

# The Role of Law in Promoting Transgender Inclusion: A Study Focused on Karnataka

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**Abstract:** The NALSA Judgment (2014) and the Transgender Persons (Protection of Rights) Act, 2019, create transgender inclusion policies in Karnataka that provide for identifying transgender persons as a third gender and enable redressal of various forms of discrimination against them. The study explores the role of legal doctrines and jurisprudence in shaping policies and decisions related to transgender inclusion in Karnataka. The study adopts the mixed-methods approach. Structured questionnaires were administered to policymakers and experts from the education sector, and quantitative data were collected regarding their experiences with legal inclusion. The results indicated that while there may be legal frameworks for the rights of transgender people, the ground reality is that poor enforcement and cultural resistance have limited their application. The study recommends putting in place stronger enforcement mechanisms backed by public awareness campaigns to help counter existing societal biases and less cumbersome gender identity recognition mechanisms. Furthermore, these findings may not fully incorporate spatial variations regarding policy enforcement internally across Karnataka. This study underscores the pivotal role of legal frameworks in fostering transgender inclusion in Karnataka, highlighting both progress and persistent challenges.

**Keywords:** Anti-Discrimination Laws, Gender Identity Recognition, Karnataka Policy, Legal Inclusion, Transgender Rights.

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## INTRODUCTION

Transgender rights in India, especially in Karnataka, have come through a long and arduous journey, from legal achievements to a myriad of societal obstacles. Historically, Hijras had cultural significance, which, nonetheless, de jure and de facto marginalization under colonial rule abolished. The historic judgment set the stage for an Act, namely, the “Transgender Persons (Protection of Rights) Act, 2019”, which was to ensure the non-discrimination of the third gender in matters of education as well as employment and healthcare. However, the Act itself has many shortcomings, particularly with respect to bureaucratic procedures and enforcement mechanisms, which, therefore, affect the extent to which it can reach its objectives (Jain & Rhoten, 2020). The Karnataka High Court seems to be active in protecting the rights of transgender people, thus providing all the requirements for creating an all-inclusive legal framework. The efficiency of localized community-driven approaches comes into sharp contrast through comparative analysis with states such as Tamil Nadu, which was the pioneer in transgender welfare policies (Pandya & Redcay, 2021). A specific formalization with the adoption of the “Yogyakarta plus 10 principles” was given regarding the inclusion of lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) peoples in human rights discourse (Grinspan et al., 2017). Following the written petition filed by the “National Legal Services Authority (NALSA)” in 2014, the Supreme Court of India passed a verdict. Lakshmi Narayan Tripathi and other known transgender activists welcomed this verdict, which is popularly known as the NALSA verdict (Jain & Kartik, 2020). The case in the year 2014 is notable where the ruling by the Supreme Court's NALSA judged the transgender group to be recognized as “third gender” with a mandate from them to demand equality rights granted through the Constitution. Subsequently, there is another legislation law “Transgender Persons (Protection of Rights) Act, 2019” introduced by the administration in an endeavour to abolish discriminatory action against this section and ascertain its rights with medical facilities, jobs, and educational rights as well

