

1

Implementation of the Transgender Persons (Protection of Rights) Act, 2019: A Comparative Analysis of Delhi, Madhya Pradesh, Manipur, and Kerala

Anam Mackay

ICSSR Doctoral Fellow (Batch 2022),
PhD Scholar
Central University of Kashmir,
Department of Legal Studies

ABSTRACT

The Supreme Court's judgment in *NALSA V UOI* (2014) was a watershed moment in the Indian human rights jurisprudence. The judgement acknowledges the systemic injustices faced by the transgender community due to social and legal exclusion. It emphasises human rights enforcement through Constitutional principles of equality, dignity and liberty. Through this judgement Articles 14, 15, 19 and 21 were invoked to introduce the International Yogyakarta Principles on sexual orientation and gender identity into the Indian human rights jurisprudence.

Subsequently, the Transgender Persons (Protection of Rights) Act, 2019 was enacted to give legislative shape to some key aspects suggested by the landmark judgement. About a decade after the judgement and enactment of the Act on the transgender rights, an analysis of the implementation of transgender rights across India remains imperative. This article through a comparative and human rights lens, analyses the gaps in implementation of the Act in the states of Delhi, Madhya Pradesh, Manipur and Kerala. The states are chosen on the basis of 'most-different' model. Moreover, this article evaluates the policy measures taken by the governments of each state in the aftermath of the judicial and legislative action. Additionally, it assesses the alignment of the state government measures with the constitutional mandates under Articles 14, 15, 19 and 21 of the Indian Constitution. Further arguments centre around

Keywords

Transgender Persons Act (2019),
Policy implementation, Transgender policy in India,
Social justice, Transgender census, Gender Identity,
Legal Frameworks for transgender rights.

inclusive policy-making guided by a comprehensive and regular national transgender census and local studies on the transgender community. The article underscores the need for a balance between de-centralised approach and central oversight for effective implementation of the Act. Through a review of the policies, the article contributes to the ongoing debates on administrative discretion within a federal system and disconnect between legislative goals and administrative action.

INTRODUCTION

The Transgender Persons (Protection of Rights) Act, 2019, a legislative response to the NALSA (2014) has been ground-breaking for giving legal recognition to the transgender community as a 'third gender'. While NALSA judgement worked on the legal recognition and civil rights, Navtej Johar de-criminalised same-sex consensual activities in private. This jurisprudential evolution of transgender rights in India put the transgender community at the centre of legal and policy debates.

These debates were influenced by the International Instruments like 'Yogyakarta Principles on Sexual Orientation and Gender Identity' (2007), a non-binding international instrument framed for the rights of sexual and gender minorities around the world. read into the Indian Constitution under articles 14, 15, 19 and 21 through the NALSA judgement. Before the NALSA (2014), Naz Foundation in 2009, Suresh Kaushal in 2013 and Navtej Singh Johar in 2018 deliberated upon the rights of Lesbian, gay, bisexual and transgender community of India. These judgements discussed various issues ranging from legal recognition to social exclusion of the transgender community, sexual rights of the LGBT (lesbian, gay, bisexual and transgender) individuals.

Although these judgements contributed significantly to the gender and sexuality jurisprudence in India, they will not be analyzed in this article. This article aims to analyze the administrative and policy actions taken by the state governments of Delhi, Madhya Pradesh, Manipur and Kerala after the NALSA judgement and enactment of the Transgender Persons Act, 2019. This analysis examines the role of judicial pronouncements and legislations in the social inclusion of marginalized communities like the transgender community. Additionally, this analysis identifies the policy interventions and administrative actions required beyond judicial and legislative measures for human rights realization.

RESEARCH METHODOLOGY

This article relies on the secondary research methods for collecting data and was guided by qualitative and quantitative data in addressing the research question. The resources used were journal articles, newspaper stories, RTIs, official notification of the central and state governments among others. The comparative case-study approach with the most-different case model was used for the analysis. The limitation of the chosen methodology is that it relies more on secondary data.

The researcher has chosen one state from North India, one state from Central India, one state from North-east India and one state from South India to examine the impact of the Transgender Persons Act, 2019 on these states. These states would be Delhi, Madhya Pradesh, Manipur and Kerala. The researcher has chosen the states with different geography, cultures and dominant religious groups within the transgender community to evaluate the impact of the afore-mentioned factors in implementation of the Act. This would give insight

into the diverse sub-sets of the transgender community which will guide the effective welfare measures for policy intervention.

INTERNATIONAL AND NATIONAL FRAMEWORK

NALSA, the landmark judgement in transgender rights, started a discussion on the need for legal identity of 'third gender' in view of Articles 14, 15, 16, 19 and 21 of the Indian Constitution. It recognised transgender and gender-variant persons as 'third-gender' and mandated that Centre and the State should work towards providing legal documentation to the transgender persons. This is echoed by sec 6 of the Transgender Persons Act.

NALSA also directed the governments to include all transgender persons under socially and educationally backward classes. Although, it may have been done with good intentions, this has resulted in debates around conflation of identities of caste, social class and gender. Inspired by the Principles 13, 14 and 15 of the Yogyakarta Principles, NALSA directed the Centre and the State governments to take initiatives for welfare measures ranging from adequate standard of living, providing housing facility, proper sanitation and poverty reduction.

Sec 8 of the Transgender Act followed closely on the NALSA directions by mandating that appropriate governments should not only take welfare measures but also ensure that welfare measures are made accessible to the community. This indirectly points towards bureaucratic co-operation, limited documentation and proper identification of the beneficiaries of the welfare schemes. Notably, sec 8 uses the word 'appropriate government' for taking welfare initiatives. There is no clear demarcation of what issues or matters lie with the central government and which ones will fall under the jurisdiction of the state government and local bodies.

In absence of such a demarcation, the welfare initiatives taken by the central and the state governments lack cohesion as would be seen in the following sections.

Additionally, sec 8 (4) mandates that the government should aim to provide proper housing, shelter and rehabilitation facilities. Similarly, Sec 14 and 15 of the Act stress upon vocational training and healthcare facility. The healthcare however, as provided in the Act is limited to issues related with sex-reassignment surgery defying the essence of the NALSA judgement and the Yogyakarta Principles especially under Principle 17. Principle 2(e) of the Yogyakarta Principles stresses that the states ought to have regard to intersectionality while drafting welfare measures. Against this backdrop, the article argues for a national level census and locally-informed studies to ensure that the Act resonates with the distinct variations within the transgender community. Additionally, the article claims that for efficient implementation of the Transgender Act, centre and state responsibilities should be clearly laid out.

3. Transgender community of India- A Case for National census and local studies

3. a. Transgender in India- Need for Survey?

In 2011, the transgender persons were included in the census first time after 64 years of independence. This census, however, did not specifically count the 'transgender persons.' The category under which transgender persons were counted was the 'other gender'. Notably, 'the other gender' would include people from diverse identities, (e.g., intersex, genderqueer, trans men/women, agender, demigender, multigender) among others. Additionally, it could have been possible that the people who identify as transwomen may have checked the 'female' box and the people who identify

as 'transmen' would have checked the 'male' box. So, 'the other' category was both wide and vague. Nevertheless, it was the first step in the direction of acknowledging that there are gender variant people in India who do not fall under the typical gender binary structure. It is important here to mention that India is not the only country that has faltered with counting the 'transgender' people. Few countries have been able to accurately depict the size of the transgender population through census. Countries like the U.S.A. and U.K. have also struggled with capturing accurate data. While U.S.A. relied on agency level surveys, UK's data was unreliable due to linguistics issues.

