to heal the psychological scars left by decades of exclusion.

X. POLITICAL PARTICIPATION AND REPRESENTATION OF TRANSGENDER PERSONS

The political participation and representation of transgender persons are central to achieving social justice, equality, and empowerment. Political visibility provides a platform for voicing community concerns, influencing policy decisions, and challenging entrenched social hierarchies. However, in India, transgender individuals have historically been excluded from political processes due to systemic marginalisation, lack of documentation, social stigma, and the absence of institutional support for their participation in governance.

In order to acknowledge transgender people as a "third gender" and to uphold their political and constitutional rights under Articles 14, 15, 16, and 21 of the Constitution, the historic *NALSA v. Union of India (2014)* ruling was essential. The ruling ordered governments to provide reservations for transgender people in public employment and education and to regard them as a socially and educationally backward class. Although political involvement was made possible by this recognition, it is still difficult to translate that recognition into actual representation. Notwithstanding these obstacles, a number of trailblazing individuals have surfaced who have completely changed the political environment for transgender people in India.

In 1998, Shabnam Mausi became the first transgender Member of Parliament from Madhya Pradesh, opening the door for others. Joyita Mondal's[8] appointment as a judge in a Lok Adalat and Madhu Kinnar's election as Raigarh's mayor represent growing but gradual political inclusion. These turning points indicate a change in public opinion, but they are still anomalies rather than the rule. Wider representation in politics is nevertheless constrained by the lack of structural tools like reserved seats and affirmative action. Political engagement is hampered by a variety of factors. Many transgender people do not have legitimate identification documents that correspond to their chosen gender, such as voter IDs or Aadhaar cards. They are

---

[8] Joyita Mondal, Madhu Kinnar, Shabnam Mausi-political representation of transgender persons in India.

frequently left off voter lists without such evidence, which makes it challenging for them to participate in elections.

Additionally, economic hardship and social discrimination make it difficult for them to run for office or participate in political campaigns. Access to party structures, leadership positions, and policy-making forums is still hampered by the stigma associated with transgender identification. However, grassroots political mobilization has become more and more ingrained in transgender movement. Collectives and organizations run by the community promote civic engagement, voting rights, and inclusion on electoral rolls. Their voices have been magnified by social media and online campaigns, which have also spawned new kinds of digital political activity and encouraged youth engagement. Additionally, transgender organizations have joined forces with civil society organizations to advocate for inclusive policy frameworks and legislative reforms. The diversity of India's population must be reflected in political representation if the country is to attain true democracy.

Fair participation can be guaranteed by institutional measures like seat reservations in local authorities, legislative assemblies, and Parliament. Additionally, political parties need to be proactive in promoting gender diversity in their manifestos and nominating transgender candidates. Equally crucial are voter registration campaigns, political training for transgender leaders, and strengthening documentation procedures. In the end, taking part in politics is transforming rather than just symbolic. Transgender people have an impact on society's cultural awareness in addition to policy when they occupy decision-making roles. In practical terms, representation redefines equality, upends stereotypes, and affirms dignity. Therefore, real political inclusion is a significant step in realizing the constitutional goal of social, economic, and political justice for all Indian citizens.

XI. TRANSGENDER ENTREPRENEURSHIP AND ECONOMIC EMPOWERMENT

Achieving true inclusion and dignity within the transgender community is largely dependent on economic empowerment. Many transgender people in India have historically been forced to rely on traditional sources of income like begging, sex work,

or badhai (ritual blessings) due to their systemic exclusion from mainstream employment and educational prospects. This exclusion results from a combination of ingrained societal stigma and discrimination that prevents people from engaging in formal economic systems, as well as a lack of access to education or training. Thus, transgender people can regain their agency, financial independence, and social respect through economic empowerment through business. In the last ten years, transgender-led business initiatives have emerged in India in a variety of industries, including digital services, fashion, food, cosmetics, and the arts.

These businesses have challenged preconceived notions about transgender people's skills and social roles in addition to giving them jobs. Kalki Subramaniam[9], a transgender activist and entrepreneur, for example, offers transgender people training and jobs in corporate and social companies through his Kineer Services program. In a similar vein, initiatives like Chennai's PeriFerry concentrate on educating and integrating transgender individuals into corporate settings, opening the gap between employability and inclusion. Initiatives from the government and business community have also started to acknowledge the importance of inclusive economic frameworks.

