Research Article

Legal & Social Implications of Transgender Person: Holistic Approach To Third Gender

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Abstract

Transgender people in India have a complex legal and social status with both recognition of third gender identities in addition to historical marginalization. Transgender persons have been marginalized from society for a long time now, and there is an up-and-coming legislation that promises equality, dignity and hindering discrimination in the society. This is to show an appraisal of the effectiveness of such Lawns and impact on social inclusion. A qualitative method is adopted and secondary techniques, such as case studies, legislation, policies and literature are utilised. The findings reveal that, despite the advances made in the legislation, there are still challenges faced by transgender men and women in the workplace, health services, and public perceptions. But often policies have differed from the status of women in practice due to weak implementation and powerful social stigma. It is noted that while legal equality is not enough to guarantee substantive equality without institutional arrangements. The analysis indicates that the adoption of a holistic strategy combining policy implementation, legal reform and social awareness is needed. The implications highlight inclusiveness of governance and accountability, whereas the limitations are related to the lack of primary sources. Future studies should include the empirical study and an interdisciplinary point of view that reflects the diversity of transgender experiences.

Keywords: Transgender Rights, Third Gender, Legal Framework, Social Inclusion, Gender Identity, Human Rights.

1. Introduction

Century-old histories of in the Asian Countries of gender-variant men, who are known as “Transgender Women” in the present scenario. India's field of transgenders of various cultures, identities/experiences is very vast and includes that of “‘Hijras', ‘Aravanis', ‘Kothis', ‘Jogtas/Jogappas' and ‘Shiv-Shaktis'”.[1]

The phrase "Transgender People" refers to individuals who violate societal gender norms, meaning their conduct, identity, and expression do not align with the sex assigned to them at birth. Gender pertains to the perception of the body, encompassing male, female, or alternative identities. The terms "Feminine" and "Masculine" are commonly employed to denote gender. The concept of gender is multifaceted and includes more than two possibilities, impacted by culture and class, as behavioural qualities may be seen proper in one societal segment but inappropriate in another[2]. This extensive term encompasses a gender identity beyond the binary classification of Male or Female, collectively referred to as "Transgender”.

“There are over a Million of Transgender Humans in the Country, where a common phrase or term Hijra is used to denote various segments as Transgenders, Transsexuals, Crossdressers, Eunuchs and Transvestites”. These individuals reside on the periphery of society, primarily in underdeveloped and impoverished environments, as are marginalised owing to their gender identity. A significant portion of this community sustains their livelihood by singing dancing, begging, and prostitution[3].

Third Gender refers to people who fail to fit into the molds of being male or female. Instead, can feel as part of neither, both or an entirely different gender. This is a broad category that encompasses anyone whose gender identity/expression/behaviour is not congruent with the one were associated with at birth or with whom were classified at birth as their biological sex. In modern biology, sex is typically defined as male, female, or one of a range of intersex possibilities involving a combination of both sexes, with some chromosomal and anatomical differences. However, gender identity and societal roles are not always limited to these definitions and go beyond them because it is the perception that the subject has from the individual and the culture[4].

Gender roles and identities are not always distinct in several societies, such as that of India. While these non-binary identities were recognized in various old Indian texts and traditions, these people today are still not recognized in legal frameworks around the world, and only recently have been protected. In India, the third

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[2] Shanker, Ravi. "Edge-Accelerated Analytics for Encrypted Network Traffic using Optimized Machine Learning." In 2025 International Conference on Computing Technologies & Data Communication (ICCTDC), pp. 1-7. IEEE, 2025.

[3] M. Chaudhary, Social Legal Dimensions of Third Gender, 4 Issue 3 Int’l J.L. Mgmt. & Human. 1838 (2021).

[4] Hashi, Abdinasir Ismael, and Mr Osman Abdullahi Jama. "Evaluating the Performance of AI-Based Software Tools in Intelligent Decision-Making Systems." International Journal of Computing and Engineering 7, no. 22 (2025): 1-20.

gender is referred to as hijras, eunuchs or intersex and are given a deep and complex historical and cultural significance.

