

Human Rights and Development: Realizing Transgender Persons Rights as a Key Pathway

Sapna Pathakji¹, Dr. Shilpi Sharma²

¹ Research Scholar Ph. d Law Auro University, Surat Gujarat

² Associate Professor and School of Law Auro University, Surat Gujarat

Abstract: This paper explores the intersection of human rights and development by focusing on the realization of transgender persons' rights as a critical pathway to societal progress. Despite legal advancements such as the Transgender Persons (Protection of Rights) Act, 2019, transgender individuals continue to face significant challenges in achieving equality and inclusion. This study examines the current status of transgender rights, identifies key barriers to their full realization, and assesses

the impact of these barriers on overall human development. Through a comprehensive analysis of legal frameworks, social attitudes, and policy implementations, the research underscores the importance of integrating transgender rights into the broader human rights agenda. By advocating for enhanced legal protections, social acceptance, and inclusive policies, this paper argues that recognizing and upholding the rights of transgender persons is not only a moral imperative but also a vital component of sustainable development. The findings highlight the need for a multi-faceted approach to address the complex issues faced by the transgender community and provide recommendations for policymakers, activists, and stakeholders committed to fostering an inclusive and equitable society.

Key Words: Transgender rights, Human rights, Social inclusion, Legal frameworks, Transgender Persons (Protection of Rights) Act, 2019.

Received Date: 22/07/2024

Revised Date: 02/09/2024

Acceptance Date: 16/10/2024

1. INTRODUCTION

The struggle for Human rights has been a defining theme in the global quest for a just and equitable society. One of the most significant and often overlooked segments of the population in this pursuit are transgender persons. Over the years, transgender individuals have faced systemic discrimination, social stigmatization, and legal marginalization, which have hindered their fundamental rights and impeded their full participation in society. The realization of transgender persons' rights is not only a matter of social justice but also emerges as a pivotal path to sustainable and inclusive development. Transgender persons represent a diverse and resilient community, encompassing individuals whose gender identity differs from the sex assigned at birth. Their experiences are multifaceted, marked by unique challenges that span various socio-cultural, economic, and political landscapes. Despite their unique struggles, transgender persons have been denied basic human rights in many parts of the world, from access to education and employment to healthcare and legal recognition of their gender identity. In recent times, significant strides have been made in acknowledging and advocating for the rights of transgender individuals. Globally, many countries have witnessed the emergence of movements and organizations that champion transgender rights, leading to legislative reforms, policy changes, and societal awareness. While these developments are commendable, much work remains to be done to create an

environment where transgender persons can thrive without fear of discrimination or violence. This research paper seeks to explore the vital relationship between the realization of transgender persons' rights and sustainable development. By examining the challenges faced by transgender individuals, the paper aims to shed light on the numerous ways their inclusion and empowerment can contribute to the overall progress of societies and nations. Furthermore, this research endeavours to identify best practices and policy frameworks that have proven effective in promoting transgender rights, ultimately guiding policymakers, activists, and advocates in their efforts to build more inclusive societies.

2 LITERATURE REVIEW

The reviews are categorized into the following –

Nanjundaswamy, S. (2014) found that male to female transsexuals in Karnataka state are subjected to persistent inequity in almost all fields of life, numerous financial restrictions, various health threats, infringement of human rights. [1]

Athreye (2015) argued that transgender people constitute the marginalized section of Indian society and face lots of legal, social as well as economic difficulties. Their families avoid accepting their TG children; most of these children have left their school because of ill treatment by peers as well as by teachers, and have very limited access to health services and public spaces. But some of the

transgender have excelled in various fields despite many barriers. [2]

Oommen, M. A. (2016) differentiated between the term transgender and intersex people. This article sketched out the different problems faced by transgenders in India i.e., zero acceptances by their biological family, extreme discrimination and harassment in getting education, medical facilities and their basic rights. This study emphasized that the acceptance of transgenders by the Supreme Court of India and redrafting of the Rights of Transgender Persons Bill, 2014 helped this marginalized community to live with dignity.[3]