To increase transgender people's livelihood options, the Ministry of Social Justice and Empowerment launched skill development programs under the Support for Marginalized Individuals for Livelihood and Enterprise (SMILE)[10] program. Additionally, the Transgender Persons (Protection of Rights) Act, 2019 provides a legal basis for self-employment and entrepreneurship by requiring equitable employment opportunities and outlawing workplace discrimination. However, due to restricted financial availability, bureaucratic hold-ups, and a lack of awareness, the actual implementation of these provisions frequently remains inadequate. For transgender entrepreneurs, one of the biggest challenges is access to credit facilities and financial services.

---

[9] Kalki Subramaniam, Kineer services;PeriFerry -Transgender entrepreneurship in India.
[10] SMILE Scheme, Ministry of social justice and empowerment of India.

Due to problems with documentation or name/gender mismatches, many transgender people lack the official identification and credit history that most financial institutions demand. A number of NGOs and microfinance institutions have started small-scale loan programs designed especially for transgender business owners in order to address this. For instance, transgender people who want to launch local businesses can get business training and seed money from Kerala's Trans/formation Project. Widespread financial inclusion is still a problem in spite of these encouraging initiatives. The rise of digital entrepreneurship and social media platforms has opened new pathways for economic empowerment. Many transgender individuals are now leveraging platforms like Instagram, YouTube, and Etsy to market their products, art, or advocacy work.

The digital economy allows them to bypass traditional barriers, connect with broader audiences, and build personal brands that defy societal prejudice. The visibility and success of transgender influencers, designers, and small business owners also play a crucial role in reshaping the public imagination about gender and work. Nonetheless, inclusive ecosystem development and policy-level interventions are necessary to encourage entrepreneurship as a long-term means of empowerment. This covers networking possibilities, mentorship programs, co-working space access, and priority loan initiatives. In order to establish venues where transgender entrepreneurs can exhibit their work, obtain funding, and receive business training, cooperation between public and private entities is essential.

Transgender skill development programs can guarantee that empowerment initiatives are comprehensive rather than tokenistic by integrating entrepreneurship modules. In the end, transgender entrepreneurship symbolizes more than just financial activity; it is an expression of fortitude, inventiveness, and autonomy. Transgender people break the cycle of dependency and marginalization by establishing environments where they may take charge, hire others, and support the economy. In addition to making money, their endeavors promote social change and communal pride. Thus, in the larger context of India's social and economic revolution,

economic empowerment via entrepreneurship turns into a potent tool for claiming equality, dignity, and identity.

XII. MEDIA REPRESENTATION AND CULTURAL NARRATIVES

One of the most effective means of influencing attitudes, public perception, and the development of narratives regarding underrepresented groups is the media. In India, the portrayal of transgender people in movies, TV shows, news, and digital media has served as a tool for marginalization and stereotyping as well as a forum for visibility and empowerment. Transgender characters have traditionally been reduced to objects of mockery or terror in mainstream Indian cinema by being depicted in caricatured, humorous, or antagonistic positions. It is challenging for the transgender community to be viewed as individuals deserving of rights and dignity because of this portrayal, which dehumanized the transgender identity and strengthened societal prejudice.

In early Indian films, transgender characters were frequently depicted as mystical figures, comic reliefs, or antagonists. Movies such as Sadak (1991) and Sangharsh (1999) presented transgender persons in exaggerated or negative ways, thereby reinforcing existing stereotypes. Such portrayals often failed to recognise the humanity, emotions, and struggles of transgender individuals. The media's sensationalist coverage of transgender issues—often focusing on "shock value" or "otherness"—further alienated the community from mainstream acceptance. The use of derogatory language and misgendering in television shows and news reports perpetuated discrimination and made it difficult for transgender voices to be heard in their own right.