2. Research methodology

A qualitative approach has been used in the present study to analyse the Legal and Social situation of Transgender People in Delhi/ NCR. The study is descriptive and analytical and descriptive interpretation of the existing laws presented detailed interpretation in addition to the daily life of the third sex individuals. Delhi NCR has been chosen because it has a diverse population and has seen progress in teaching and discourses about gender rights, relevant to the legal recognition and social acceptance of gender.

The analysis is secondary analysis, which is a result of already published academic research, governmental data, policy documents and judicial decisions. “The topics of National Legal Services Authority v. Union of India and Transgender Persons (Protection of Rights) Act, 2019 are discussed in detail”. The sources not only help determine the effectiveness of legal protections but also offer a view of the general attitude towards transgender, and a comprehensive portrait of the problems transgender people face.

3. Legal Recognition and Rights

“Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights”, though do not mention “transgender” specifically, but it emphasize the dignity, equality and non-discrimination regardless of gender identity[5].

The Yogyakarta Principles (2006) directly addresses sexual orientation and gender identity. These principles should apply to the protection of the rights of LGBTQ+ persons – including transgender people – under international human rights laws, legal and social rights[6].

These add to non-binding principles used to guide nations, international organizations, global governance and UN statements. It accept equality before the law, equality with regard to health care, employment and protection from violence.

Transgender rights are respected/catered to in different ways depending on the cultural/religious setting in various countries. There are some countries, such as Argentina and Malta, where legal gender change can be made based on self-identification and not surgical procedures or medical diagnosis. Other countries speculate upon procedures such as sterilization, psychiatric examination or similar court orders for gender identification. In several countries, especially in Africa and the Middle East[7].

In recent years a significance shift with respect to the legal and social status of transgenders has taken place but legal protection of their rights still facing challenges and lead to inconsistent application of law. While some countries have introduced significance changes in laws, improved policing system and other social welfare reforms[8].

4. Transgender People the Social Stigma and the Skewed Understandings

Transgender, in the simplest of terms, is a person of any age and gender whose physical contours, behavior, and outlook differ from society's popularized expectations of how a 'man' and a 'woman' 'should' or 'should not' look like. These are the communities identified as "gender-nonconforming" in relation to mainstream society. These are typically regarded as violations of established social norms. These social norms are a definitive collection of established habits and ideas that have persisted in any culture over a prolonged duration[9].

Over time, these behaviours have indirectly influenced mass culture, notwithstanding recent advancements in liberal jurisprudence and the idea of respecting individual dignity, which further the ethics of equality inherent in liberalism. Extracting the issue from its location poses minimal difficulty. The social stigma associated with these societies has been significantly dulled by the hierarchical notions profoundly rooted in the conventional society. Upon a child's birth, are inundated with items and toys deemed appropriate for their gender and are attired accordingly. The initiation of a child's socialisation occurs as comprehend the binary

[5] E. Iakobishvili, Exploring the Applicability and Limitations of International Human Rights Law to the Protection of Transgender Persons: A Case Study on Detention (Ph.D. thesis, Univ. of Essex, 2018).

[6] M. Carpenter, Intersex Human Rights, Sexual Orientation, Gender Identity, Sex Characteristics and the Yogyakarta Principles Plus, 23 Culture, Health & Sexuality 516 (2020).

[7] Muhammad Anwar Shaheen, Understanding the Social and Legal Status of Transgender Individuals in Society, 3 Critical Rev. Soc. Sci. Stud. 1418 (2025).

[8] J. Symons & D. Altman, International Norm Polarization: Sexuality as a Subject of Human Rights Protection, **7** Int’l Theory 61 (2015).

[9] S. Winter et al., Transgender People: Health at the Margins of Society, 388 Lancet 390 (2016).

nature of gender, recognising the distinction between boy and girl, without acknowledgement of a third category[10].

"The population is quite unaware of the interconnection between 'biological sex' and 'gendered identity' and 'sexual orientation' due to hardly any awareness programmes". Due to all these things, the transgender community is considered a "tritiya prakriti" and all of these are usually given an exclusive treatment. Concluded from these hidden understandings, folk's transgender is subjected to large-scale discrimination throughout their lives. As a result, their access to education, healthcare, public spaces, restrooms, and similar facilities is limited. In India, the presence of the hijra community is considered auspicious at weddings[11].