For the lacunas mentioned above, India needs to conduct a new census for estimating the exact or near exact transgender population for efficient implementation of the Transgender Persons Act, 2019. India can adopt Canada's approach which involved recording both the sex- assigned at birth and gender identity. The gender options could include man, woman, transman, transwoman, gender fluid among others for an inclusive representation. The meaning and relevance of each category should be explained through awareness programs for an informed participation. The government must also assess the socio- economic factors like literacy, employment rate, employment type, migration, housing, health position, social support towards transgender persons for data-driven policy framing and implementation.

A robust national census involving transgender community will ensure that NALSA's recognition of the community as the 'third-gender' gets translated into bureaucratic intervention for rights realization. In a diversified country like India, a national census alone cannot guarantee recognition of pluralistic rights. Locally sensitive studies are

required for ensuring that the NALSA directives and Transgender Act permeates the regional diversity. The next section of the paper will focus on the need for locally sensitive studies and its policy implications.

3. B. THE NEED FOR STUDYING TRANSGENDER POPULATION LOCALLY?

'Transgender' are persons who identify with a gender different from the one they were born in. However, apart from the gender identity, the transgender population also is characterized by the cultural identity, religious identity and political identity. The transgender community is known by different names in different regions of India like Hijras, Kothis, Aravanis, Nupi Mambas, Llanach etc. Their visibility in different regions depends upon the cultural and religious acceptance of the transgender identity. For instance, transgender community has a stronger political and social presence in Uttar Pradesh, but in places like Manipur such presence remains marginal. Despite the above- mentioned variance across regions in social visibility and political power of the transgender community, the Transgender Persons Act, 2019 has been framed on a model where it is presumed that all transgender people in India face the same or similar struggles. Aniruddha Dutta's work in *An Epistemology of Collusion: Hijras, Kothis and the Historical (Dis)continuity of Gender/Sexual Identities in Eastern India* and Anirudha and Raina's (2014) work, *Decolonizing Transgender in India: Some Reflections* argue that 'Hijra' label is not the only label used for identification by the transgender population across India.

Rather, Hijra label comes with limitations which not all transgender persons want to put on themselves. Ani & Raina through their works give an insight into the other gender- non confirming identities in India like Kothis and bhelkis, (gender-fluid persons in

north India) who do not confirm to the guru-chela dynamics, castration, sticking to one gender and other similar rituals and customs which are central to Hijra identity.’

This phenomenon of limiting transgender population to certain ‘categories’ creates a power imbalance or identity within an identity. This creates an intra- community hierarchy, where those who identify as Hijras or Aravanis get more socio-legal recognition than lesser-known gender- variant identities like Kothis/bhelkis, lanch, or nupi manbi from regions like Kolata, Kashmir and Manipur.

The socio-legal identities and lived experiences of the Jogappas of Karnataka, the ‘lanch’ community of Kashmir, Nupi manbis of Manipur differs notably from the Hijras of Uttar Pradesh calling for regional specific studies for maximum outreach of the Transgender Act. Notably, the underlying presumption of homogenous character of transgender community shows how the debates around legal formalism and legal realism are pertinent given that a patently equality- focused law may inadvertently further deepen inequalities. Similarly, Santa Khurai in a conference held by TransForm pointed to the shortcomings of hegemonizing the transgender identity across India and skewed view taken by NALSA judgement. Ani & Raina contend that the over-arching use of the word, ‘hijras’ for example for the transgender of India in general or for the whole of South Asia even is seen by regional transgender identities as a way of diluting their rich historical and cultural background and an

attempt to conflate the identity.

Therefore, to ensure that the legal benefits ensuing from the Transgender Persons) Act, 2019 and NALSA (2014) judgment transcend beyond the different sub-identities of gender non- confirming groups in India, it is imperative that we understand the spatial occurrence of the transgender persons across India. Followed by the study of transgender population in particular pockets or regions of India. This would further aid in comprehending lived experiences of the ‘transgender persons’ and scrutinizing the implementation of the Act in a culturally, politically and religiously informed context.

Additionally, it will guide the policy-makers in situating a point of a ‘commonality’ within the variations across the community. For instance, these studies when compared together can give an idea about which socio-legal rights are on the priority list of transgender persons across regions and which rights vary across regions. The common priority rights can be taken up by the central government and the locally variant rights could be worked upon by the state governments for smoother implementation of the Act. The national census and locally guided studies together will form a robust blueprint for central and state level welfare policies.

4. Spatial occurrence of the transgender persons in Delhi, Madhya Pradesh, Manipur and Kerala

This section will give a brief of the spatial occurrence, literacy, employment type, etc. of the transgender population in these states.

Nitesh Mahech, ‘Transgender Persons (Protection of Rights) Act & Rules – A Critical Analysis’ <https://ceerapub.nls.ac.in/transgender-persons-protection-of-rights-act-rules-a-critical-analysis/> accessed 20 July 2025.

Shamayeta Bhattacharya, Debarchana Ghosh and Bandana Purkayastha, ‘“Transgender Persons (Protection of Rights) Act” of India: An Analysis of Substantive Access to Rights of a Transgender Community’ (2022) 14(2) Journal of Human Rights Practice 676.

The Transgender Persons (Protection of Rights) Act 2019, ss 14–15.

The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (March 2007), Principle 17 https://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf accessed 20 July 2025.

The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (March 2007), Principle 2(e) https://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf accessed 20 July 2025.

Supra 17.

TNN, ‘Others Column Left Unfilled by Many Transgenders’ The Times of India (27 February 2011) <https://timesofindia.indiatimes.com/city/hyderabad/others-column-left-unfilled-by-many-transgenders/articleshow/7583336.cms> accessed 19 July 2025.

Chaitali Mandal, Paramita Debnath and Apyayee Sil, ‘“Other” Gender in India: An Analysis of 2011 Census Data’

State	Population of transgender persons	Literacy Rate	Percentage of rural population	Percentage of urban population	Employment Rate	Scheduled Caste	Scheduled Tribe
Delhi	4,213	62.99 per cent	0.0	2.5	40.1 per cent	490	0
Madhya Pradesh	29,597	53.01 per cent	6.1	5.9	37.6 per cent	4361	5260
Manipur	1,343	67.50 per cent	0.3	0.2	48.7 per cent	40	378
Kerala	3,902	84.61 per cent	0.6	1.1	22.7 per cent	337	51

Source: Adapted from Sibanskar Mal & Grace Mundu, "Spatial Disparities of Indian Transgender Population: A Censual Analysis" (2023).

ANALYSIS OF THE TABLE

From the table it is evident that the data from 2011 census is inadequate for understanding the status of the transgender people in India or framing well-grounded welfare policies. The data regarding working categories explains this further. Working categories of the transgender population shows the percentage of transgender population involved in cultivation, agriculture and house work but the category put as 'other work' does not indicate clearly what the 'other work' includes. The work transgender persons are involved in suggest varied levels of vulnerability, stability and remuneration.

For instance, sex workers face additional health hazards compared to agricultural workers or bidhai singers. Among the chosen states, Delhi is the only state that has shown a significant difference in urban-rural population. Other states have similar urban-rural distribution of transgender population. Madhya Pradesh (14 per cent) has the highest percentage of scheduled caste population among the above states followed by Delhi (11 per cent). Manipur has the least percentage of scheduled caste population and the highest percentage (28 per cent) of scheduled tribes, followed by Madhya Pradesh (17 per cent). With this basic information about the transgender population of the given states, the next

section will analyze the central and state governments welfare measures for transgender post NALSA and post the Transgender Act.

