

Rights of Transgender Persons in India

Legal Reforms and Inclusive Progress

November 19, 2025

Key Takeaways

- The **Transgender Persons (Protection of Rights) Act, 2019** and its Rules, 2020, ensure legal recognition, welfare measures, and protection against discrimination.
- The Government constituted a **National Council for Transgender Persons** under this Act through a notification dated 21st August, 2020.
- The **SMILE initiative supports livelihood, healthcare, education, and rehabilitation** of Marginalised Individuals through *Garima Greh* shelters and skill development programs.
- The **National Portal for Transgender Persons** enables hassle-free certification, scheme access, and transparency through multilingual digital services.
- Transgender persons are **guaranteed equality, dignity, and non-discrimination** under Articles 14, 15, 19, and 21 of the Indian Constitution.

Introduction

As per census 2011, there were **4.87 lakhs persons in India who opted for “other” in gender category**. This figure is assumed as population of non-binary persons in the country.

India has made significant strides in addressing the historical marginalisation of the transgender community through comprehensive legal protections, welfare schemes, and digital accessibility. This shift reflects growing awareness and efforts to promote inclusivity and equality in Indian society.



The Supreme Court of India, in its landmark judgment *National Legal Services Authority (NALSA) v. Union of India* [Writ Petition (Civil) No. 400 of 2012], delivered on 15 April 2014, explicitly recognized transgender individuals as a “third gender”¹, affirmed their right to self-identify their gender, and directed the government to grant legal recognition and ensure their equality and non-discrimination.

¹<https://main.sci.gov.in/jonew/judis/41411.pdf>

Key Milestones in the government's initiatives thereafter include the enactment of the **Transgender Persons (Protection of Rights) Act, 2019 notified on January 10, 2020; the Transgender Persons (Protection of Rights), Rules, 2020 for implementation of the provisions of the Act**; the setting up of a **National Council for Transgender Persons** for advising Government on policies, programmes, legislation and projects for transgender persons and the launch of the **National Portal for Transgender Persons (November 25, 2020)**. These laws and initiatives have laid the foundation for systemic support and empowerment, and efforts for promoting inclusion, dignity, non-discrimination, and mainstream integration for transgender persons, fostering a society where they can thrive with equal rights and opportunities.²

Constitutional Provisions

The Supreme Court in its judgment in the case *National Legal Services Authority (NALSA) v. Union of India* [Writ Petition (Civil) No. 400 of 2012], delivered on 15 April 2014, explicitly recognized transgender persons as a “third gender, and entitled them to constitutional protections under Articles 14, 15, 16, 19, and 21.

Transgender Persons (Protection of Rights) Act, 2019

The Act, **effective January 10, 2020** is a law that provides legal recognition, prohibits discrimination, and mandates welfare of transgender individuals.

Key provisions include:

1. **Section 2:** Definitions (e.g., "transgender person" includes trans-men/women, intersex, gender queer, hijra, etc., irrespective of surgery).
2. **Section 3:** Bans discrimination in education, employment, healthcare, public services, residence, and movement.
3. **Sections 4-7:** Right to self-perceived identity; application for Certificate of Identity (via District Magistrate); revised certificate post-surgery.
4. **Section 8:** Government obligations for welfare schemes, inclusion, rescue, and rehabilitation.
5. **Sections 9-12:** Non-discrimination in employment; designation of complaint officers; right to family residence.
6. **Sections 13-15:** Inclusive education; vocational training schemes; healthcare (e.g., sex reassignment surgery, counselling, insurance coverage).
7. **Sections 16-18:** National Council for Transgender Persons (advises on policies, monitors implementation).
8. **Sections 19-20:** Offenses (discrimination punishable by up to 2 years imprisonment and fine); compensation and inspection powers.
9. **Sections 21-24:** Rule-making powers; protection for good-faith actions.³

²<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2042571>

³<https://transgender.dosje.gov.in/docs/Transgender%20Act,%202019.pdf>

Transgender Persons (Protection of Rights), Rules, 2020

“The Transgender Persons (Protection of Rights), Rules, 2020” were brought on September 25, 2020 for implementation of the provisions of the Act.