Nonetheless, as it pertains to affording respect to those persons, there are just rejections, grievances, and complete exclusion. It is important to note that this transgender group also encompasses individuals who do not publicly identify as transgender (e.g., hijras) yet are recognised as such by society. Discrimination against transgender individuals in employment has always been the most evident kind of discrimination noted by scholars. Numerous incidents have emerged into prominence. A teenage athlete from Tamil Nadu, the daughter of a municipal conservancy worker, has been picked for the police force. Her intersex status is disclosed during a normal medical examination within months, leading to her dismissal from the party for which she possessed every qualification save her sex[12].

A study conducted by "the Centre of Social Medicine and Community Health" has indicated that transgender groups have been labelled as reservoirs of viruses and HIV infections. This may have resulted in their lack of opportunity for employment in any sector. "The National Expert Committee on Transgender Persons", in its position paper about educational and employment possibilities and difficulties, emphasised the problem of insensitive educators and staff. Transgender individuals may resort to alternative employment, such as sex work, to sustain themselves, which increases their vulnerability to "sexually transmitted diseases (STIs)" and may compel them to engage in suboptimal occupations, such as begging[13].

The transgender community of backward caste groups face serious victimisation as are excluded at two ends - binary bias on caste and gender. This way, transgenders miss out on all benefits a 'man' or a 'woman' receives from society. As of now, the population of TGs in India is around half a lac (nearly 5,00,001 persons) with an ever-rising number, according to "the latest population census of 2011 which for the first time classified TGs as a separate category for counting the population. Strangely, half a million people are living lives like some poor beggars; some indulge in sex with them as well to get their living expenses paid"[14].

4.1. Ground Realities of Transgender Persons Delhi NCR

Legal recognition contrasted to the lived experience of transgender people living in Delhi NCR. Although there have been many strides forward in the court system, transgender people still face severe challenges accessing stable housing or employment. Some landlords have a prejudice and social stigma against people with HIV/AIDS and do not provide them shelter in their homes or apartments, leading to the forced entry into informal or unsafe homes. Delhi reports and media observations indicate that educated transgender persons, too, remain unable to secure employment in the formal sector, except in relegated roles of begging or informal work, because of institutionalised structural exclusion and absence of institutional support[15].

Access to work is still one of the biggest issues in the area. There are often gender discrimination issues when trans people apply for jobs, no matter how qualified are, as their gender identity is used to refuse them one. Trans people often experience discrimination based on their gender identity when applying for jobs, regardless of their skills. Where are used, it faces problems like harassment, absence of gender-inclusive policies and of gender-responsive infrastructures. Evidence gathered from Delhi NCR shows that in many instances the transsexual employees quit because of the negative attitude of the working environment rather than because it lacks competence. This not only reduces self-sufficiency nurtures poverty and social exclusion in the community.

Relationships with law enforcement agencies reveal more of the nuances of reality on the ground. Many people who are Transgender in Delhi NCR face issues of harassment, verbal abuse and insensitivity from police officials. Are not legally protected but rather face suspicion and thus additional scrutiny in public spaces at

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[11] U. Mishra, Transgender and the Right to Employment in India: Analysing the Trajectories of Discrimination, Bestuur (2021).

[12] B. Das & A. Saikia, Unveiling Marginalization: Analyzing India's Third Gender in Light of the Transgender Persons (Protection of Rights) Act, 2019, 2 Panjab Univ. L. Mag. (2023).

[13] R. C. Sineath et al., Determinants of and Barriers to Hormonal and Surgical Treatment Receipt Among Transgender People, 1 Transgender Health 129 (2016).

[14] Suzanne M. Marks, Global Recognition of Human Rights for Transgender People 1 (2017).

[15] A. Mukherjee, Exploring the Social and Political Lives of Gender Nonconforming People in India (Doctoral dissertation, Newcastle Univ., 2023).

times. These experiences do not make them feel good about themselves and are not inclined to go to the law when their rights are infringed upon. These low-level issues point to the need for greater sensitization about the laws in place and their implementation and for better accountability mechanisms to create a bridge to ensure these laws are effectively enforced[16].