7. Initiates taken by the Central government and the states of Delhi, Madhya Pradesh, Manipur and Kerala - An Analysis

7.a. Central Government- Central Government- after the enactment of the Transgender Act, the Central government of India introduced a series of welfare schemes including legal documentation (via National Portal for Transgender Persons), SMILE scheme for scholarships, vocational training and shelter homes and health benefits, NISHTHA for teacher- training and online counselling among others. Carrying forward the legal documentation process, the government has added 'third-gender or transgender' column in the government application forms. A 'gender inclusive fund' for transgender students has been introduced in the National Education Policy, although there is no reliable data on its utility.

Notably, all these initiatives followed the Transgender Act, showing a gap of 6-7 years post NALSA. This late action to a loss of crucial time which could have been used for streamlining and pilot-testing schemes. Lack of intersectional sensitivity in these schemes emulates the broader neglect of variations within the transgender community. No follow up census since 2011 and local studies on transgender has resulted in nationally and locally- uninformed welfare

measures. With a maximum allotted budget of 22.8 crore and maximum utilized budget of 1.91 crores, since the financial year 2021-24, both the budget allocation and utilization remain low.

The state level initiatives will give a clearer picture of the status and efficiency of implementation of NALSA and the Transgender act which the next section will analyze.

7.b. Delhi – Delhi government took some measures for transgender rights post- NALSA. These included issuing identity cards for transgender persons for electoral purposes and setting up of District Level Screening Committee. The identity cards were issued without medical screening. This was later mandated by sec 6 of the Transgender Act. Delhi neither had a Welfare Board nor a transgender welfare policy post- NALSA. A Transgender Welfare Board has been established in June 2025, seven years after the Transgender Act. Post the enactment of Transgender Act, Delhi's initiative of establishing Garima Grehs (shelter homes) for the transgender persons under a pilot study was marred by lack of funds. After being inquired about the progress of the scheme and position of funds, Delhi govt replied that the scheme was henceforth to be centrally monitored under 'Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons' under the SMILE scheme. This sudden and unannounced shift in control points towards the adverse effect of unclear demarcation of center-state responsibilities under the Transgender Act. It is to be seen whether central control improves

the functioning of the Garima- Grehs' or this shift in control falls flat like the state government's pilot initiative.

Similarly, no transgender student is enrolled in the government schools of Delhi as per the UDISE+ Report 2019-2020. The reasons for the same have not been explained but presumable may be lack of sensitivity around transgender identity in educational institutions forcing the students identifying as transgender to stay in the closet. A confidence building program and sensitizing teachers and non-teacher staff towards transgender issues may prove helpful.

As per a notification dated, 12th Feb, 2021, the government of NCT Delhi, had ordered all the departments to construct separate washrooms for the transgender persons within two years of the order. This notification was however found to be lacking in administrative sincerity. The High Court of Delhi ordered the state government to take prompt actions in this regard following which the state started construction of public washrooms for the transgender community. Meanwhile, public washrooms for the disabled persons were to be used by the transgender community. This hasty step points towards insensitivity of the state government towards the marginalized communities like disabled groups and transgender community. With only 102 washrooms for 4200 total estimated population of transgender in Delhi as per the 2011 census, Delhi government's initiative is mere symbolic.

On the Health front, Delhi government has set up free

Shreya Raman, 'Denied Visibility in Official Data, Transgender Indians Can't Access Benefits, Services' IndiaSpend (11 June 2021) <https://www.indiaspend.com/gendercheck/denied-visibility-in-official-data-millions-of-transgender-indians-cant-access-benefits-services-754436> accessed 19 July 2025.

Ibid.

Susan Stryker, Paisley Currah and Lisa Jean Moore, 'Trans-, Trans, or Transgender?' (2008) 36(3/4) *Women's Studies Quarterly* 11. NALSA (n 2).

Ibid.

Rubani Yumkhaibam, 'The Emergence of a Transgender Community in Manipur: The Case of the Nupi Maabi' (2020) 27(2) *Indian Journal of Gender Studies*.

Nusrat Sidiq, 'Trans in Kashmir' *FairPlanet* (2 July 2022) <https://www.fairplanet.org/story/trans-in-kashmir/> accessed 19 July 2025.

SPRF, 'Examining the Transgender Protection of Rights Bill, 2019' (6 September 2019) <https://sprf.in/examining-the-transgender-persons-protection-of-rights-bill-2019/> accessed 19 July 2025.

Aniruddha Dutta, 'An Epistemology of Collusion: Hijras, Kothis and the Historical (Dis)continuity of Gender/Sexual Identities in Eastern India' (2012)

healthcare facilities for the transgender people such as HIV testing, blood sampling and free treatment for tuberculosis . It has not established any separate sero-surveillance center for transgender persons but has included them in the Integrated Biological and Behavioral Survey (IBBS) managed by National AIDS Control Organization (NACO) . AllMS Delhi has announced a 'Centre for Excellence for transgender persons to provide transgender persons with all the necessary health-care facilities under one roof . As of now, this center is non- functional due to lack of trained professionals.

Additionally, free travel service in government buses is being provided to the transgender community . As explained by transactivist Rudrani Chhetri, this move fails to be inclusive in practice. She claims that transmen find it difficult to avail the services due to limited social visibility and acceptance . She further contends that given the metropolitan nature of Delhi the scheme should also be available to non-residents which the current order does not explicitly clarify. This resonates with the earlier arguments on conflation of transgender identity and need for acknowledging variations within the community. In addition to fighting gender related issues, the rural transgender persons also have to travel from rural to urban spaces for livelihood and such unclear initiatives as above, leaves them relatively more vulnerable than urban transgender population. Similarly, transwomen being more visible in the mainstream transgender movement have more acceptability in public spaces than transmen. These facets of Delhi's move for providing free transport to the transgender community sheds light on the role of civil society especially trans rights activists in a nuanced understanding of the needs of transgender communities for ground- friendly work.

Despite initial readiness, Delhi government failed in

carrying on with the bureaucratic commitment. In absence of a Welfare Board and policy, Delhi government's initiatives lacked representational and structural direction essential for policy measures. This supports the argument that for successful realization of legislative goals, bureaucratic commitment, civil participation and judicial oversight is quintessential. 7.c. Madhya Pradesh- Post NALSA, Madhya Pradesh government rejected an RTI asking for information on welfare steps taken by the state government for the transgender community. The state replied that there was no transgender population in the state for which welfare programs needed to be run. Contrastingly, the above given table, shows that Madhya Pradesh has the highest number of transgender populations as per the 2011 census.

After the enactment of the Transgender Act, Madhya Pradesh made further developments like introducing a 'Transgender Welfare Policy'. The Policy provides for three tier mechanism, the 'Transgender Welfare Board, State Level Committee on Transgender and District Transgender Welfare Committee'. Although the task of implementing of the Policy was handed over to the Social Justice Department in 2020 with cabinet's approval in 2022, implementation of the same remains negligible . Despite the initial readiness of the government of Madhya Pradesh, the government lagged in fulfilling the objectives of the judgement and the Act.

Following the NALSA judgement, the Madhya Pradesh government had built toilets for the community and promised financial assistance to them in building pucca houses under the Pradhan Mantri Awas Yojana. Post the Act, the scheme was amended to include extra 1 lac, 50 thousand for the transgender persons . Bhopal is the first Indian city to provide Transgender certificates and Identity cards

to transgender individuals through ‘National Online Portal for Transgender Persons’ under Ministry of Social Justice and Empowerment of Government of India from 2023 . Additionally, the government has free legal aid services for the transgender community. This shows that despite non-implementation of the transgender policy, certain promises by the government have been fulfilled through administrative action and governmental co-operation. Unlike Delhi the schemes in Madhya Pradesh are not languishing for funds.