(Chakrapani et al., 2017). This judgment, to the effect of NALSA (2014), is viewed as a traversed watershed in the Indian jurisprudential history, where transgender persons are recognized as a third gender and where fundamental rights under the Indian Constitution are declared applicable to them. It declared that everyone has the right to self-identify as male, female, or third gender and does not require medical intervention in order to identify as such (Sachdeva, 2022). The Transgender Persons (Protection of Rights) Act, 2019, further fortified by the NALSA judgment, now seeks to confer protection from discrimination against transgender persons. It also forms the National Council for Transgender Persons, which would advise the Government in policy formulation and welfare programs. However, the Act has already been criticized because it mandates that gender identity be recognized only after transgender persons acquire a certificate from the District Magistrate, which completely contravenes the principle of self-identification inherent in the NALSA judgment (Upadhyay & Tayenjam, 2024). A comparative reading of international legal texts, such as the self-identification law from Argentina, shows how reforms should emphasize autonomy while minimizing bureaucratic requirements (Videh, 2022). An analysis comparing Karnataka and other states like Tamil Nadu, which have more community-oriented welfare policies, makes it clear that localized approaches are needed to sensitize the legal provisions (Ranjan, 2023). A comparison of Karnataka with states like Tamil Nadu, which have more community-oriented welfare policies, makes it clear that suiting the legal provisions to localized needs is the most viable way to sensitize them. Because the Transgender Persons (Protection of Rights) Act 2019 recognizes rights for transgender individuals, it was finally going to be a portion of history for legislation in India. Section 3 of the Transgender Individuals (Protection of Rights) Act of 2019 specifically states that several benefits include the express abolition of discrimination towards transgender people on various grounds, including medical facilities, higher educational institutions, or workplaces (Bal, 2020). Section 4 of the Act makes provisions for everybody's right to express gender identity the way each wants. Section 8 of the Act ensures the provision of comprehensive learning, job instructions, and even specialized medical care, particularly for transgender patients (Pathakji & Sharma, 2024). A state transgender policy in 2017 and changes to municipal legislation guaranteeing reservations in jobs are just two examples of the notable measures of inclusiveness by Karnataka (Pradhan, 2022). In Karnataka, the prevailing situation is worsened by almost nil enforcement mechanisms and bureaucratic delays in recognizing gender identity that make the anti-discrimination laws rather ineffective (Narayana, 2015). Although the various initiatives exist, fundamental barriers of social stigma, inadequate structures for regulations, and lack of proper legislation have not gone, which thus impedes their full effectiveness (Nair & Mishra, 2021). The intersectionality of the barriers within law and society creates multilayers of discrimination for transgender individuals in Karnataka (Hotchandani, 2017; Kar & Anirudh, 2018). In Karnataka, the implementation of the Transgender Persons (Protection of Rights) Act 2019 is inconsistent, largely due to the many hurdles that confront its enforcement. The Karnataka Government established the Transgender Welfare Board to reduce social and economic inequality by enhancing the socio-economic inclusion of the community through welfare schemes and supporting services. Social inclusion and acceptance would be better achieved via such localized strategies. Such comparisons further underscore the need to develop community-oriented and culturally sensitizing programs that synergize with legal reforms to foster an accepting society in Karnataka (Syiem & Kumar, 2022). This research paper selects Karnataka as the background in relation to legal framework inclusion for transgender people. It seeks to assess the policy gaps between policy formulation and implementation as an input into desirable legal interventions.

## **1. Literature review**

### **2.1 Theoretical Framework**

- **Substantive Equality**

Developed as an extension of formal equality, substantive equality emphasizes the need to address structural disadvantages faced by marginalized communities. Sandra Fredman (2020) argued that the laws must not only treat everyone the same but also have to account for historical and systemic inequities. This principle would mean that affirmative action policies and targeted welfare programs justify transgender persons, as in the Transgender Persons (Protection of Rights) Act, 2019 (Fredman, 2020). (Figure 1)

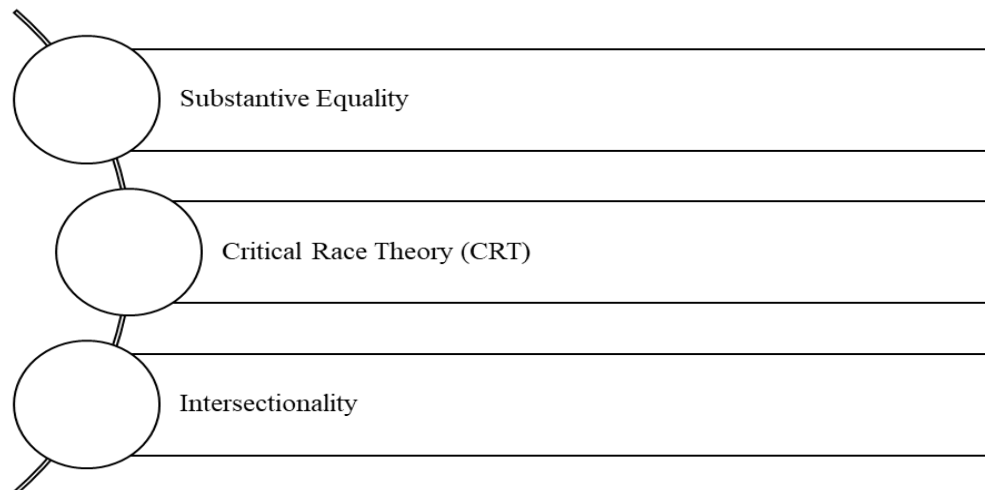


Figure 1. Anti-Discrimination Theories

*Source:* Self-made by the Author

- **Critical Race Theory (CRT)**

The development of the concept of CRT was by scholars such as Kimberlé Crenshaw in 1989. CRT seeks to deconstruct those interstices where systemic racism intersects with other forms of discrimination. While it originated to address racial inequalities, those concepts have been applied to gender identity and how they intersect with societal hierarchies. This exposes that, according to Crenshaw, intersectionality is how multiple identities, such as race, gender, and class, pile up challenges that are redefining what victimization ought to be, even to transgender individuals. C-R-T insists discrimination should not only be seen as individual but structural within society, legal setup, and institutionally. CRT helps transgender individuals understand how social norms and legal systems often reinforce exclusion. Applying CRT in India can be useful in understanding how caste, class, and gender identity intersect to make transgender people more vulnerable, especially in rural and poor communities.

