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## Efficacy of State Intervention in upholding Transgender Rights in India: A Legal Study

**Abhijit Chanda,**

Assistant Professor, Faculty of Law,  
Asian Law College; Research Scholar,  
School of Law, Sharda University

**Dr. Saurabh Kishor,**

Assistant Professor,  
School of Law, Sharda University

### ABSTRACT

The Constitution of India guarantees several fundamental rights to the people irrespective of any form of discrimination. The rights are being equally exercised by the beings subject to reasonable restrictions been imposed by the State towards the interests of the people or society as a whole. The legislators legislates subsequent legislations in line up with the Constitution and caters the needs and demand of the society to mitigate rights violations by detaining the perpetrator. The intrusion of third category of gender in the society and their enjoyment of human rights were not similar as that of normal human being (i.e. male and female). The transgender constitute the special community, faces with lot of challenges such as social un-acceptance, discrimination in terms of rights enjoyment, stereotype, etc. At the earliest the Judiciary failed to uphold the status of transgender concerning the protection of their human rights. In the notion of rights violations of the transgender, the legislature has enforced a special legislation in 2019 to acknowledge their legal status, equal treatment, prohibition of discrimination, etc. The legislative piece of 2019 provides special recognition to alleviate the position of the transgender as par with other human beings. The Judiciary has played vital role in upholding the rights of the transgender and recognizing them as third gender since 2014. The social hurdles face by the group of transgender possesses common threat towards their integrity, dignity and bodily autonomy and thereby inhibits discrimination in the mind of the patriarchal society. The present paper would reflect upon the international and national standard protecting the status of transgender. The paper would further

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### Keywords

Transgender, Discrimination,  
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reflect upon the action of judiciary in encompassing equal rights and equal opportunities to transgender. The paper would also cover various policies and schemes of the State to facilitate reserve position in the society along with social hurdles been still faced by the third gender. Hence, the paper critically analyzes the prevailing scenario of human rights jurisprudence of the transgender.

## INTRODUCTION

The human beings are subjected to rights been intrinsically attached and exercised without any barrier or hindrance. The message passed from the international declaration connotes towards the enjoyment of human rights by all beings since birth without any discrimination. The prevalence nature of the society has been operational towards encompassing dominance over the minority and vulnerable groups. With the passage of time several amendments has been taken into effect in the existing legislations and introduced special legislations to facilitate the vulnerable and minorities of the society. The intention of the legislature is partially accepted by the society through limited action of the state results in lenient implementation of legislative actions. The modern period with the advent of technology chasing in securing justice towards any notion of violation left covered or identified under the roof of law. The acceptance of the mind-sets of society creates burden in acknowledging demand towards the better future of recognized and healthy groups. The vulnerable and minorities of the society are lacking behind their status and some are even far away from social recognition. Among the several minorities, the Transgender community is forming a large community where they are subjected to various challenges such as social non- recognition, rights violation, etc. The struggle of transgender community is lacking behind from enjoyment of fundamental rights guaranteed by the Constitution of India. According to recent Census data of 2011

that the population of other gender is estimated around 48 lakhs including all beings recording their sexual orientation under the category of “third” gender thereby including transgender<sup>1</sup>. It is further retaliated that the category of “transgender” has not been separately covered under 2011 data. The transgender community has received legal recognition as “third gender” through the landmark judgment of 2014<sup>2</sup>, thereby encompasses various facilitative benefits under the actions of legislative and judiciary conjointly putting effort towards securing the status of transgender in India. The introduction of various schemes and policies towards the development of transgender community has been implemented to alleviate their status subject to enjoyment of basic human rights. The status of transgender has been protected through enforcement of The Transgender Persons (Protection of Rights) Act 2019<sup>3</sup> (hereinafter referred to as “Act of 2019”) in order to protect their community from ill-treatment, discriminated practice of society, non-recognition, etc. The status of transgender at international community would thus reflect in the present paper to create a line of comparison with the national level along with efforts of legislative and judiciary to eradicate the challenges been intrinsically attached to their sexual orientation and gender recognition rather to treat them as normal human beings.