- As per Rule 11(5), **every State is required to setup Transgender Protection cells to monitor cases of offences against transgender persons** and to ensure timely registration, investigation and prosecution of such offences. **So far, 20 Transgender Protection Cells have been set up by the following States/UTs:**

Andaman & Nicobar, Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Jammu and Kashmir, Manipur, Maharashtra, Mizoram, Odisha, Punjab, Rajasthan, Sikkim, Telangana, Uttarakhand, Uttar Pradesh and West Bengal.

- As per Rule 10(1), Transgender Welfare Boards (TWBs) have been established to protect rights and interests of Transgender persons, while facilitating access to schemes and welfare measures. **So far, 25 TWBs have been set up by the following States/UTs:**

Andaman & Nicobar, Andhra Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Gujarat, Haryana, Jammu and Kashmir, Jharkhand, Kerala, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Pondicherry, Rajasthan, Punjab, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh and West Bengal.

Initiatives by the Government

The Government of India, through the **Ministry of Social Justice and Empowerment (MoSJE)**, has launched several measures to protect and empower transgender persons. The **National Council for Transgender Persons**, advises on policies and monitors welfare schemes.⁴ The **National Portal for Transgender Persons**, launched on **25 November 2020**, enables online applications for identity certificates and access to benefits.⁵ The **SMILE Scheme**, introduced in **February 2022**, provides livelihood, skill training, and shelter support through *Garima Greh* centres and *Ayushman Bharat TG Plus* health coverage.⁶ These initiatives collectively promote inclusion, dignity, and equal opportunities for transgender citizens.

In addition to that, the **Department of Social Justice & Empowerment** has issued “**Equal Opportunities Policy for Transgender Persons**” to ensure that the Transgender community has equal access to employment opportunities etc.

⁴ [44051740858189.pdf](https://www.mosje.gov.in/44051740858189.pdf)

⁵ [Press Release: Press Information Bureau](https://www.mosje.gov.in/Press-Release-Press-Information-Bureau)

⁶ [Press Release:Press Information Bureau](https://www.mosje.gov.in/Press-Release-Press-Information-Bureau)

National Council for Transgender Persons

The Central Government constituted National Council for Transgender Persons on 21st August 2020⁷ and was reconstituted vide notification dated 16th November, 2023. It serves as a **statutory body** under the Ministry of Social Justice and Empowerment **to safeguard and promote the rights of transgender persons** in India.⁸ The council also has five representatives of transgender community, representatives of NHRC and NCW, representatives of State Governments and UTs and experts representing NGOs.

Functions & Responsibilities

1. **Advisory Role:** Advise the Central Government on formulation of policies, programmes, legislation and projects with respect to transgender persons.
2. **Monitoring & Evaluation:** Monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons.
3. **Review & Coordination:** Review and coordinate the activities of all departments of government and non-governmental organisations dealing with transgender persons. This is to ensure coherence, effectiveness and avoid duplication or gaps.
4. **Grievance Redressal:** Redress grievances of transgender persons.
5. **Other Prescribed Functions:** Perform such other functions as may be prescribed by the Central Government.⁹



SMILE (Support for Marginalised Individuals for Livelihood and Enterprise) Scheme

Launched by the **Ministry of Social Justice and Empowerment (MoSJ&E)**, it is a flagship initiative aimed at the **comprehensive rehabilitation and empowerment of transgender persons and other marginalised communities in India**. Introduced as a Central Sector Scheme, **SMILE** was launched on February 12, 2022 and operationalised to align with the Transgender Persons (Protection of Rights) Act, 2019.

SMILE aims to uphold the constitutional rights under Articles 14, 15, and 21, ensuring equality, non-discrimination, and the right to dignity for transgender persons. This scheme reflects the government's

⁷ [44051740858189.pdf](https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1648221), Pg 53