- **Intersectionality**

Kimberlé Crenshaw, in 1989, conceptualized intersectionality to understand how multiple identities - such as gender, caste, and socioeconomic status - create new forms of exclusion. A Dalit transgender person in India suffers from doubly compounded marginalization, which underlines the importance of legal and social interventions for such intersecting vulnerabilities (Crenshaw, 2013).

## 2.2 Review of Literature

### 2.2.1 Review Related to the Impact of Legal Frameworks and Policies on the Social, Economic, and Cultural Inclusion of Transgender Individuals

Sharma et al. (2024) underlined the importance of institutional frameworks in legislative terms that promoted social, cultural, and economic integration and provided remedies to ensure that transgender people were offered the support and acceptance that they merited within society. The study postulated that, to a greater extent, legislation and regulation greatly affect the social, economic, and cultural assimilation of transgender people. Nagar & Asthana (2024) highlighted that extensive legislation, and regulations greatly affected the financial, social, and cultural integration of transgender people. Shaikh et al. (2024) examined that transgender persons have specific obstacles, including high rates of gender anguish, mental distress resulting from discrimination, and the absence of legal support such as anti-discrimination laws and marriage equality. This showed the importance of policy support and resources. Pautunthang (2024) analyzed that transgender people in India were confronted with legal and societal issues, such as familial rejection, discrimination,

restricted access to education and employment, and social stigma. Akram et al. (2023) highlighted socio-cultural challenges encountered by transgender people in Islamabad, including absolute social norms, cultural attitudes, and religious influences, coupled with class, ethnicity, and level of education, to form a complex legal and societal barrier for the entire community. Gupta et al. (2024) analyzed that in many places, acceptance by society for transgender citizens of India has improved because of recent landmark laws such as the Transgender Persons Act and the NALSA ruling. Progress must see common aspirations for dignity eclipsing mere statistics of deprivation (Gupta et al., 2022).

### **2.2.2 Review Related to the Legal and Societal Challenges Faced by Transgender Individuals**

Göksel (2024) analyzed that apart from cultural issues of discrimination and false interpretations by government officials, transgender people were facing administrative obstacles such as unequal protections and the probability of an unequal arrest (Göksel, 2024). Janamnuaysook, et al. (2024) determined that transgender persons faced legal impediments, such as legal gender recognition and anti-discrimination laws. Socially, they were confronted with pervasive stigma, discrimination in healthcare and employment, and negative portrayals in the media compared to the backdrop of entrenched attitudes of transphobia and coloniality (Janamnuaysook et al., 2024). B & N (2024) examined that transgender persons have endured enormous societal stigma and ostracism, depriving them of access to education, health care, and employment. Pautunthang (2024) determined that defending the rights and dignity of the transgender people of India required expansive legislation and general awareness because, inter alia, they encountered diverse constitutional and personal barriers in the form of discrimination, alienation by one's family members, limited choice for education or employment, as well as communal scrutiny. Those factors worsened phases of persecution and exclusion (Pautunthang, 2024). Meher et al. (2024) examined that regardless of some advancements in legal protection, transgender people in India faced several social and constitutional challenges, such as marginalization, prejudices, and racism (Meher et al., 2024). Ahmad (2022) examined that Transgender people have huge legal obstacles and social challenges. For example, their stigmatization, discrimination, harassment, and social exclusion, impeded their access to and utilization of health services and the opportunity to live a productive life in society (Ahmad, 2022).

### **2.2.3 Review Related to the Role of Legal Doctrines and Jurisprudence in Shaping Policies and Decisions Related to Transgender Inclusion**

Khanna (2022) highlighted that legal theories and important rulings, especially those pertaining to the equal treatment guaranteed by Article 14 and the decriminalization of Section 377, have greatly influenced laws and policies, encouraged transgender participation, and safeguarded their fundamental liberties in India (Khanna, 2022). Vini (2024) discussed how relevant legal doctrines and jurisprudence, mainly the NALSA judgement, had been in setting policy for effective implementation of inclusion of transgender people in India and, by mapping the legal recognition and rights therein, had yielded the enactments of the Transgender Persons (Protection of Rights) Act and other legislative measures (Vini, 2024). Pandit (2018) analyzed how legal principles and jurisprudence, especially the NALSA judgement, had played a crucial role in setting recognition of a 'third gender' in India, comparable to social and political structures, right for equal opportunity and autonomy, against laws that nourished the ongoing discrimination and advanced transgender inclusion in society and political structures (Pandit, 2018). Panicker (2015) analyzed how this jurisprudence of the Supreme Court demonstrated the recognition of transgender rights in the NALSA judgment through legal concepts and also showed the changing socio-moral perceptiveness of the Court (Panicker, 2015).

## **2. Research Questions and Objectives**

**Q.1:** How do existing legal frameworks and policies (social, economic, and cultural) influence the social inclusion of transgender individuals in Karnataka?

