The Roadmap for Transgender Empowerment

This editorial is based on "_ Trans people deserve better,_" which was published in The Hindu on 23/09/2025. The article emphasises that true inclusion of transgender people in India requires moving beyond symbolic promises and quotas to ensure their genuine participation in politics, policymaking, education, healthcare, housing, and employment, thereby granting them dignity and equal rights.

For Prelims: Transgender Persons (Protection of Rights) Act, 2019, NALSA Judgement 2014, Transgender Persons (Protection of Rights) Rules, 2020, Garima Greh. SMILE Scheme, National Council for Transgender Persons (NCTP)

For Mains: Legal and Constitutional Milestones Shaping Transgender Rights in India, Key Challenges Faced by Transgender Persons in India, Future Roadmap for Empowering Transgender Persons in India

Transgender persons in India have long faced **social marginalisation** despite **cultural recognition**. **Stigma, colonial criminalisation, and discrimination** pushed them to the periphery. Recent **legal reforms** and **activism** have begun enhancing their **inclusion and dignity**, but India must move beyond **promises** to ensure their **participation in politics and policymaking**.

What Does it Mean to Be a Transgender Person?

- **About:** Transgender is an umbrella term for people whose **gender identity and/or expression differs** from the sex they were assigned at birth. **(OHCHR)**
- **Gender Identity:** A person's **deeply felt internal sense of their own gender** (e.g., man, woman, another gender).
  - The **choice of gender identity** is made when a person understands their **internal and individual experience** of their **body, bodily appearance, speech, mannerisms**, etc.
  - If a person does not **identify** themselves with the **gender assigned at birth**, they can choose to **identify with some other gender**.
  - **Transgender people** may **self-identify** as **transgender, female, male, transwoman, transman, transsexual**, or by a variety of **indigenous terms** used in specific cultures, such as **hijra (India), kathoey (Thailand), waria (Indonesia)**, or one of many other **transgender identities**.
- **Population:** India has around **4.8 million transgender persons** (**Census 2011**).
  - The top 3 states with the largest transgender population are **Uttar Pradesh, Andhra Pradesh, and Maharashtra.** (**Census 2011**)
- **Part of LGBTQIA+:** Transgender persons are represented by the **"T"** in **LGBTQIA+**, which stands for **Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual**.
  - The **"+"** covers other identities like **non-binary** and **pansexual**, reflecting the evolving understanding of **gender and sexuality.**
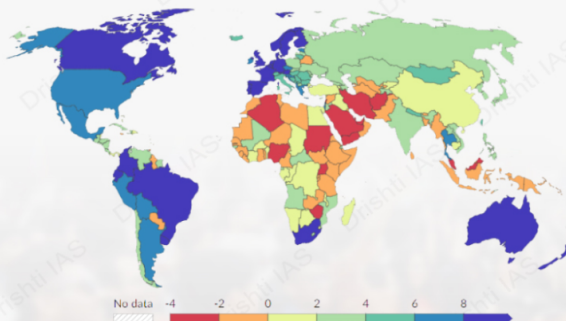
LGBTQI+

LGBTQI+ refers to a broad category of people, including those who identify as lesbian, gay, bisexual, transgender, intersex, and queer. The terminology used varies widely depending on historical, cultural, and societal contexts.

Discrimination Against LGBTQI+ based on

- ⇘ Sexual orientation
- ⇘ Gender expression
- ⇘ Gender identity
- ⇘ Sex characteristics

State of LGBTQI+ Rights Globally

⇘ LGBTI+ rights index, 2019: The index captures to which extent lesbians, gay, bisexual, transgender and other people outside traditional sexuality and gender categories have the same rights as straight and cisgender people. It combines 18 individual policies, such as the legality of same-sex sexual acts, marriage, and gender marker changes. Higher values indicate more rights, negative values regressive policies.

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SINCE 1982...

47 COUNTRIES — DECRIMINALIZED SAME SEX RELATIONSHIPS

22 COUNTRIES — HAVE ACHIEVED THIS THROUGH BROADER REVIEW OF PENAL CODES

12 COUNTRIES — HAVE SPECIFICALLY REPEALED CRIMINALIZING LEGISLATION

10 — HAVE CHANGED THEIR LAW FOLLOWING A COURT DECISION

TODAY...