While above developments show administrative commitment in providing public services like sanitation facilities, the state could not see through the commitment to provide free ration to the community. For instance, in the case of Sandhya Sandeep Kumar Ghavri v The State of M.P., the Madhya Pradesh government had promised to give 25 kg ration and RS 5000 per In spite of the promises made by Advocate General in the above case, the petitioner in Noori v State of Madhya Pradesh contended that out of the promised 5 kg ration per month, only 4 kg is provided by the government, which she said was not sufficient. Consequently, the court ordered the government to assist the transgender community in getting ‘ration cards’ and ‘aadhar cards’ which are essential for availing any welfare service. Notably, the court did not stress upon increasing the ration supply, as such directions cannot succeed without appropriate funding which is not within the means of the judiciary.

A graver constitutional issue was raised by Madhya Pradesh governments’ conflation of caste and social identity by a government order date April 2023 that includes the transgender persons under the Other Backward Classes (OBC) list. This order received backlash for the same from OBC Mahasabha for conflating caste and social backwardness . This conflation of identities resonates with the argument on conflation of identities discussed in the earlier section. As noted in the earlier section on ‘need for studying local identities and variations within the transgender community’, the transgender community’s exclusion may be layered. As is clear from the above example. If all transgender persons are given the status of socially- backward classes, the scheduled tribe and castes among the community will lose the benefits they rightfully deserve under the scheduled caste and tribe status . Considering, that among the chosen states, Madhya Pradesh has the highest number of scheduled castes within the community population raises critical constitutional concerns. For a holistic, inclusive and layered approach to transgender rights, it is pertinent that the regional, cultural and caste identities should not be enmeshed.

From the above analysis, it is evident that Madhya Pradesh government has taken certain progressive and inclusive steps like a ‘representational Transgender Policy’, housing schemes and sanitation facility . The flaws of the state government, however, are equally apparent. Madhya Pradesh government’s

August 2023) <https://www.indiatimes.com/news/india/nupi-maanbi-transgenders-of-manipur-who-went-from-being-accepted-to-ostracised-to-now-finding-own-voices-606294.html> accessed 20 July 2025.

Swarupa Deb and Aniket Nandan, ‘Transgressing Gender with Religious Sanction: The Case of the Jogappas’ (Scroll.in) <https://scroll.in/article/1071215/transgressing-gender-with-religious-sanction-the-case-of-the-jogappas> accessed 20 July 2025.

CLPR Trust. Transform 2019. <https://www.youtube.com/watch?v=qfeSxmQh7z4>.

Transgender Persons (Protection of Rights) Act 2019, Act No 40 of 2019, Acts of Parliament (India).

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

Ibid.
Adapted from Sibanskar Mal and Grace Mundu, ‘Spatial Disparities of Indian Transgender Population: A Censual Analysis’ (2023, unpublished manuscript or presentation—add more detail if published).

Adapted from, ‘Spatial Disparities of Indian Transgender Population: A Censual Analysis’, Sibanskar Mal & Grace Mundu (2023).

Ibid.

Ibid.

decision of including all transgender persons within the Other Backward Classes category, defeats the constitutional guarantees under Articles 14, 15 and 16. The government's failure of implementing the transgender policy also asserts the argument that policy measures without bureaucratic action fail to deliver. Madhya Pradesh High Court's intervention in giving effect to the Transgender Act through proper implementation of welfare measures resonates closely with Delhi High Courts' role in Delhi. Thus, asserting the need for judicial oversight for ensuring efficient implementation of legislative frameworks.

7.d. Manipur- Manipur's initiatives are scarce in comparison to Delhi, Madhya Pradesh and Kerala. Unlike the other states, social invisibility of the transgender community in Manipur is limited. Having a dominant Hindu and Christian population, the transgender community of Manipur lacks the socio-political visibility that Hijras of north India enjoy. Additionally, political instability and bureaucracy's focus on Manipur's integration with center further pushes the low-voting communities to margins. Although, Manipur has taken some initiatives despite the above socio-political and cultural hurdles, the measures lack structural rigor. Following NALSA, Manipur was a forerunner in establishing a 'Transgender Welfare Board' in 2016. The Board however remained largely non-functional with only two meetings since its inception in 2016. A new Board was formed on Nov, 29, 2023 with one transwoman and transman as members from the transgender community. The state has not framed a transgender policy as of now. Although, a transgender policy can give some direction to the welfare measures but as was a swift bureaucracy is important to give effect to even representational policy-making. This was reflected clearly in the

case-study of Madhya Pradesh.

The sluggish approach of the state could also be seen from its low rate of documentation issuance. Despite being the most important and basic mandate of both the judgement and the Act, the state failed to even provide the basic to the transgender community. Manipur government had sanctioned 423 transgender certificates out of the 549 applications received. As per the 2011 census there are 1343 transgender persons. Comparing the identity cards issued as against the official data of 1343 transgender persons in Manipur, 40 percent of transgender population has received identity cards. Madhya Pradesh in comparison, was swift in providing identity cards through National Online Portal.

In the healthcare domain Manipur's initiatives are noteworthy. Manipur has established 54 Integrated Counselling and Testing Centers (ICTC). Its however not clear whether these centers were established specifically for transgender persons or for other population as well. The transgender persons are 49 times more likely to be infected by HIV/AIDS as per the Human Rights Campaign. In comparison to Madhya Pradesh, Manipur has taken steps for healthcare of the transgender community. Similarly, Delhi's Centre for excellence is yet to start functioning

On the Policy front, the transgender community of Manipur has been demanding formulation of a representational and comprehensive 'Transgender Welfare Policy' for proper policy formulation. An NGO named AmaNA, working for the rights of transgender persons in Manipur has put a demand of Rs 1000 per month for transgender persons aged 40-60 years. This situation resonates with Delhi's lack of a transgender policy and M.P.'s failure to give effect to policy relating ration. It also demanded socially and educationally backward status, public

toilets for 'third gender' and HIV surveillance for transgender persons.

This is a point of contrast with OBC Mahasabha of Madhya Pradesh which backlashed at the idea of merging scheduled caste into socially- backwards class. 31 per cent of Manipur's transgender population is listed as scheduled caste and scheduled tribe. The demand of putting all transgender persons under socially and educationally backward class overlooks this significant variation within the transgender population of Manipur.

On a positive note, Ya All, an NGO founded by Sadam Hanjabam formed an all-transgender football team. This along with neutral mobile toilets set up in 'Sangai' festival are some symbolic steps taken in Manipur for inclusion of transgender persons. The state also provides free legal services to the transgender persons although there is no data available on the uptake of the same. These initiatives although symbolic lacked the structural development as seen in the initiatives relating to housing and sanitation taken by the state of Madhya Pradesh.

On the legal plane, an RTI filed by Keisham Kishan Singh in 2022 revealed that Manipur had failed to incorporate even the basic tenets of NALSA and Transgender Act. The RTI, however, did not result in any judicial pressure on the Manipur government for the implementation of the Act. Varying significantly, from role of the judiciary in the states of Delhi and

Madhya Pradesh.

From the above perusal of initiatives, it is clear that Manipur's initiatives lack institutional rigor, community participation and judicial oversight. In addition to not having a Transgender Policy and proper identification mechanism, the state was also devoid of judicial oversight and community activism as seen in the cases of Delhi and Madhya Pradesh. The initiatives taken by Manipur are mostly symbolic and lack long-term vision. Although a new Welfare Board is set up, its functioning will determine its utility and relevance in realizing the transgender rights.