**Obj1:** To examine the impact of existing legal frameworks and policies on the social, economic, and cultural inclusion of transgender individuals in Karnataka.

**Q.2:** What are the key legal and societal challenges faced by transgender individuals in Karnataka, with a focus on gaps in policy implementation and enforcement?

**Obj2:** To examine the legal and societal challenges faced by transgender individuals in Karnataka, with a focus on gaps in policy implementation and enforcement.

**Q.3:** How do legal doctrines and jurisprudence shape policies and decisions related to transgender inclusion in Karnataka?

**Obj3:** To explore the role of legal doctrines and jurisprudence in shaping policies and decisions related to transgender inclusion in Karnataka

**Obj4:** To examine the significant difference in awareness regarding transgender rights and issues among individuals based on their educational level.

### 3. Research Hypothesis

**H1:** There is a significant difference in awareness regarding transgender rights and issues among individuals with different educational levels.

### 4. Variables of study

Researchers use diverse methods and variables in their investigation. A variable is an attribute that can be measured, and the values of which may change during the process of investigation. It is true, even when comparing individuals, groups, and moments in time. A variable may fall into one of two separate categories.

- **Independent Variables**

The independent variable is an aspect specifically manipulated or controlled by the researcher in order to determine the influence it has or the effects it may produce in certain authorities like satisfaction or engagement. The study's independent variables is the Educational level.

- **Dependent Variables**

The “dependent variable is the variable” or measurement that is taken and observed to evaluate the influence of the “independent variable.” It terms the results or outcomes of the interaction or relationship between cause and effect. The “dependent variables in this study is the Awareness regarding transgender rights and issues

### 5. Conceptual framework

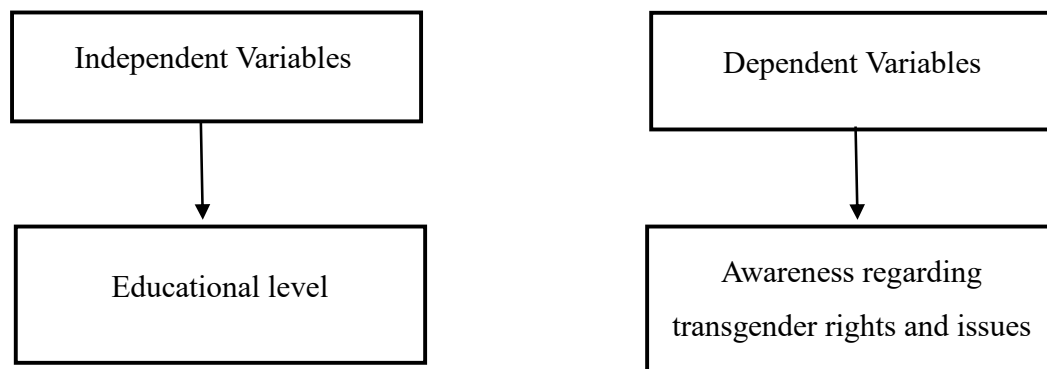


Figure 2: Conceptual framework

*Source:* Self- made by author

### 6. Research methodology

The study employs a mixed-method approach that integrates both quantitative and qualitative research designs to explore the role of law in promoting transgender inclusion across Karnataka. Primary data will be collected through a structured questionnaire with policymakers and educational experts to statistically assess and capture the nuanced experiences regarding legal inclusion. Legal and academic documents such as the

“NALSA Judgment, the Transgender Persons (Protection of Rights) Act, 2019”, Karnataka State policy documents, scholarly articles, policy briefs, and media reports form a part of the secondary data sources. Benchmarking analysis of other states or international jurisdictions will also be meaningful for the study, whereby the same would serve to learn from replicable best practices and strategies to enrich legal and societal frameworks. Quantitative methods operate through structured questionnaires administered to various policymakers and educational experts to statistically assess and capture nuanced experiences regarding legal inclusion, while qualitative methods extrapolate from the “NALSA Judgment and the Transgender Persons (Protection of Rights) Act, 2019”, to better understand such legal inclusion. This comprehensive approach, therefore, not only facilitates a rigorous quantitative evaluation of legal impacts but also ensures that the complexities of legal, societal, and cultural interactions are fully understood, ultimately yielding actionable recommendations to enhance transgender inclusion in Karnataka.

## 7. Result analysis

### Primary Analysis

This section presents the key findings and insights drawn from the data. The outcomes are categorized based on demographic characteristics, research objectives, and hypotheses. A comprehensive table showcases the results, accompanied by a clear explanation linking them to the study’s aims and hypotheses.