73 STATES CRIMINALIZE SAME SEX RELATIONSHIPS

44 countries of these SPECIFICALLY CRIMINALIZE LESBIAN RELATIONSHIPS

- ⇘ **Pride Month:** June
- ⇘ **11th October:** National Coming Out Day

History of LGBTQI+ Rights in India

- ⇘ 1992: First-ever protests demanding rights for gay individuals
- ⇘ 1994: An NGO challenged the constitutional validity of Section 377 of IPC. Dismissed in 2001
- ⇘ 1999: India's first pride parade (Also South Asia's first)
- ⇘ 2009: Naz Foundation vs. Govt. of NCT Delhi Case (In Delhi HC) - Treating gay sex between consenting adults as a crime gross violation of the fundamental right to privacy
- ⇘ 2013: Suresh Kumar Koushal vs. Naz Foundation- SC overturned Delhi HC ruling

- ⇘ 2015: A private member's bill in Lok Sabha seeking decriminalizing homosexuality was introduced
- ⇘ 2017: Justice K. S. Puttaswamy vs. Union of India (UoI)- SC ruled privacy a fundamental right
- ⇘ 2018: Navtej Singh Johar vs. UoI- SC ruled Section 377 unconstitutional
- ⇘ 2019: Transgender Persons (Protection of Rights) Act- To provide protection of rights of transgender persons and their welfare.

Present status of Same-Sex Marriage

- ⇘ 2023: Supriyo vs. UoI- SC refused to grant legal status to same-sex marriage and denied same-sex marriage as a fundamental right

What are the Major Legal and Constitutional Milestones Shaping Transgender Rights in India?

- **NALSA v. Union of India (2014):** This landmark **Supreme Court judgment** legally recognised **transgender persons as a "third gender"** and affirmed that **fundamental rights** guaranteed under the **Indian Constitution (Articles 14, 15, 16, 19, and 21)** equally apply to them.
  - The Court emphasised the **right to self-identify gender** as **male, female, or third gender**, prioritised **psychological identity** over **biological sex**, and mandated **equal**

protection against discrimination in **education, employment, and healthcare**.
- It also directed the government to provide **social welfare schemes** and **public facilities** for transgender persons.
  - The **NALSA judgment** classified transgender people as **socially and educationally backward classes (SEBCs)** entitled to **reservations in jobs and education** to promote their **inclusion and upliftment**.
- **Puttaswamy v. Union of India (2017):** In the landmark judgment **Puttaswamy case** regarding the **right to privacy**, the **Supreme Court** observed that there is a **constitutional right to privacy** inherent in the **right to life, equality, and fundamental freedoms**.
  - This includes the **right to intimate relations of one's choice** and the **right to sexual orientation and gender identity**.
- [Decriminalisation of Section 377 of IPC](#): In the case of **Navtej Singh Johar v. Union of India (2018),** the **Supreme Court verdict** struck down **Section 377 of the IPC**, **decriminalising consensual same-sex relations** and indirectly strengthening the **rights of transgender persons** by promoting **broader LGBTQ+ acceptance**.
- **Domestic Violence Act, 2005:** The **Domestic Violence Act** protects **all women**, including **transgender women** (regardless of their **Certificate of Identity**), against **any form of abuse** by **any family member**.
- **Election Commission Directive (2009)** introduced an **"others" option** in voter registration forms, allowing transgender individuals to avoid male or female classification.
- **Transgender Persons (Protection of Rights) Act, 2019: Created a comprehensive legal structure for the protection and empowerment of transgender persons.**
  - **Key Provisions Include:**
    - **Non-Discrimination Clause:** Prohibits exclusion or unfair treatment in education, employment, healthcare, housing, and access to public services.
    - **Self-Identification:** Recognises the right to self-perceived gender identity, allowing individuals to obtain identity certificates from the District Magistrate without the requirement of medical or psychological assessments.
    - **Healthcare Access:** Mandates provision of gender-affirming medical care, HIV surveillance, and inclusion in public health insurance schemes.
    - **Statutory Institutional Mechanism:** Establishes the [National Council for Transgender Persons (NCTP)](#) to advise the central government on welfare policies, monitor implementation, and coordinate inter-ministerial efforts.
- **Transgender Persons (Protection of Rights) Rules, 2020:** These **Rules** inter alia specify the **procedure** by which a **transgender person** can obtain a **certificate of identity**, **welfare measures** for **transgender persons**, their **education**, **social security**, **health**, and provisions for **non-discrimination**, etc.

What are the Key Challenges Faced by Transgender Persons in India?

- **Social Exclusion and Discrimination: Transgender individuals** face widespread **social rejection** and **bullying** from **family, peers, and society** at large. This **exclusion** leads to **isolation** and **marginalisation**.
  - Nearly **31% of transgender persons** reportedly **die by suicide**, with **50% attempting it before age 20** due to **societal stigma** and **mental distress**.
- **Barriers in Education:** The **literacy rate** among **transgender people in India** is around **56.1%**, significantly lower than the **national average** of 74% (2011 Census).
  - Persistent **harassment, bullying**, and lack of **inclusive infrastructure** lead many **transgender children** to **drop out early**.
  - **Higher education enrollment** remains abysmally low; major **central universities** reportedly have almost no **transgender students or staff**.
- **Economic Exclusion and Unemployment:** About **92% of transgender persons** face **economic exclusion (NHRC 2018)**, with almost **half unemployed (48% as per ILO 2022 data)**.
  - **Discrimination in hiring**, **hostile workplace environments**, and lack of **skill training** push many toward **informal or survival-based occupations,** including **begging** and **sex work**.

