

THE LEGISLATIVE INADEQUACY AND CONSTITUTIONAL EROSION: A CRITICAL ANALYSIS OF TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT 2019

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Abstract

This paper presents a critical analysis of the Transgender Persons (Protection of Rights) Act, 2019, arguing that despite its existence for over five years, the legislation remains a symbolic tagline rather than a substantive tool for justice. By examining the Act's failure to mandate horizontal reservations, its lack of sanctions for non-discrimination and the discriminatory sentencing disparity under Section 18, the study illustrates a profound constitutional erosion of the rights established in the NALSA judgment. The research further highlights the legislative silence on conversion therapy and the exclusion of alternative kinship structures and civil rights, such as marriage and inheritance. By evaluating the structural failures of the legislative, executive and judicial branches, the paper highlights how the current framework operates as a symbolic tagline rather than a tool for substantive equality. It explores the necessity of shifting from ad-hoc judicial protections toward a comprehensive, rights-based amendment that ensures criminal law parity and socio-economic inclusion for the transgender community.

Keywords: Transgender, Discrimination, Intersectionality, Uniformity of Law, Human Rights

Introduction

The trajectory of transgender rights in India underwent a paradigm shift in 2014 with the landmark Supreme Court ruling in *National Legal Services Authority (NALSA) v. Union of India*.¹ By recognizing transgender as a 'third gender', the Court did not merely grant a new label but it affirmed that the fundamental rights² enshrined in Articles 14, 15, 19 and 21 of the Constitution extend to all individuals regardless of their gender identity. Crucially, the NALSA directives established the right to self-perceived gender identity without the prerequisite of medical intervention (Sex Reassignment Surgery) and mandated the State to provide affirmative action, specifically reservations in education and public employment to address centuries of systemic marginalization.

In an attempt to codify these judicial mandates, the Parliament enacted the *Transgender Persons (Protection of Rights) Act, 2019*³, along with the 2020 Rules⁴.

At face value, the legislation was acclaimed as a progressive milestone, ostensibly prohibiting discrimination in various sectors and providing a statutory mechanism for changing identity documents. It sought to bring the trans community to a state of protected citizenship.

In the years since its inception, the 2019 Act has served as a shield in specific judicial battles. A notable instance is *Hina Haneefa v. State of Kerala* (2021)⁵, where the Kerala High

Court utilized the Act's non-discriminatory provisions to allow a trans woman to enroll in the National Cadet Corps (NCC). The Court affirmed that the 2019 Act holds overriding authority over archaic, gender-binary state regulations. However, even within this victory, the underlying gaps of the Act were visible such as, the court's reliance on the petitioner's surgery as an "aid" to her identity, which subtly undermines the *NALSA* principle of pure self-identification.

Despite being in force for over half a decade, the 2019 Act remains a site of intense legal and constitutional friction. Far from being the comprehensive shield as it was marketed, the Act is frequently critiqued⁶ as a symbolic tagline that lacks substantive depth. By failing to address the *NALSA* mandate for reservations, introducing a bureaucratic certification process that necessitates state approval for gender identity and remaining silent on civil rights like marriage and inheritance⁷, the Act arguably represents a constitutional erosion. It replaces the expansive freedom of *NALSA* with a restrictive, procedural framework that continues to gatekeep the dignity of the transgender community.

A Critical Analysis of Statutory Gaps

A. The Absence of Intersectionality in Reservation

The most glaring legislative inadequacy of the 2019 Act is its complete silence on affirmative action, despite the specific mandate in *NALSA*⁸ to treat transgender persons as a Socially and Educationally Backward Class (SEBC). While some states like Madhya Pradesh and Tamil Nadu have attempted to fulfill this by placing transgender persons in the Vertical 'OBC' category, this approach is fundamentally flawed.

A vertical approach ignores intersectionality. For instance, a Dalit transgender woman faces dual marginalization. If forced into a vertical OBC quota, she must choose between her caste identity and her gender identity, effectively being stripped of the protection meant for one of her marginalized statuses.⁹ Horizontal reservation, which cuts across all vertical categories (SC, ST, OBC and General) ensures that a specific percentage of seats is set aside for transgender persons within every category, much like the existing framework for women and persons with disabilities.

