



The Forgotten Gender: An analytical study of transgender protection laws in India.

Anand Shankar^{1*}, Dr. Atul Jain²

^{1*}Research scholar, ALS Amity University, Gurgaon Anandmsd152@gmail.com

²Associate Professor, ALS Amity University, Gurgaon

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ABSTRACT

Despite the increasing number of transgender and other gender identities in society and the gradual societal acceptance of transgender individuals in India, they continue to face discrimination, violence, and ignorance in the Indian criminal justice system. This research paper examines the existing legal protections available to the transgender community in India. It also draws the evolution of legal protection laws and recognition of transgenders and their dignity. including the recently passed legislative laws Transgender Persons (protection of Rights) Act, 2019 and including the various landmark judgement. Using doctrinal research method, it also examines through socio- legal impact and a critical analysis of statutory provisions, Judgements, implementation gaps, and comparative frameworks, this paper seeks to highlights both development and the challenges that persist. Including Gender biasness by Indian Justice system against transgender from history to till date it continued. A detailed references which supports the findings and the conclusion which also presents recommendations to ensure practical legal implementations as well as empowerment for transgender person to fight for their justice in India.

Keywords: Transgender, Discrimination, Legal protections, Indian criminal Justice system, Human rights, Transgender protection Act, Implementation, LGBTQ+ Rights.

1. Introduction:

The population of transgender or other gender has historically been subjected to socio and systemic exclusion which leads them into socio-economic marginalization. Although history of Indian culture and mythology through various ancient text recognized the presence of transgender and their important role in the society, but as time lapsed modern society emerged and they not only ignored them but also stigmatized them. Including use their community as a slang. Legal recognition came very late through landmark judgment of hon'ble Supreme court such as: National Legal Services Authority v. Union of India, (2014), Navtej Singh Johar v. Union of India, (2018). And even recent legislative frameworks i.e. The Transgender Persons (Protection of Rights) Act, 2019, though initial intent was right but implementation. It could be made more practical by legislative, it only seems that mere tick the checkbox on the name of transgender protection laws.

India, historically very rich in diverse regarding culture or gender identities, by the time with systemic challenges faced by transgender individuals, which includes social stigma, gender discrimination as well as boosted by lack of legal protection and recognition. However, by the time landscape started to change significantly with judicial activism and made interventions that object to secure and admit the rights of transgender individual.

There after key legislative affirmations and landmark judgements have played key role to affirm and address the issue regarding legal recognition, rights and their protection are needed. Which help them to protect themselves from discrimination to access to health and education system including jobs and peaceful life.

This paper aims to provide a comprehensive analysis of the legislative law and legal protection provided to transgender individuals in India. Through various case laws, legislative laws and societal shift in mindset, this research paper also seeks to step taken but challenges yet to overcome and the ongoing actions and efforts. We are moving towards achieving proper, practical and equal rights for transgender individuals in India.

The scope is not only limited to legal remedy such as legislative laws, Constitutional rights and judicial interventions but also extended to Human Rights declared by United Nations declaration of Human Rights (hereinafter UNHCR). The objective of this paper is to assess whether existing laws adequately protect transgender and their rights or not.

2. Historical and cultural context:

Transgender individuals, known by different terms such as *kinner*, *hijra*, and *Tritiya prakriti* (means third gender), have held a unique identity in our society. Their name and existence with their roles have been documented in our religious books, mythological epics and ancient scriptures. Before marginalized and facing discrimination they had very sacred and holy roles according to historical text and records.