7.e. Kerala- Soon after NALSA Kerala came up with the 'Transgender Welfare Policy' in 2015, first Transgender Policy in the country. A Transgender Board was established by the Women and Child Development Department in 2017. The Board however does not convene meetings regularly. As per the case of Kabeer v. State of Kerala, the Board had not conducted any meeting in the year 2021 and only 6 meetings since its inception. Although, the state policy for transgender provides for counselling programs for transgender persons, The health initiatives of the Kerala government have not grown outside of ICTC centers and sex- reassignment schemes.

Post the enactment of the Transgender Act, Kerala vigorously framed some policies for giving effect to the Act. For instance, the Kerala government came up with many schemes like 'Karuthal Scheme for

July 2025.

Eshna Gupta, 'Garima Greh in Dire State: Transgender Communities Struggle to Survive Without Government Funding' (NewsClick, 30 April 2023) <https://www.newsclick.in/garima-grehs-dire-straits-transgender-communities-struggle-survive-without-government-funding> accessed 19 July 2025.

Government of India, Ministry of Social Justice and Empowerment, Lok Sabha https://sansad.in/getFile/1_oksabhaquestions/annex/1712/A_U3037.pdf?source=pqals accessed 19 July 2025.

Department of Social Welfare, Financial Assistance - Transgender Section (Government of NCT of Delhi, 12 February 2021) <http://it.delhigovt.nic.in/writereaddata/Odr2021731563.%20separate%20toilet%20facilities%20for%20Transgender%20Persons.pdf> accessed 19 July 2025.

Deeksha Teri and Neeti Nigam, 'Transgender Students Await Inclusion of Third Gender Category in Forms; Maharashtra Registers Highest Number of Applicants' (The Indian Express, 7 December 2023) <https://indianexpress.com/article/education/class-10th-12th-board-exams-forms-transgender-students-await-inclusion-of-third-gender-category-maharashtra-registers-highest-ahead-of-cbse-8914625/> accessed 19 July 2025.

Department of Social Welfare, Financial Assistance - Transgender Section (Government of NCT of Delhi, 12 February 2021)

transgender persons' for sex re-assignment surgery, 'Sakalyam Scheme for vocational training', 'Saphalam Scheme for Transgender persons' pursuing professional courses, 24/7 online number amongst others. The schemes cover many aspects of the transgender welfare. In Kerala's case, a timely transgender welfare policy along with an active Welfare Board bolstered bureaucratic efforts. Despite a holistic take on schemes, Kerala government, however, failed to prioritize sanitation of transgender persons. Kerala had inaugurated the first transgender washroom in Kannur in Dec, 2018. As an amicus-curiae reported no efforts have been taken for structural inclusion of the transgender persons in the public sanitation since then. The implementation of these schemes, however, is marred by many formalities. Firstly, the schemes require identity cards or ration cards, which requires the applicant to have a permanent address. This leaves very few transgender persons eligible for the scheme as transgender persons are mostly not living with their natal family and are unable to have a permanent residence due to low income and acceptability in the society. As per a survey, 42.9% transgender people stated that they have faced technical difficulty while applying for identity cards. Nonetheless, most of the transgender persons accepted that the process has become easier after the issuance of cards through National Online Portal for transgender. Mirroring Delhi's mismanagement of Garima-grehs, Kerala had one shelter home in 'Snehakkoodu' which was ultimately closed down. Another one in 'Thannal' for transmen also got closed down due to improper administration. On the community level, the scheme for the sex-reassignment surgery has been criticized by some transgender persons on the grounds that the sex-reassignment surgery has adverse effects

on the health of a person in the long run and the money is reimbursed only after the transgender persons have taken up the expenses. Additionally, transgender people claim that there is an over emphasis on the sex-reassignment surgery instead of meeting the other demands of education, health-care, employment etc. of transgender persons. This implies that Kerala despite taking up myriads of initiatives has not been able to come out of medicalized approach towards transgender persons. It is thus inferred that Kerala although has done exceptionally well in framing policies, setting up a Board and providing many schemes covering a range of rights, their implementation is adversely affected by red-tapism. The policy-making although broad has failed to accommodate for basic rights like proper sanitation. On the positive side, the timely formulation of a transgender Policy and a Board gave Kerala the directional strength which Delhi, Madhya Pradesh and Manipur lacked. Judicial intervention and community activism, as observed was lower than Delhi and Madhya Pradesh. Despite all the shortcomings, Kerala has come closest to realizing the goals of the NALSA judgement and the Transgender Act.

Conclusion

The analysis concludes that even after a decade of NALSA and the Transgender Persons Act, 2019, state governments' interventions are not adequately aligned with the Yogyakarta Principles (2007) under Articles 14, 15, 19 and 21 of the Indian Constitution. This results in continuous marginalization of the transgender community in India despite both international and national legal mandates. The states had initiated welfare measures for the transgender persons following NALSA. After the enactment of the Transgender Persons Act, 2019 there has been limited policy momentum. Deeper

scrutiny of these welfare measures, however reflects a lack of administrative commitment in giving effect to the NALSA and the Transgender Act. The governments have come out of the blanket denial of transgender rights and finally acknowledged their human rights violations. This acknowledgement, however has not translated into administrative action.

The absence of national and regional census on the transgender community in India, lack of uniform benchmark, systematic planning and a robust central monitoring mechanism continue to be the biggest barriers in effective implementation of both the judgement and the Act. This perpetuates in invisibilization of the needs of the transgender community. For example, in Madhya Pradesh state policies have clubbed transgender community with 'socially backward classes', overlooking caste inequalities. Kerala government's stress on sex-reassignment surgery reaffirms gender binary framework over constitutionally recognized 'third-gender'. Similarly, the occasional setting up of washrooms for transgender persons during Manipur's 'Sangai' Festival rather than providing permanent public washrooms points to tokenism rather than structural change.

While governments have begun issuing identity cards to the transgender community aiming towards estimation of the size, caste, class and region-wide distribution of the transgender population; the policy intervention by the state governments remains conspicuously fragmented and unimplemented. All

four states discussed in the article, have established transgender welfare boards, and states of Kerala and Madhya Pradesh have drafted transgender welfare policies but these remain mostly symbolic, operationally ineffective and devoid of transparency. Reasons for the same vary from insufficient budget, poor planning to administrative inertia. A well-planned and well-executed effort was absent in all the states studied in this article. Kerala government offers relatively extensive range of schemes, covering insurance for sex-reassignment surgery, fellowship for education and vocational training, among others. These schemes, however, have administrative limitations like permanent residential proof, undergoing surgery before financial disbursement, which affects accessibility. Comparatively, states like Manipur, Madhya Pradesh and Delhi are lagging behind in targeted policy intervention.

For meeting the objectives of the judgement and the Act, homogenization of transgender identities should be rejected. Rather, policies must be framed to recognize the layered identity of transgender persons with cultural, regional and religious variations should be aimed for. Moreover, a regular national census measuring metrics such as living conditions, literacy, employment, property ownership of transgender community is crucial for data-driven policy. Furthermore, centrally administered uniform standard and policy intervention tailored to the needs of local or regional transgender population should be developed.

National AIDS Control Organisation, List of ICTC Centres, Delhi (2010) https://www.naco.gov.in/sites/default/files/Delhi_ICTC%20July%202010.pdf accessed 19 July 2025.

Anuja Jaiswal, 'Delhi AIIMS Likely to Start Holistic Care Centre for Transgenders' (The Times of India, 29 November 2023) <https://timesofindia.indiatimes.com/city/delhi/aiims-likely-to-start-holistic-care-centre-for-transgenders/articleshow/105576837.cms> accessed 19 July 2025.