In 2021, Karnataka became a trailblazer by becoming the first and to date, the only state to implement 1% horizontal reservation for transgender persons in civil services.¹⁰ This reform did not emerge from legislative proactivity but from judicial intervention in *Sangama v. State of Karnataka*¹¹. The Karnataka High Court's directive forced an amendment to the *Karnataka Civil Services (General Recruitment) Rules, 1977*¹², proving that horizontal reservation is not only legally viable but administratively feasible. The 2019 Act's failure to mandate this nationally has created a "postcode lottery" of rights, where a transgender person's access to employment depends entirely on their state of residence.

The profound gap between judicial intent and legislative execution has forced the transgender community into a cycle of perpetual litigation, where basic rights must be fought for on a case-by-case basis. In *Vinayak Kashid v. MSETCL & Ors (2023)*¹³, the Bombay High Court sharply rebuked the Maharashtra government for its continued ignorance

regarding the inclusion of transgender persons in public recruitment. The Court observed that even a decade after the *NALSA* mandate, the state lacked a foundational framework for reservation, essentially leaving transgender applicants in a legal vacuum. This judicial frustration reached a peak in the recent landmark case of *Jane Kaushik v. Union of India* (2025)¹⁴, where the Supreme Court expressed gross apathy toward the Union and State governments' failure to integrate transgender persons into the workforce. The Court noted that without a mechanism for reasonable accommodation which is a core constitutional requirement for substantive equality, the 2019 Act is effectively reduced to a dead letter. These cases illustrate a disturbing trend that while the judiciary attempts to expand the horizon of dignity, the executive's refusal to operationalize these rights through the 2019 Act creates a state of suspended citizenship for the trans community.

The legislative inadequacy is further compounded by political gatekeeping. When the Rajasthan High Court directed the state to fix a quota, the government argued that reservation is a policy subject belonging strictly to the executive or legislature.¹⁵ This separation of powers argument is often used as a shield for political unwillingness. By failing to provide a nationalized horizontal quota, the 2019 Act erodes the right to equality along with equality of opportunity. It offers protection in name but denies the basic necessary for survival i.e. employment which becomes an absolute essential for the trans community especially in Indian society.

B. The Enforcement Vacuum- A Right Without a Remedy

Chapter II, Section 3¹⁶ of the 2019 Act provides an exhaustive list of prohibitions against discrimination in education, employment, healthcare and access to public services. However, this section suffers from a fatal legislative flaw that it is entirely non-penal. While the Act lists what cannot be done to a transgender person, it remains conspicuously silent on the legal consequences for those who violate these prohibitions. In its current form, the Chapter on non-discrimination is not merely a toothless tiger but a fragmented collection of statutory declarations with no institutional power to compel compliance.¹⁷

The legislative failure of the non-discrimination framework is fundamentally rooted in a triple crisis of statutory omission that effectively nullifies its protective intent. Primarily, the Act is characterized by a complete absence of a specialized, independent regulatory body, leaving the burden of enforcement to localized and poorly defined mechanisms. While Section 11 of the Act mandates that every establishment designate a Complaint Officer to address violations, this provision is plagued by inconsistent application nationwide, with many institutions failing to comply entirely. More critically, the Act remains silent on the specific powers, investigative authority or jurisdiction of such an officer. Without statutory clarity on their ability to penalize or rectify harm, the role is reduced to a symbolic figurehead rather than an effective channel for justice. This procedural void is compounded by a total lack of remedial measures, such as mandatory compensation for survivors or reinstatement in cases of wrongful termination.¹⁸ Finally, the enforceability of the provision is missing due to the absence of punitive sanctions.

Without prescribed fines or imprisonment for entities that breach these mandates, the law lacks the deterrent effect necessary to transform it from a mere suggestion into an enforceable right, resulting in a total breakdown of statutory accountability.

To understand the gravity of this omission, one must look at the constitutional architecture of Article 17 i.e. Abolition of Untouchability and Article 23 i.e. Prohibition of Forced Labour. The framers of the Constitution recognized that social evils cannot be eradicated by declaration alone and they require penal statutes such as the *Protection of Civil Rights Act, 1955*¹⁹ and the *SC/ST (Prevention of Atrocities) Act, 1989*²⁰ to give them validity. By choosing not to attach criminal or significant civil liability to acts of discrimination against transgender persons, the legislature has deviated from this established constitutional tradition. This disparity suggests a hierarchy of rights where transgender dignity is viewed as aspirational rather than actionable.

