

Frivolous Conditions of Transgender Rights in India

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Abstract

LGBT minority people who generally have dissimilar sexual adaptation, the consequence of the same leads to face discrimination in the family and society. But primarily they must be treated as humans and therefore they grant all human rights as well as fundamental rights in India. So, it is the time for the Legislature, Executive, Judiciary and Society at large that the community cannot be discriminated or treated like an Alien. The main objective of the research paper is to bring a new mindset to treat them normally and accept them as third gender people otherwise human beings will carry on with to suffer non-human manipulation and exploitation just because nature has sustained them with the third gender. The issues, conditions, problems or barriers which lead to being treated unwanted in the society, as their presence are socially unacceptable. Researchers tried to emphasize why Human beings are not treated like humans. This topic is very common to be in contemporary legal issues, but the objective of every researcher or speaker who speak out for transgender rights will be fulfilled only when all the legal remedies will be available to the LGBT community, the aim of this research work is only to stand for Trans rights, fight against un equality and unfairness. In the Research paper, the researchers have tried to mention and explain the Topics concerned with the LGBT community in respect to history, problems faced by them, lack of social acceptance is a major issue among the Transgender community, constitutional rights, the constitutional validity of sec 377, landmark judgements of the Supreme Court of India concerning for to Transgender's rights, a brief discussion on Transgender protection Act, 2019, lack of gender-neutral laws with leading case laws, the researchers also tried to give effect on the topic LGBT rights are human rights. Throughout the Research, dealing with all the issues, challenges faced by the LGBT community, in the end, it concludes that now it's high time to treat them equal like another gender therefore today there is a need to protect their human as well as fundamental rights.

Keywords: Transgender Rights, British Government Sexual Orientation, Sex, Human Rights as Trans Rights

INTRODUCTION

"There isn't a trans moment. ... It's just a presence where there was an absence. We deserve so much more [1]."

—Hari Nef

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Gender is a distinct characteristic in all aspects of human life. However, socially and biologically it is predetermined in only two categories male and female. The main setback of this orthodox approach stands clear when the most important feature and its meaning are created by the society and it expects everyone to behave in a predetermined way associated with their sex. Transgender people's emergence, personal characteristics or conducts varies from stereotypes view how men and ladies are 'supposed' to be and

behave. Transgender people are individuals of any age or sex and they are free to behave according to their selves. The term 'transgender' emerged within the mid-1990s from the sect of gender-different people. The transgender are viewed as neither male nor female yet possessing elements of both the sexes. Transgender are classified as outsiders in the society and are marginalized though they are born in the same society. They are considered outsiders because in our society in every sector people are identified as either male or female. In a wider term, transgender definition revolves around "anyone whose identity or behavior falls outside of stereotypical gender norms." they're subject to an equivalent social oppressions and physical violence as those that identify with any of those categories. They're also commonly named as 'gender variant', 'gender different' and 'gender non-conforming' In India there are a socio-cultural groups of transgender people commonly referred to as hijras/ kinnars, and other transgenders like-shiv-shaktis, jogtas, jogappas, Aradhis, Sakhi, etc.

HISTORY OF HOMOSEXUALITY IN INDIA

India is a diverse nation with a heterogeneous mix of cultures its history is mainly based on customarily and traditionally practices. The categorization of Hijras and other Transgenders in India not only in seen in the present time but also traced in the historical era as well. Transgenders Community comprises Hijras, Eunuchs, Kothis, Aravanis, Jogappas, Shiv shakthi's etc.

Transgender Community has been found in history from the sources of Hindu mythology and other religious texts. The literature work is named Kama shastra in which they have been renamed as "Tritiyapakriti" or Third gender. In ancient times it was believed that their blessings were supposed to be pure and heavenly in nature, the Third gender or Hijras were considered as Divine beings. But in the Modern era, Hijras are treated as Social outcasts.

In Introduction to Gender Identity and of Faith Communities (2009) Rev. Chris Gloser writes that "The transgender experience deserves and requires its own focus."

India being the home of almost 18% of the total world population still lacks behind on the rights, recognition and equality to the 'third gender' and 'third sex' from the world; around half-million people of the country publicly recognize themselves as a third gender in India. The United States with around only 4.5% of the global population is estimated to have around 3 million translators, which is a bit contrary and shows how India is lacking behind and transgender recognition.