## Human Rights of Transgender at International Level

After the end of Second World War, the establishment of United Nation came into evolvment to ensure peace, order and public tranquility at the international level. The UN Charter enumerates various provisions for equal exercise of human rights by all human beings without prevalence of any form of discrimination<sup>4</sup>. The adoption of Universal Declaration of Human Rights (UDHR) by

<sup>4</sup> The Charter of the United Nations, art 55(a)

<sup>5</sup> The Charter of the United Nations, art 76©

<sup>6</sup> The Universal Declaration of Human Rights, art 1

<sup>7</sup> The Universal Declaration of Human Rights, art 2

<sup>8</sup> Statement on the occasion of International Transgender Day of Visibility, the IACHR and a UN expert urge States to guarantee the full exercise of the human rights of transgender persons, available at: <https://www.ohchr.org/en/statements/2018/03/statement-occasion-international-transgender-day-visibility-iachr-and-un-expert> (last visited on April 21, 2023)

General Assembly creates a notion of human rights which must be inherited upon birth<sup>6</sup> and securing every human being to enjoy the rights without any forms of discrimination<sup>7</sup>. The various provision of UN instrument connote “human beings” which predominantly cover every being without any specificity of group or class including transgender. On the auspicious international day for the Transgender, the expert of Human Rights at UN and America jointly put emphasis upon the enjoyment of human rights and freedom by the transgender<sup>8</sup>. The equal applicability of human rights by all beings also been traced in varied provisions of ICCPR<sup>9</sup> in order to secure the positions of ‘human beings’ from any illegal act or misuse of arbitrary power<sup>10</sup> and must provide with equal rights without any differentiation on any subjects such as race, color, sex, religion, etc.<sup>11</sup> The provisions of ICESCR<sup>12</sup> also nurtures towards right to family<sup>13</sup>, education<sup>14</sup>, participate in cultural<sup>15</sup> and occupation<sup>16</sup> without any division of class, community, gender, etc. domain. The enforcement of Convention against Torture in 1987 covers any bodily injury or mental pain if caused intentionally except through sanctions of law, then the State must encompass such act of the perpetrator as an offense and must take adequate action to punish the violators and ensure compensation to victim of torture. The enforcement of 2007 principles<sup>17</sup> covering the set of international standards of human rights to encompass upon free and full enjoyment by the trans or diverse genders who are often subject to discrimination and victimization due to sexual orientation and gender identity. The 2007 documents consist of set of principles toward ensuring various rights in order to equalize the rights of trans-people as par at all human beings. In order to protect the status of transgender, various resolutions

have been passed by the OHCHR to protect the basic rights of LGBT community. The 2011 UN Resolution<sup>18</sup> was focused upon protecting rights such as right to life and liberty, right against illegal detention, right to peaceful assembly and many others. It further documented various discriminatory practice often faced by LGBT community such as rape, killings, sex workers, torture, degrading treatment, etc. Further in order to safeguard the status of the LGBT community a resolution passed by UN in 2015<sup>19</sup> to ensure protection against violence activities, decriminalize consensual sex among adults of same or any gender, along with documenting various arbitrary and gender-specific laws and regulations towards endangering the status of trans and gender diverse population. To address the prevalence scenario of implementation of international human rights law, the Human Rights Council was created by the UN General Assembly in 2006 by replacing the functionaries of UNCHR<sup>20</sup>. To ensure the protection to LGBT community a special body “Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity<sup>21</sup>” has been created by HRC in 2016 to explore current trends of human rights practice among LGBT; overspreading awareness regarding safety of trans and gender diverse beings; find out the main rationale behind discriminatory practice concerning LGBT community; imparting facility and leverage position through assistance from varied stakeholders; etc. Therefore the status of the LGBT community including Transgender are sufficiently comprised of adequate laws and regulations along with establishment of effective monitoring bodies towards ensuring human rights along with facilitating as par other human beings and prohibition of discriminatory practice and prevalence of gender neutral state legislation.

<sup>9</sup> International Covenant on Civil and Political Rights, 1966 <sup>10</sup> Ibid, art 9 <sup>11</sup> Ibid, art 26 <sup>12</sup> International Covenant Economic Social and Cultural Rights, 1966 <sup>13</sup> Ibid, art 10 <sup>14</sup> Ibid, art 13 <sup>15</sup> Ibid, art 15 <sup>16</sup> Ibid, art 6

<sup>17</sup> Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity, The Yogyakarta Principles 2007

<sup>17</sup> Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity, The Yogyakarta Principles 2007

<sup>18</sup> UN General Assembly, Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, GA Res 19/41, GAOR, UN Doc A/HRC/19/41 (November 17, 2011)

<sup>19</sup> UN General Assembly, Discrimination and violence against individuals based on their sexual orientation and gender identity, GA 29/23, GAOR, UN Doc A/HRC/29/23 (May 04, 2015)