When the State recognizes a fundamental right such as the right to live without discrimination under Article 15 but fails to provide the enabling machinery to protect the same, it effectively abandons its constitutional duty. The 2019 Act, by offering a right but denying a remedy, creates a legal mirage. It provides the optics of progress while leaving the community's lived reality unchanged.

C. Discriminatory Punishments

A decade after the *NALSA*²¹ mandate and six years into the operation of the 2019 Act, the transgender community continues to occupy a precarious legal position where their bodily integrity is valued less than that of cisgender individuals. The primary instrument of this discrimination is Section 18²² of the 2019 Act, which groups a wide array of heinous acts including forced labor, physical violence and sexual abuse under a single, shockingly lenient sentencing bracket. By prescribing a punishment ranging from a mere six months to two years. The Act does not protect, rather, it trivializes the trauma of the survivor. This sentencing disparity creates a hierarchy of victimhood where the severity of the law is determined not by the nature of the crime, but by the gender identity of the victim.

The inadequacy of Section 18 is most visible when compared to the *Bharatiya Nyaya Sanhita, 2024*²³. While the law correctly views the rape of a cisgender woman as a grave offense punishable by a minimum of ten years to life imprisonment under BNS Section 64, a similar act of sexual violence against a transgender person is reduced to the "sexual abuse" category under the 2019 Act, capped at two years. Even in cases of domestic cruelty, the general law under BNS Section 85 provides for up to three years of imprisonment, yet the 2019 Act offers a lower threshold of protection for a community that is statistically more vulnerable to such abuse.²⁴ This legislative discount on violence against transgender persons is not just a gap but a profound miscarriage of justice that offers perpetrators a pathway of impunity.

This systemic failure was a focal point in the landmark judgment of *Jane Kaushik v. Union of India (2025)*²⁵. The Supreme Court observed that the 2019 Act is riddled with shortcomings that amount to ommissive discrimination. The Court noted that by failing to

provide penalties commensurate with the gravity of the offenses, the legislature has rendered the Act toothless. The judgment emphasized that unless a purposive interpretation is applied to align these punishments with general penal standards, the State remains complicit in a form of institutionalized transphobia. The Court's award of compensation in this case was a direct acknowledgment that the current legislative framework fails to provide the grievance redressal machinery necessary for a dignified life under Article 21.

The legislative framework forces transgender women into a state of dual marginalization. They are targeted first for their gender expression and then denied equal protection because of their specific identity. By refusing to treat transgender individuals as equals in the eyes of the criminal justice system, the 2019 Act erodes the very core of constitutional morality. Until the law mandates that a crime against a transgender body is treated with the same legal gravity as a crime against a cisgender body, the community will remain a subclass of human existence. This disparity is not merely a procedural error but an act of constitutional erosion that signals to society that the dignity of a transgender person is a negotiable commodity.

D. Failure to Criminalize Conversion Therapy

The most striking evidence of the 2019 Act's failure to safeguard the mental and physical integrity of the transgender community is its total silence on Conversion Therapy.

This pseudoscientific practice aimed at forcibly changing a person's sexual orientation or gender identity is globally condemned for causing severe psychological trauma, depression and high rates of suicide among trans youth.²⁶ By omitting a specific prohibition of these practices, the 2019 Act abandons its responsibility to protect the community from one of the most pervasive forms of identity-based violence prevalent in Indian society.

Because the legislature failed to act, the burden of protection shifted to the judiciary and regulatory bodies. Following the landmark directions of the Madras High Court in *Sushma v. Commissioner of Police (2021)*²⁷, the National Medical Commission (NMC) issued a 2022 notification officially classifying conversion therapy as professional misconduct.²⁸ This was a watershed moment, as it empowered state medical councils to revoke the licenses of doctors and psychiatrists attempting to 'cure' LGBTQIA+ individuals. However, this regulatory success also highlights a deeper legislative failure. The State has delegated the protection of fundamental rights to a medical board rather than codifying it as a statutory crime.