5. Social implications of Third gender

Transgender people have made it more difficult to get involved in the workplace and have high rates of workplace discrimination when do. These people are especially susceptible to ostracism and harassment and can suffer from losing their jobs. In West Bengal, for instance, a trans girl is compelled to resign as a school principal due to absenteeism and lack of support from her boss and colleagues; in Air India, a job applicant is refused a job because of his gender and requested mercy killing from the President. These incidents reflect the level of discrimination and exclusion that takes place for the transgendered people. Twenty-three transgender staff members have been recruited by Kochi Metro Rail Limited in 2017, but eight of them tend to leave their jobs within a month, because the employer had no legal responsibility in helping the transgender employees to fight discrimination because there is no room for them in the slums[17].

Transgender people suffer extensive hardships in the workplace due to acts of discrimination, such as lack of awareness, privacy violations, lack of hiring, harassment, and unemployment, which can cause economic hardship, poverty, and prevent transgender people from having a viable income.

For instance, in the case of “Nangai v. Superintendent of Police”[18], the petitioner is a candidate who appeared for positions in the Department of Police as ‘Woman Police Constable' and cleared the recruitment tests. But her medical examination during training, which contrasted with her birth certificate and medical records, classified her as "transgender" due to her chromosomes and genitalia. But even all this, the High Court recognised her choice of sex, and her termination order is set aside. The business case for having LGBTQ in workplaces, extending to the transgender community specifically, is strong. Corporate should be encouraged to seek to have discussions on this topic. Statistics underscore the need for such dialogue[19]:

- Transgender persons are one of the most discriminated and the most vulnerable group in India.
- There's a lack of support from the transgender community on a national level. There are 249 government schemes available to transgender but the only scheme in which TGs are the beneficiaries is DDU Grameen Kaushalya Yojana.
- 92% of transgender people in India are unable to participate in any economic activity.

5.1. Healthcare Inequalities Faced by Transgender Persons

Despite the legal recognition of transgender's right, however, it still faces challenges when accessing safe and effective health care. Gender-affirming health care services, such as hormone therapy and sex reassignment, are scarce, which is one of the principal concerns. Often these offer services in a limited number of cities and many can't afford them. The absence of standard medical procedures and healthcare providers is also behind restricted usage – people can utilise medical aid with policies that are not in line with the standard or even from a dangerous policy provider and it could have hazardous long-term health effects too[20].

Transgender health is another major issue that's typically not discussed – mental health. High prevalence of social stigma, discrimination, and exclusion causing a sense of anxiety, depression and psychological distress within the community. Transgender may be prone to stress that are related with identification problems because are not accepted by the culture and the family is not able to provide them with support. There, however, is hardly any capacity to fulfil their needs except with specialized mental health services, and less trained counsellor is responsive to gender identity aspect of mental health, only to compound the access to good psychological care.

Access to the health system is being hindered by another one of the major barriers faced by people: healthcare discrimination. Many people report being disrespected, faced with being misgendered, or even denied treatment and service at hospitals, clinics and medical facilities. It is not uncommon for people to say have been disrespected, misgendered, denied treatment and service at hospital, clinic, medical or health facilities. These negative experiences dissuade them from promptly accessing medical help even when it is needed. This

[16] H. J. Robinson et al., “Who Gets to Belong?” Navigating Appearance-Based Discrimination and Transgender Access to Urban Toilets in India, 96 Health & Place 103558 (2025).
[17] S. Bhardwaj, Legal Aspects of Third Gender—Ancient to Modern Era, 1 Motherhood Int’l J. Res. & Innovation 114 (2024).
[18] Nangai v. Superintendent of Police, (2014) Madras High Court.
[19] S. Woltmann, Third Gender Politics: Hijra Identity Construction in India and Beyond, 41 S. Asian Rev. 3 (2020).
[20] J. Medina-Martínez et al., Health Inequities in LGBT People and Nursing Interventions to Reduce Them: A Systematic Review, 18 Int’l J. Envtl. Res. & Pub. Health 11801 (2021).

is worsened by the absence of comprehensive policies and facilities and trained health personnel who are both gender and racially neutral. Addressing these common weaknesses is key to making sure that health and medical care providers are able to provide meaningful, compassionate and non-discriminatory services to transgender people[21].