⁸ <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1648221>

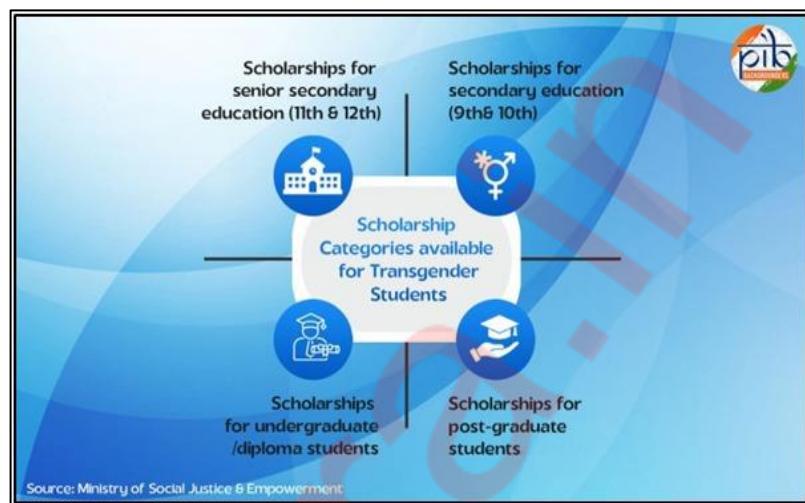
⁹ <https://static.pib.gov.in/WriteReadData/specifcdocs/documents/2022/jun/doc202263068801.pdf>

commitment to mainstreaming transgender individuals, by addressing their socio-economic challenges through targeted and inclusive interventions.¹⁰

The SMILE Scheme is designed to provide **holistic support through the "Comprehensive Rehabilitation for Welfare of Transgender Persons."**

Primary objectives of SMILE scheme:

1. **Skill Development and Employment:** Offering vocational training and skill upgradation programs to enhance employability and mandates inclusive education and vocational opportunities.
2. **Scholarship Schemes:** The scholarships are aimed at reducing incidences of drop-out and aiding transition from the elementary to the secondary stage for transgender students through an automated online system using a single login credential.¹¹
3. **Composite Medical Health:** The government ensures access to healthcare for transgender persons through these measures below. These benefits are accessible at both private and government hospitals.
 - a. Providing gender-affirming care, HIV surveillance, counseling, and integration with the Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (PM-JAY) for free medical coverage, upholding the right to health under Article 21 of the Constitution.
 - b. Launching Ayushman Bharat TG Plus, a dedicated health insurance scheme for transgender persons.
 - c. Offering free medical coverage of ₹5 lakh per person per year.
 - d. The insurance covers a comprehensive healthcare package, including:
 - o Gender-affirming procedures
 - o Hormone therapy
 - o Sex reassignment surgery (SRS) and post-operative care
4. **Safe Shelters:** Section 12(3) of the Transgender Act 2019 states that whether any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in the rehabilitation centre. In consonance with the same, **the SMILE scheme provides for setting up of Garima Grehs, to provide shelter to the transgender persons in need** with basic amenities like food, medical care, and recreational facilities.