<sup>20</sup> United Nations Human Rights Council, available at: <https://www.ohchr.org/en/hrbodies/hrc/home> (last visited on April 23, 2023)

<sup>21</sup> Independent Expert on sexual orientation and gender identity, United Nations Human Rights Special Procedures, available at: <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity> (last visited on April 10, 2023)

<sup>22</sup> The Rights of Transgender Persons Bill, 2014 (Bill XLIX of 2014)

### Human Rights of Transgender at National level: Legislative Action

The status of Transgender has been nurtured for the first time before the State Legislative Assembly by a private member, and the Rights of Transgender Bill 2014<sup>22</sup> (referred to as “Bill of 2014”) was introduced and referred to the Expert Committee for effective suggestions. The report of the Expert Committee<sup>23</sup> presented on January 2014 containing some suggestions like recognizing Transgender as “third gender”; issuance of certificate for Transgender at State level; conversion of sexual orientation or gender should be allowed after attainment of majority; constitution of special centers for counseling of the transgender; and many more. Thereafter the Bill of 2014 was passed by the Upper House<sup>24</sup> on 24th April 2015 and introduced before the Lok Sabha on 2016 which has been still in pending consideration. The Bill of 2014 was not passed due to some infirmities present in the bill such as Constitution of separate National and State Commission for the Transgender<sup>25</sup>; reservation quota for transgender in educational sectors<sup>26</sup>; configuring special work opportunities for transgender<sup>27</sup>; constitution of special courts for transgender<sup>28</sup> and many more. The Transgender Persons (Protection of Rights) Bill 2016<sup>29</sup> (referred to as “Bill of 2016”) has been introduced by the Government on August, 2016 and subsequently referred before Standing Committee on Social Justice and Empowerment (referred to as Standing Committee) on September, 2016<sup>30</sup>. The report of the Committee<sup>31</sup> has been presented on 2017 containing several suggestions likewise declaring the status of transgender under social and educational backward classes and extending all facilities thereof; incorporating various civil rights such as marriage, divorce, adoption, etc.; installment of separate toilet for transgender community; specific centers for their sexual health issues and counseling sessions against crime and discrimination; incorporating punishment provisions for forceful surgery; and many more. The Bill of 2016 was passed by the Lok Sabha on 2018<sup>32</sup> by incorporating

suggestions from the Standing Committee and has been still in pending consideration before the Upper House. In consonance to earlier two bills, a separate bill that is The Transgender Persons (Protection of Rights) Bill 2019 (referred to as “Bill of 2019”) has been introduced and passed before the Lower House and Upper House in 2019<sup>33</sup>, thereby received assent of the Executive head on the same year. Thus, the status of the Transgender after a long battle secured their status under the roof of legislature. The Transgender Persons (Protection of Rights) Act, 2019<sup>34</sup> (referred to as “Act of 2019”) enforced with the intention to prohibit all form of discrimination towards the transgender in terms of education, employment, medical service, benefits or facilities to normal public, etc. The Act of 2019 has encompassed the issuance of Certificate for the transgender to be issued by the District Magistrate and the same to be incorporate in all possessed documents<sup>35</sup>. The legislative piece of 2019 further allows to change the gender of any transgender after due submission of application with the concerned authorities and the same would be revised in the Certificate been issued under Section 5 of the Act of 2019<sup>36</sup>. The 2019 Act further put special emphasis upon non-discriminatory treatment in workplace towards the transgender and every private or public sector must designate a complaint officer to deal with the issue faced by the Transgender in compliance with this Act<sup>37</sup>. The status of the transgender has been secured in terms of residing in their household<sup>38</sup>; all educational institutions are bound to treat any transgender student as per equally with others<sup>39</sup>; incorporating various policies<sup>40</sup> to alleviate the status of transgender by imparting them training and facilities to live a descent life. The Act of 2019 further establishes a policy-driven body that is National Council for Transgender Persons<sup>41</sup> in order to aid and monitor upon the introduction and implementation of schemes and policies for the benefit of the transgender communities; to receive grievances<sup>42</sup>

<sup>22</sup> Report of the Expert Committee on the Issues relating to Transgender Persons, The Rights of transgender Persons Bill, 2014 (April 27, 2014)

<sup>24</sup> Rajya Sabha passes transgenders rights bill, first private member proposal in 46 years, available at: <https://www.indiatoday.in/india/story/rajya-sabha-private-member-bill-transgenders-rights-250096-2015-04-24> (last visited on April 20, 2023)