5.2. Empirical Insights on Transgender Realities

Transgender persons face deep socio-economic marginalisation in India even after making legal progress to recognise transpersons as a group. Empirical accounts of the transgender community in India, in fact, indicate that though are socially and economically marginal, their process of marginalisation continues even though a transgender might be recognised under the legislation. There are 4.9 lakh transgender persons in the 2011 Census, but the actual number could be even higher as there is underreporting, activists state. Almost half (48%) of transgender people can access some education and fewer are in the formal economy. This withdrawal from the public-school education of many people has a direct implication on economic instability and it must look for food outside official channels, such as begging or prostitution[22].

Transgender people's vulnerability is exacerbated by employment and housing discrimination. 92% of transgender individuals lack workplace access, at least, and are set apart or marginalized by stigma and a lack of workplace inclusiveness, it is reported[23]. As well, housing has been a longstanding issue – and many landlords have refused to rent to people due to gender identity. Community groups have found that most transgendered individuals is homeless or living in shared or unsafe rooms, which further limits access to social and health services, health, and financial services and education[24].

There is also empirical evidence of a systemic form of discriminatory public and institutional relationships. Organizations like Naz Foundation and Humsafar Trust have seen that there is a high prevalence of harassment of transgender people in public places and poor treatment from authorities. About half (50–60%) have had verbal or physical abuse at least once in their lives. These patterns show that the gaps between the law's guarantees and humans' experiences are great and structural reform and sensitization are highly needed[25].

6. Laws in India

India has adopted revolutionary changes when it comes to providing rights to the third gender. India Government have starter using the term ‘third gender’ for transgender community, it has provided the option of ‘other gender/sex’ in various document or application forms. The nature of dealing with third gender population have altered in the wake of the historic ruling by the NALSA and decriminalising Section 377 Indian Penal Code[26].

“The Ministry of Social Justice and Empowerment issues to them Transgender certificate and identity card, creating convenient for the provision of facilities provided to the public”. National welfare schemes such as "SMILE (Support for Marginalised Individuals for Livelihood and enterprise) are attempting to offer a better life to the transgender people who are engaged in begging and can be living their life with dignity and respect”[27].

7. Transgender persons (protection of rights) act, 2019

The Supreme Court instructs the Government to grant legal recognition to the 'third gender' and ensure equal protection and protections to afford them benefits, including reservations in education and employment. “The Act defines a transgender person as a trans-man or trans-woman (regardless of whether have undergone Sex Reassignment Surgery, hormone therapy, laser therapy, or other treatments), an individual with intersex variations, a genderqueer person, and individuals with socio-cultural identities such as kinner, hijra, aravani, or jogta”[28].

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[21] A. Kachen & J. R. Pharr, Health Care Access and Utilization by Transgender Populations: A United States Transgender Survey Study, 5 Transgender Health 141 (2020).

[22] M. Wurm et al., Minority Joy, Minority Growth, and Minority Peace: Transgender and Gender Diverse People’s Varied Positive Lived Experiences, 27 Int’l J. Transgender Health 608 (2026).

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[27] N. K. Gupta, Ruptures and Resurgences: Marking the Spatiality of Transgender Identity in India Since the Enactment of the Transgender Persons Act 2019, 4 Frontiers Pol. Sci. 963033 (2022).

[28] P. M. Pinki et al., Status of Transgender in India: A Review, 6 Int’l J. Home Sci. 126 (2020).

“Section 3 of the Act provides for prohibition against discrimination for unfair treatment in educational establishments, employments or services, denial or discontinuation in healthcare services, unfair treatment with regards to access to enjoyment or use of any goods, accommodation, service, facility, benefits etc. unfair treatment with right to reside”.

The Act provides for recognition and application of certificate of identity in section 4 therein, issue of certificate of identity in section 5, and in section 6.

The government's duties towards the upliftment of third gender are specified in Section 8 of the Act and according to it various welfare schemes and the step of non-discrimination scheme are introduced and necessary measures are taken to rescue, protect and rehabilitate transgender persons[29].