However, the representation of transgender people in Indian media has seen a gradual but notable change in the twenty-first century. Real transgender stories have started to emerge with the growth of digital platforms, indie filmmakers, and social media influencers. Although some still drew criticism for using cisgender actors in transgender characters, films including Tamanna (1997), Naanu Avanalla Avalu (2015), Super Deluxe (2019), and Laxmii (2020) made an effort to depict transgender experiences with greater sensitivity and complexity. However, these movies were a significant step in introducing gender diversity into the public discourse. Social media

has seen a revolution with the rise of transgender activists and creators. Social media sites like YouTube, Instagram, and TikTok have developed into platforms for community building, self-expression, and awareness-raising. People like Dr. Trinetra Haldar [11]Gummaraju, Living Smile Vidya, and Kalki Subramaniam have used their online presence to dispel myths, promote rights, and inform the public on gender diversity. Transgender people are reclaiming the narrative, sharing their own stories, and changing the media landscape through vlogs, art, poetry, and internet campaigns. Even with these advancements, the media continues to face challenges with sensitivity and diversity. Transgender people are underrepresented in media occupations, such as journalism, anchoring, and filmmaking, which reduces the veracity of the stories being reported.

Instead, than treating gender identity as an essential component of human variety, many films still take a voyeuristic or tokenistic approach to transgender matters. Additionally, transgender performers are rarely given the chance to play starring or even supporting roles, which perpetuates the disconnect between genuine inclusion and visibility. Real change in media representation requires active engagement rather than token efforts. This entails involving transgender people in the media industry as authors, directors, producers, editors, and policymakers in addition to being the topic of tales. Fair representation can be encouraged through inclusive content guidelines, diversity recruiting practices, and training initiatives.

It is also possible to interpret legal frameworks such as the Transgender Persons (Protection of Rights) Act, 2019 to provide equal employment opportunities in the media and to stop discriminatory or defamatory content. In the end, the media is a shaping force rather than merely a reflection of society. Authentic, compassionate, and respectful representation of transgender people promotes social acceptance and changes laws. In ways that laws cannot, positive storytelling may humanize situations and promote empathy and understanding among communities. As noted by American author Janet Mock, "Representation is power, but visibility is important."

---

[11] Dr. Trinetra Haldar Gummaaraju ,Living smile Vidya- Transgender digital activism and advocacy,

[12]Therefore, the Indian media bears a great deal of responsibility — not just to depict the lives of transgender people, but also to uphold their dignity, honor their tenacity, and influence the public's perception of gender and identity

XIII.   EDUCATION AND SKILL DEVELOPMENT: PATHWAYS TO INCLUSION AND EMPOWERMENT

The cornerstone of empowerment is education, which gives people the skills, opportunities, and self-assurance they need to fully engage in society. However, institutional exclusionary practices, bullying, societal stigma, and systemic discrimination have historically made it difficult for transgender people in India to get an education. Transgender people frequently encounter several obstacles in educational institutions, ranging from rejection of admission to harassment by classmates and staff, despite constitutional provisions under Articles 14, 15, and 21-A, which guarantee equality, forbid discrimination, and guarantee the right to education. Consequently, a considerable percentage of transgender individuals are compelled to leave schools at an early age, leading to a cycle of unemployment, poverty, and marginalisation.

Transgender people were acknowledged as the "third gender" in the historic ruling in *National Legal Services Authority (NALSA) v. Union of India (2014)*, which also upheld their rights to equality, education, and dignity. The Supreme Court subsequently ordered the government to take action to support inclusive education and career training for transgender people. This decision, which connected education to the constitutional rights to human dignity and self-identity, signaled a sea change in Indian legal history. As a result, a number of state governments and educational establishments have begun implementing inclusive policies, while regional variations in their execution persist.

The 2009 Right of Children to Free and Compulsory Education Act's inclusion of transgender people and the ensuing policy changes supporting gender-neutral school admissions are among the most important advancements. In 2015, a circular from the

---

[12] Janet Mock, Redefining Representation in meadia(2016).

University Grants Commission (UGC) instructed universities to establish anti-discrimination cells, include "third gender" options on application forms, and support gender-sensitization initiatives. Some universities have offered scholarships and free educational programs for transgender students, such as IGNOU and Manonmaniam Sundaranar University (Tirunelveli).