2.1. Transgenders recognition according to Hindu Mythology:

- According to Hindu mythology lord **Ardhnareshwar** (a avatar of lord shiva), which was form of half lord shiva and half devi Parvati. It is one of the most powerful symbolic pieces of evidence of gender fluidity. It also demonstrates the oneness of the male and female principles of the humanity and universe, representing the equality and harmony between genders.
- **Shikhandi**, (Mahabharat), she had born as a woman (named Shikhandini), later converted into male. Shikhandi plays a important role in Mahabharata war and being the cause of Bhisma pitamah's downfall. This character is representation of gender fluidity in Mythological history of India.¹
- **Lord Vishnu as Mohini**, Lord Vishnu convert into Mohini avatar, on multiple occasions, in which most famous that Mohini distribute amrit (nectar of immortality) among the gods, and tricking the demons. And in other story Mohini united with Lord Shiva and gives birth to the Lord Ayyappa. This divine conversion represent that gender roles were sacred.
- **Arjuna as Brihannala** (Mahabharat), Arjuna takes the form of transgender dancer named 'Brihannala' during his exile. Which was cursed by an apsara named Urvashi, so that Arjun loses his man character for a year, in which he used to his favour during 'Agyatvaas'. In the form of 'Brihannala' Arjun became a teacher of dance and music to princess Uttara. It has an example of the respect and associated skill with the transgender individuals.
- **Bahuchara Mata**, a devi goddess worshiped specially in state of Gujrat, is spiritual god. The story in which she blessed a transgender to embrace celibacy and serve the divine power.

2.2. Recognition in religious and historical texts:

- **Vedic recognition of transgender/third gender:** Rigveda and Atharvaveda give reference to those individuals who do not recognized as typical gender type, referring to them as Tritiya prakriti or napumsaka. Both text recognized third gender.
- **Manu Smriti and other Dhar shastras:** historical text like manusmriti although it is totally patriarchal, also mention categories of people who are neither female nor male, but they have their legal and religious context. Describe as napumsak had their inheritance and adoption laws.
- **Kama sutra by Mallanga vatsyayana:** it explores homosexual and eroticism and admission of third nature. In the chapter of grihastha and the Kamasutra.
- **Mahabhashya by Patanjali:** written 2300 years ago, who recognized gender in physical terms such as male has hair all over the body and women has breast with long hair and napumska, who have neither hair all over the body nor breast and long hair.²
- **Buddhist Literature:** In this literature recognized based on behavior and biological feelings, such as Men who have sex with men, women who act like men. There is a reference given as homosexual act such as 'padisevti'(active) and 'padisevavati'(passive) homosexual act discussed in this text. According to monk principle that preventing queer people to become monk.³
- **Jainism scripture:** In Jainism have more crystal-clear views on gender and sexuality. They believe that there is difference and separated physical body and psychological body, such as Dravya-purusha and bhava-purusha. It recognized that body can be male, female and queer but (bhava)psychological feeling can be different.⁴

2.3. Transgender importance and roles in society and their protection:

- **Spiritual and customary/ rituals importance:** transgender individuals (especially hijras and kinnars) were deemed to be a sacred and auspicious and must invited to bless the newlyweds couple and new

¹ SHIKHANDI and other tales they don't tell you: Devdutt pattanaik, Penguin publication

² Trans Lore: History of transgender representation in Indian scripture: written by Devdutt pattanaik

³ Supra 2

⁴ Supra 2

born baby for blessings. They were often represented for rebirth, fertility and sacred blessings. Which were considered to stay away from evil and bring back prosperity.

- **Royal patronage and importance:** In the rule of Mughal time and later in eunuchs (often represents as Transgender) served in Royal courts with different roles such as adviser and guards specially in queen and princess protection service related to women. Also appointed as several administrative and social positions.

- **Protection and legal validity:** Before colonial era transgender individuals are generally protected under village traditional system which had their traditional custom to protect them.

- **Major setback and disruption in Colonial Rule:** The real setback for transgender individuals were started by implementation of an Act named, Criminal Tribes Act of 1871, in which Transgender / hijras and kinnars were classified as a criminal tribe. This was the reason behind sharp decline of their status and it will boost the fuel against their status in society.

In brief we can say that, In Ancient and Vedic period of India, Transgender persons were not only have the status in society but also respected and part of the cosmic balance of the society in which playing vital roles through social, customary and rituals. They have great significance roles according to mythological epics and text such as 'Mahabharat' and vishnupuran etc. In several form Hindu deities shows deep cultural acceptance and reverence.