Divan, V. et. al. (2016) explained that the United Nations Development Programme (UNDP) furnished literature of transgender community's human rights, health issues, socio-economic issues and also mentioned solutions for these problems. This document addressed to countries to take actions immediately to tackle the infringement of human rights of TG persons, prevalence of HIV, poverty and humiliation. Suggests encouraging social acceptance, superior health services, impartiality and socio-economic development.[4]

Sawant, N. S. (2017) stated that Indian government has taken various welfare measures for the transgender people which include census, certification, providing citizenship ID Cards, passports, housing facility, legal measures, police reforms, legal and constitutional safeguards to prevent infringement of human rights of the third gender persons and institutional mechanisms to address unambiguous concerns of transgender people.[5]

Transgender community in India struggles for basic rights amid pandemic" The Guardian Publication Date: April 2021 .The article explores the challenges faced by the transgender community in India, particularly during the COVID-19 pandemic. The article highlights the discrimination and marginalization that many transgender individuals face in India, including limited access to healthcare, education, and employment. The pandemic has exacerbated many of these challenges, with many transgender individuals facing increased financial insecurity and limited access to basic necessities such as food and shelter.

Transgender Individuals Experience Elevated Levels of Discrimination and Violence, according to a New Report" Source: American Journal of Public Health Publication Date: January 2022 .The article discusses the findings of a report published by the National LGBTQ Task Force, which highlights the significant levels of discrimination and violence experienced by transgender individuals in the United States. The report is based on a survey of over 15,000 transgender individuals and highlights the many ways in which they face discrimination and marginalization in areas such as healthcare, employment, and housing. The authors argue that these findings underscore the urgent need for policies and practices that support the health and well-being of transgender individuals and call for greater awareness and understanding of the issues facing this community.

"Legal Recognition of Transgender People: A Review of Laws and Policies in 57 Countries" Source: International

Journal of Transgender Health Publication Date: April 2020 .The article provides a comprehensive review of laws and policies related to the legal recognition of transgender people in 57 countries. The authors note that many countries still do not provide legal protections or recognition for transgender individuals, and that transgender individuals often face significant barriers in accessing legal rights such as name and gender marker changes on official documents. They also highlight the importance of legal recognition for the health and well-being of transgender individuals, as well as for their ability to access basic services such as healthcare and education. The authors review the different types of legal recognition available in different countries, including gender recognition laws, court orders, and administrative procedures. They also discuss the different requirements and procedures associated with each type of recognition, as well as the benefits and limitations of each approach. The authors conclude that legal recognition of transgender people is an important step towards reducing discrimination and promoting equality, and that more work is needed to ensure that transgender individuals have access to legal rights and protection around the world.

RESEARCH METHODOLOGY

This research study includes the doctrinal methods of research. For doctrinal research, the secondary sources has been used and broadly, it revolves around several national and international legislations, national and international reports, the law libraries resources, legal, fictional and non-fictional books, commentaries, online and offline articles, the historical, latest, national and international judicial pronouncements, magazines, newspaper editorials, movies (national and international), websites, etc. and are properly explained in the bibliography section. The researcher will go through various books, journals, articles and newspapers on the subject for the purposes of collecting literature for the study.

2. RESULTS AND DISCUSSION

Understanding the Terminology:

LGBTIQ+ acronym for lesbian, gay, bisexual, transgender, intersex and queer. The plus sign represents people with diverse sexual orientation, gender identity, gender expression and sex characteristics who identify using other terms.

LESBIAN woman whose enduring romantic, emotional and/or physical attraction is to women.

GAY men whose enduring romantic, emotional and/or physical attraction is to men; also, women who are attracted to other women.

BISEXUAL person who has the capacity for romantic, emotional and/or physical attraction to people of more than one gender.

INTERSEX people born with sex characteristics that do not fit typical definitions of male and female bodies. Intersex is an umbrella term used to describe a wide range of natural bodily variations. There are more than 40 intersex

variations; experts estimate between 0.5 per cent and 1.7 percent of the population is born with intersex traits.