**Table 1: Demographic Profile of the Respondents**

<i>Sr. no.</i>	<i>Demographic characteristics</i>	<i>Category</i>	<i>N</i>	<i>%</i>
1.	Gender	Male	127	32.6%
		Female	115	29.5%
		Transgender	148	37.9%
2.	Age	Below 20 years	130	33.3%
		21–30 years	136	34.9%
		31–40 years	66	16.9%
		Above 40 years	58	14.9%
3.	Educational Level	No Formal Education	74	19.0%
		Primary Education	80	20.5%
		Secondary Education	102	26.2%
		Graduate	98	25.1%
		Post-Graduate	36	9.2%
4.	Location	Urban	242	62.1%
		Rural	148	37.9%
5.	Employment Status	Unemployed	65	16.7%
		Self-Employed	74	19.0%
		Informal Sector	97	24.9%

		Private Sector Employee	80	20.5%
		Government Sector Employee	74	19.0%

Table 1 displays the “Demographic Profile of the Respondents” in terms of their gender, age, education level, location, and employment status. As per Table 1, most respondents are transgender, i.e., 37.9%. Most responders are between the age group of 21-30 years, accounting for 34.9% of the total. Most respondents have secondary education, i.e., 26.2%. The majority of respondents are from urban areas i.e., 62.1%. The majority of responders are doing informal work, accounting for 24.9% of the total.

- **Results based on Hypothesis**

**H1: There is a significant difference in awareness regarding transgender rights and issues among individuals with different educational levels.**

**Table 2: ANOVA Table**

<b>ANOVA</b>							
Awareness regarding transgender rights and issues							
	Sum of Squares	df	Mean Square	Mean	Std. Deviation	F	Sig.
Education Level				18.3385	3.18145		
Between Groups	177.687	4	44.422			4.549	.001
Within Groups	3759.636	385	9.765				
Total	3937.323	389					

Table 2 shows that there is a statistically significant difference in awareness about transgender rights and issues at varying educational levels ( $F = 4.549$ ,  $p = 0.001$ ). The p-value (0.001) is lower than 0.05, implying that educational level is statistically significantly associated with awareness. Between-groups sum of squares of 177.687 and the mean square of 44.422 indicate variance in level of awareness across various education groups, whereas within-groups variance of 3759.636 indicates variance in individual level of awareness across each group. The average value of education level of 18.3385 with a standard deviation of 3.18145 indicates respondents had different levels of understanding. In general, these results affirm that education is an important determinant of knowledge regarding transgender rights and concerns, with educational attainment most likely to be linked with increased awareness.

### Secondary Analysis

- **Overview of Existing Legal Frameworks and Policies**

**Table 3: Key Legal Frameworks and Policies Impacting Transgender Inclusion**

<i>Policy and Framework</i>	<i>Key Provisions</i>	<i>Target Area (Social, Economic, Cultural)</i>	<i>Impact</i>	<i>Loopholes</i>
“Transgender Persons (Protection of Rights) Act, 2019” (Khanna, 2022; Gulati, 2021; Nair & Mishra, 2021; Pathakji &	Prohibits prejudice in learning, job, and health care; provides for identity certificates and welfare measures; seeks to protect rights but uses a regulatory	Social, Economic, Legal Recognition; Citizenship	Intended to offer legal recognition and affirmative action; however, its ambiguous drafting and poor implementation resulted in limited practical impact.	Vague definitions and unclear purpose; lack of self-identification without medical intervention; insufficient enforcement, monitoring, and consultation with

Sharma, 2024; Jain & Kartik, 2020)	framework that many critics argue is paternalistic.			affected communities; paternalistic provisions that undermine transgender agency.
<b>Karnataka Government Order 68/2010</b> (Narain, 2012)	Provides socio-economic benefits and entitlements (pensions, housing) for transgender persons.	Economic, Social	Promoted social inclusion and economic empowerment for specific gender minorities.	Limited to specific communities (e.g. Hijras, Kothis); excludes broader LGBTQ+ spectrum.
<b>“NALSA v. Union of India”, 2014</b> (Pandit, 2018)	Identified transgender people as a third gender; mandated legal identity, education, and employment rights.	Legal, Social	Landmark judicial recognition that led to affirmative action measures and welfare schemes.	Ambiguous definitions sometimes lead to restrictive interpretations, for example, in recognizing only certain gender identities.
<b>Yogyakarta Principles</b> (Khanna, 2022)	International guidelines advocating for the self-identification of gender and non-discrimination.	Global Human Rights	Influenced judicial and policy debates on LGBTQ+ rights in India and beyond.	Non-binding and limited in domestic adoption.
<b>Criminal Tribes Act of 1871</b> (Pautunthang, 2024)	Labeled transgender communities as “habitual criminals.”	Legal, Social	Left a legacy of stigma and discrimination that continues to affect transgender rights despite repeal.	Although repealed post-independence, its lingering effects continue to stigmatize transgender individuals.
<b>Supreme Court Directive, 2022</b> (Nagar & Asthana, 2024)	Mandated inclusion of transgender persons in public employment and welfare schemes.	Economic, Legal	Enhanced legal recognition and economic participation for transgender persons.	Inconsistent implementation across different states.