The history and great significant had been dusted from colonial 'British raj'. It will resulted convert the transgender persons into a group of marginalized community which were not only fight for their existence but also recognized and part of this country, But finally revival of the transgenders rights and recognition through the land mark judgement in **NALSA vs Union of India 2014**.⁵ Through this judgment hon'ble Supreme court of India recognized that the rights of transgender persons and their legal identity as third gender. Irony was that it will take more than 67 years after Independence from Britishers to recognized transgender as a legal entity of this country.

3. Status before landmark judgment NALSA vs Union of India 2014

As we earlier mentioned above that our historical text books and religious history about transgender individuals and their significant importance in ancient society.

Later on after invasion of European powers came on the name of business turn into in a political and administrative authority almost all over India and they had disrupt the core values of harmonious construction of our society in that process they crusade the minority such as transgender or in other terms Hijra community with the most infamous law which intended to criminalized the whole community by an Act named as The criminal Tribes Act, 1871 which labelled whole community as 'criminals by birth' 'before that in 1860 through Indian Penal Code in Section 377 which criminalized the carnal intercourse and categorized into an 'Unnatural sex'. Which was targeted to criminalized the transgender individuals.

- Before the NALSA 2014 judgement, Transgenders were not recognized as a distinct gender, not comes under the orthodox category of into binary gender such as Male or Female, by lack of the classification they have not a single legal document that give a recognition and status and identity under Indian Law resulted denial of their basic rights such as house, education, employment, healthcare housing and other public facility. By above such lacuna they have no legal protection against any breach of basic fundamental rights, discrimination, abuse and violence.

- Transgenders were also intentionally excluded and eradicated from educational institutions and employment workforce. It was led to drag them into begging, sexual and other illegal activity. By result of it they have to faced police torture and harassment under section 377 and other prohibited laws, also many occasion they have dragged into unnamed arbitrary detention and extortion.

So that it was also led to stigmatised in society and unable to live alike other, it was also creating hatred into society that transgender people were posed as criminals.

Although India has the signatory members into of various Human rights laws and instrument such as the universal declaration of human rights (UDHR), the international covenant on civil and political rights (ICCPR) and the international covenant on economic, social and cultural rights (ICESCR) but despite these commitments and laws transgenders are not comes under the ambit of Human Rights protection.

4. Change in status of transgenders after the NALSA vs. Union of India (2014) Judgment:

The impact of the landmark judgement of National Legal Service Authority (NALSA) vs. Union of India (2014)⁷, by the supreme court of India was a very influential and needed step forward in recognizing the transgender legal identity and their rights. It was the very first time when court legally acknowledge transgender individuals

⁵ Writ petition (Civil) No. 400/2012 with WP (civil) No- 604 of 2013.

⁶ Criminalisation of transgender community in India during colonial rule : S.K.Deepak, Research Scholar, Punjab University, Published on www.socialresearchfoundation.com

⁷ Writ petition (Civil) No. 400/2012 with WP (civil) No- 604 of 2013.

as a 'third gender' and affirmed that they are entitled to get the protection of all the fundamental rights which guaranteed by Constitution of India. This judgment also declared that all individuals have their right to self-identity of their gender i.e. Female, Male and Third gender. It is all about their personal freedom and must be protected by the state and society. By this judgement it resolved the long awaiting fight of transgender persons in recognition of their identity and legal framework for mandating legal recognition and arise a question before legislative and executive to how to protect rights and protection of transgender individuals.

Meanwhile, in background of the above landmark judgment has started the story In **Suresh Kumar khousal case**⁸ the hon'ble Apex court has revoke the protection of LGBTs by Delhi High court (in 2009). Then on Dec 2013 the Hon'ble supreme court had issued a controversial judgment in which sustained the constitutional validity of section 377 of IPC 1860. This decision also reserved the decision of High court of Delhi as Naz foundation vs NCT of Delhi 2013. In this judgment court held that section 377 of IPC unconstitutional in application to consensual and for private sexual relation, sexual intercourse among adults.