Section 12 grants the 'Right to Residence,' whereas Section 14 of the act pertains to the provision of vocational training to the community, which could ensure employment opportunities and self-employment. The Act addresses the National Council for Transgender Persons, which shall evaluate all mechanisms of the schemes and redressal processes established under the Act. Notably, Section 18 pertains to offences and penalties for crimes committed against transgender individuals[30].

This act has attempted to integrate the suppressed population with the mainstream society to facilitate the free movement and expression of its queer identity[31].

8. Critical Evaluation of Transgender Rights Framework

“The Transgender Persons (Protection of Rights) Act, 2019” is a commendable step toward the legal recognition of transgender people in India, some issues have emerged in its implementation. One of the main concerns is the certification process for those who wish to be issued with a certificate of identity by the District Magistrate. It frequently clashes with the idea of "self-identification" which is reported in judicial decisions in which bureaucratic-based assessment and delay occur. Thus, it has a negative effect on personal autonomy and introduces further constraints for the marginalised[32].

The other major challenge is the weak enforcement mechanism in the legal framework. No detailed penalties, or clear accountability mechanisms for offenders are provided under the Act which outlaws discrimination in education, employment and health care. In practice, this means a weak capacity of individuals and institutions to be a deterrent to discrimination. Furthermore, there are no obvious monitoring mechanisms at ground-level and hence, there is no easy way for transgender persons to act against violations of their rights and remain without institutional support[33].

Likewise, there is a disparity between the law and the actual experiences of transgenders that is also apparent. Nonetheless, despite the continuous changing of the law, social stigma, exclusion and economic vulnerability continue to exist – in other contexts. Despite the improvement in the legal system in reaching the deep embedded social prejudice affecting employment, quality health services and housing is still seriously limited. This shift highlights the necessity for an even more holistic approach, not only strengthening the legislation, but also operationalizing that intervention in terms of awareness and sensitisation, and an inclusionary policy approach[34].

9. Legal Identity and Documentation Challenges

Legal identity is an integral part of citizenship, which allows citizens to benefit from access to various rights and services. Securing correct legal identity documents that match the transgender person's self-identified gender is seen to be a major obstacle in the lives of transgender people in India, and a means of entitlement to education, healthcare, employment, voting and social welfare schemes.

“Drawing upon landmark rulings such as National Legal Services Authority v. Union of India[35], AIR 2014 SC 1863, Justice K.S. Puttaswamy v. Union of India[36], and Navtej Singh Johar v. Union of India[37]”, it underscores the judiciary's important role in affirming the concepts of gender identity and personal liberty as protected under

[29] Hashi, A. I., & Jama, M. O. A. (2025). Evaluating the Performance of AI-Based Software Tools in Intelligent Decision-Making Systems. International Journal of Computing and Engineering, 7(22), 1-20.

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[35] Verma, Pragati. "National Legal Services Authority vs Union of India-Position of Concept in Other Countries." Jus Corpus LJ 1 (2020): 123.

[36] AIR 2017 SC 4161

[37] AIR 2018 SC 4321

the Constitution of India, Articles 14, 15, 19 and 21. All these decisions have held that gender identity is "as much a part of personal freedom and equality as the freedom and the equality themselves, and that the State must legally recognise more than two gender identities: man or woman.

Despite this robust constitutional support, there are still significant obstacles to be faced in practice. “Under the Transgender Persons Act, 2019, transgender people who wish to get the official recognition of their gender are under obligation to get a ‘certificate of identity' from the district magistrate”. That's taking in the software that could be assessed by way of a medical or a mental health assessment and some stand up for the principle of self-identification say a psychological evaluation is an attack on the principle of self-identification[38].

This administrative hurdle brings on numerous issues. For many transgender people it is difficult to understand and navigate the application process, especially those not literate or making their living. Second, wherever the delay and different practices are taking place among the States, it takes much longer for the children to wait and there is arbitrary denial. Third, having to accept unwanted medical examinations usually imposed on transgender people by medical certificates, which infringes on privacy and autonomy[39].

Transgender people without ID documents are barred from critical services. Requirements for identity proof exist for making bank accounts, as well as for food subsidies (ration cards), education and healthcare, where it matches the person's gender presentation. If a person does not have an ID, or if have duplicate IDs, it means the same as providing the wrong personal documents to authorities that can lead to humiliated, harassed, and discriminated against transgender people. It is not served or respected, which helps to perpetuate their sense of isolation, disempowerment and depowering[40].