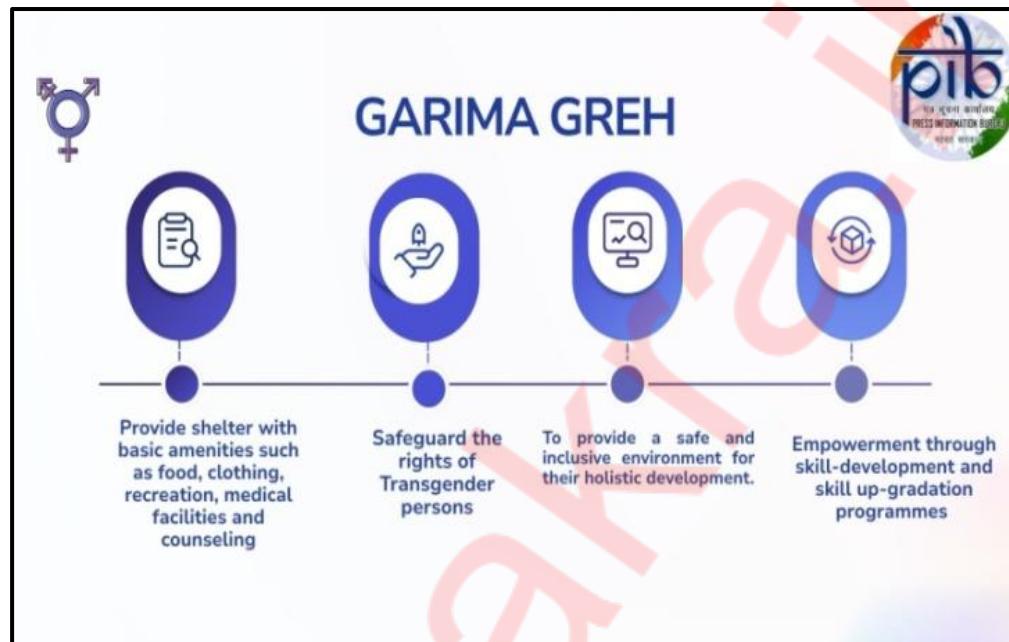


Source: Ministry of Social Justice & Empowerment

¹⁰<https://socialjustice.gov.in/writereaddata/UploadFile/44051740858189.pdf>

¹¹<https://transgender.dosje.gov.in/Applicant/Registration/DisplayForm2>

5. **21 Garima Grehs, shelter homes for destitute transgender persons in 17 States** namely Andhra Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Madhya Pradesh (2), Maharashtra (3), Manipur, Odisha, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal (2) have been set up. Recently 3 more Garima Grehs have been sanctioned at Puducherry, Basti and Gautambudhnagar.



6. **Transgender Protection Cells and National Portal Integration:** Setting up district-level cells under District Magistrates to monitor offenses, ensure timely FIR registration, and conduct sensitisation programs, reinforcing legal protections.

Progress So Far



Sector / Ministry	Initiative / Programme	Key Figures / Outcomes
Skill Development & Training	Training of transgender persons in various states/UTs (Jharkhand, Andhra Pradesh, Maharashtra, Madhya Pradesh, Uttar Pradesh, New Delhi)	<ul style="list-style-type: none"> 725 trained Target: 500+ more under Beauty & Wellness and Media & Entertainment Sectors
Entrepreneurship Development	15-day Entrepreneurship Development has been allotted to National Institute of Entrepreneurship and Small Business Development (NIESBUD)	<ul style="list-style-type: none"> 1,800 target beneficiaries 25 trained (1st batch) at Garima Greh, Delhi upcoming in Chennai, Mumbai, Delhi
Ministry of Housing and Urban Affairs Housing (MoHUA - NULM)	Accommodation under "Shelter for Urban Homeless"	Coverage in 18 states/UTs including Punjab, Kerala, Odisha, etc.
Health (NHA - Ayushman Bharat PMJAY)	"Ayushman TG Health Card" with 50 medical services	<ul style="list-style-type: none"> 80 Ayushman Bharat TG cards issued 170+ NGOs/CBOs trained for facilitation
Sanitation (Swachh Bharat Mission - Urban)	Included toilets for transgender persons in their policy guidelines	Policy inclusion implemented
Identity (UIDAI)	Included transgender identity certificate as valid document in updating Aadhar credentials	Implemented nationwide
Reserve Bank of India (RBI)	Transgender persons under Priority Sector Lending for self-employment	Eligible for loans under PSL guidelines
Education (MoE)	Central Sector Interest Subsidy Scheme	₹20.51 lakh released (2020-21 to 2024-25)
Ministry of Rural Development (MoRD)	Promotion of Transgender Self-Help Groups (SHGs)	<ul style="list-style-type: none"> 296 SHGs formed 25 SHGs received ₹3.12 crore in loans

National Portal for Transgender Persons

The National Portal for Transgender Persons was launched on 25th November, 2020 to issue certificates and ID cards to eligible Transgender persons. The Portal is accessible in multiple languages (English, Hindi, Gujarati, Malayalam and Bengali).¹² This is an end-to-end online process where the applicant can apply for the TG certificate and also download the certificate after issue without any requirement to go to any office of issue.



Conclusion

Recent years have witnessed significant legal and policy reforms for the transgender community in India, spearheaded by the Government of India and its concerned ministries. The Transgender Persons (Protection of Rights) Act, 2019, together with subsequent amendments and targeted schemes such as SMILE and Garima Greh, have laid robust foundations for affirmative action, legal recognition, and social protection of transgender persons.¹³ In 2025, the Ministry of Social Justice and Empowerment-continued to organise capacity building programmes, national campaigns, and conferences to promote awareness, address stigma, and ensure the effective inclusion of transgender individuals in policy frameworks and public life.¹⁴

As India advances toward a more equitable future, ensuring that transgender persons live with dignity, autonomy, and opportunity remains central to its democratic and human rights commitments.

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¹²<https://socialjustice.gov.in/common/47564>

¹³<https://pib.gov.in>

¹⁴<https://pib.gov.in>

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