The rights and issues of trans people are as complex or diverse and evolving as they can be because it is to be dealt with both gender identity and sexual orientation. Religion, customs and social norms play a vital role in why India lacks behind in this field. For centuries, transgenders in the society and being a transgender was considered taboo. It was very common for transgender is to be abandoned by their families due to their sexual orientation and if a child was born as a transgender, he was either abandoned or even killed to protect the family's prestige in the Indian society.

Gender- neutral laws are taking shape in India from the past decade and it belongs to an array of religion and religious faith. In recent history, until the 20th century when the world was evolving towards gender-neutral laws India on the other hand was not making any progress. In the era of the British government, transgenders were eradicated and were seen as people who can breach public decency. Anti transgender laws and practices were common. But if you look in the mythological aspect we could see things were not this poor for transgender people.

In the Hindu religion and philosophy, the concept of the third gender is evident and they were categorized as Hijras, and were not considered fully male or female and were not expected to behave like them.

- In mythic tales, the idea of Aradhnari, one of the forms of Lord Shiva merging, Shiva and Parvati, and has distinctive importance as a patron of transgender.

- The concept of Badhai in which transgender sing, dance and give blessings on auspicious occasions as childbirth and wedding arise from the Ramayana.
- The transgender is of Aravanis, stable celebrated for 18 days in Koovagam, India in which they marry Aravan and mourn his death.
- In Islam & Islamic literature 'Mukhannathun' is the term for people of different sexual orientations primarily gays and intersex individuals.
- In the Quran, there are mentions of individuals that are neither male nor female in Ash-Shura (42nd chapter of the Quran).

PROBLEMS FACED BY TRANSGENDER

The vivacious issues that are being born by the transgender community are discrimination on grounds of unfairness, unemployment, lack of academic suitability, homeless, deficiency of medical care like HIV care and lack of healthy living, distress due to societal avoidance and abuse, cystectomy, marriage, adoption and many other problems.

In 1994, the very first-time Transgender Community got the right of voting but the task to issue them voter identity got caught up in the gender identification problem. They were trapped in the male and female questions. Many of them were rejected identity proof with the sexual categorization of their choice.

The life of transgender persons is unacceptable with the society to perceive and contemplate them as "different" people, Ostracized because of their gender identity, they end up begging, prostitution as their only inceptive of livelihood. They are confined by employment opportunities. The lack of necessities at public places faced by the people of this community, they faced many issues and suffered in prisons, hospitals and schools in relation to assisting particular facilities. Many families may wholly disown and renounce their own child if he overpassed the Gender rules. They refuse to identify their child if he chooses to be against the expected gender identity. Parents do not want to dishonor and shame the family in respect to avoid such shame. Parents put pressure, beat the child and do not accept their own child with his true identity. As many Transgender women left their house to protect their family from being shame but they suffer it to require their part of the property for which they are legally entitled. They connect with the other family known as the Hijra community.

It is quite strange. Humans run away from Humans. People avoid Transgender people they used to run away from them. These communities faced bodily and linguistic torture, bear to be bound for sex as treated like a sexual puppet, blackmail for money, suffer in form of extortion, and convict on a false accusation.

A 2007 study report that in the past year, the percentage of those MSM and Hijras reported for forced sex is 46%; physical abuse is 44%; verbal abuse is 56%; blackmail for money is 31%, and threat to life is 24% [2].

LACK OF RECOGNITION IN SOCIAL AS WELL AS PERSONAL LIVES

Transgender in India face a variety of issues, in the communities they are often excluded in social and cultural life, economy, political decisions and even basic human rights sometimes. The primary reason for this lack of acceptability is their gender status which prevents them from exercising their civil rights in their desired gender according to social norms.

Transgender woman are often used for sex and similar menial jobs, only to be abandoned later. Lack of getting gender status which acts as a key barrier that prevents them in exercising their rights related to marriage with the person of desired gender, child adoption, inheritance, wills, employment and also hampers their access to basic social welfare and health services that are for all.

In recent times the government provided legal recognition to their gender status that was initiated by The Election Commission that introduced the option of 'other' in voter's identity card and indicated that transgender's right to vote and contest as others.

Societal changes and the rise of technological era started a debate on legislation of rights of transgender community which lastly resulted in development of Transgender Person (protection of rights) act, 2012. The act constitutes provisions for the protection of rights of transgender community and also opened up ways to achieve a life of dignity and secure life as mentioned and guaranteed to each individual under the Constitution of India.