Alisha Dutta, 'Free Travel for Transgender People in DTC, Cluster Buses: Delhi CM' (The Hindu) <https://www.thehindu.com/incoming/free-travel-for-transgender-people-in-dtc-cluster-buses-delhi-cm/article67814386.ece> accessed 19 July 2025.

Ridhima Gupta, 'Delhi Govt Announces Free Bus Rides for Transgender Community' (The Times of India, 6 February 2024) <https://timesofindia.indiatimes.com/city/delhi/bus-rides-to-be-free-for-transgender-community/articleshow/107442314.cms> accessed 19 July 2025.

Transgender in India (2022) <https://www.census2011.co.in/transgender.php> accessed 19 July 2025.

References

1. Aishwarya Upadhyay, 'Kerala's Cannanore Gets the First Transgender Public Toilet of the State' (Swachh India, 2018) <https://swachhindia.ndtv.com/kerala-cannanore-first-transgender-public-toilet-28990/#:~:text=In%20another%20stepping%20stone%20for,dedicate%20to%20the%20trans%20community> accessed 24 July 2024.
2. Aishwarya Venkat, 'Counting the Other-Gender: Lessons from 2011 for an Inclusive 2021 Indian Census' (Medium, 5 February 2016) <https://medium.com/@ashvenkat/counting-the-other-gender-aafe7e858e07> accessed 20 July 2025.
3. Alisha Dutta, 'Free Travel for Transgender People in DTC, Cluster Buses: Delhi CM' (The Hindu) <https://www.thehindu.com/incoming/free-travel-for-transgender-people-in-dtc-cluster-buses-delhi-cm/article67814386.ece> accessed 19 July 2025.
4. Anuja Jaiswal, 'Delhi AIIMS Likely to Start Holistic Care Centre for Transgenders' (The Times of India, 29 November 2023) <https://timesofindia.indiatimes.com/city/delhi/aiims-likely-to-start-holistic-care-centre-for-transgenders/articleshow/105576837.cms> accessed 19 July 2025.
5. Bonita Pebam, 'Trans Inclusive Public Sanitation in Manipur Needs a Bigger Push' (28 July 2018) Varta Gender Sexuality <https://vartagensex.org/2018/07/28/trans-inclusive-public-sanitation-in-manipur-needs-a-bigger-push/> accessed 28 July 2024.
6. Census of India 2011, 'Data on Transgender Population' <https://www.census2011.co.in/transgender.php> accessed 19 July 2025.
7. Chaitali Mandal, Paramita Debnath and Apyayee Sil, "'Other' Gender in India: An Analysis of 2011 Census Data' https://www.researchgate.net/publication/330279588_'Other'_Gender_in_India_An_Analysis_of_2011_Census_Data/citations accessed 19 July 2025.
8. Deeksha Teri and Neeti Nigam, 'Transgender Students Await Inclusion of Third Gender Category in Forms; Maharashtra Registers Highest Number of Applicants' (The Indian Express, 7 December 2023) <https://indianexpress.com/article/education/class-10th-12th-board-exams-forms-transgender-students-await-inclusion-of-third-gender-category-maharashtra-registers-highest-ahead-of-cbse-8914625/> accessed 19 July 2025.
9. Department of Social Welfare, Financial Assistance – Transgender Section (Government of NCT of Delhi, 12 February 2021) <http://it.delhigovt.nic.in/writereaddata/Odr2021731563.%20separate%20toilet%20facilities%20for%20Transgender%20Persons.pdf> accessed 19 July 2025.
10. Dipika Jain and Kimberly M Rhoten, 'Epistemic Injustice and Judicial Discourse on Transgender Rights in India: Uncovering Temporal Pluralism' (2020) 26(1) *Journal of Human Values* 30.
11. Eshna Gupta, 'Garima Greh in Dire State: Transgender Communities Struggle to Survive Without Government Funding' (NewsClick, 30 April 2023) <https://www.newsclick.in/garima-grehs-dire-straits-transgender-communities-struggle-survive-without-government-funding> accessed 19 July 2025.

12. Government of India, Ministry of Social Justice and Empowerment, Lok Sabha <https://sansad.in/getFile/loksabhaquestions/annex/1712/AU3037.pdf?source=pqals> accessed 19 July 2025.
13. Government of Kerala, G.O(Rt) No. 86/2018/SJD, Women and Child Development Department Notifications <https://wcd.kerala.gov.in/allpublished.php> accessed 19 July 2025.
14. Government of Kerala, G.O.(Ms) No. 61/2015/SJD, Social Justice Department <https://translaw.clpr.org.in/wp-content/uploads/2019/01/State-Policy-for-Transgenders-in-Kerala-2015.pdf> accessed 19 July 2025.
15. Government of Kerala, Karuthal Scheme for Transgender Persons, Social Justice Department https://wd.kerala.gov.in/scheme-info.php?scheme_id=MTc5c1Y4dXFSI3Z5#:~:text=Social%20Justice%20Department%20has%20introduced,crisis%20or%20facing%20emergency%20situations accessed 20 July 2024.
16. Government of Manipur, The Governor of Manipur is Pleased to Reconstitute the Manipur Transgender Welfare Board, Gazette Notification (29 November 2023) https://manipurgovtpress.nic.in/en/details_gazzete/?gazette=2072 accessed 19 July 2025.
17. Government of NCT of Delhi, Welfare Schemes for Weaker Sections Being Implemented in NCT of Delhi (2021) https://delhiplanning.delhi.gov.in/sites/default/files/english_compressed_1.pdf accessed 19 July 2025.
18. Human Rights Campaign, Transgender People and HIV: What We Know <https://www.hrc.org/resources/transgender-people-and-hiv-what-we-know> accessed 19 July 2025.
19. India Education Diary, 'Madhya Pradesh CM Shivraj Singh Chouhan Dedicates India's First Toilet for Transgenders' (27 April 2020) <https://indiaeducationdiary.in/madhya-pradesh-cm-shivraj-singh-chouhan-dedicates-indias-first-toilet-transgenders/> accessed 19 July 2025.
20. Indiatimes, 'No Separate Public Toilets, Basics Missing: "Kerala Failed To Implement Transgender Policy"' (5 December 2021) <https://www.indiatimes.com/news/india/transgender-policy-in-kerala-555973.html> accessed 19 July 2025.
21. Justice News, 'Madhya Pradesh: Government Fails to Form Transgender Welfare Board Even After Three Years' (27 December 2023) <https://www.justicenews.co.in/madhya-pradesh-government-fails-to-form-transgender-welfare-board-even-after-three-years/> accessed 19 July 2025.
22. Kabeerv State of Kerala (2021) (Ker HC), Report of the Amicus Curiae (unpublished, on file with the court) noting the Kerala State Transgender Justice Board had not convened a single meeting in the

<https://indiaeducationdiary.in/madhya-pradesh-cm-shivraj-singh-chouhan-dedicates-indias-first-toilet-transgenders/> accessed 19 July 2025.

Ministry of Social Justice and Empowerment (GOI), Twitter (8 January 2021) <https://twitter.com/MSJEGO/status/134761107196768256> accessed 19 July 2025.

Noorjahan@Noori & Anrv State of Madhya Pradesh, Writ Petition (Criminal) No 73 of 2023.

TNN, 'Transgender to Get Equal Opportunity in Jobs: Madhya Pradesh CM Shivraj Singh Chauhan' (The Times of India, 28 February 2023) <https://timesofindia.indiatimes.com/city/bhopal/transgenders-to-get-equal-opportunity-in-jobs-cm/articleshow/98289688.cms> accessed 19 July 2025.