<sup>25</sup> Supra Note 24, chapter VII

<sup>26</sup> Supra Note 24, s.21 & 22

<sup>27</sup> Supra Note 24, chapter IV

<sup>28</sup> Supra Note 24, chapter VIII

<sup>29</sup> The Transgender Persons (Protection of Rights) Bill, 2016 (Bill 210 of 2016)

<sup>30</sup> The Transgender Persons (Protection of Rights) Bill, 2016, available at: <https://prsindia.org/billtrack/the-transgender-persons-protection-of-rights-bill-2016> (last visited on April 21, 2023)

from the transgender regarding violations of their rights or any act in contrary with the provisions of the enacted legislation. It further contains a penal provision<sup>43</sup> in terms of any act committed towards forcing any transgender into labor work, denial of access to public property, leave place of residence, causing any mental or physical pain or any act results in abuse then the perpetrator would be punishable accordingly. The Transgender Persons (Protection of Rights) Rules, 2020<sup>44</sup> has been taken into consideration by the Ministry of Social Justice and Empowerment (referred to as “MSJE”) in order to uplift the status of transgender within the realm of society specially in regard to process of Certification issued by appropriate authority<sup>45</sup>, occupation<sup>46</sup>, education, rights to hold any office of private and public sector; entitled to all benefits and perks available to employee of varied sectors and institutions; medical facilities, etc. The introduction of various policies and schemes were initiated by MSJE under the Union Government results in launching of an umbrella scheme “SMILE- Support for Marginalised Individuals for Livelihood and Enterprise” on 2022<sup>47</sup>. The SMILE scheme was introduced to rehabilitate the transgender communities who are working as beggars and to assist them with financial and medical benefits along with sponsoring scholarships in terms of pursuing up to higher education. Even the former scheme is covering the shelter homes for the transgender who have been disowned by their parents and rendering them various training and skill development programs. The SMILE scheme also covers the health insurance up to 5 lakhs per year to the transgender under the “Ayushman Bharat Yojana”. The MSJE further introduced an online portal that is “National Portal for Transgender Persons” in order to obtain the identity certificate mentioned under Act of 2019<sup>48</sup>. In order to exercise the right to education, the recent National Education Policy 2020

also covers the transgender minors as “Socio-Economically Disadvantaged Groups” to extend equal education<sup>49</sup>. The introduction of a National Mission “NISHTHA (National Initiative for School Heads’ and Teachers’ Holistic Advancement)<sup>50</sup>” by the Ministry of Education to overspread the session on gender sensitization among the teachers for prevalence of gender neutral culture. The transgender are entitled to undergo many program and training under Skill Mission India<sup>51</sup> in order to uplift the living standards and level of nutrition through self-employment or at various sectors. Under the PM-DAKSH scheme<sup>52</sup> the transgender are provided with short-term, long term, developmental training session and many more which would enable them not to be dependent upon others. The “garima grehs” scheme<sup>53</sup> was introduced to construct shelter homes for the abandoned transgender and also to nurture them with various developmental programs. There are some notable steps been initiated by different Ministries to encompass facility to transgender community such as inclusion of “third gender column” in Reservation forms by Ministry of Railways in 2016<sup>54</sup>; inclusion of transgender under “National Social Assistance Programme (NSAPs)” to provide financial benefits by the Ministry of Rural Development<sup>55</sup>; and many more.

### **Human Rights Protection of Transgender at National level: Judicial Action**

The role of Judiciary in upholding the human rights of Transgender has been remarkably placed in protecting the rights and status of transgender community in India. The Honorable High Court of Delhi delivers the judgment in Naz Foundation case<sup>56</sup> that if consensual cohabitation in between homosexual adults treated as crime then such would violate the fundamental rights of the Constitution of India and thereby struck down section 377 of IPC. The former case has been appealed before the Honorable Apex Court of India whereas the

31 Analysis: The Transgender Persons (Protection of Rights) Bill, 2016: Standing Committee Report, available at: <https://theleaflet.in/analysis-the-transgender-persons-protection-of-rights-bill-2016-standing-committee-report/> (last visited on April 20, 2023)

32 Supra Note 32

33 Transgender Persons (Protection of Rights) Bill 2019 Passed by Parliament, Press Information Bureau, available at: <https://pib.gov.in/newsite/PrintRelease.aspx?relid=195089> (last visited on April 19, 2023)