The current legal framework in India suffers from a dangerous half-measure approach. While the NMC ban addresses the medical community, the 2019 Act's silence leaves a massive enforcement gap regarding non-medical entities. In India, conversion therapy is frequently performed under the guise of spiritual healing or cultural correction by religious figures and self-proclaimed healers.²⁹ Without a comprehensive criminal ban in

the 2019 Act, these actors operate with near total impunity. Unlike jurisdictions like Canada or Germany, which have enacted nationwide criminal prohibitions against any person performing conversion efforts, the Indian framework protects the transgender body only within the confines of a doctor's office, leaving it vulnerable at the home or religious place of worship.

The Supreme Court in *NALSA*³⁰ and *Puttaswamy*³¹ established that "mental privacy" and "decisional autonomy" are protected under Article 21. By failing to criminalize practices that seek to forcibly override an individual's self-perceived identity, the 2019 Act fails to satisfy the Negative Liberty of the community and the Positive Obligation of the State.

This legislative vacuum treats the transgender psyche as a site of permissible experimentation and not as of constitutional protection.

E. The Failure of State Obligations

A critical structural weakness of the 2019 Act lies in its linguistic ambiguity. Throughout the text of the Act, it frequently employs suggestive rather than imperative language which leaves the implementation of welfare measures to the whim of the appropriate government. By failing to impose clear and binding deadlines or specific statutory mandates, the legislature has replaced constitutional duty with executive discretion.³² This lack of legislative rigor has resulted in a state of systemic non-compliance, where the benefits promised to the transgender community are not viewed as rights to be claimed, but as charities to be dispensed at the system's convenience.

The provisions regarding government obligations suffer from the same "enforcement vacuum" found in the non-discrimination chapter. There are two primary reasons for this efficacy crisis. The first one being, lack of apportioned funding. The Act mandates the creation of welfare schemes without requiring the state or central governments to earmark specific budgets. Without a statutory financial backbone, these schemes remain mere paper promises. The second reason is absence of punitive recourse. The Act provides no consequences for state authorities that fail to fulfill their obligations. When a state fails to implement the directives of the Act, there is no institutional mechanism to hold officials accountable, effectively leaving transgender persons at the mercy of a bureaucratic machine that faces no penalty for its inaction.³³

The inadequacy of the Act is most visible in the failure to establish mandated institutional mechanisms. Across several states, the required Transgender Welfare Boards and Transgender Protection Cells exist only on paper or have not been constituted at all.³⁴ Without these specialized bodies, there is no ground level infrastructure to process grievances or monitor the distribution of identity certificates. Consequently, an individual seeking remedy for a violation of their rights is trapped in a loop of institutional apathy. This failure to build the enabling machinery for the Act demonstrates that a weak statutory framework directly incentivizes state negligence.

The current framework shifts the status of the transgender person from a Rights Holder to a Petitioner, seeking the mercy of the system. If the state is not legally bound by the Act

to provide specific services within a specific timeframe, then the Protection of Rights becomes an empty tagline.

The Act in its current form, lacks the mandatory injunction necessary to force a historically indifferent bureaucracy into action, thereby failing the test of a transformative piece of social legislation.

F. The Erasure of Alternative Kinship

A major legislative failure of the 2019 Act is its heteronormative understanding of the family. The Act prioritizes the natal family as the primary unit of care. It is completely ignoring the grim reality that for many transgender individuals, the biological home is the first site of rejection, physical abuse and corrective violence. By mandating that a transgender person must reside with their natal family unless a court order. Otherwise, the Act forces vulnerable individuals into a paternalistic state conditioning. This requirement effectively strips the individual of their decisional autonomy, making the escape from an abusive environment dependent on bureaucratic approval rather than the survivor's own agency.

In failing to look beyond the biological binary, the Act systematically excludes the Hijra Gharana system. For centuries, these socio-cultural households have functioned as an informal but vital social security net. Based on a Guru-Chela model, *Gharanas* provide the safety, economic support and cultural acceptance that natal families often deny.³⁵

Instead of recognizing these indigenous kinship structures³⁶, the Act pushes for Rehabilitation Centres. These state-controlled institutions often mirror the binary prejudices of society and lack the community-led empathy found in the *Gharana* system.³⁷ By ignoring these alternative families, the State creates a coercive choice to either remain in an oppressive biological household or enter an institutionalized, state-run facility that may further pathologize their identity.³⁸

The legislative inadequacy of the Act is perhaps most stark in its complete omission of Civil Rights. Despite being titled a Protection of Rights Act, it remains a skeleton legislation that offers no framework for marriage, partnership, adoption, guardianship, succession and inheritance leaving transgender individuals vulnerable.