The high court of Delhi open a door for transgender community which was outlawed by hon'ble supreme court judgement, in this judgement two things which change and challenge before parties who are for the transgender rights. First hon'ble apex court had clear instruction that no foreign sources were accepted and second LGBTs are very outnumbered and minority in case of population and very small and less impactful to raise to constitutional protection.

It has arisen a controversy before legislative, executive and social structure of the nation to protection of rights of transgender individuals and it was a large-scale protest against the hon'ble Apex court stance. Then on other hand hon'ble Supreme court of India in his landmark judgement NALSA 2014 very strong stance towards transgender held that Transgender as third gender and also argued for their fundamental rights and social identity. After this judgment it an open question for framing the legal framework before legislative and other lawmaking authority.

However, despite this landmark and reformative judgment, there are many more concerning issues remain unsolved in eyes of law. One of the most significant issues which came into light after enactment of the Act named as Transgender Persons (protection of rights) Act 2019. Through this Act it dilutes the honoring part of the NALSA 2014 judgment is that Self-identification of their gender by including this self-declaration of their gender now require a certificate issued by relevant district magistrate, it means total control by government. It is not only dilute the significant principle established by hon'ble supreme court but also undermine the dignity of Apex court of India.

5. Further judicial development regarding protection of transgender people and their rights:

After a ground breaking judgment by hon'ble supreme court in NALSA vs Union of India (2014) transgender individual got their legal identity as 'third gender' with a revolutionary self- recognition identification, also allows reservation in the special category under Article 15(4) and 16(4) of constitution of India, also direct to states to take care of transgender and protect the right to dignity privacy and healthcare also formulate welfare policies such as provide separate toilets at public place.

- **K S Puttaswamy vs Union of India, 2017:** In this judgement Right to privacy is a fundamental right. It also includes gender and sexual orientation as part of Privacy. In this judgment Hon'ble supreme court held that sexual orientation as an intrinsic part of person's privacy and any discrimination based on it will violate the right to privacy under article 21 of constitution of India.⁹

- **Navtej Singh Johar vs. Union of India (2018)**

In this judgment it decriminalized the consensual same sex relationships and also strike down the certain part of section 377 of Indian penal Code 1860. In this judgment hon'ble apex court also affirmed the right to dignity through consensual and constitutional rights and morality, also affirmed that intimacy between consenting adults including same sex is beyond the interest of the state.¹⁰

- **Arun Kumar vs Inspector General of registration (2019)**

In this judgement hon'ble High court stated that marriage solemnized between a male and transwomen, both belong to Hindu community, was a valid marriage and hon'ble court also stated that transgender person has the right to decide self-identified gender. Hon'ble high court also recognized a transwoman as bride under the Hindu Marriage Act 1955 with her marital rights.¹¹

6. Legislative Development after NALSA 2014 Judgement:

6.1. Legal Development in The Transgender Persons (Protection of Rights) Act, 2019

It was passed after effect of NALSA vs UOI judgment, so this act was aimed to prevent discrimination and promote welfare among people of society and provide the protection of rights of transgender individuals.

⁸ Civil appeal no 10972 of 2013

⁹ WP (civil) No- 494 of 2012 (Supreme court)

¹⁰ WP (criminal) No- 76 of 2016

¹¹ W.P.(MD) No. 4125 of 2019 and W.M.P. (MD) No. 3220 of 2019

Key feature of the Act:

(A) Definition of a transgender person (Section 2): this Act define the significant terms under section 2 of this Act for classification of transgender person through this definition it has removed the ambiguity of transgender individuals and it includes trans-men, trans-women, genderqueer individuals and gender which have different intersex variations and also includes culturally identified transgender such as 'Hijra, kinnar' etc. This extensive inclusion of broad identity of gender represents acceptance of all gender beyond the binary gender mindset which was stuck for a long time into male and female. It also includes the established principle by hon'ble apex court in their judgement NALSA v. Union of India 2014 which is 'self-identification of gender'.