QUEER traditionally a negative term, has been reclaimed by some people and is considered inclusive of a wide range of diverse sexual orientations, gender identities and expressions. It may be used as an umbrella term for people with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), or as an alternative to the phrase "people with diverse SOGIESC" or the acronym. LGBT: Queer is used by many people who feel they do not conform to a given society's economic, social and political norms based on their sexual orientation, gender identity and gender expression.

What does it mean to be a transgender?

The term Transgender (T.G) is used in the form of an umbrella to include a wide range of identities and expressions of people contrary to their biological sex and not limiting it to transsexual people only.[6]

There are four types of people categorized in the umbrella definition they are-

(1) Persons whose gender identity or expression or behavior does not conform to their biological sex.

(2) Transgender people may also include identity to their sex assigned at birth. These are those persons who do not identify as either male or female commonly referred to as 'Hijras/Eunuchs'. They are neither men by reason of anatomy or appearance and nor women as they lack a female reproductive system. They are claimed as 'third-gender' because of the absence of procreation abilities. Among Hijras, there are emasculated men (castrated, nirvana), non-emasculated men and intersexed persons (hermaphrodites).

(3) Transgender includes people who intend to undergo sex reassignment surgery (SRS) or have undergone SRS to align their biological sex with their gender. They are called "Transsexual persons".

(4) There are persons who wear clothes designed for the opposite sex or cross-dress in contrast to their gender. They are called transvestites. They are not usually transgender but just feel comfortable to wear opposite sex clothes. They prefer to be described as 'Cross-dressers'.

The emergence of right to development of transgender people:

International legal framework

The historical and legal framework of transgender individuals internationally reveals a diverse range of experiences and perspectives. Here are some key aspects of the legal framework of transgender individuals from an international perspective:

Ancient and Indigenous Cultures: Gender diversity has been recognized in various ancient and indigenous cultures worldwide. Examples include the Hijra community in South Asia, Two-Spirit people in Native American cultures, "fa'afafine" in Samoa, and "sworn virgins" in Albanian culture. This culture often had different understandings and

acceptance of gender variance, incorporating transgender individuals into societal roles and traditions.

Colonialism and Western Influence: The colonial era, starting from the 16th century onwards, significantly impacted the recognition and acceptance of gender diversity in many regions. Western cultural norms and concepts of gender were often imposed on indigenous populations, leading to the erosion of local understandings of transgender identities and the marginalization of transgender individuals.

Medicalization and Pathologization: The medicalization and pathologization of transgender identities emerged in the late 19th and early 20th centuries in various parts of the world. This often occurred as Western medical and psychiatric frameworks categorized gender nonconforming individuals as mentally disordered or deviant. These frameworks influenced understandings of transgender identities in many countries.[7]

Emergence of Transgender Activism: Modern transgender activism emerged in different parts of the world during the 20th century. Activists worked to challenge societal discrimination and advocate for transgender rights. The Stonewall riots in the United States in 1969, for example, sparked the LGBTQ+ rights movement and had a significant impact on transgender activism globally.

Legal Recognition and Protections: The legal recognition and protection of transgender rights have varied widely across countries and regions. Some countries have implemented legal frameworks to recognize gender identity, allow gender marker changes on official documents, and provide protections against discrimination. Other countries still lack comprehensive legal protections for transgender individuals, and in some cases, transgender identities are criminalized.

Regional Variances: The experiences and challenges faced by transgender individuals differ across regions. For example, European countries have seen advances in legal recognition and protections, while some African and Asian countries still have laws that criminalize transgender identities. The experiences and rights of transgender individuals in each region are shaped by cultural, religious, social, and political factors specific to that region.

International Activism and Solidarity: Transgender activism is not limited to any one country or region; it is a global movement. Activists and organizations work collaboratively to raise awareness, advocate for legal reforms, and combat discrimination and violence against transgender individuals. International networks and alliances have played a crucial role in sharing knowledge, resources, and support across borders. Internationally, there are several legal provisions and frameworks that pertain to the rights and protections of transgender individuals.

Universal Declaration of Human Rights (UDHR): The UDHR, adopted by the United Nations General Assembly in 1948, establishes fundamental human rights that apply to all individuals, including transgender people. It includes provisions such as the right to life, liberty, and security of person; the right to equality before the law; and the

prohibition of discrimination based on various grounds, including gender.