The lack of hostel amenities, untrained personnel who are ignorant of gender inclusion policies, and fear of mockery are the main reasons why many people are still reluctant to enroll in spite of these steps. Education alone, however, cannot address the deep-seated socio-economic inequalities faced by the transgender community. Therefore, skill development and vocational training programs play a critical complementary role. These initiatives aim to equip transgender persons with practical and marketable skills to achieve self-reliance. The Ministry of Social Justice and Empowerment's "SMILE Scheme" (Support for Marginalised Individuals for Livelihood and Enterprise) is a notable example—it includes a dedicated component for transgender persons that provides skill development, entrepreneurship support, and financial assistance.

Similarly, state-level initiatives like the "Mitra" project in Tamil Nadu and Kerala's "Transgender Cell" under the Social Justice Department offer vocational courses in tailoring, beauty therapy, data entry, and hospitality. Furthermore, non-governmental organizations (NGOs) and corporate social responsibility (CSR) programs have begun to close the gap between education and employment. Transgender people can easily integrate into mainstream workplaces with the support of organizations like PeriFerry, Sahodari Foundation, and Humsafar Trust, which offer training programs centered on corporate grooming, English communication, and soft skills. Transgender adolescents can now investigate remote job, e-commerce, and online freelancing thanks to the growth of digital literacy initiatives. As education and training frequently turn into tools of identity affirmation and self-worth, these programs give transgender people psychological as well as economic empowerment.

Nonetheless, a number of obstacles still stand in the way of educational inclusion. Students are unaware of the lived experiences of transgender people since gender

diversity and LGBTQIA+ issues are rarely included in school and university curricula. Bullying and marginalization are sustained by this ignorance. Transgender students are further deterred from continuing further education by the absence of gender-neutral restrooms, separate dorm facilities, and qualified counselors. Furthermore, transgender people in rural regions are unable to access these possibilities because the majority of skill development initiatives are still focused on urban areas. A comprehensive policy strategy that incorporates curriculum reform, teacher sensitization, and infrastructure inclusivity is needed to close these inequalities. From a socio-legal standpoint, education and skill development are rights associated with equality and human dignity, not only welfare issues. In *NALSA v. Union of India*, Justice K.S. Radhakrishnan noted that "the fundamental right to dignity is rooted in the recognition of one's gender identity."

Therefore, guaranteeing access to education is a constitutional requirement rather than a charitable endeavor. The government is directed to take action for inclusive education and vocational training by the Transgender Persons (Protection of Rights) Act, 2019, specifically Sections 8 and 9. However, ongoing oversight, awareness-raising, and resource distribution are necessary to give these rights substance. In essence, education is not just a means of livelihood—it is a means of liberation. For transgender persons, every opportunity to study, learn, and train is an act of reclaiming space in a society that has long denied them visibility. As Dr. B.R. Ambedkar rightly said, "Education is the milk of a lioness; whoever drinks it can roar." Empowering transgender persons through education and skill development enables them to roar against prejudice and assert their rightful place in India's democratic and social fabric.

XIV. INTERNATIONAL HUMAN RIGHTS FRAMEWORK FOR TRANSGENDER RIGHTS

The struggle for transgender rights is not confined to national boundaries it is part of a global movement for human dignity, equality, and recognition of gender diversity. International law has increasingly acknowledged that the right to self-identity and freedom from discrimination based on gender identity or expression are fundamental

human rights. Over the years, several international instruments, declarations, and judicial interpretations have contributed to shaping an inclusive framework for the protection of transgender persons worldwide.

This global perspective not only influences domestic laws, including those in India, but also serves as a moral benchmark for evaluating the progress of nations in upholding human rights for all, irrespective of gender identity. International human rights law is based on the 1948 Universal Declaration of Human Rights (UDHR). Articles 1 and 2 state that "all human beings are born free and equal in dignity and rights" and that everyone is entitled to these rights "without distinction of any kind," despite the fact that gender identity is not specifically mentioned.

