



BUILDING BRIDGES: ENHANCING INCLUSIVITY FOR THE TRANSGENDER COMMUNITY

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Abstract

This article elaborates and aims to discuss in brief the basic rights of transgenders which demonstrate the significance of the rights built in today's world. Sexual assault, discrimination, and crimes related to it have effects on victims as well as on society. It has exceeded every boundary of humanity and possible aspects of deportment by bestiality. The history of discrimination is not a new concept. Crimes are graver wrongs as they constitute greater interference with the happiness of others and affect not only the individual wronged but the community as a whole. Secondly, the impulse to commit crimes is often powerful and the advantage gained from the wrongful act is so great and the risk of detection is so small that human nature is very likely to be tempted to commit such wrongs. Transgenders are part and parcel of society only but still struggle for their rights and often face discrimination concerning sex, employment opportunities, race, education, etc. It begins with a historical overview of transgender issues, tracing the evolution of societal attitudes and legal recognition. The analysis then delves into contemporary challenges faced by the transgender community, including healthcare access, legal rights, and social acceptance. Regulating laws does not serve legal justice but may not be able to compensate for the loss faced by the victim, the family, and society as a whole. Some changes and improvements are needed, and suitable suggestions are provided. By situating transgender experiences within broader discussions of gender and human rights, this article aims to foster a deeper understanding of the complexities of transgender identities and advocate for more inclusive and equitable practices.¹

Keywords: Discrimination, Pumspraktistri-Prakrti, Tritiya-Prakriti, hijra community, Disadvantaged Group, and same-sex relationships.

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¹ Rani Balkrishna Yadav, "Increasing Sexual Offences and Its Impact on the Society" 2 *Indian Journal of Integrated Research in Law* 671 (2022).

I Introduction

FROM THE moment we enter life to the time we depart; our gender profoundly influences our experiences. The first questions about a newborn usually concern their health and then their sex— “Is the baby, okay?” followed by “a boy or a girl?” From that moment onward, our identities, opportunities, and experiences are viewed through the lens of gender. No matter how modern or advanced we are or how supportive we are, when it comes to the execution part, one always hesitates to do or initiates one’s part. We support the transgender community in modern times, but what if our child comes out to be transgender, or what if he/she says that he is gay or she is lesbian; what would be our take or response to this? That’s where the problem lies. Giving advice is an easy task but applying a similar take or perception or field of vision is cumbersome.

Gender dictates our language, shapes our concepts, and influences our activities. It impacts how we view ourselves, our relationships with others, our family interactions, and our educational and career trajectories. The term “transgender” refers to individuals whose gender expression, identity, or behaviour does not align with societal expectations based on their sex assigned at birth, rather than merely those with physical differences. Transgender individuals often have to navigate life amidst myths and misconceptions for their survival. The acronym CLAP, which may cause discomfort, has become part of their identity regrettably. They face daily challenges, enduring social rejection and mockery. Transgender people experience high levels of stigma across various aspects of life, including healthcare, education, employment, and social services. This severe social exclusion erodes

their self-esteem and sense of community responsibility. Transgender individuals must be included in mainstream development initiatives and safeguarded against all forms of abuse and exploitation.

II Evolution of Transgender Community in India

The transgender community encompasses various identities such as Hijras, Eunuchs, Kothis, Aravanis, Jogappas, and Shiv-Shakti. Eunuchs have been documented since the 9th century BC, with the term deriving from Greek, meaning 'keeper of the bed.' Historically, castrated men were sought after to guard the women's quarters in royal households.² Hinduism, Jainism, and Buddhism suggest that Vedic culture recognized three genders. The Vedas categorize individuals into one of three types based on their inherent nature or Prakriti: Pumsprakrtistri-Prakrti (female-nature) and Tritiya-Prakriti (third-nature), as also detailed in the Kama-Sutra (4th century AD). These texts indicate that third-sex individuals, including those with male or female bodies as well as intersex variations, were well-known in pre-modern India and could often be identified from a young age.

Vedic Period: In the Vedic text, *Ramayana*, Lord Rama was ordered to live in the forest upon being banished from the kingdom for 14 years, turned around to his followers, and asked all the 'men and women' to return to the city. Among his followers, the *hijras* alone did not feel bound by this direction and decided to stay with him. Impressed with their loyalty, Rama blessed them with the power to confer blessings on people on auspicious occasions like childbirth, and marriage, and also at

² M. Michelraj, "Historical Evolution of Transgender Community in India" 4 *Asian Review of Social Sciences* 17 (2015).

inaugural functions, it was supposed to set the stage for the custom of *badhai*, in which *hijras* sing, dance and confer blessings to the people.

There are some instances of transgenders in the epic context of *Mahabharata*, Iravan, the son of *Arjuna* and *Ulupi (Naga Princess)* was supposed to be offered to *Goddess Kali* to ensure the victory in the battle between Pandavas and Kauravas, the only condition he made was to spend the last night of his marriage life. Since no woman was ready to marry a person who was doomed to be killed, then, *Lord Krishna*, incarnated himself in the form of a pulchritudinous woman namely *Mohini*, and married him. The *Hijras* of Tamil Nadu consider Iravan their progenitor and call themselves *Aravanis/Iravanis*.