International Covenant on Civil and Political Rights (ICCPR): The ICCPR, adopted by the United Nations General Assembly in 1966, is a legally binding treaty that outlines civil and political rights. Article 26 of the ICCPR prohibits discrimination based on various grounds, including gender, and guarantees equal protection under the law. This provision can be invoked to protect transgender individuals from discrimination and ensure their equal treatment.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): The CAT, adopted by the United Nations General Assembly in 1984, is a treaty aimed at preventing and prohibiting torture and cruel treatment. While not explicitly mentioning transgender individuals, this convention can be relevant in cases where transgender people face violence, abuse, or mistreatment due to their gender identity.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): CEDAW, adopted by the United Nations General Assembly in 1979, is an international treaty specifically addressing gender discrimination. It calls for the elimination of discrimination against women in all areas of life and can be used to advocate for the rights of transgender women.

Yogyakarta Principles: The Yogyakarta Principles, a set of principles on the application of international human rights law in relation to sexual orientation and gender identity, were developed by human rights experts and activists in 2006. Although not legally binding, these principles provide guidance on the interpretation and application of existing human rights norms to protect the rights of transgender and gender-diverse individuals.

Regional Agreements: Various regional human rights agreements, such as the European Convention on Human Rights and the American Convention on Human Rights, contain provisions that protect individuals from discrimination based on gender identity. Regional courts and bodies have interpreted these provisions to safeguard the rights of transgender individuals in specific regions.

United Nations (UN) Resolutions: The UN has passed several resolutions and statements affirming the rights of transgender individuals. The UN Human Rights Council has called for an end to violence and discrimination based on gender identity, and the UN General Assembly has passed.

European Convention on Human Rights (ECHR): The ECHR, which is overseen by the European Court of Human Rights, has been interpreted to protect the rights of transgender individuals. The court has held that the right to respect for private life under the convention includes the right to personal identity and self-determination, including the ability to transition and have one's gender recognized.

Inter-American Court of Human Rights: The Inter-American Court of Human Rights, through its jurisprudence, has recognized and affirmed the rights of transgender individuals. It has held that states must ensure the right to gender identity, including legal recognition and protection against discrimination.

African Commission on Human and Peoples' Rights: While Africa does not have a regional treaty specifically addressing the rights of transgender individuals; the African Commission on Human and Peoples' Rights has issued resolutions condemning violence and discrimination based on sexual orientation and gender identity. These resolutions call on states to protect the rights of LGBT individuals, including transgender people.

Context of Transgender people in India for Human rights Interventions

Indian Census has never recognized third gender i.e., Transgender while collecting census data for years. But in 2011, data of Transgender's were collected with details related to their employment, Literacy and Caste. In India, the total population of transgender is around 4.88 Lakh as per 2011 census.[8]

The 2014 Supreme Court of India's 'NALSA judgment', offered unprecedented legal recognition to gender identity of transgender people – their right to choose their self-affirmed gender as a man, woman or transgender. The judgment issued directives to the central and state governments to develop welfare programme for the transgender community. The Transgender Persons (Protection of Rights) Act was passed on December 5, 2019. The Act is an anti-discrimination legislation with provisions to protect transgender people from discrimination in various spheres of life. It directs the state to bring trans-sensitive, trans-specific and trans-inclusive welfare schemes. Subsequently, the rules of the Act that came into force on September 25, 2020, have emphasized the need for specific schemes for healthcare, education and social security of transgender people. The United Nations Development Programm (UNDP) India office has developed a framework for the welfare of transgender people in collaboration with The Humsafar Trust (HST) and Centre for Sexuality and Health Research and Policy (C-SHaRP). [9]

India constitution protects the transgender persons:

The Supreme Court in 2014 officially declared transgender as a third gender' in India. The court held that all transgender persons are entitled to fundamental rights under Article 14 (Equality), Article 15 (Non-Discrimination), Article 16 (Equal Opportunity in Public Employment), Article 19(1)(a) (Right to Free Speech and expression) and Article 21 (Right to Life) of the Indian Constitution. In 2020, the parliament legally recognized 'transgender' as an official gender in India .No one can deny any "person" equality before the law or equal protection of law. Using the term "person" shows that no discrimination is done on the basis of sex or gender identity. Transgender. Persons cannot be subjected to unfair treatment in educational institutions or at the time of employment. They also have the right to equal health services, and the right to use public property or the right to freely move in the country.[10]

Right to Employment:

No government or private entity can discriminate against a transgender person in employment matters, including recruitment, and promotion.