(B) Prohibition of discrimination in education, employment, healthcare and freely access to other public places (Section 3): in this section of the Act broadly prohibits discrimination against transgender individuals in during accessing of:

Education: Schools, colleges and other institutions are mandatory implementation to provide equality and non-discriminatory treatment among students on the basis of gender. It also express the true reflection of article 15 of constitution of India.

Employment: this section also protects the transgender person from discrimination on the basis of gender in job employment and prohibit any discriminatory behavior after employment such as termination and promotion. which reflects article 16 of constitution of India in which equality in opportunity.

Healthcare facility: this section also prohibits discrimination against accessing healthcare facility and reflecting article 21 of constitution of India.

Free access of public places and services: this section also empowered transgender and prohibit any kind of discrimination relating to public discourse and services. These mandates protect any kind of exclusion and secure inequality which reflected in article 14 of constitution of India.

(C) Right to self determination of their gender identity (Section 4): According to hon'ble supreme court held that transgender person has their right to self-determined gender identity. In this Act under section 4 clearly empowered that allow to self determination of gender identity, and it require a formal recognition by district magistrate. This formal recognition although dilute the core value of NALSA 2014 judgment. We will discuss further on it.

(D) Obligations on Govt. (Section 8): this Act put obligation on government to ensure the measures that protect and welfare of the transgender individuals.

Government has to arrange awareness and training campaign about prohibition of discrimination against transgender individuals as well as training help to minimize inequality among us. It also Burdon on govt that provide healthcare infrastructure related to HIV surveillance, hormone therapy and other medical needs which transgender person needed. Healthcare needs are defined under section 15 of this Act. Govt has also obliged to follow mandatory implement of easy access of education and employment opportunities among transgender.

(E) Equal treatment during recruitment: In this Act section 9 prohibit discrimination in employment and provide equal treatment during following work terms and conditions, equality during recruitment and considering promotions. It also connected to the article 16 of Constitution of India. Regarding this subject supreme court already give their interpretation in the judgement of Anuj Garg vs. Hotel Association of India (2008) in this judgement court express their views that removing the gender-based discrimination in employment. Such as Transgender individuals are face discrimination during hiring process and other work terms discrimination for a long time.

(F) Right to residence: Section 12 of the transgender persons (protection of rights) Act, 2019, empowering transgender persons to right to reside with their family and also prohibit their social exclusion due to their gender except allowed by court and due process of law. Commonly due to historical error and discriminatory custom of exclusion from family this section protects Right to life with dignity enshrined in article 21 of constitution of India.

(G) Health care rights (especially sex reassignment surgery): Under section 15 of this Act also recognised transgender person requirement of hormone and sexual reassignment surgery and other health support such as HIV monitoring and psychological support needed.

(H) National council for transgender individuals: under section 16 of this Act provide a redressal and advising council to govt about policies implementation, and monitoring and addressing grievances.

(I) Offences and penalties: under section 18 of this Act offences committed against individuals also include bonded labour, not allowed at various public places and physical harm and harassment in which consist imprisonment from 6 months to two years.

6.2. Criticism of the Transgender Persons (Protection of Right) Act, 2019:

Following are the criticism of the Act:

A. Violation of NALSA's Principle of self-identification: In which hon'ble court give the right of self-declaration of gender is fundamental right under article 14, 15, 19 and 21 of constitution of India. But after enactment of this Act, it against the NALSA decision, this Act grants under section 5 and 6 in which the district magistrate having the authority to identification of gender of transgender individuals. Which means govt having authority

to recognize your gender and also it is against the right to privacy which is protected in the landmark judgment of Justice K. Puttaswamy 2017.¹²

B. Affiliation of Sex Reconstruction Surgery: In NALSA Judgement hon'ble court held that requiring SRS (sex reconstruction surgery) was not only immoral act but also an illegal act, it also give broad view against sex reconstruction surgery (SRS) that it is very important to recognized own gender is one's dignity and personality. But in this Act of 2019 under section 7 of this Act stated that a person has to present proof of surgery to the magistrate in order to identify as male and female. But later on in the year 2020 Rules it is added that need not submit proof of surgery under this section of this Act but only of medical intervention.