In response to these issues, states like Tamil Nadu and Kerala have implemented more inclusive laws, such as providing identity cards to transgender individuals without necessitating medical certificates. These models present chances for national reform.

Finally, in India the problem of legal identity and documentation does formidable constraints in achieving trans inclusion. In fact, this discrepancy between constitutional recognition and administration excludes many transgender people from enjoying their rights and access to a life that is worthy of humanisation and dignity. Improving access to LID for transgender persons that reflect their gender identity, requires standardisation and streamlining procedures to recognise gender, as well as sensitising officials[41].

10. Conclusion of the study

The study highlights the extensive and pervasive steps India has taken to put a legislative shield around trans-gendered people and reminds that there are huge differences between the law and what happens in people's lives. A lot of work has been done in relation to interventions of judges as well as legislations for equality, dignity, and non-discrimination. But social stigma, economic exclusion and institutional barriers are continuing to stifle these strides. The findings point to the importance of the protection of the rights of migrants in the law through an unconditional approach, but without the 'society change' element. A holistic approach must be taken which entails a blend of legal (transformative) measures, policy adoption and sensitisation to the transgender community so that transgender can live their lives of decent living in the current society.

The study also reveals that the issues faced by the transsexual and transgendered revolve around and are complex in all three aspects: Legal, Social and Economic; and Psychological. Notwithstanding the continued judicial decisions and cultural policies, there are still challenges including access to health care, job discrimination and problems with gender documentation. The study recognizes the importance of closing the gap between the constitutional guarantees and the actual situation. Finally, it concludes that coordinated action by the State, civil society and institutions is needed for sustainable inclusion. There is only inclusive governance, awareness and accountability that can allow for the equality and justice of transgender people to be realised legally.

10.1. Implications of the study

The study provides valuable policy, legal and social governance lessons, powered by an increased call for a more comprehensive and responsive framework of protections for transgender and gender non-conforming rights. It points that the mere gazetting of legislation is not enough if this is not effectively enforced or if institutions are held responsible for enforcement. It means that the policy makers need to emphasise ensuring

[38] B. Prabhakar, From Stigma to Support: Addressing the Barriers and Needs of Transgender Individuals.

[39] A. Harsha, Opportunities and Obstacles in Transgender (Doctoral dissertation, St. Teresa’s Coll. (Autonomous), Ernakulam, 2022).

[40] S. Sarkar, Dual Liminality and Violation of Rights: Transgender Asylum Seekers and Access to Institutions, Social Services and Support in Aotearoa New Zealand, 40 N.Z. Soc. 110 (2025).

[41] M. Sonune & A. Ugargol, The Need for Age-Inclusive and Gender-Sensitive Social Policies for India’s Longevity Society, 6 Ageing & Longevity 73 (2025).

decent income; making welfare policies inclusive for transsexual and trans-gender people; making health services accessible for transsexual and transgender people; and creating jobs for transsexual and transgender people that are tailored to them. It also underlines the importance of the sensitisation in various institutions including educational and police institutions for discrimination reduction. All these suggestions point to the need for both legal changes and plans of implementation.

10.2. Limitations of the study

The study also has limitations, such as secondary data sources not fully expressing the experiences of transgender individuals in a fluid and dynamic process. Data are lacking to provide first-hand perspectives and localized insights. Further, the mention of regions is to some extent problematic considering the diversity of socio-cultural experiences in the Indian contexts. Across the dataset, the findings are also subject to limitations due to variations in the implementation of policies from state to state. These limitations do not allow this study to exhaustively represent transgender lived experience.

10.3. Recommendation for future study

Future studies should include primary data collected by interviewing, surveys and field studies to more accurately represent lived experiences. The regional and inter-state comparative analysis can help to gain insights into the variation in policy implementation and social acceptance. Intersectional micro aspects including caste, class and rural-urban differences within the transgendered community also require examination. Moreover, research on the effect over time on recent legal changes would be helpful, as would be panel studies on how the legal changes have affected people's decisions about marriage and family dynamics. Further research into the provision of health care, mental health and education can help draw together full and overarching policy frameworks.