The emergence for the demands of these rights arose due to the issues that their community faced in everyday life such as lack of legal protection, poverty, harassment, lack of legal documentation.

"Article 15 of the Constitution speaks about the prohibition of discrimination on the grounds of religion race cast sex or place of birth." "Article 21 ensures right to privacy and personal dignity to all the individuals without any such discrimination on a wider aspect the right to dignity extends to the right to live with human dignity and not just animal existence."

The landmark judgement of The Hon'ble Supreme Court of India in the case National Legal Services Authority vs Union of India [3]; opened up new way for the transgender community as they were provided recognition of 'third gender' having rights similar to other being. The judgement recognize the term 'person' as a gender neutral term and hence any denial of transgender's ride would violate Article 14 and 21 of the Constitution.

However the journey that ended in recognition began on legal grounds in India in the case of Jayalakshmi vs State of Tamil Nadu [4], where a transgender was sexually exploited by the police officials in the police station was arrested to have allegedly committed theft.

CONSTITUTION OF INDIA GRANTS RIGHTS TO TRANSGENDER PEOPLE

The Preamble of the Indian Constitution itself talks about Justice- social, economic, political equality of status.

Rights of Transgender people vested under Article 14 of the Indian Constitution dealt with Equality before law. Article 15 which speak about Prohibition of discrimination on ground of, religion, race, caste, sex, or place of birth. Article 21 states Protection of life and personal liberty. Article 23 explains Prohibition of traffic in human beings and forced labour. Any infringement or breach of these provisions shall be an offence punishable according to law.

The Constitution of India guarantees Political rights, gives protection under Fundamental rights beyond the classification on a gender basis, in the eyes of law no distinction or discrimination among the right holders. But recognition on the ground of sex within male and female gender is an important and inescapable civil identity proof as needed by the Indian state. The Indian state identifies only two gender and denies to recognize the Third sex which leads to seizing them with several rights granted to citizens under The Constitution of India. These rights consist of the right to vote, to own property, to marry, to claim a formal identity along with a passport and a ration card, a driver's license, educational right, employment, health and so on.

CONSTITUTIONAL VALIDITY OF SECTION 377 AND TRANSGENDER RIGHTS

Abolishment of section 377 of The Indian Penal Code, 1860 in the year 2018 change the way how the legal system in India looked at gender sex and sexuality and can be marked as foundation stones towards an error of transgender equality. Supreme Court's judgement in Navtej Singh Johar vs. Union of India [5], decriminalized consensual relation and intercourse between same-sex and was

evolutionary as it protected the rights of sexual minorities within the societies like the lesbians, gays and transgender.

Supreme Court also gave a broader more expansive meaning to the term 'sex' within the Constitution, which on a wider note has positive implications on how the orthodox society sees sex. It gave wider application to sexual orientation and how society thinks about gender which goes beyond just males and females.

The legal campaign for the rights of transgender community started mainly with the legal challenges over section 377 which is an anti-sodomy provision which reads as followed:

"377. Unnatural offences.—Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation.—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section [6]."

Historically, amendment in Criminal Tribes Act, 1873 in 1897 by the Britishers differentiated transgender from the society which were referred to as you 'eunuchs' which was a highly pejorative term. The act was initially enacted on the presumption that the persons of transgender community have a knack of committing criminal offences such as kidnapping or constraining children, or offences later mentioned in section 377 of the Indian Penal Code, 1860.

The criminal Tribes act was repealed in 1949 but similar sort of legislations and laws were commonly practiced in certain regions of the country like Telangana Eunuchs Act, in acted in 1919 and traces of similar provisions could be found in Karnataka Police Act, 1963 regarding assumption of criminality by the people of trans community.

The battle for LGBT rights had a face when a petition was filed in Delhi High Court by the Lawyers Collective on behalf of Naz foundation challenging constitutionality of section 377. However, it was not the first incident when section 377 was being challenged; a similar attempt was made by a group named AIDS Bhedbhav Virodhi Andolan in 1994 but was not actively pursued.

In 2009, a landmark judgement was announced by Delhi High Court in Naz foundation vs. Government of NCT of New Delhi and others [7], where section 377 was read down as unconstitutional.