*Source:* Self-prepared by the author

The Transgender Persons (Protection of Rights) Act 2019 seeks to protect individuals from discrimination and provide welfare measures, and its ambiguous language and paternalistic spirit render the Act impractical. Karnataka Government Order 68/2010 lays down socioeconomic benefits for selected groups; this is a move towards inclusion that also excludes other classes within the broader LGBTQ+ identity. Judicial recognition through the landmark ruling in “NALSA v. Union of India (2014)” conferred transgender rights. The “Yogyakarta Principles”, on an international scale, address self-identification and non-discrimination, yet they are non-binding in the Indian context. The legacy of the Criminal Tribes Act of 1871 continues to spawn stigma despite its repeal, while the recent Supreme Court judgment in 2022 offers legal recognition and an opportunity to participate economically, although implementation has been inconsistent across states. The table provides an overview of the prominent legal frameworks that affect transgender inclusion within



Karnataka and classifies the benefits intended through them, such as legal recognition and socio-economic empowerment, against the shortcomings, notable among them being the vagueness of definitions and inconsistent implementations. The diverging account of success and failure is an indication that the next course of study must investigate how these policies have proven useful or harmful in 'socially, economically, and culturally' including transgender persons within the region (Table 3).

- Identification of Key Challenges

**Table 4: Legal and Societal Challenges Faced by Transgender Individuals**

<i>Challenge (Legal/Societal)</i>	<i>Description</i>	<i>Affected Domains</i>	<i>Laws Countering Challenges</i>	<i>Recommendation</i>
<b>Forced Sex-Reassignment Surgeries (Göksel, 2024)</b>	Non-consensual medical interventions to “normalize” transgender individuals.	Healthcare, Legal Rights	No specific prohibition in the 2019 Act contravenes bodily autonomy principles.	Explicit criminalization of forced surgeries and stricter oversight of medical ethics.
<b>Employment Discrimination (Meher et al., 2024)</b>	Exclusion and harassment in formal sectors result in lost job opportunities and economic insecurity.	Economic, Social	Provisions in the Transgender Act (2019) and constitutional articles (15–16).	Mandate inclusive hiring practices and enforce meaningful penalties for discrimination.
<b>Lack of Legal Self-Identification (Narain, 2012)</b>	The requirement for medical certification to amend gender on documents limits access to legal identity.	Legal, Social	NALSA judgment (2014) recognized the right to self-determination.	Remove medical gatekeeping; consider adopting Argentina-style self-ID laws that respect individual self-identification.
<b>Police Harassment and Violence (Göksel, 2024)</b>	Abuse by law enforcement often involves the misuse of laws to harass transgender persons.	Legal, Safety	Decriminalization of Section 377 (2018) and other anti-discrimination provisions.	Implement comprehensive anti-discrimination laws and initiate sensitization programs for law enforcement officials.
<b>Stigmatization and Social Exclusion (Pautunthang, 2024)</b>	Deep-seated societal prejudice results in discrimination in multiple areas, including healthcare and education.	Social, Economic, Cultural	Transgender Act (2019) and judicial mandates like NALSA (2014).	Launch public awareness campaigns and support community-based initiatives to foster social inclusion.
<b>Health Disparities (Mal et al., 2023)</b>	Discriminatory practices in healthcare lead to insufficient access to	Healthcare, Legal Rights	General anti-discrimination laws (no specific targeted law).	Integrate transgender health into public healthcare policies and ensure proper training

	gender-affirming treatments and general medical care.			for healthcare providers.
<b>Legislative Violence and Paternalism (Jain &amp; Kartik, 2020)</b>	The legal framework is criticized for its paternalistic approach, imposing cis-heteronormative norms that undermine agency.	Legal, Citizenship, Social	Provisions within the Transgender Persons Act, 2019.	Redesign legislation via comprehensive, consultative processes that genuinely reflect the requirements and voices of the transgender people.
<b>Implementation Gaps and Enforcement Issues (Nair &amp; Mishra, 2021; Pathakji &amp; Sharma, 2024)</b>	Inadequate mechanisms for monitoring and evaluation lead to poor enforcement of the Act's provisions.	Legal, Economic, Social	Transgender Persons Act, 2019.	Develop clear monitoring, review, and accountability frameworks; allocate sufficient resources for enforcement.