The second instance is *Brihannala*, in the Hindu epic '*Mahabharata*', which was the name assumed by *Arjuna*, who was in disguise as a transgendered (on account of a curse by *Urvashi*). In the disguised form, *Arjuna* taught *Uttara* (princess of the kingdom *Virata*). Before this, *Arjuna* was despondent over the impending curse, but *Lord Krishna* assured him that this so-called curse would become a useful benediction. Moreover, *Maharaja Virata* accepted the transgender status and offered her (him) shelter and employment within his kingdom.

The third instance is, *Shikhandi*, who was the transgender warrior and the reincarnation of *Princess Amba*. *Amba* was abducted by *Bhishma* (son of *Goddess Ganga* and *Shantanu*) at a *svayamvara* and later rejected by him on account of marriage, which resulted in the vow of revenge. *Amba* penanced *Lord Shiva* to which he was impressed and gave her a boon she would be reborn as a girl who would later transform into a male. Later she was born to *King Drupada (King of Panchala)* and was raised as

Shikhandini. She practiced penance and changed her gender with *Yaksh* to become *Shikhandi*.

Mughal Period: *Hijras* played a famous role in the royal courts of the Islamic world. They rose to well-known positions as political advisors, administrators, generals as well as guardians of the harems. *Hijras* were considered clever, trustworthy, and fiercely loyal and had free access to all spaces and sections of the population, thereby playing a crucial role in the politics of empire-building in the Mughal Era. The *Hijras* also occupied high positions in Islamic religious institutions, especially in guarding the holy places of *Mecca* and *Medina* (the person of trust), they were enabled to influence state decisions and also received a large amount of finance from the kings and queens. *Hijras* were traditionally influential persons in charge of collecting taxes and charges in the courts of the Sultanate and Mughal Empires. Influential positions in the Mughal courts have enthralled members of the *Hijras* community.

British Period: In 1871, the British named all *Hijras* criminals and directed colonial authorities to arrest them on sight. At the beginning of the British period in the Indian sub-continent *hijra* used to accept protections and benefits from some Indian states through entry into the *hijra* community. Furthermore, the benefits incorporated the provision of land, rights to food, and a smaller amount of money from agricultural households in an exact area which were ultimately removed through British legislation because the land was not inherited through blood relations.³

³ A. K. Singh, "From Colonial Castaways to Current Tribulation: Tragedy of Indian Hijra" 40 *Unisia* 297 (2022).

III Hurdles Faced by the Transgender Community in India

Transgender is generally described as an umbrella term for persons whose gender identity, gender expression, or behavior does not conform to their biological sex. Although the Supreme Court of India under the “Disadvantaged Group” has given them educational and employment reservation as OBCs. The Apex Court also said States and the Centre will devise social welfare schemes for third gender community and run a public awareness campaign to erase social stigma. Transgender are human beings. In India still, they are not recognized as human beings. This itself is a huge violation of Human Rights. This lack of recognition had segregated them from society and worse, in the matter of civil rights.

1. Education

Transgender individuals face severe barriers to accessing education in India. Historically, the educational system has largely excluded them, leading to minimal representation in higher education. Even when they manage to enroll, they often face discrimination and bullying, which can force them out of the system. The lack of inclusive policies and support systems contributes to this issue. The education system's failure to accommodate and support transgender tutees perpetuates a cycle of limited opportunities and economic disparity.

2. Poverty

Economic hardships are widespread within the transgender community. Many rely on informal and precarious forms of employment, such as begging, performing, or sex work, due to limited job opportunities and discrimination in the formal job market. This economic marginalization

further exacerbates their vulnerability, making them more susceptible to exploitation and harassment.

3. Discrimination and Ignorance

Transgender individuals face systemic discrimination that affects various aspects of their lives, including access to education, healthcare, and employment. Social stigma and ignorance contribute to their marginalization, leading to exclusion from many public and private spaces. This discrimination is deeply rooted in both societal attitudes and institutional practices, making it difficult for transgender people to achieve social and economic equality.

4. Legal and Policy Efforts

While the Supreme Court of India has recognized transgender individuals as a disadvantaged group mandated reservations for them and encouraged the development of social welfare schemes and public awareness campaigns, the implementation of these measures has been uneven and unexecuted. The lack of comprehensive and effectively enforced policies means that many transgender individuals continue to face significant barriers in their daily lives.

6. Disrespectful Names and Pronouns

Using the correct name and pronouns for transgender individuals is fundamental to respecting their identity and dignity. Misnaming or using incorrect pronouns can be emotionally distressing and invalidating. While some people might be initially confused or make mistakes, continuous and sincere efforts to use the correct name and pronouns are

crucial. This respect not only affirms the individual's gender identity but also contributes to their mental well-being and social acceptance.

7. Lack of Access to Appropriate Restroom Facilities

Access to safe and appropriate restroom facilities is a major concern for transgender individuals. They often face harassment or violence when using restrooms that align with their gender identity, or they may be forced to use facilities that do not correspond with their identity, which can lead to significant discomfort and risk. Creating inclusive restroom options, such as gender-neutral facilities, and ensuring their safety and accessibility is essential for the well-being of transgender individuals.