But in 2013 the supreme court overturned the decision of Delhi High Court in Suresh Kaushal vs. Union of India [8], where the court turned down to the parliament to decide on decriminalization of homosexuality and stated that section 377 of the Indian penal code can't be read as unconstitutional.

All the chaos changed with the transformation of Supreme Court in 2014 where a bench of Justice KS Radhakrishnan & justice AK Sikri passed the judgement in National Legal Services Authority vs. Union of India, holding that transgender have constitutional rights and identity as others. Thereafter in 2017, Supreme Court passed another judgement in Puttaswamy vs. Union of India [9] where the apex court held that the right to privacy is an inherent right to life, equality and fundamental freedom. The court also stated that the right to privacy also includes the right to have sexual or intimate relations with one's choice.

However these landmark judgements and decriminalization of section 377 is not the culmination of transgender rights in India. There are many things like the right to marry, right to reservation, education employment, right to adopt children and most importantly the right to not to be discriminated against have to be implemented on the ground level. This has to be done with the collective effort of the society and the government and most importantly with judicial help.

THE SUPREME COURT JUDGEMENT ON TRANSGENDER RIGHTS

On April 15, 2014, a two-judge bench of the apex court, passed a historic judgement on transgender rights after hearing a writ petition filed by National Legal Services Authority (NALSA). It may sound like a coincidence that the verdict was announced on 15th April because on the same date six years earlier or Aravani (transgender) Welfare Board, a first of this kind authority was set up in the state of Tamil Nadu and the trans communities of the state celebrate April 15 as Transgender day.

In the historic judgement, it was stated by Justice KS Radhakrishna that “Recognition of transgender as a third gender is not a social or medical issue but a human rights issue.” Which clearly indicates an acknowledgement to hard fought battle that the transgender community lastly won and the reward was the life of dignity, recognition and respect?

Scope of the judgement

- The judgement covers those set of individuals who want to recognize themselves under the name of ‘third gender’ as well as to those individuals who want to transition their identity such as from male to female or inversely.
- Along with the recognition of the third gender the court recognized their fundamental rights in the same manner as of the others. In addition, non-recognition or discrimination on such grounds was also abolished on civil and criminal statutes.
- The court also declared the procedure of recognition which would be followed after a ‘psychological test’ and not on ‘biological test’ further declaring Sex Reassignment Surgery or SRS as illegal.

Specific declarations in the judgement

- The court directed both the central and state government to come up with necessary medical care and proper sanitation facilities in hospitals and other public places.
- The court govern central and state governments to furnish a provide transgender communities with social and economical welfare schemes and treat them as socially and economically backward classes. The court extended their directions up to reservations in educational institutions and public appointments.
- Lastly, the court grant central and state governments to nurture ways of public awareness among the society so that the transgender community can regain their social and respect.
- Even after several historical judgements and an act drafted for betterment of transgender community in India social acceptance in certain regions is still a dream for the transgender in the society.

TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019

Section 6 of The Transgender Persons (Protection of Rights) Act, 2019 assuredly state upon the District Magistrate, the whole power to issue certificate of ‘Third gender identity’ on the ground of an application which can even be dismiss without analyzing a particular reasons in writing.

“*We live in a free India, where we aren’t free to be identified*” The main drawback of this Act is no provision mentioned or explained in cases of denial. Accordingly, it means that the State will declare the gender of a person by way of District Magistrate which leads to complete infringement of freedom of ‘Self gender aspect’. Other drawback of this Act is one can determine their gender by medical procedure or surgery to get the certificate of ‘Third gender identity’.

The legal provisions of Indian Penal Code, 1860 include harsh punishment for sexual crimes and the crimes concerning chastity of women and rape covers punishments which particularly not less than 2 to 7 years for different crimes. Offenders of crimes in relation to the modesty of women are punished with the death penalty, life imprisonment and simple/ rigorous imprisonments.

Irrespective of the provision in IPC, no penal provision to protect Transgender people from Assault, Section 18 of The Transgender Persons (Protection of Rights) Act, 2019 just gives the maximum of 2 years of imprisonment and fine for such heinous crimes, no such provision in special law to punish repeated offender which is totally opposed to the IPC, 1860. There are so many other provisions in special law that does not provide just and reasonable legal aid to the Transgender person.