- Personal inheritance laws like the **Hindu Succession Act (1956)**, **Indian Succession Act (1925)**, and **Muslim Personal Law**—recognise only **male and female heirs**.
  - They **exclude transgender persons**, forcing them to follow their **assigned sex at birth** or **forfeit inheritance rights**.
  - **Government employment reservations** are unevenly implemented, and access to **financial services** remains limited despite recent circulars.
- **Healthcare Challenges: Transgender persons** experience **denial of healthcare** or **negligent treatment**.
  - Nearly **27%** reported being **refused medical care** due to their **gender identity (NALSA survey)**.
  - **Gender-affirming treatments** cost between ₹2–5 lakh, often not covered by **insurance**.
  - While **Ayushman Bharat TG Plus** offers **₹5 lakh coverage annually**, **accessibility** and **awareness** remain low.
- **Political Under-Inclusion and Representation Deficit:** Despite constitutional guarantees and progressive judgments, transgender persons remain largely absent from **mainstream politics and decision-making bodies**.
  - Their representation in **Parliament, State Assemblies, and local councils** is minimal, reducing their ability to influence policies directly affecting them.
  - The **disparity in voting percentages** among **third gender voters** has long been a concern, with only **25% of registered transgender voters** turning out to vote in the **2019 Lok Sabha election**.
- **Legal and Bureaucratic Barriers:** Although the **Transgender Persons (Protection of Rights) Act, 2019** exists, only about **65% of applications** for **transgender identity certificates** have been processed by late 2023, with **delays** often exceeding the **30-day legal timeframe**.
  - Complex **bureaucratic procedures** hamper **self-identification**, while **police harassment** and lack of **legal awareness** persist.
- **Mental Health and Psychological Stress: Transgender individuals** face high rates of **mental health disorders** due to **sustained social trauma**.
  - Studies in **Delhi NCR** reveal **42.7% of trans women** experience **moderate to severe depression**, and **48%** suffer from **psychiatric disorders** like **anxiety** and **PTSD**.
  - Lack of **accessible mental health services** exacerbates this crisis.
    - Nearly **70% to 92%** of people with **mental disorders** in India do **not receive adequate treatment**, mainly due to a **lack of awareness**, **social stigma**, and a **shortage of trained professionals**.
- **Lack of Safe Public Spaces and Facilities: Transgender persons** face challenges accessing **basic facilities** such as **gender-neutral public toilets, safe housing**, and **secure shelters**.
  - They also confront **discrimination** in **prisons, hospitals, and educational institutions**.
    - The **Ministry of Housing and Urban Affairs** has issued **guidelines** under the **Swachh Bharat Mission** to encourage the construction of **separate toilets for transgender persons**, however, the **implementation remains fairly low**.
  - This lack of **safe spaces** fuels **vulnerability** and limits their **mobility** and **participation in public life**.
  - **Garima Greh shelters**, though progressive in intent, face issues like **inadequate funding, poor awareness**, and limited state coverage.

Key Measures For Transgender Welfare in India

- **SMILE Scheme** & **Garima Greh** provides **rehabilitation, skill development, healthcare, and livelihood support** for transgender persons.
- **Ayushman Bharat TG Plus** offers **health insurance coverage** for gender-affirming treatments and healthcare needs.
- **National Portal for Transgender Persons** facilitates **access to schemes, services, and grievance redressal**.
- Transgender individuals are included under the **disability pension scheme** with a specific **"transgender" option**.
- The **Ministry of Home Affairs (2022)** directed prisons to ensure **privacy and dignity** for third-gender inmates.

What Should be the Future Roadmap for Empowering Transgender Persons in India?