The United Nations Human Rights Council (UNHRC) and other organizations have construed these clauses to include protection from discrimination on the basis of gender identity and sexual orientation. Similar rights are guaranteed by the 1966 International Covenant on Civil and Political Rights (ICCPR), which is essential for transgender people who want to have their identities recognized. These rights include equality before the law, privacy, freedom of expression, and protection from arbitrary intervention. The adoption of the Yogyakarta Principles (2006), a set of legal guidelines created by international human rights experts to direct states in applying current international human rights law to sexual orientation and gender identity, marked a significant turning point in the development of transgender rights worldwide.

According to the Principles, everyone is entitled to legal recognition, as well as to health, education, employment, and security without facing any form of discrimination. Adopted in 2017, the Yogyakarta Principles plus 10 (YP+10) broadened these safeguards to cover topics including state responsibility, data protection, and physical autonomy. Although non-binding, these principles have had significant persuasive influence on courts, policymakers, and human rights institutions globally—including the Indian Supreme Court in the *NALSA v. Union of India (2014)* judgment, which directly referred to them while affirming the rights of transgender persons.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),[13] 1979 and the Convention on the Rights of the Child (CRC), 1989 also provide frameworks that have been interpreted to include gender-diverse persons. The CEDAW Committee, in its General Recommendation No. 28, has clarified that gender-based discrimination includes discrimination against individuals whose gender identity or expression does not conform to socially prescribed norms. Similarly, the CRC [14]emphasizes the right of every child to develop their identity freely, which extends to transgender and non-binary children who face bullying and exclusion in educational settings.

Regionally, several international courts and bodies have advanced transgender rights through landmark judgments. The European Court of Human Rights (ECHR), in cases like *Christine Goodwin v. United Kingdom (2002)[15]*, held that denying legal gender recognition violates the right to private life under Article 8 of the European Convention on Human Rights. Likewise, the Inter-American Court of Human Rights, in its 2017 advisory opinion, affirmed that states must recognize self-determined gender identity without requiring surgery or medical procedures. These rulings have established strong precedents for the principle of self-identification, a key element in modern transgender rights jurisprudence.

At the United Nations level, the Office of the High Commissioner for Human Rights (OHCHR) and the UN Independent Expert on Sexual Orientation and Gender Identity (SOGI) have played crucial roles in promoting awareness and accountability. The OHCHR's "Born Free and Equal" campaign and its reports have consistently urged states to enact laws that ensure legal recognition, healthcare access, and protection against hate crimes for transgender persons. The UN Sustainable Development Goals (SDGs), particularly Goals 3 (Good Health and Well-being), 4 (Quality Education), 5 (Gender Equality), 8 (Decent Work and Economic Growth), and 10 (Reduced Inequalities), provide a global policy roadmap that implicitly includes transgender inclusion as essential for sustainable development.

---

[13] CEDAW,1979-Protecting gender-diverse individuals.
[14] CRC,1989-Right of Children to Freely Develop Identity.
[15] Christiane Goodwin v. UK, App.No.28957/95,Eur.Ct.H.R.(2002).

India, as a member of the United Nations and a signatory to most major human rights treaties, bears both a legal and moral obligation to align its domestic laws with these international standards. The Supreme Court's reliance on global precedents and principles in NALSA and subsequent judgments like *Singh Johar v. Union of India (2018)* underscores this commitment. However, while India's Transgender Persons (Protection of Rights) Act, 2019 represents a legislative step forward, critics argue that its implementation falls short of the international benchmark of self-identification and autonomy as recognised under the Yogyakarta Principles[16] and global jurisprudence.

Ultimately, the international framework reaffirms that transgender rights are human rights. It demands that every individual, regardless of gender identity, be treated with respect, equality, and dignity. As UN Secretary-General António Guterres aptly stated, "The United Nations stands with LGBTI people everywhere." The challenge for India and other nations lies not in enacting laws alone but in ensuring that these principles of equality are translated into lived realities. Aligning national policies with international human rights norms is thus essential to transforming recognition into true inclusion—where every transgender person can live with freedom, respect, and pride.

XV.   CONCLUSION

The journey toward transgender equality in India is not merely a legal reform—it is a social, moral, and constitutional awakening. From centuries of invisibility and marginalisation to the gradual assertion of identity and rights, transgender persons have fought against prejudice embedded in law, culture, and consciousness. Their struggle is not for special privileges but for the basic human right to live with dignity, autonomy, and respect. The Supreme Court's recognition in *NALSA v. Union of India (2014) and Navtej Singh Johar v. Union of India (2018)*[17] symbolises a monumental shift from denial to affirmation, yet the road from recognition to realisation remains long and challenging.