Suchandana Gupta, 'Transgender Now on OBC List in Madhya Pradesh' (The Times of India, 12 April 2023) <https://timesofindia.indiatimes.com/city/bhopal/transgenders-now-on-obc-list-in-madhya-pradesh-can-avail-of-14-quota/articleshow/99421785.cms> accessed 19 July 2025.

Sakshi Parashar, 'Inclusion of Transgender Community within Socially and Educationally Backward Classes: Examining the Deeper Concerns' (Winter 2017) III ILLI Law Review.

State Government of Madhya Pradesh, State Transgender Policy (2020) https://aigppa.mp.gov.in/uploads/project/State_Transgender_Policy1.pdf accessed 19 July 2025.

Thomas Ngangom, 'RTI Reveals Non-Implementation of Policy for Transgender Community in Manipur' (5 July 2022) Imphal Free Press

reported year.

23. Khelen Thokcham, 'Third Gender Seeks Benefits' (3 March 2024) The Telegraph India <https://www.telegraphindia.com/north-east/third-gender-seeks-benefits/cid/1529857> accessed 19 July 2025.

24. List of ICTC Centers (NACO, 2010) <https://www.naco.gov.in/sites/default/files/Manipur%2C%20ICTC%20July-2010.pdf> accessed 20 July 2025.

25. Manipur State Legal Services Authority, Free Legal Services (Government of Manipur) <https://maslsa.nic.in/free-legal-services.html> accessed 20 July 2025.

26. Ministry of Social Justice and Empowerment (GOI), Twitter (8 January 2021) <https://twitter.com/MSJEOI/status/1347611107196768256> accessed 19 July 2025.

27. Mithosh Joseph, 'Going Gets Tough for Transgender Persons Amidst Pandemic Scare' The Hindu (Kerala, 11 May 2021) <https://www.thehindu.com/news/national/kerala/going-gets-tough-for-transgender-persons-amidst-pandemic-scare/article34527006.ece> accessed 19 July 2025.

28. National AIDS Control Organisation, List of ICTC Centres, Delhi (2010) <https://www.naco.gov.in/sites/default/files/Delhi ICTC%20July%202010.pdf> accessed 19 July 2025.

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

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

31. National Legal Services Authority v Union of India (2014) 5 SCC 438 (SC).

32. National Legal Services Authority v Union of India (2014) 5 SCC 438, [2].

33. National Legal Services Authority v Union of India (2014) 5 SCC 438, [129].

34. National Legal Services Authority v Union of India (2014) 5 SCC 438, [129].

35. Navtej Singh Johar v Union of India (2018) AIR SC 4321.

36. Neena S Sawant, 'Transgender Status in India' (2017) 1(2) Annals of Indian Psychiatry 59.

37. Nitesh Mahech, 'Transgender Persons (Protection of Rights) Act & Rules – A Critical Analysis' <https://ceerapub.nls.ac.in/transgender-persons-protection-of-rights-act-rules-a-critical-analysis/> accessed 20 July 2025.

38. Noorjahan @ Noori & Anr v State of Madhya Pradesh, Writ Petition (Criminal) No 73 of 2023.

39. Nusrat Sidiq, 'Trans in Kashmir' FairPlanet (2 July 2022) <https://www.fairplanet.org/story/trans-in-kashmir/> accessed 19 July 2025.

40. Poornima R, 'Through the Cracks of the Gendered World: A Critical Analysis of Kerala's Transgender Policy' (2022) 14(2) Journal of Polity & Society 187.

41. Poornima R, 'Visibility and Social Acceptability of Kerala's Transgender Population: A Comparative Study of the Periods Before and After the

<https://www.ifp.co.in/ifp-breaking-point/rti-reveals-non-implementation-of-policy-for-transgender-community-in-manipur> accessed 19 July 2025.

Government of Manipur, The Governor of Manipur is Pleased to Reconstitute the Manipur Transgender Welfare Board, Gazette Notification (29 November 2023) https://manipurgovtpress.nic.in/en/details_gazette/?gazette=2072 accessed 19 July 2025.

List of ICTC Centers (NACO, 2010) <https://www.naco.gov.in/sites/default/files/Manipur%2C%20ICTC%20July-2010.pdf> accessed 20 July 2025.

Human Rights Campaign, Transgender People and HIV: What We Know <https://www.hrc.org/resources/transgender-people-and-hiv-what-we-know>

Transgender Policy' (2022) 13(1) *Journal of Polity and Society* 141 <https://journalspoliticalscience.com/index.php/i/article/view/84> accessed 19 July 2025.

42. Ridhima Gupta, '12 States Have Transgender Welfare Board but Not Delhi' (*The Times of India*, 18 June 2023) <https://timesofindia.indiatimes.com/city/delhi/12-states-have-transgender-welfare-board-but-not-delhi/articleshow/101076758.cms> accessed 19 July 2025.

43. Ridhima Gupta, 'Delhi Govt Announces Free Bus Rides for Transgender Community' (*The Times of India*, 6 February 2024) <https://timesofindia.indiatimes.com/city/delhi/bus-rides-to-be-free-for-transgender-community/articleshow/107442314.cms> accessed 19 July 2025.

44. Rubani Yumkhaibam, 'The Emergence of a Transgender Community in Manipur: The Case of the Nupi Maabi' (2020) 27(2) *Indian Journal of Gender Studies*.

45. Sakshi Parashar, 'Inclusion of Transgender Community within Socially and Educationally Backward Classes: Examining the Deeper Concerns' (Winter 2017) *IIILI Law Review*.

46. Shamayeta Bhattacharya, Debarchana Ghosh and Bandana Purkayastha, "'Transgender Persons (Protection of Rights) Act" of India: An Analysis of Substantive Access to Rights of a Transgender

Community' (2022) 14(2) *Journal of Human Rights Practice* 676.

47. Shreya Raman, 'Denied Visibility in Official Data, Transgender Indians Can't Access Benefits, Services' *IndiaSpend* (11 June 2021) <https://www.indiaspend.com/gendercheck/denied-visibility-in-official-data-millions-of-transgender-indians-cant-access-benefits-services-754436> accessed 19 July 2025.

48. Shreya Raman, 'Denied Visibility in Official Data, Transgender Indians Can't Access Benefits, Services' *IndiaSpend* <https://www.indiaspend.com/gendercheck/denied-visibility-in-official-data-millions-of-transgender-indians-cant-access-benefits-services-754436> accessed 19 July 2025.

49. Shweta Sengar and Rickson Oommen, 'Kerala Govt Failed in Implementing Transgender Policy: Amicus Curiae Report' (*India Today*, 4 December 2021) <https://www.indiatoday.in/india/story/kerala-govt-failed-in-implementing-transgender-policy-amicus-curiae-report-1884222-2021-12-04> accessed 19 July 2025.

50. Sibsankar Mal and Grace Bahalen Mundu, 'Spatial Disparities of Indian Transgender Population: A Censual Analysis' (2023) 4(5) *International Journal of Research Publication and Reviews* 6560.

51. South Asian Trans Law Database, 'State Policy for Transgenders in Kerala' (2015) <https://translaw.clpr.org.in/reports-and-policies/state-policy-for->

accessed 19 July 2025.

Khelen Thokcham, 'Third Gender Seeks Benefits' (3 March 2024) *The Telegraph India* <https://www.telegraphindia.com/north-east/third-gender-seeks-benefits/cid/1529857> accessed 19 July 2025.