C. Penal provisions for protection of Transgender are very low: In this Act of 2019, also drafted an institutional discrimination by providing that 'imprisonment not less than 6 months but which may extend to two years and fine' for crimes against transgender person. When in comparison between Bhartiya Nyaya Sanhita (BNS) erstwhile Indian Penal code punishment of rape against women 'which is not less than 7 years but may extend to life imprisonment or may extend to 10 years and shall liable for Fine'.

D. No provision for reservation in jobs or education: This Act of 2019 did not provide any reservation for transgender person into Education and Jobs which help them to enhance their life because they are marginalized for a long period. Especially from colonial period in which they were determined as an enemy tribal which is arbitrary and without any lawful survey and research.

E. Lack of provisions for access to gender-affirming healthcare: this Act does not expressly recognize the hon'ble Supreme court directions which is taken into note during NALSA 2014 Judgement. In which court directed to central and state govt to setup and operate gender-affirming healthcare center.

7. Human Rights and Other International Standards for protection of Transgenders:

Although we know that is India is a signatory member of various international laws and treaties related to Human rights such as:

A. Universal Declaration of Human Rights (UDHR)

B. International Covenant on Civil and Political Rights (ICCPR)

C. Convention on the Elimination of all forms of Discrimination against Women. (CEDAW)

All the above declaration and treaties support harmony and prohibit discrimination between humans on any ground such as gender and any other grounds. Legal system must shift from a administrative based to a human rights based model which help to established the autonomy and dignity of all gender.¹³

As Hon'ble Supreme court give their judgment in NALSA vs Union of India 2014, which basically emphasize the gender identity and further in another landmark Judgement of Justice K. Puttaswamy vs Union of India, 2017 (often recognized as aadhar case)¹⁴ in this case hon'ble court held that all individuals have their right to privacy. Same as summary of both judgments were included in 'Yogyakarta Principles, in which provide a framework for application of International Human rights law to gender identity and sexual orientation. But India has failure to connect it with the domestic laws so these inabilities were criticized by all international bodies.

8. Implementation and Ground Level realities and challenges:

Through various research and report that suggest that despite various legal development and legislative enhancement for protection of transgender, the life of transgender individuals remain unchanged on the ground zero or it is negligible.

The report and survey which suggests the following ground on which it has gone through and suggest the final outcome:

A. Healthcare:

As we know at health care is part of human basic needs, it should not discriminate any one on basis of gender and others. But in our country, there are not only lack of transgender-friendly health infrastructure but also Gender-affirming procedures are often not available, in some case available at very high cost to afford.

B. Education:

Education should be available for all, but in case of transgender it lapses due to social exclusion they are unable to easy access of education, health and other public needs. The whole community has high rate of school and college dropout due to lack of facilities and bullying by classmate and others.

C. Employment: employment also comes under basic right and need for right to life. Transgender individuals are facing extreme discrimination and lack of opportunity almost no employment in formal sector. Due to social stigma and lack of awareness people didn't allow transgender people to become their colleagues in the company. So that job in formal sectors is very hard to survival for transgender.

¹² Supra 9

¹³ Winter, Transgender people: health at the margins of society. The lancet (2016)

¹⁴ Supra note - 4

D. Violence: due to social stigma violence against transgender individual are very common. That's why no buddy has care about them. If people often seen violence against transgender individual by police and other unsocial element such as police abuse, sexual abuse and family exclusion so that people find it out of discourse.

E. Housing facility: Right to shelter is a fundamental right under article 21 of constitution of India, so that state or government not only provide it to every citizen of India but also part of directive principal of state policy so state has liability to do so according to constitution of India. In the matter of transgender individual discourse, they find difficulty in renting property due to social stigma.