This community is in danger, there are certainly major problems faced by this community such as Domestic Violence, cruelty and many more, these offences are punishable under special laws and statutes protecting women such as The Domestic Violence Act, 2005, section 498 A IPC which explain cruelty. So why these transgender have no such provisions, why they aren't getting the legal remedy under the ambit of these acts. They are the victim first apart from their Third gender identity, law itself speaks for the victim's justice not discriminate against the people.

The unbelievable NALSA judgement of the Hon'ble Supreme Court in 2014 gave people huge legal hope from the Parliament of India, which expeditiously drafted various laws in a solo session which in result gave the society of India fewer inept enforce laws and increase of contradictory provisions in form of Transgender Persons (Protection of Rights) Act, 2019 which is inadequate to safeguard Transgender right.

Gender range is broad and we want to recognize the importance of a change, a fair reform in a way to fulfil true Gender Equality.

LACK OF GENDER-NEUTRAL LAWS

Historically in the laws related to sexual harassment stalking rape, only men can be held liable; only the man be convicted and a woman can only be the victim. In the present times, we can witness rape and other related crimes will not be a result of sexual desires but can also emerge from a way to show dominance over the other class sometimes castes, religion and in some cases are acts to show power or humiliate someone.

The prejudice of laws in India is that the class only consists of two sets of individuals 'male' and 'female' and it neglects those who do not fit in this regime. The assumption of the set of laws believe that women only and no other identities can be dominated or be a victim of sexual acts done without consent evident in Section 375 and Section 376 of the Indian Penal Code, 1860 which defines rape and aggravated rapes; and in Section 114A of the Indian Evidence Act, 1872 that shifts the prayer presumption that the guilt of a woman can only be considered as no consent in aggravated rape after the amendment act 2013 [10]. The Law commission of India in its 1/72 report recommended that rape laws must be gender neutral [11].

The reforms in rape laws in India seek by various movements dating back to 1980s and before the 2013 amendment act, rape was previously restricted to penetrations either penile or vaginal. After the infamous Mathura rape case, where the apex court declared in the judgement that no injuries of resistance interprets submission or consent. The case started various movements seeking the shift of burden of proof from the accused to the offender. In the in famous case and Supreme Court's judgement was highly criticized and gave base to new significant amendment in rape laws in India.

Another landmark case, the Delhi gang-rape case led to notable changes in rape laws, amendments were introduced in the criminal Law amendment act 2013 with particular legal provisions for acid attacks, sexual harassment [12], trafficking, stalking, disrobing a woman & voyeurism.

New changes were initiated in definition of rape which not only included penile-vaginal penetration but oral, anal and insertion of objects into vagina, urethra or anus of a woman as well [13], However, the offence is yet not gender neutral that is only a man commits rape not a woman.

The lack of recognition of the Trans community in the judicial system was clearly seen in provisions of the Indian Penal Code, 1860 which somewhat neglect their rights and in a sense doesn't find them even to exist in the society. We can witness several historical and mythological evidences that show India has always been a place where transgender community is ill treated and denied rights of full citizens of the country.

After the Criminal Law (Amendment) Act, 2013 the punishment for rape was revised from seven years to imprisonment for life, but on the contrary in section 377 when it was not abolished, forced coercive sexual intercourse between men was not prescribed any punishment, that clearly states the nature of general neutral laws where a man to man rape was not even considered a rape. In recent times after the Criminal Law (Amendment) Act 2013 and recommendations from Law commission of India rape was made gender neutral but its application are still frivolous.

JUDICIAL TENDENCY ABOUT TRANSGENDER COMMUNITY

Ganga Kumari V. State & Ors [14]

In this case Court observed that While showing deep concern about the predicament of the petitioner, who is otherwise looked down by the society and treated with disgrace, The Court through various observations made by Hon'ble Supreme Court in respect of Transgender rights that the petitioner notwithstanding being a transgender, has a fundamental right to be safeguard against the inequity or unfairness.

National Human Rights Commission V. State Of Arunachal Pradesh [15]

On 9 September, 1994, the People's union of Civil Liberties, Delhi in an application accommodate to the chief secretary of Arunachal Pradesh and home secretary, Government of India moved attention of the concerned authorities to 4012 Chakmas in the state of Arunachal Pradesh which were constantly threatened by the locals to leave the country or either be assassinated.

Further on, 30 September 1994 the chief secretary of Arunachal Pradesh replied that appropriate police protection was given to the Chakma and the situation was under control.