The Supreme Court in *Arunkumar v. Inspector General of Registration* (2019)³⁹ and the *NALSA* judgment affirmed that gender identity is central to one's personal liberty. By failing to codify marriage, adoption and kinship rights, the 2019 Act treats transgender persons as protected subjects rather than full citizens.

It offers them protection from the street but denies them a place in the home, whether that home is biological, chosen or marital. This exclusion reinforces the sub-class status of the community, suggesting that while they may exist, they may not belong to the fundamental fabric of Indian civil society.

Recommendations

1. Mandating National Horizontal Reservation

The 2019 Act must be amended to provide a uniform 1% compartmentalized horizontal reservation in all public employment and educational institutions nationwide. This policy must transcend state-level discretion, ensuring that affirmative action is applied across all vertical categories (SC/ST/OBC/General). This move would address the intersectional realities of transgender lives and fulfill the long-overdue mandate set by the Supreme Court in *NALSA*.

2. Harmonization of Criminal Law and Sentencing Parity

Parliament must address the judicial discount on transgender lives by reforming the criminal justice framework. First by implementing gender-neutral BNS reform, like Section 63 of the *Bharatiya Nyaya Sanhita* (BNS) should be amended to adopt a gender-neutral definition of sexual violence, cantering on the absence of consent rather than the gender of the victim or perpetrator.⁴⁰

There should be further sentencing alignment. Concurrently, Chapter VIII of the 2019 Act must be revised to ensure that penalties for sexual abuse and physical violence against transgender persons are at parity with those prescribed for cisgender persons, removing the discriminatory two-year cap on sentencing.

3. Comprehensive Criminalization of Conversion Therapy

To protect the bodily and mental integrity of trans youth, a specific provision must be introduced in the Act to criminally prohibit conversion therapy.⁴¹ This ban must extend beyond medical professionals to include "non-medical" actors such as religious figures, family members or spiritual counsellors. By moving beyond the National Medical Commission's (NMC) regulatory ban, the State would provide a comprehensive criminal shield against identity-based coercion.

4. Legal Recognition of Autonomy and Chosen Families

The Act must be shifted from its paternalistic undertones by prioritizing personal autonomy. There is a need for Repeal of Section 12(3), where the requirement for a court order to separate from a natal family must be removed, affirming the right of every adult transgender person to decide their place of residence.

Further, the legalization of the "Gharana" System is needed.⁴² Section 2(c) of the Act should be expanded to recognize "chosen families" and traditional *Hijra* households as legitimate domestic units, granting them legal standing in matters of guardianship, care and social security.

5. From Suggestive to Mandatory Institutional Accountability

The language of the Act must shift from permissive to mandatory. The establishment of Transgender Welfare Boards and Protection Cells at the district level should be a legally enforceable duty of the State.¹ Furthermore, every government establishment should be required to report annually on the efficacy of their Complaint Officers and the utilization of funds specifically apportioned for transgender welfare in the Union and State budgets.

Conclusion

The legal recognition of transgender persons as a distinct gender category was intended to shatter the formidable wall of systemic ignorance. However, more than a decade after *NALSA* and half a decade since the enactment of the 2019 Act, the ground reality remains stubbornly stagnant. The transgender community continues to exist on the fringes of society, often forced into the strategic concealment of their identity to navigate public spaces safely. The 2019 Act, marketed as a shield, has functioned more like a statutory tagline, offering the optics of progress while leaving the community to battle for every scrap of dignity in the courts.

The current state of the transgender community is a stark reflection of a collective failure across the three branches of the Indian State. First being the legislature, by passing a skeleton Act that omits penal consequences, reservation and civil rights, the parliament has codified a form of second-class citizenship. Then the executive failure, through administrative apathy shown by the exclusion of the community in the Union Budget of 2023² and the failure to establish Welfare Boards, the government has ensured that rights remain non-functional. The last one being the judiciary. While the courts have been a beacon of hope, the reliance on ad-hoc judicial interventions means that justice is only available to those with the resources to litigate, rather than being a default guarantee for all. The fact that the community must flood the courts for basic rights like employment or NCC enrollment proves that the 2019 Act is not yet a transformative tool.