34 The Transgender Persons (Protection of Rights) Act, 2019 (Act 40 of 2019)

35 Ibid, s. 6

36 Ibid, s. 7

37 Ibid, s. 11

decision of the High Court of Delhi has been set aside and further criminalizes consensual sexual acts of same sex couples under section 377<sup>57</sup>. The landmark view has been given by the Honorable Supreme Court of India in 2014<sup>58</sup> to declare the status of transgender as “third gender” which imparts a legal recognition of their community before the eyes of law; cover the third gender under the social and backward classes and enrich them with all provisions of facilitative position in reservation especially in employment and educational sectors; along with furnish directions to the governments to take adequate action in special arrangement for medical benefits in terms of sexual issues; encourage them to take part in social and cultural programs of society and many more. Recently in a case<sup>59</sup> the High Court of Madras has issued some guidelines in order to facilitate the LGBTQIA+ community by enlisting various NGOs to deal with the community effectively; imparting adequate support to the community through the assistance of DLSA; effective implementation of “garima greh” scheme; overspreading awareness regarding gender sensitization; inclusion of similar facility to transgender in every educational and employment sector as par with natural being; and many more. Aftermath of the former judgment, a PIL has been filed before the High Court of Karnataka<sup>60</sup> in consonance with the denial of accommodation of a trans-woman students of medicine even after disclosing the certificate of SRS (Sex Reassignment Surgery). Thus, the Honorable High Court in lieu of the PIL issued the notice to arrange separate accommodation arrangements for the transgender students. There are various opinions of Judiciary been reflected upon the status of transgender, likewise the Madras High Court in a case on 2016<sup>61</sup> issued the directions to the State Government to incorporate at least one reservation for the transgender community in MBC category in order to line up with the NALSA judgment. The Honorable High Court of Madras in the Sangama case<sup>62</sup> held that one percent of horizontal reservation has incorporated in recruiting policies

of civil services. Further the High Court of Patna passed the judgment in 2017<sup>63</sup> that the any person belonging from transgender community can preserve their identity as female after the re-assignment of sexual surgery as per the notable view passed in the NALSA judgment. Thus, the petitioners in the former case were allowed to contest in the municipal election under the category “female unreserved” seat. In consonance with the protection of rights of transgender, a notable view has been made by the Honorable High Court of Calcutta in the judgment of 2019<sup>64</sup> that the courts has important role in ensuring to implement the application and admission process of public universities towards facilitating education to the transgender communities. In the case of Jeevam v. State of Karnataka<sup>65</sup>, the High Court of Karnataka has opined its view in terms of directing the educational sectors to comply with the changes in the name and gender of the transgender within two months from the date of such acknowledgement presented with sufficient documents in order to carry out the self-identified gender by keeping uniformity with the NALSA judgment. In the famous judgment of Apex Court of India in a Writ Petition filed in 2016<sup>66</sup> to construe upon the constitutionality of section 377 of the IPC. The Honorable Apex Court observed that the consensual sexual activity between adults if considered as crime would violate the fundamental rights enshrined under Article 14, 15, 19, 21 of the Constitution of India. Thereby striking down the applicability of section 377 between consensual sexual acts between same sex couples and extends its application only to non-consensual sexual activity between adults, sexual acts against any minors, and bestiality. The High Court of Calcutta while facilitating advantage to the transgender community in pursuing education, observed in the case of Suman Pramanik<sup>67</sup> that along with allowing

38 Ibid, s. 12

39 Ibid, s. 13

40 Ibid, s. 17(a)

41 Supra Note 36, s. 16

42 Supra Note 36, s. 17(d)

43 Supra Note 36, s. 18

43 Supra Note 36, s. 18

44 The Transgender Persons (Protection of Rights) Rules, 2020 [G.S.R. 441(E) 13/07/2020]

45 Ibid, Rule 3

46 Ibid, Rule 10

47 Support for Marginalized Individuals for Livelihood and Enterprise (SMILE), Ministry of Social Justice & Empowerment, Government of India (February 12, 2022)

48 National Portal for Transgender person, SMILE, available at: <https://transgender.dosje.gov.in/Applicant/HomeN> (last visited on July 22, 2023)

reservation for transgender in application and admission process in educational institutions for transgender community, the relaxation in age along with deduction of burden of fees also should be equally implemented and enforced in the educational sectors to encompass facility to transgender. Thus, the varied opinion or observation of Judiciary is indispensable in protecting and recognizing the status of transgender as par with other human beings in the society.