On 15 October 1994, the committee for Citizenship Rights of the Chakmas, CCRC, complained to NHRC about the persecution of Chakmas; with support from several news articles of the leading newspaper The Telegraph which highlighted threats by the AAPSU, a student union in the state of Arunachal Pradesh to the foreigners of the region that included chakmas; to leave the region as soon as possible.

The apex court in its judgement held that the state of Arunachal Pradesh is liable for the safety and security of the every individual whether they are their citizens or foreigners or refugees, and it must ensure that no threats of such kind may hamper the life of Chakmas and it also directed the Central government to acquire adequate forces in numbers for the safety and liberty of the Chakmas.

TRANS RIGHTS ARE HUMAN RIGHTS

In our society where we are not accepting all genders equally and treating every human fairly, the situation of the LGBT community is worsening day by day. The preamble of the Indian constitution state the one of the objectives is to secure justice, liberty, equality for all citizens but then also the transgender community brawl for their basic human rights. The transgender community faces a lot of problems in employment, education, medical issues, gender identity issues, issue of being accepted in society.

To select gender is not in the hand of a human being, it depends on genes, hormones or natural factors.

In Article 1 of the Universal Declaration of Human Rights, 1948 [16], it is mentioned that – “*All human beings are born free and equal in dignity and rights*”. But the LGBT community did not live

freely and equally as differ from two genders so it shows an understandable violation of their human rights.

As we usually see Transgender people not known about their fundamental rights and from the very long time LGBT community faces violation of their natural or human rights.

ADDRESSING THE DATA GAP

A report conducted by the National Human Rights Commission in the year 2017 addresses that among 900 of a transgender person in 4 districts of Uttar Pradesh and The National Capital Region found that three in four transgender persons in NCR and 82% in the district Uttar Pradesh were never gone school. Approximately 15% had no jobs and 69% were involved in informal ways of earning such as to earn by giving blessings to the parents of a newborn child, or a newly married couple. 53 % were earning less than Rs 10000 per month [17].

Nearly 85% of Transgender Persons' Applications for ID Cards Are Pending which are shown in the Table 1.

Table 1. Status of ID card application.

ID Card Application Status	Transgender Persons
Applied	1915
Rejected	220
Card Issued	277
Pending	1418

Note: The National Portal for Transgender Persons was launched in November 2020, Data are as of March 2021, Source Rajya Sabha.

CONCLUSION

Transgender people and communities exist in every society, culture and class from ancient times, but the rights of transgender people and their community started gaining attention only in the modern world. These community faces discrimination and their rights are deteriorate wholly, they are not recognized as the third gender which completely violates Article 14 and 21 of the Constitution of India which talk about to grant the right to equality before the law, equal protection of law and several other rights, They are deprived of basic human rights which are easily accessible by the other persons of the country in many fields primarily in education, employment, healthcare, personal freedom, legal protection and the list goes on. Despite several efforts and several landmark judgements of the Supreme Court of India, transgender continue to be a neglected community. In this Research paper researchers have tried to draw attention to the problems faced by the transgender including sexual minorities which is followed by several landmark judgements by the Supreme Court of India and a brief note on the transgender protection act, 2019 specifically.

Researchers have also tried to suggest a system where laws are not concerned over only two genders and the judicial system should be able to enforce such rights of the sexual minority on the ground level and protect the rights. Researchers also suggest establishing intensive search facilities and curing centres only for the transgender where every possible treatment either psychological, hormonal, biological or surgical is provided and government should implement possible remedies where the society doesn't see transgender as taboo. Where the society don't pressurize to transgender people to act as a male or female but accept them as the Third gender.

In The Constitution of India, Article 21 talks about Right to life and Personal liberty stating that "No person shall be deprived of his life or personal liberty except according to a procedure established by law." the Article itself speaks out for the "person" the word person means a human being regarded as an individual. If we talk about the meaning of a person in legal terms it means one

who is capable of rights or duties. In the end researchers need to conclude the Research work by saying a Transgender also comes within the ambit of definition 'Person' and one cannot deprive their life or personal liberty except according to procedure established by law. In Independent India one must be free to choose their gender and society must have independent thought to accept their gender without treating them like an Alien. The main objective of the research work is to restore the dignity of the transgender community and to speak out for transgender rights until it's not heard by everyone.

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