The dynamism of law is rooted in its ability to adapt to socio-cultural evolution. If the 2019 Act is to be truly inclusive, it must move away from its current paternalistic and procedural focus. There is an urgent need to amend the Act to align it with the *Bharatiya Nyaya Sanhita* for equal sentencing, mandate horizontal reservations and provide a framework for civil rights like marriage and inheritance.

True inclusivity cannot be achieved through tokenism or ad-hoc victories. It requires a fundamental shift in the State's approach, moving from a system that views transgender persons as objects of charity, to one that recognizes them as subjects of rights. Without granting the community the legal capacity to enjoy their socio-economic and civil rights, the systematic marginalization associated with their status will continue indefinitely. It is high time the Indian State moves beyond legislative inadequacy and addresses the constitutional erosion it has permitted. It should ensure that the transgender community is no longer a sub-class of human existence, but an equal and celebrated part of our plural democracy.

¹ Rights of Transgender Persons After *NALSA*, *supra* note 33.

² *Bs2023_24.Pdf*, https://www.indiabudget.gov.in/doc/bspeech/bs2023_24.pdf (last visited Dec. 24, 2025).

- ¹ NALSA v UOI.Pdf, <https://clpr.org.in/wp-content/uploads/2019/03/NALSAvUOI.pdf> (last visited Dec. 24, 2025).
- ² Part3.Pdf, <https://www.mea.gov.in/images/pdf1/part3.pdf> (last visited Dec. 24, 2025).
- ³ *Transgender Persons (Protection of Rights) Act, 2019*, AN ACT TO PROVIDE FOR PROTECTION OF RIGHTS OF TRANSGENDER PERSONS AND THEIR WELFARE AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO. (2020), <http://indiacode.nic.in/handle/123456789/13091>.
- ⁴ *Transgender Persons (Protection of Rights) Rules, 2020.Pdf*, [https://thc.nic.in/Central%20Governmental%20Rules/Transgender%20Persons%20\(Protection%20of%20Rights\)%20Rules,%202020.pdf](https://thc.nic.in/Central%20Governmental%20Rules/Transgender%20Persons%20(Protection%20of%20Rights)%20Rules,%202020.pdf) (last visited Dec. 24, 2025).
- ⁵ HINA HANEEFA V. STATE OF KERALA, SOUTH ASIAN TRANSLAW DATABASE, <https://translaw.clpr.org.in/case-law/hina-haneeefa-muhammed-ashif-alin-v-state-of-kerala/> (last visited Dec. 24, 2025).
- ⁶ Alexandra Oancea, *The Shortcomings Of India's New Transgender People's Act*, HUMAN RIGHTS PULSE (Nov. 29, 2021), <https://www.humanrightspulse.com/mastercontentblog/the-shortcomings-of-indias-new-transgender-peoples-act>.