Right to education:

Educational institutions funded or recognized by the relevant government shall provide inclusive education, sports and recreational facilities for transgender persons, without discrimination.

Right to Health care:

The government must take steps to provide health facilities to transgender persons including separate HIV surveillance centers, and sex reassignment surgeries and the government shall review medical curriculum to address health issues of transgender persons, and provide comprehensive medical insurance schemes for them.

Right of residence:

Every transgender person shall have a right to reside and be included in his household. If the immediate family is unable to care for the transgender person, the person may be placed in a rehabilitation center, on the orders of a competent court.

Special rights of transgender persons:

Under the Transgender Persons (Protection of Rights) Rules, 2020, Central and State governments can classify them as 'Other Backward Classes' for the purposes of vertical reservation. The Transgender Persons (Protection of Rights) Act makes it illegal for anyone to separate a transgender person from their family or ask them to move out of their home, village or community. If anyone tries to commit this offense, then they shall be punished with imprisonment ranging from 6 months to 2 years. and if any parent or member of the immediate family is unable to take care of a Transgender person, the competent court shall by an order direct such person to be placed in a rehabilitation center. (Section 12(3) of the act).

Transgender Persons' (Protection of Rights) Act, 2019 is a significant piece of legislation passed by the Parliament of India. The act aimed to protect and safeguard the rights of transgender persons in the country, addressing various issues and challenges they faced. However, it was also met with criticism and concerns from the transgender community and activists. Here is an analysis of the key provisions and criticisms of the Act .

Key provision of the transgender persons act, 2019

The Act defines a transgender person as someone whose gender does not match the sex assigned at birth. It recognizes the right of self-perceived gender identity.

Definition of the Transgender person:

The Act defines a transgender person as someone whose gender does not match the sex assigned at birth. It recognizes the right of self-perceived gender identity.

Protection against discrimination:

The Act prohibits discrimination against transgender persons in areas such as education, employment, healthcare, and the provision of goods and services.

Welfare measures:

The Act mandates the government to take measures for the welfare and development of transgender persons, including forming welfare schemes.

Welcome measures:

The Act mandates the government to take measures for the welfare and development of transgender persons, including forming welfare scheme.

Health care:

It ensures that transgender persons have access to healthcare facilities without discrimination.

National council for Transgender Persons:

The Act provides for the establishment of a National Council to address transgender issues and monitor implementation.

Criticism and concerns of the Act:

Despite the intent to protect the rights of transgender individuals, the Act faced several criticisms.

Non- recognition of self- identification:

One major concern was the requirement for transgender persons to undergo a screening process by a district screening committee to obtain a Certificate of Identity. Many activists argued that this provision violated the right to self-identification and dignity.

Lack of specific penalties:

The Act did not prescribe specific penalties for offenses committed against transgender persons. Critics argued that without strict penalties, the act's provisions against discrimination and violence may not be adequately enforceable.

Inadequate Healthcare provisions:

While the Act promised healthcare access without discrimination, there were concerns about the lack of specific provisions to address the healthcare needs and challenges specific to the transgender community.

No reservation of affirmative action:

The Act did not include provisions for reservation or affirmative action to enhance the representation of transgender persons in education, employment, and public life.

Concerns with the national council:

There were apprehensions that the National Council might not be adequately representative of the transgender community's diversity and might not have enough decision-making power.