Hence, we can say that till date no real change in the life of transgender people they still struggling to survive

9. Comparative Legal development in other part of globe/country:

Transgender individual is not only facing discrimination in India but also all over the globe. Although by the time-lapse civil rights movement had emerged day by day and resulted in protection law and rights provided in various other country with practicality. Such as:

A. Argentina- A country in the world who understand the need of rights and protection for Transgender people, in which they approved Gender identity laws such as sex determination and sexual transform surgery as legal right, includes hormone therapy and gender- transforming surgery. It also allows any people to change their gender on any official document with self-declaratory form. There is no need of and medical and other procedure required.¹⁵

B. United Kingdom: United Kingdom was among the first who enact Gender Recognition Act in way back in 2004. This Act empowers people to get a Gender recognition certificate to change their gender status subject to condition that medical diagnosis of gender dysphoria and need to proof that acquire this gender for two years. UK also enact the Equality Act 2010, in this Act not discrimination on basis of gender and it also recognizes 'gender reassignment' under category of Gender.

C. Denmark- In the year of 2010, the council of Europe adopted a resolution that to guarantee the right of transgender people to obtain official documents with their own adopted status. No need to any other procedure such as surgery, hormone therapy and sterilization. Then after some year in the year 2014 Denmark allows people to apply legally for gender change with self-declaration.

D. Other Asian Country:

Pakistan: In 2009 recognized transgender as 'third gender'.

Nepal- Nepal only add a transgender category in their citizenship document.

Bangladesh: In the year 2018, Bangladesh has provided registration of their vote as third gender.

TABLE- A

Criteria	India	Argentina	Uni. kingdom	Denmark
Self Identification	Partial (limited by executive process)	Fully Allowed	Allowed through medical requirement	Fully allowed
Legal recognition	Certificate from district magistrate	Through administrative process	Require Gender recognition certificate by tribunal	Own updated status
Easy Access of healthcare	Allowed but not implemented	Guarantee through law	Provided but no legal mandate for surgeries	allowed
Law against discrimination	Yes, but not implemented	Yes	Yes, under Equality Act 2010	Yes, by resolution
Social inclusion	limited	strongly	Not strong	strong

Hence, we can say that above comparison reveal that Argentina and Denmark have granted the most protective and equally provided rights to the transgender community. On the other example United Kingdom have their strong Anti-discrimination laws such as equality Act 2010 and **India**, which has made some good effort to enact laws but has very poor implantation and lack of practicality and procedural roadblocks.

10. Conclusion and Suggestions:

In conclusion we can say that in comparison with legislative progress with other corner of world is not enough, we need to enact laws subsequent and better way towards protection of transgender individual.

At first, the right to self-identity and self-recognition of their gender are important for transgender rights. By allowing it, every person have rights to assert their own identity in more authentic way. So, it will help them to access all public and essential services along with their needs.

Second, ensuring easy and comfortable environment to education and employment through practical policy will help to wellbeing of transgender individuals. also most important that to provide safe and supportive environment for study and employment will enhance the status of the transgender people.

Third, providing easy access of health care infrastructure and gender affirming healthcare and psychological health support will help to remove the roadblocks for transgender people.

¹⁵ Gender Identity Law, No-26.743, 2012, Argentina

Fourth, to provide human rights and prevention of violence and discrimination on the basis of their gender and other identity should be align with the world recognized laws.

Fifth, to create confidence in their own mental and psychological strata it will need to huge participation of transgender in main stream. For achieving it we will need more inclusive and practical laws as well as social awareness about transgender is must. In this act, Civil society and NGO play very important role for wellbeing of transgender community.

Recommendations:

1. Enact a universal self-recognition gender identity model without and executive and administrative process as NALSA v UOI 2014 in their judgment. and
2. Allowed and ensure easy access to gender-affirming health care infrastructure. and
3. Strengthen anti-discrimination enforcement agency and provide sensitive police system for transgender through training and awareness in police and other authority. and
4. Spread an awareness scheme for public awareness about social status and curtail the social stigma against transgenders. and
5. Create safe and health environment in school and colleges for comfortable study and wellbeing of transgender people. and
6. Media must take the matter of transgender in very neutral way and avoid stigmatized reporting. And
7. Any other recommendations it will need to protect the transgender people and their rights.

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