### Conclusion & Suggestions

The status of the Transgender secured in the community was a ground struggle since long period in India. The actions of Judiciary and Legislature were deliberately put effort in recognizing their status, perhaps the challenges are still prevailing within the mind-sets of the society. The transgender communities are still struggling to secure a peace status in the society being a human along with others. The concept regarding the transgender are often led to non-sensual been surrounded in the society where the people try to pass defamatory comments and stereotypes about these groups. Beside gender division, the transgender are at first human beings and are subjected to all privileges and rights which the normal course of gender i.e. male and female enjoys and exercises without any barrier and hesitation. The ground realm of the society are still far from progressing their mindsets with the evolving concepts and action been already initiated by the organs of the government. Hence, the present paper have highlighted various aspects of human rights of transgender which would be concluded by

mentioning some suggestions towards a ray of hope of better future of these communities are: i.The provisions been incorporated in the Act of 2019 and Rules of 2020 needs to be stringently implemented along with periodic review of the status of transgender rights in the communities in line up with the intention drawn by the legislature. ii.The transgender communities must get accompanied with the reservation quota at every sectors rather specifically upon the domain of education, employment, etc. and must ensure the representative of this community at each level of the society in order to familiarize with the recognition of these communities. iii.There should be establishment of Small-Community Groups (SCG), NGOs, and other agencies working under the heads of National Council constituted under Act of 2019 to ensure the instant protection and remedy been imparted in case of rights violation of any transgender community. iv.Adequate assistance must be given by the representative of enforcement officials of State to the SCG, NGO, etc., working for the uplift of transgender in the society. v.There is an early need of an hour to revise the existing legislation under the wake of international standards specially Yogyakarta Principles and varies resolution adopted by UN General Assembly towards securing the position of transgender. vi. The notion of human rights must equally applicable and implemented to the transgender communities through bi-annual visitation to various shelter homes under the observance of the concerned Ministry and initiating action upon any prevalence of rights violation.

49 Inclusion of Transgender Children in School Education: Concerns and Roadmap, Department of Gender Studies 2020-21, available at: [https://clpr.org.in/wp-content/uploads/2022/01/Inclusion\\_of\\_Transgender\\_Children\\_in\\_School\\_Education.pdf](https://clpr.org.in/wp-content/uploads/2022/01/Inclusion_of_Transgender_Children_in_School_Education.pdf) (last visited on April 18, 2023)

50 NISHTHA, Ministry of Education, available at: <https://www.india.gov.in/spotlight/nishtha> (last visited on April 19, 2023)

51 Skill Development of Transgender Person Under Skill India Mission, Ministry of Skill Development and Entrepreneurship

52 PM DAKSH, Ministry of Social Justice & Empowerment, Government of India, available at: <https://pmdaksh.dosje.gov.in/> (last visited on April 21, 2023)

53 Garima Greh- Shelter Home For Transgender Persons, Ministry of Social Justice and Empowerment, Government of India, available at: <https://transgender.dosje.gov.in/docs/GarimaGrehGuidleines.pdf> (last visited on April 21, 2023)

54 Third gender: Railways, IRCTC include transgender in reservation forms, available at: <https://economictimes.indiatimes.com/magazines/panache/third-gender-railways-irctc-include-transgender-in-reservation-forms/articleshow/55646095.cms> (last visited on April 18, 2023)

55 National Social Assistance Programme, NSAP, available at: <https://socialprotection.org/discover/programmes/national-social-assistance-programme-nsap> (last visited on April 19, 2023)

56 Naz Foundation v. Govt. of NCT of Delhi [WP© No. 7455/2001]

57 Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1

58 Supra Note 4

59 Sushma v. Commissioner of Police, [W.P. No. 7284 of 2021]

60 Dr. Trinetra Haldar Gummaraju v. State of Karnataka & Ors [W.P No. 19706 of 2021]

61 Swapna v. Government of Tamil Nadu, [W.P. No. 3109 of 2013]

62 Sangama v. State of Karnataka, W.P.No.8511/2020 (EDN-RES) (PIL)

63 SangeethaHijra v. State of Bihar, 2017 SCC ONLINE PAT 1040

64 Mx Alia SK v. The state of West Bengal and Ors., [W.P. No. 21587 (W) of 2019]

65 W.P.NO. 12113/2019 66 Navtej Singh Johar v. Union of India, [W.P. (Crl.) No. 76 of 2016] 67 Suman Pramanik v. The Union of India, [W.P.A 9187 of 2020]