- ⁷ zahid maniyar, *Reflecting on Transgender Rights in 2023: Have Legal Recognition and Advocacy Efforts Broken the Cycle of Discrimination and Ostracism?*, CJP (Mar. 31, 2023), <https://cjp.org.in/reflecting-on-transgender-rights-in-2023-have-legal-recognition-and-advocacy-efforts-broken-the-cycle-of-discrimination-and-ostracism/>.
- ⁸ NALSA v UOI.pdf, *supra* note 1.
- ⁹ *Towards Equality and Inclusivity: The Case of Transgender Horizontal Reservation – SPRF*, <https://sprf.in/towards-equality-and-inclusivity-the-case-of-transgender-horizontal-reservation/> (last visited Dec. 24, 2025).
- ¹⁰ Mustafa Plumber, *1% Seats In Govt Jobs Reserved For Transgender Persons: Karnataka Govt Tells High Court*, (July 20, 2021), <https://www.livelaw.in/news-updates/karnataka-allows-transgender-reservation-in-job-recruitment-177850>.
- ¹¹ *Sangama by Its Director & Anr. v. State of Karnataka & Ors.*, CENTRE FOR LAW & POLICY RESEARCH, <https://clpr.org.in/litigation/sangama-anr-v-state-of-karnataka/> (last visited Dec. 24, 2025).
- ¹² *Dpar.Karnataka.Gov.in/ServiceRules/Public/Storage/Pdf-Files/SRA/GENERAL RECRUITMENT RULES (1977).Pdf*, [https://dpar.karnataka.gov.in/serviceRules/public/storage/pdf-files/SRA/GENERAL%20RECRUITMENT%20RULES%20\(1977\).pdf](https://dpar.karnataka.gov.in/serviceRules/public/storage/pdf-files/SRA/GENERAL%20RECRUITMENT%20RULES%20(1977).pdf) (last visited Dec. 24, 2025).
- ¹³ *Microsoft Word - O.A 1121.22 and Ors, Transgender, Corrected Order, DB Chairperson and Member, A*, <https://uatmat.mahaitgov.in/ordpdf/O.A%201121.22%20Corrected%20copy.pdf> (last visited Dec. 24, 2025).
- ¹⁴ Jane Kaushik, *2025 INSC 1248 REPORTABLE IN THE SUPREME COURT OF INDIA ORIGINAL CIVIL JURISDICTION WRIT PETITION (CIVIL) NO. 1405 OF 2023*.
- ¹⁵ Abhinay Lakshman, *Horizontal Quota for Trans People: Rajasthan Tells HC That Reservation Is a Subject for Executive, Legislature*, THE HINDU, Oct. 9, 2025, <https://www.thehindu.com/news/national/rajasthan/horizontal-quota-for-trans-people-rajasthan-tells-hc-that-reservation-is-a-subject-for-executive-legislature/article70145053.ece>.
- ¹⁶ *India Code: Section Details*, https://www.indiacode.nic.in/show-data?abv=CEN&statehandle=123456789/1362&actid=AC_CEN_25_35_00007_201940_1579157374013§ionId=49776§ionno=3&orderno=3&orgactid=AC_CEN_25_35_00007_201940_1579157374013 (last visited Dec. 24, 2025).
- ¹⁷ The Society For Constitutional Law Discussion, *Critiquing the Transgender Rights Act 2019*, TSCLD (Aug. 21, 2020), <https://www.tsclcd.com/transgender-rights-act-2019-critique>.
- ¹⁸ *Microsoft Word - Critique of the Transgender Bill 2019*, <https://slic.org.in/uploads/2019/07/critique-of-transgender-persons-protection-of-rights-bill-2019.pdf> (last visited Dec. 24, 2025).