---

[16] 2006, International Standards on sexual orientation and gender identity

[17] Navtej singh johar v. UOI (2018) 10 SCC 1 (India).

Laws such as the Transgender Persons (Protection of Rights) Act, 2019 have laid the foundation for inclusion, but their success depends on sensitive enforcement, awareness, and societal transformation. Equality cannot be achieved merely through statutes; it must be internalised in classrooms, workplaces, healthcare systems, and homes. The fight for transgender dignity is, therefore, a test of India's democratic conscience—a test of how deeply it understands the constitutional promise of equality.

As Dr. B.R. Ambedkar once said, "We must stand on our own feet and fight as best as we can for our rights. So, carry on your agitation and organise your forces." [18]This message resonates profoundly with the transgender community's ongoing struggle for recognition and self-determination. Similarly, Justice K.S. Radhakrishnan in NALSA emphasised that "Recognition of one's gender identity lies at the heart of the fundamental right to dignity." These words remind us that the Constitution is not a static document—it breathes life into those who have long been silenced.

Globally, the Yogyakarta Principles and the UN's human rights framework affirm that transgender rights are human rights. Yet, as American writer and activist Janet Mock beautifully expressed, "Visibility is important, but representation is power." True empowerment comes not from being seen alone, but from being heard, respected, and allowed to lead. The transformation of law and policy must therefore go hand in hand with social acceptance, inclusive education, healthcare access, and economic empowerment.

The vision of a truly inclusive India requires dismantling not only legal barriers but also the invisible walls of prejudice that persist in everyday life. Every act of acceptance, every inclusive classroom, every workplace policy, and every supportive law adds a brick to the foundation of equality. It is time to move beyond tolerance to affirmation—beyond sympathy to solidarity.

As poet and activist Audre Lorde reminded us, "It is not our differences that divide us. It is our inability to recognize, accept, and celebrate those differences."[19]

---

[18] Dr.B.R.Ambedkar, various writings and speeches.
[19] Audre Lorde, Sister Outsider(1984).

Recognising the unrecognised, therefore, is not an act of charity—it is a moral and constitutional imperative. The pursuit of identity and dignity by transgender persons is, in essence, the pursuit of justice itself—the kind of justice that expands the meaning of humanity and strengthens the spirit of democracy. India stands today at a defining moment—where law meets compassion, and recognition meets responsibility. When the unrecognised are finally seen, respected, and empowered, we do not just uphold their rights; we uphold the very soul of our Constitution.

XVI. REFERENCES

- National Legal Services Authority (NALSA) v. Union of India, (2014) 5 SCC 438.

- Transgender Persons (Protection of Rights) Act, 2019, Government of India.

- Crenshaw, K. (1989). *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*. University of Chicago Legal Forum.

- Yogyakarta Principles (2007). *Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*. Yogyakarta, Indonesia.

- Yogyakarta Principles plus 10, (2017). *The Yogyakarta Principles plus 10: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*.

- Singh Johar v. Union of India, (2018) 10 SCC 1.

- Universal Declaration of Human Rights, 1948, United Nations.

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.

- Convention on the Rights of the Child (CRC), 1989, United Nations.

- Christine Goodwin v. United Kingdom, (2002) European Court of Human Rights.

- Chandra, P. (2020). *The Politics of Gender Recognition in India: Legal Developments and the Struggles for Transgender Equality*. Journal of Gender Studies, 29(3), 332-348.

- Ghosh, D. (2018). *Transgender Persons in India: The Intersection of Law and Social Justice*. Indian Journal of Law and Society, 18(2), 97-112.

- Mock, J. (2017). *Redefining Realness: My Path to Womanhood, Identity, Love & So Much More*. Atria Books.

- The Right of Transgender Persons to Self-Identify (2018). *United Nations Human Rights Office*.

- Kaushal, K. (2021). *Transgender Inclusion in India: Legal Protections and Social Challenges*. Journal of Indian Law, 46(1), 51-65.