Khelen Thokcham, 'Third Gender Seeks Benefits' (3 March 2024) *The Telegraph India* <https://www.telegraphindia.com/north-east/third-gender-seeks-benefits/cid/1529857> accessed 19 July 2025.

Census of India 2011, 'Data on Transgender Population' <https://www.census2011.co.in/transgender.php> accessed 19 July 2025.

Sumir Karmakar, 'Manipur Gives India Its First All-Transgender Football Team' (17 March 2020) *Deccan Herald* <https://www.deccanherald.com/india/manipur-gives-india-its-first-all-transgender-football-team-814663.html> accessed 19 July 2025.

Manipur State Legal Services Authority, Free Legal Services (Government of Manipur) <https://maslsa.nic.in/free-legal-services.html> accessed 20 July 2025.

Thomas Ngangom, 'RTI Reveals Non-Implementation of Policy for Transgender Community in Manipur' (5 July 2022) *Imphal Free Press* <https://www.ifp.co.in/ifp-breaking-point/rti-reveals-non-implementation-of-policy-for-transgender-community-in-mani> accessed 19 July 2025.

Bonita Pebam, 'Trans Inclusive Public Sanitation in Manipur Needs a Bigger Push' (28 July 2018) *Varta Gender Sexuality*

transgenders-in-kerala-2015-2/#:~:text=The%20Government%20of%20Kerala%20approved,Union%20of%20India.. accessed 19 July 2025.

52. SPRF, 'Examining the Transgender Protection of Rights Bill, 2019' (6 September 2019) <https://sprf.in/examining-the-transgender-persons-protection-of-rights-bill-2019/> accessed 19 July 2025.

53. State Government of Madhya Pradesh, State Transgender Policy (2020) https://aigppa.mp.gov.in/uploads/project/State_Transgender_Policy1.pdf accessed 19 July 2025.

54. Suchandana Gupta, 'Transgender Now on OBC List in Madhya Pradesh' (The Times of India, 12 April 2023) <https://timesofindia.indiatimes.com/city/bhopal/transgenders-now-on-obc-list-in-madhya-pradesh-can-avail-of-14-quota/articleshow/99421785.cms> accessed 19 July 2025.

55. Sumir Karmakar, 'Manipur Gives India Its First All-Transgender Football Team' (17 March 2020) Deccan Herald <https://www.deccanherald.com/india/manipur-gives-india-its-first-all-transgender-football-team-814663.html> accessed 19 July 2025.

56. Suresh Kumar Koushal v NAZ Foundation (2014) 1 SCC 1.

57. Susan Stryker, Paisley Currah and Lisa Jean Moore, 'Trans-, Trans, or Transgender?' (2008) 36(3/4) Women's Studies Quarterly II.

58. The Transgender Persons (Protection of Rights) Act 2019, s 6.

59. The Transgender Persons (Protection of Rights) Act 2019, s 8(2).

60. The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (March 2007) https://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf accessed 20 July 2025.

61. Thomas Ngangom, 'RTI Reveals Non-Implementation of Policy for Transgender Community in Manipur' (5 July 2022) Imphal Free Press <https://www.ifp.co.in/ifp-breaking-point/rti-reveals-non-implementation-of-policy-for-transgender-community-in-manipur> accessed 19 July 2025.

62. Thomas Ngangom, 'RTI Reveals Non-Implementation of Policy for Transgender Community in Manipur' (5 July 2022) Imphal Free Press <https://www.ifp.co.in/ifp-breaking-point/rti-reveals-non-implementation-of-policy-for-transgender-community-in-mani> accessed 19 July 2025.

63. TNN, 'Others Column Left Unfilled by Many Transgenders' The Times of India (27 February 2011) <https://timesofindia.indiatimes.com/city/hyderabad/others-column-left-unfilled-by-many-transgenderers/articleshow/7583336.cms> accessed 19 July 2025.

64. TNN, 'Transgender to Get Equal Opportunity in Jobs: Madhya Pradesh CM Shivraj Singh Chauhan' (The Times of India, 28 February 2023) <https://timesofindia.indiatimes.com/city/bhopal/transgenders-to-get-equal-opportunity-in-jobs-cm/articleshow/98289688.cms> accessed 19 July

2025.

65. Transgender in India (2022) <https://www.census2011.co.in/transgender.php> accessed 19 July 2025.

66. Transgender Persons (Protection of Rights) Act 2019, Act No 40 of 2019, Acts of Parliament (India).

67. Transgender Persons (Protection of Rights) Act 2019, No 40 of 2019.

68. Transgender Persons (Protection of Rights) Act 2019, No 40 of 2019.

69. UCSF Prevention Science Department of Medicine, 'Counting Trans Populations: It's Important to Be Counted' <https://prevention.>

[ucsf.edu/transhealth/education/data-recs-summary](https://www.ucsf.edu/transhealth/education/data-recs-summary) accessed 19 July 2025.

70. Vaibhav Das, 'The Reality of India's Transgender Welfare Boards: What an RTI Investigation Reveals' (The Wire, 2024) <https://thewire.in/rights/the-reality-of-indias-transgender-welfare-boards-what-an-rti-investigation-reveals> accessed 19 July 2025.

Government of Kerala, G.O.(Ms) No. 61/2015/SJD, Social Justice Department <https://translaw.clpr.org.in/wp-content/uploads/2019/01/State-Policy-for-Transgenders-in-Kerala-2015.pdf> accessed 19 July 2025.

Government of Kerala, Karuthal Scheme for Transgender Persons, Social Justice Department https://wd.kerala.gov.in/scheme-info.php?scheme_id=MTc5c1Y4dXFSI3Z5#:~:text=Social%20Justice%20Department%20has%20introduced,crisis%20or%20facing%20emergency%20situations accessed 20 July 2024.

Ibid.

Aishwarya Upadhyay, 'Kerala's Cannanore Gets the First Transgender Public Toilet of the State' (Swachh India, 2018) <https://swachhindia.ndtv.com/kerala-cannanore-first-transgender-public-toilet-28990/#:~:text=In%20another%20stepping%20stone%20for,dedicate%20to%20the%20trans%20community> accessed 24 July 2024.

Shweta Sengar and Rickson Oommen, 'Kerala Govt Failed in Implementing Transgender Policy: Amicus Curiae Report' (India Today, 4 December 2021) <https://www.indiatoday.in/india/story/kerala-govt-failed-in-implementing-transgender-policy-amicus-curiae-report-1884222-2021-12-04> accessed 19 July 2025 and Indiatimes, 'No Separate Public Toilets, Basics Missing: "Kerala Failed To Implement Transgender Policy"' (5 December 2021) <https://www.indiatimes.com/news/india/transgender-policy-in-kerala-555973.html> accessed 19 July 2025.

Poornima R, 'Visibility and Social Acceptability of Kerala's Transgender Population: A Comparative Study of the Periods Before and After the Transgender Policy' (2022) 13(1) Journal of Polity and Society 141 <https://journalspoliticalscience.com/index.php/i/article/view/84> accessed 19 July 2025.

Mithosh Joseph, 'Going Gets Tough for Transgender Persons Amidst Pandemic Scare' The Hindu (Kerala, 11 May 2021) <https://www.thehindu.com/news/national/kerala/going-gets-tough-for-transgender-persons-amidst-pandemic-scare/article34527006.ece> accessed 19 July 2025.

Poornima R, 'Visibility and Social Acceptability of Kerala's Transgender Population: A Comparative Study of the Periods Before and After the Transgender Policy' (2022) 13(1) Journal of Polity and Society 141 <https://journalspoliticalscience.com/index.php/i/article/view/84> accessed 19 July 2025.