*Source:* Self-prepared by author

Table 4 highlights various legal and social challenges that transgender people face within Karnataka, forced sex-reassignment surgeries, employment discrimination, or inadequate access to legal self-identification. It exposes diverse gaps in the implementation of policy, such as the absence of prohibition against surgeries without the individual's consent in the Act and not having niches for the enforcement mechanism to ensure execution for employment discrimination or self-determination. Recommendations highlight the need for clearer laws with better enforcement, complemented by awareness campaigns for the public to fill such gaps and gradually drive transgender inclusion. The table hence showcases a multitude of legal and societal challenges faced by transgender persons in Karnataka, including forced sex-reassignment surgeries, employment discrimination, restrictive legal self-identification, police harassment, social exclusion, health differences, legislative brutality, and wide gaps in implementation. This entire justification proves that such an objective in examining and addressing that gap remains within policy implementation concerning enforcement as a means of bringing more transgender inclusion into Karnataka.

#### • Key Legal Doctrines Impacting Transgender Inclusion

The key legal doctrines such as Constitutional Morality, Right to Privacy, and Equality Before the Law, together with the actual frontiers of the subject such as the Yogyakarta Principles, Intersectionality, and Substantive Equality, have been provided in table 5:

**Table 5: Legal Doctrines Impacting Transgender Inclusion**

<i>Doctrine</i>	<i>Legal Basis</i>	<i>Influence on Policy</i>	<i>Relevant Case Laws</i>	<i>Comments</i>
<b>Constitutional Morality</b>	Articles 14–16, 21 (Indian Constitution)	Mandates non-discrimination and supports affirmative action (Pandit, 2018; Khanna, 2022).	NALSA v. Union of India (2014)	Expands the concept of “sex” to encompass gender identity.
<b>Right to Privacy</b>	Article 21 (Indian Constitution)	Provided grounds for decriminalizing	Justice K.S. Puttaswamy v. UoI (2017)	Establishes privacy as fundamental to dignity and

		consensual same-sex relations (Khanna, 2022).		personal autonomy.
<b>Equality Before Law</b>	Articles 14-16 (Indian Constitution)	This led to the striking down of Section 377 and the promotion of inclusive policies (Pandit, 2018; Khanna, 2022).	Navtej Singh Johar v. UoI (2018)	Affirms that bias based on gender or sexual orientation is unlawful.
<b>Anti-Discrimination Doctrine</b>	Transgender Persons Act (2019); Articles 15-16	Aims to prohibit bias in the learning, job, and health care sectors (Jain & Kartik, 2020; Nair & Mishra, 2021).	“NALSA v. Union of India (2014)”	Criticized for limited enforcement and lack of clear penalties for breaches.
<b>International Human Rights Law</b>	Yogyakarta Principles	Advocates for self-identification and gender expression rights internationally. (Pandit, 2018; Khanna, 2022).	NALSA v. Union of India	Non-binding in nature, yet influential in shaping domestic legal discourses.

*Source: Self-prepared by author*

These doctrines have shaped landmarks in judicial case laws, such as NALSA v. Union of India and Navtej Singh Johar v. UoI, and moulded anti-discrimination provisions, even though challenges of enforcement continue persisting. The whole doctrinal perspective turns the objective into reality by showing how legal principles and jurisprudence go to the foundation of policies and decisions aimed at promoting transgender inclusion in the State of Karnataka (Table 5).

- Case Studies/Jurisprudence Analysis

**Table 6: Landmark Judicial Cases That Significantly Influenced Transgender Rights And Policy**

<i>Case Name</i>	<i>Year</i>	<i>Legal Issue</i>	<i>Judicial Ruling</i>	<i>Impact on Policy</i>	<i>Implications for Transgender Rights</i>
“NALSA v. Union of India”	2014	Recognition of third gender and legal rights.	Acknowledged transgender individuals as a third gender; mandated affirmative action.	Spurred enactment of policies, including the Transgender Act of 2019 (Narrain, 2012; Pandit, 2018).	Established legal recognition yet exposed gaps in effective implementation.
Navtej Singh Johar v. UoI	2018	Constitutionality of Section 377 IPC.	Decriminalized consensual same-sex relations.	Helped to remove legal stigma and align India with global human rights norms (Khanna, 2022).	Strengthened rights to privacy and personal autonomy for LGBTQ+ communities.
Suresh Koushal v. Naz Foundation	2013	Validity of Section 377 IPC.	Initially upheld Section 377, reversing a Delhi HC	Temporarily reinstated criminalization; later overturned (Panicker, 2015).	Highlighted inconsistencies in LGBTQ+ rights jurisprudence.

			decriminalization decision.		
<b>Jackuline Mary v. Supt. of Police</b>	2014	Employment discrimination against FTMs.	Denied recognition of FTM identity under NALSA, enforcing a binary gender framework.	Exposed the limitations of narrow legal definitions (Panicker, 2015).	Underlined the need for more inclusive legal frameworks beyond the third gender.
<b>Shafin Jahan v. Asokan K.M.</b>	2018	Right to marry under personal law for gender minorities.	Upheld the right to marry by choice, reinforcing individual autonomy.	Expanded interpretation of Article 21 to include marriage rights (Pathakji & Sharma, 2024; Nair & Mishra, 2021)	Advanced the argument for marriage equality and broader social acceptance of transgender persons.