Personal rights of the transgender person:

Section 18 of the transgender person (protection of rights) Act:

This law protects all transgender persons against any form of abuse such as physical, verbal, emotional, sexual, mental and economic abuse by imposing the punishment of imprisonment for a term which shall not be less than six

months but which may extend to two years and with fine. Unfortunately, it does not prescribe any separate mechanism to lodge a complaint against any of the abovementioned kinds of abuse.

Domestic violence Act, 2005: The Domestic Violence Act protects all women including Transgender Women (regardless of their Certificate of Identity) against any kind of abuse by any Abandoned, aged above 18 years and below 60 years.

Other laws protect the rights of a transgender person in India:

SC/ST (Prevention of Atrocities) Act, 1989: If an individual belongs to the Scheduled Caste or Scheduled Tribe community, this law protects that person from any sort of caste/tribe-based discrimination.

Discrimination of section 377 of IPC: LGBTQ+ people in India are entitled to all constitutional rights, including the liberties protected by the Constitution of India.

Indian penal code 1860: Any offense committed by a Transgender Person shall be punished as per the provisions of the Indian Penal Code. The NALSA Judgment stated that a denial of the right to self-identify one's gender would deny the right to life and liberty. It is especially significant since it is one of the first cases that affirmed the right to self-determination based on the "psyche" of the individual even in the context of the criminal law.

Code of Criminal Procedure, 1973:

A transgender person is subject to the same criminal procedural law of arrests, bail, summons, investigation.

Authorities under transgender law:

National Council for Transgender Persons (NCT): In pursuance of the Transgender Persons (Protection of Rights) Act, 2019, the National Council for Transgender Persons has been constituted to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons.

Garima Greh:

The scheme aims to provide shelter to Transgender persons, with basic amenities like shelter, food, medical care and recreational facilities and it will provide support for the capacity-building/skill development of persons in the Community, which will enable them to lead a life of dignity and respect.

Marriage and Divorce:

A transgender person can get married in India either under personal religious laws (for instance the Hindu Marriage Act or Indian Christian Marriage Act) or under the Special Marriage Act, 1954. It was observed by the Madras High Court that a marriage solemnized between a male and a transgender woman, both professing Hindu religion, was considered to be a valid marriage in the eyes of the Law.

The major challenges faced by the transgender community in India are:

1. Discrimination in the educational setup and workplace:

The majorities of the people in this community are either illiterates or have less education, because of which they are not able to get involved much in the educated section of the society. According to a census which was conducted in 2011 the population of transgender people was 4.9 lakhs and in which only 46% of people were literate which is extremely less compared to the normal population which has a literacy rate of 74%. According to the right to education act, they are categorized as a 'disadvantaged group' which means they have 25% reservation as an economically weaker section. The reasons why they are less educated can be listed as poverty, exclusion from their own family and friends, mental health issues. Since they are not given education opportunities, these further results in not finding employment and even for those who pursue their education full of struggles they are not given the same respect and value in the workplace.

2. Social exclusion and homelessness

Since the transgender communities lack education and employment opportunities they are looked upon as a lower class by society resulting in exclusion. They are thrown out of their own homes and not accepted by their own families or they escape from their houses, because of which they don't have a shelter or a place they can call home.

3. Dealing with Trans phobia and Psychological stress

Compared to the people who identify themselves as heterosexuals, the transgender community faces a lot of harassment, discrimination, and intolerance from society. Due to the moral, religious, and societal beliefs few individuals turn out to be Trans phobic which results in attacks, negativity, workplace harassment, etc. Because of all the above-mentioned reasons the community faces a lot of mental health-related issues and that might actually lead them to take negative decisions such as self-harming, suicidal thoughts, etc. They go through loneliness, anxiety, and insecurities because of society.

4. Lack of legal protection and victims to hate crimes:

The Transgender community is not legally protected as much as any other community and because of this, they are easily victimized for the crimes that they didn't even commit. They undergo a lot of violence and become victims of hate crimes. A lot of police departments are insensitive when it comes to these communities and do not even register the complaints they come with. They are oppressed by the police officers.

5. Lack of public amenities:

They face issues with the accessibility of public toilets and public spaces. They often face problems in prisons, hospitals and schools.