- ¹⁹ *Protection of Civil Rights Act, 1955*, AN ACT TO PRESCRIBE PUNISHMENT FOR THE PREACHING AND PRACTICE OF UNTOUCHABILITY FOR THE ENFORCEMENT OF ANY DISABILITY ARISING THEREFROM AND FOR MATTERS CONNECTED THEREWITH. (1955), <http://indiacode.nic.in/handle/123456789/1544>.
- ²⁰ *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*, AN ACT TO PREVENT THE COMMISSION OF OFFENCES OF ATROCITIES AGAINST THE MEMBERS OF THE SCHEDULED CASTES AND THE SCHEDULED TRIBES, TO PROVIDE FOR SPECIAL COURTS AND THE EXCLUSIVE SPECIAL COURTS FOR THE TRIAL OF SUCH OFFENCES AND FOR THE RELIEF AND REHABILITATION OF THE VICTIMS OF SUCH OFFENCES AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO. (1989), <http://indiacode.nic.in/handle/123456789/1920>.
- ²¹ NALSA v UOI.pdf, *supra* note 1.
- ²² *India Code: Section Details*, https://www.indiacode.nic.in/show-data?abv=CEN&statehandle=123456789/1362&actid=AC_CEN_25_35_00007_201940_1579157374013§ionId=49791§ionno=18&orderno=18&orgactid=AC_CEN_25_35_00007_201940_1579157374013 (last visited Dec. 24, 2025).
- ²³ *Bharatiya Nyaya Sanhita, 2023*, AN ACT TO CONSOLIDATE AND AMEND THE PROVISIONS RELATING TO OFFENCES AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO. (2023), <http://indiacode.nic.in/handle/123456789/20062>.
- ²⁴ zahid maniyar, *Reflecting on Transgender Rights in 2023: Have Legal Recognition and Advocacy Efforts Broken the Cycle of Discrimination and Ostracism?*, CJP (Mar. 31, 2023), <https://cjp.org.in/reflecting-on-transgender-rights-in-2023-have-legal-recognition-and-advocacy-efforts-broken-the-cycle-of-discrimination-and-ostracism/>.
- ²⁵ Kaushik, *supra* note 14.
- ²⁶ Harsha Bhatia & Aastha Jhaveri, *Criminalization of Conversion Centres and Therapy: A Pressing Priority*.
- ²⁷ S. SUSHMA AND ORS. VS. COMMISSIONER OF POLICE, GREATER CHENNAI POLICE AND ORS., SOUTH ASIAN TRANSLAW DATABASE, <https://translaw.clpr.org.in/case-law/s-sushma-and-ors-v-commissioner-of-police-greater-chennai-police-and-ors/> (last visited Dec. 24, 2025).
- ²⁸ Bindu Shajan Perappadan, *‘Conversion Therapy’ Is Misconduct, Declares National Medical Commission*, THE HINDU, Sept. 2, 2022, <https://www.thehindu.com/news/national/nmc-declares-conversion-therapy-to-be-professional-misconduct/article65842557.ece>.
- ²⁹ Sukanya Shaji Isaac Anna, *‘Conversion Therapy’ Still Continues in India, despite a Ban*, THE NEWS MINUTE (Aug. 1, 2023), <https://www.thenewsminute.com/news/conversion-therapy-still-continues-india-despite-ban-180485>.
- ³⁰ NALSA v UOI.pdf, *supra* note 1.
- ³¹ JUSTICE K.S. PUTTASWAMY VS. UNION OF INDIA - South Asian Translaw Database - PRIVACY, <https://translaw.clpr.org.in/case-law/justice-k-s-puttaswamy-anr-vs-union-of-india-ors-privacy/> (last visited Dec. 24, 2025).
- ³² *India’s New Law on the Protection of Rights of Transgender Persons*, <https://www.ibanet.org/article/0f3ae21b-0170-4bf7-95dd-45b07ef1caf6> (last visited Dec. 24, 2025).
- ³³ *Rights of Transgender Persons After NALSA*, SUPREME COURT OBSERVER, <https://www.scobserver.in/supreme-court-observer-law-reports-scolr/transgender-rights-reduced-to-a-dead-letters-by-state-indifference/> (last visited Dec. 24, 2025).
- ³⁴ *5 Years after Enactment of Law, Only 11 States/UTs Have Set up Transgender Protection Cells*, THE TIMES OF INDIA, Nov. 12, 2024, <https://timesofindia.indiatimes.com/india/5-years-after-enactment-of-law-only-11-states/uts-have-set-up-transgender-protection-cells/articleshow/115225128.cms>.
- ³⁵ *The Lifestyle of Hijras Embodies Resistance to State, Societal Neglect*, THE WIRE, <https://thewire.in/gender/the-lifestyle-of-hijras-embodies-resistance-to-state-societal-neglect> (last visited Dec. 24, 2025).
- ³⁶ *How Can Families Be Imagined Beyond Kinship and Marriage?* | *Economic and Political Weekly*, (Nov. 14, 2019), <https://www.epw.in/engage/article/how-can-families-be-imagined-beyond-kinship-and-marriage>.
- ³⁷ The Society For Constitutional Law Discussion, *Critiquing the Transgender Rights Act 2019*, TSCLD (Aug. 21, 2020), <https://www.tsclcd.com/transgender-rights-act-2019-critique>.
- ³⁸ *How Can Families be Imagined Beyond Kinship and Marriage?*, *supra* note 36.

- ³⁹ ARUNKUMAR & OTHER VS. THE INSPECTOR GENERAL OF REGISTRATION & OTHERS, SOUTH ASIAN TRANSLAW DATABASE, <https://translaw.clpr.org.in/case-law/arunkumar-vs-the-inspector-general-of-registration/> (last visited Dec. 24, 2025).
- ⁴⁰ Parvejur Rahman & Sagufta Mehnaz, *International Journal for Multidisciplinary Research (IJFMR)*, SSRN JOURNAL (2024), <https://www.ssrn.com/abstract=5054029>.
- ⁴¹ Bhatia and Jhaveri, *supra* note 26.
- ⁴² *How Can Families Be Imagined Beyond Kinship and Marriage?* | *Economic and Political Weekly*, (Nov. 14, 2019), <https://www.epw.in/engage/article/how-can-families-be-imagined-beyond-kinship-and-marriage>.