*Source: Self-prepared by the author*

“NALSA v. Union of India (2014)” officially identified transgender individuals as a category separate from male or female and recommended affirmative actions for them, while Navtej Singh Johar v. UoI (2018) decriminalized Identical-sex relationships and reaffirmed the privileges of persons to privacy. On the other hand, court cases like Suresh Koushal v. Naz Foundation (2013) and Jackuline Mary v. Supt. of Police (2014) testify to the inconsistencies in the judicial system and the restrictions of binary definitions in the law. Besides, the case furthered marriage equality for gender minorities by extending the scope of Article 21 in Shafin Jahan v. Asokan K.M. (2018). This table underlines the important role that jurisprudence plays in shaping policies and the challenges ahead to provide comprehensive legal recognition and protection for transgender rights (Table 6).

## 8. DISCUSSION

The study shows that while legal mechanisms such as the “Transgender Persons (Protection of Rights) Act, 2019” are in place for the inclusion of transgender persons in Karnataka, the prevailing social norms and cultural biases act as considerable deterrents. Anti-discrimination and legal pluralism theories indicate that without addressing systemic stigmas and social exclusion, laws alone cannot facilitate social equity (Panigrahi & Singh, 2024). The interaction between formal legal systems and social norms diminishes the effects of anti-discrimination laws, indicating a need for initiatives that are community-based alongside legal measures (Behera, 2023). Moreover, for transgender people of marginalized castes and economically disadvantaged backgrounds, intersectionality intensifies discrimination, and thus, policy has to be made attempting to target compounded social exclusion (Sharma et al., 2020). A comparison reveals that holistic welfare measures provided by Tamil Nadu and Kerala can provide effective models to Karnataka, with the self-identification law of Argentina emerging as the most progressive enactment for gender recognition. All these point to the necessity for Karnataka to make its bureaucratic procedures more autonomous and self-determining. Related policy implications include streamlining the gender identity recognition processes, establishing targeted social welfare schemes, and ensuring educational reforms that counter cultural stigma. Additionally, collaborative governance involving NGOs and community leaders is crucial for the effective enforcement of policies. Broad legal reform, along with social sensitization, will make a difference in closing the loop between legal provisions and lived realities, thereby making further advances toward transgender inclusion in Karnataka (Parekh & Datta, 2022).

## 9. CONCLUSION

The study found that even though the legal frameworks such as the “Transgender Persons (Protection of Rights) Act, 2019”, as well as state-specific policies in Karnataka, attempt to foster and propel transgender inclusion; however, they make little effect on the deep-rooted societal biases and the lack of enforcement of policies. This formal legal pluralism reflects that societies follow a variety of norms other than the ones prescribed within the formal legal system and which are often contradictory to the principles of anti-discrimination laws, thus limiting their scope. This lays great emphasis on establishing community-owned initiatives that could supplement the legal ones by propagating social acceptance through legal coverage. Comparative analysis shows that appropriate localized approaches, such as those found in Tamil Nadu and Kerala, whose policies on welfare are formulated around the community, hold prospects for stronger models towards transgender inclusion. The Tamil Nadu Transgender Welfare Board and Kerala's focus on socio-economic empowerment further attest to successful holistic strategies that meld legal frameworks with community support systems. Besides these, international examples such as Argentina's gender identity law allow one to determine their gender identity without the need for medical intervention, demonstrating progressive legal recognition that has a priority towards autonomy and respects individual identity. These models demonstrate the necessity for Karnataka to reform its paperwork processes to make them more inclusive and less restrictive. The recommendations include a need for enforcement mechanism strengthening to include the transgender population in Karnataka legally and ensure accountability in law enforcement. The gender identity recognition process must be made more user-friendly and self-guided in the sense that it will not require medical attestation; that is, respecting the individual's autonomy. Interventions in education and occupation will help lift the socio-economically backward transgender population. Awareness programs are necessary to sensitize society to the stigma associated with the transgender population to promote acceptance and develop good attitudes toward them. The study also emphasizes the development of a collaborative framework between legal institutions, civil society organizations, and community leaders for efficient policy implementation within their respective communities. Such multi-stakeholder approaches can act as a bridge between policy intent and practical outcomes, thereby ensuring legal momentum is culturally accepted with constructive execution. For further research, the suggestion incorporates comparative studies with other regions in order to highlight practices and strategies that can be easily adapted. In closing, working on legal reforms but also on social sensitization might be key to expediting transgender inclusion in Karnataka, thereby closing the intent of the policy with the reality on the ground.

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