6. Identity crisis:

They are often forced to identify with a gender with which they are not associated at the workplace despite the government passing the Transgender Persons (Protection of

Rights) Act, 2019 which allows the community the right to self-perceived gender identity.

3. CONCLUSIONS

Throughout this research paper, researcher has explored the critical importance of upholding human rights for transgender individuals, acknowledging their inherent dignity and worth as human beings. The realization of transgender persons' rights transcends a mere human rights issue; it is a fundamental aspect of societal progress and development. By embracing diversity and inclusivity, fostering social harmony, and providing equal opportunities for all, we can create a world where transgender individuals are free to live authentically, contributing their talents and perspectives to the betterment of society as a whole. It is the collective responsibility of governments, civil society, and individuals to major the cause of transgender rights and work towards building a more just and equitable world for everyone. Only through a concerted effort can we truly achieve development that leaves no one behind. The transgender persons' rights are not just an imperative for promoting equality and justice; it is also a pivotal path to sustainable development and social progress. Throughout this research paper, we have explored various aspects of human rights violations faced by transgender individuals and the significant impact these violations have on their lives, wellbeing, and potential contributions to society because still the vast difference between the protection and implementation of human rights of transgender people. The following actions can help improve access and rights for the transgender rights as a stepping stone towards a pivotal path to development:

Legal Reforms:

Review and amend existing laws, including the Transgender Persons' (Protection of Rights) Act, 2019, to ensure they protect the rights and self-identified gender of transgender persons without any discrimination. Implementing specific penalties for offenses against transgender individuals can act as a deterrent and improve enforcement.

Education and awareness:

Conduct comprehensive awareness campaigns and sensitization programs in schools, colleges, workplaces, and communities to foster understanding and acceptance of transgender people. This can help challenge stereotypes and reduce discrimination.

Healthcare Inclusivity:

Develop healthcare guidelines that address the unique healthcare needs of transgender individuals and ensure medical facilities are inclusive and free from discrimination.

Employment opportunities:

Introduce affirmative action policies and reservations to enhance the representation of transgender individuals in various sectors, promoting their economic empowerment and reducing employment discrimination.

Social welfare schemes:

Design and implement social welfare programs to uplift the socio-economic status of transgender persons and provide them with equal access to education, housing, and other basic amenities.

Media representation: Encourage responsible media representation of transgender individuals to challenge stereotypes and foster positive public attitudes.

Community involvement:

Involve transgender community leaders and activists in decision-making processes, including the functioning of the National Council for Transgender Persons, to ensure the community's voices are heard.

Police sensitization:

Conduct sensitization workshops for law enforcement agencies to address biases and improve the treatment of transgender individuals, ensuring their safety and protection.

Transgender helplines and support services:

Establish helplines and support centers to provide assistance, counseling, and legal aid to transgender individuals facing discrimination or violence.

Academic research and data collection:

Encourage research on transgender issues to understand the challenges they face better and use data-driven insights to develop effective policies and interventions.

REFERENCES

- [1] Nanjundaswamy, S., and Mysore Rajagopal Gangadhar. Transgender challenges in India. Aayu Publications, 2016.
- [2] Chatterjee, Subhrajit. "Problems faced by transgender community in India: Some recommendations." International Journal of Creative Research Thoughts 6.1 (2018): 15.
- [3] Oommen, M. A A Sketch Out on Transgender: Educational Insights. International Journal of Informative & Futuristic Research (IJIFR), 4(4) . (2016). 5801-5806.
- [4] Divan, V., Cortez, C., Smelyanskaya, M., & Keatley, J. A. Transgender social inclusion and equality: a pivotal path to development. Journal of the International Society, (2016). 19(3), 20803.
- [5] Sawant, Neena. Transgender: Status in India. Annals of Indian Psychiatry. (2017). 1. 59.
- [6]"Transgender in India." : <https://www.census2011.co.in/>
- [7]"THE YOGYAKARTA PRINCIPLES." : <https://www.refworld.org/>.
- [9]"THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019." : <https://www.indiacode.nic.in/>
- [10]"Transgender Acceptance in Indigenous Cultures Worldwide." : <https://www.redeemer-cincy.org/>.