

Name of the Ph.D. Scholar: Kopal
Name of the supervisor: Prof. Nuzhat Praveen Khan
Faculty: Faculty of Law, Jamia Millia Islamia, New Delhi
Title of Ph.D.: Status of the Transgender Community of the National Capital Territory of Delhi: A Socio-Legal Study

ABSTRACT

Who is a transgender, is a hot topic of discussion and everyone is excited to have knowledge on this matter. After years of research by historians, physicians, psychologist and sexologists of the world and several terms come into picture, like, homosexuality, transvestism, transsexualism, eonism, abnormalities, genderdysphoria, transsexual, etc. One of the comprehensive definition for transgendered people is that they “perceive and orient themselves as persons of the gender other than their biological or chromosomal gender” or acknowledge that their gender at birth is different from the gender of their identity.

It has been found that the transgender community is diverse and complex, with numerous genders and multiple social identities each of whom define themselves in diverse ways. A need to perform research in different segments related to transgender community was felt by the world in large and in this background, we opted this topic for research.

In this research, we analyzed almost all concepts related to transgenders and discussed them into seven Chapters. Broadly, in the individual chapters, we analyzed the terminologies, theories and evolution of the related terms to fix definitions of term transgender, Hijras and Indian transgenders aspects; role of the international bodies and their contributions towards the transgender community and a comparative analysis of legislative and judicial developments of the United States of America; the United Kingdom and India. Thus theoretically, the whole of the study revolved around the concepts of Human Rights and Fundamental Rights of the transgender community and a comparison with the position of India and empirically their availability to the transgender community of the National Capital Territory of Delhi.

In this, we found that ancient facts attest to the presence of homosexuality since time immemorial, even in our way of life. It was found that India fails to implement the international conventions in true spirit and is way back with recognition of rights in comparison of the United States of America and the United Kingdom but several judicial and legislative advancements of the recent times are bringing the Indian transgender community into mainstream as they have been recognized as “Third Gender” in 2014.

We had three hypotheses and it has been finally found that our **First Hypothesis that**, “Whether the national safeguards on the transgender community are compatible with the international standards?” was **disproved** and we found that the national safeguards on the transgender community are not compatible with the international standards.

Our **Second Hypothesis** was that, “Whether Supreme Court’s decision in National Legal Services Authority v. Union of India is helpful to bring the Indian transgender community at par with the other citizens of India?” and it has been finally found **proved** and we found that yes the decision of the SC of India in National Legal Services Authority v. Union of India, is helpful to bring the Indian transgender community at par with the other citizens of India.

Our **Third Hypothesis** was that, “Whether the standard of living of transgenders of the N.C.T. of Delhi is confirming to the Constitutional and legal rights prevailing in India?” and we found that **disproved** and we found that the standard of living of transgender of the N.C.T. of Delhi are not confirming the Constitutional and legal rights prevailing in India.

Therefore, to remove the lacunas, we recommended the following:

1. The transgenders must have the Right as well as freedom to decide and express their gender with pride.
2. At national level we must have comprehensive sex education curriculum, and this will help transgender children to have clarity in their thoughts about themselves and a better understanding among other children towards transgender children.
3. A Central Legislation to bring transgender community at par with other citizens of India is the need of an hour.
4. Transgenders in India have been marginalized since ages and they are living in pitiable conditions and accordingly, for a fast and comprehensive growth, a central reservation policy must be drafted by the Government.
5. All government and private agencies must open their gates to provide job opportunities to the transgender community.
6. Discrimination at any level shall not be accepted in our country against the transgender community and a strict and strong special legal protection against discrimination must be drafted to protect the transgender community.
7. Sensitization of police, society, people-at large, government and non-governmental bodies towards transgender community is the need of an hour.
8. Equal protection of law and equal applicability of law would definitely solve major problems related to the transgender community and India must strive to achieve this object.
9. Our prison facilities must be made safe for transgender community too.
10. Free medical facilities must be extended to transgender community at the national level.
11. To improve status and bring equality for transgender community more efforts at all level and in all fields is required from the Government.
12. Over the above, Indians of all age, gender, color and regions are required to change their attitude and uphold the **humanitarian approach** towards transgender community as sooner we change; our nation would change and be a heaven for people of all genders.