- **Effective Legal Implementation and Sensitisation:** Full and sincere implementation of the **Transgender Persons (Protection of Rights) Act, 2019**, with special focus on **grievance redressal**, **simplified self-identification**, and **training** for **police, judiciary, healthcare, and education officials** on **gender sensitivity**.
    - For instance, **Delhi's 2025 Transgender Protection Rules** provide a framework for **identity recognition** and **discrimination redressal**.
    - **Supreme Court** and **NHRC directives** call for widespread **sensitisation** to curb **systemic discrimination**.
- **Economic Inclusion and Entrepreneurial Support:** Launch **skill development programs** like the **SMILE Scheme**, backed by **entrepreneurship development initiatives** such as the **15-day business training at Garima Greh, Delhi (2025)**, which trains **transgender candidates** in **market surveys, finance**, and **regulatory compliance**.
    - **RBI's inclusion** of **transgender persons under priority sector lending** empowers **financial access**. **Corporate diversity hiring models** such as **Tata Steel's program** can be scaled for large impact.
    - **Karnataka** became the first Indian state **to introduce a 1% reservation** in government jobs for transgender persons.
    - A **World Bank report (2021)** estimates that integrating transgender persons into the workforce could boost India's **GDP by 1.7%.**
        - Initiatives like **Kineer Services Pvt. Ltd.**, founded by transgender activist **Laxmi Narayan Tripathi**, provides **livelihood opportunities and financial empowerment** to promote **economic independence** for India's transgender community.
- **Accessible and Gender-Affirming Healthcare:** Establish **dedicated gender affirmation centres** (e.g., **AIIMS Delhi's CoE for Transgender persons**), integrate **gender-affirming treatments** into **Ayushman Bharat TG Plus**, and expand **mental health services** tailored for **transgender needs**.
    - **Leveraging technology** for **telemedicine** and **remote counseling services** expands **reach** among **transgender persons** in **remote and rural areas**, overcoming **geographic** and **social barriers** to care.
    - **Odisha** and **Karnataka's free government surgeries** serve as positive models.
- **Inclusive Education Policies:** Promote **transgender-friendly school and college campuses** with **gender-neutral toilets, anti-bullying policies**, and **support counselling**.
    - **Maharashtra's transgender cells** in colleges and **Kerala's reservations and hostels** for transgender students highlight **state-level best practices**.
    - **The Supreme Court of India** has issued notices to the **Centre, NCERT, and six states** to ensure **transgender-inclusive Comprehensive Sexuality Education (CSE)** in **school curricula**, promoting **gender diversity awareness** and **students' fundamental rights**.
- **Social Awareness and Cultural Sensitisation:** Conduct **nationwide gender-sensitisation campaigns**. Promote **transgender representation in the media**.
    - Support **cultural events** like the **Koovagam Festival** and encourage advocacy movements such as **"I Am Also Human"** that **foster acceptance** and **reduce stigma**.
    - **Sports can also serve as a powerful medium**; for example, India's first **all-transgender football team, Ya_All Sports Club, Manipur**, promotes inclusion and visibility.
    - **Born2Win Social Welfare Trust** is a **transgender-led organization** in **Tamil Nadu, India**, dedicated to **empowering the transgender community** through initiatives such as **creating positive role models, facilitating education and employment opportunities, and advocating for gender rights**.
- **Data Collection and Research for Policy Making:** Conduct **frequent and inclusive surveys** to capture **accurate transgender population data** and **socio-economic status**.

- Use this information for **evidence-based policy formulation**.
- Countries like the **United States** have included **transgender identity questions** in **health and social surveys** such as the **Behavioural Risk Factor Surveillance System (BRFSS)**, helping **tailor healthcare funding** and **policies**.

- **Creating Safe and Inclusive Public Spaces:** Invest in **safe shelters** such as **Garima Greh**, **accessible public amenities**, and **anti-discrimination enforcement** in **public and private spaces**.
  - **Re-envisioning Garima Greh** requires transforming it from a mere **shelter** into a **dynamic empowerment hub**.
    - The most **transformative step** is to integrate the **Garima Greh model** with the successful **SHG framework**.
  - **Vancouver's Parks Washroom Strategy** mandates that **public restrooms** serve **all genders** and incorporate **accessibility features** and India can learn from the same.

Conclusion:

As **Dr B.R. Ambedkar** aptly remarked, *"Political democracy cannot last unless social democracy lies at its base."* Ensuring the rights and dignity of transgender persons is not merely a matter of legal compliance but a **measure of a society's commitment to equality, justice, and inclusivity** . Aligning with **SDG 5 (Gender Equality)** and **SDG 10 (Reduced Inequalities)**, India must move beyond symbolic recognition to create **enabling policies, political representation, and social acceptance**.

Drishti Mains Question:

Examine the key legal and policy measures safeguarding transgender rights in India.

Suggest measures to promote their social, economic, and political inclusion in the country.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. In India, Legal Services Authorities provide free legal services to which of the following types of citizens? (2020)

1. Person with an annual income of less than Rs. 1,00,000
2. Transgender with an annual income of less than Rs. 2,00,000
3. Member of Other Backward Classes (OBC) with an annual income of less than Rs. 3,00,000
4. All Senior Citizens

Select the correct answer using the code given below:

(a) 1 and 2 only
(b) 3 and 4 only
(c) 2 and 3 only
(d) 1 and 4 only

Ans: (a)

Mains

Q. Women empowerment in India needs gender budgeting. What are the requirements and status of gender budgeting in the Indian context? (2016)