8. Confidentiality

Transgender youth may face significant challenges regarding confidentiality and support from their families. When a child's gender identity is revealed, families may react with rejection or violence due to societal pressures and personal fears. This lack of support can lead to severe emotional distress and isolation for transgender youth. Ensuring that families receive proper education and support about gender identity is critical to helping them provide a nurturing environment for their children.

9. Lack of Ideal Personality

The constant discrimination and marginalization experienced by transgender individuals can profoundly affect their self-esteem and personality development. Facing societal exclusion and prejudice can lead to feelings of inferiority, low confidence, and a lack of motivation. Addressing these issues requires a supportive environment that fosters

self-acceptance and positive identity development, as well as opportunities for personal growth and empowerment.

10. Lack of Medical Facilities

Access to appropriate medical care is another significant issue. Transgender individuals often face barriers to accessing healthcare that is competent and respectful of their needs. This includes both general healthcare and specific gender-affirming treatments. Without adequate medical care, they are more susceptible to health risks and may resort to unsafe practices. Improving access to affordable, knowledgeable, and non-discriminatory healthcare services is crucial for their well-being.

11. Lack of Identity Documents

Accurate identity documents are essential for accessing various services and opportunities. However, many transgender individuals struggle with obtaining documents that reflect their gender identity due to financial barriers, legal requirements, and bureaucratic hurdles. Without proper identification, they may face difficulties in securing housing, education, and employment. Streamlining the process for updating identity documents and reducing associated costs can help address this challenge.

IV Rights Conferred to the Transgender Community in India

- 1. Right to Equality (Article 14)⁴:** No one can deny any 'person' equality before the law or equal protection of laws. The use of the gender-neutral term 'person' shows that sex or gender identity is not

⁴ The Constitution of India, art. 14.

a basis for discrimination under the law. Transgender persons cannot be subjected to unfair treatment in educational institutions or at the time of employment. They also have the right to equal health services, and the right to use public property or the right to move in the country freely. This article ensures that all individuals, including transgender persons, are treated equally under the law and protects them from discrimination. In the Landmark case: *National Legal Services Authority v. Union of India*⁵ :

- The Supreme Court recognized transgender individuals as a third gender under Article. The Court held that discrimination against transgender persons violates the right to equality and equal protection of the laws.
- The ruling mandated that transgender individuals be granted legal recognition and equal rights, including access to social, educational, and economic benefits.

2. Prohibition of Discrimination on Various Grounds including Gender (Article 15)⁶: This Article prohibits any sort of discrimination on the basis of race, religion, caste, or sex of any of them. This implies that discrimination or ill-treatment of transgender persons infringes on their basic fundamental rights, in the case of *Mx. Alia SK v. The State of West Bengal and Ors.*⁷ The court held that transgender persons have the right to seek admission into universities. The judgment is important because it signified the role of courts in ensuring that special accommodations and adjustments are made to include transgender people in public university applications and the admission process where none exist.

⁵ *National Legal Services Authority v. Union of India*, (2014) INSC 275.

⁶ The Constitution of India, art. 15.

⁷ *Mx. Alia SK v. The State of West Bengal and Ors.*, (2019) SCCOnLine Cal 3816.

3. Article 16: Equality of Opportunity in Public Employment:

Article 16⁸ guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. This article ensures that transgender individuals have equal access to employment opportunities in public sector jobs. In the Landmark Case: *K.K. Kochunni v. State of Madras*⁹:

Although not specifically about transgender rights, this case emphasizes the importance of equality in employment, which extends to transgender individuals. The Supreme Court highlighted the need for policies that ensure equal opportunity in public employment, which includes non-discrimination based on gender identity.

- 4. Article 17: Abolition of Untouchability:** Article 17¹⁰ abolishes untouchability and forbids its practice in any form. While primarily aimed at eliminating the practice of untouchability related to caste, Article 17's principles align with combating societal discrimination against marginalized groups, including transgender persons. In the Landmark Case: *Vishaka v. State of Rajasthan*¹¹, The Supreme Court held that discrimination against marginalized communities, including practices akin to untouchability, is unconstitutional. This principle supports the broader fight against discrimination faced by transgender individuals.

- 5. Freedom of speech and expression [Article 19(a)]:** This right grants every citizen the freedom of speech and expression. This includes the freedom to express your gender identity publicly.

⁸ The Constitution of India, art. 16.

⁹ *K.K. Kochunni v. State of Madras*, AIR 1959 SC 725.

¹⁰ The Constitution of India, art. 17.

¹¹ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

Article 19(a)¹² of the Indian Constitution is a key provision that guarantees freedom of speech and expression. This right is essential for all citizens, including transgender individuals, as it underpins their ability to express their identity, advocate for their rights, and participate fully in society. Expression Article 19(1)(a) of the Indian Constitution provides that:

“All citizens shall have the right to freedom of speech and expression.”

This right includes the freedom to express one’s identity, opinions, and beliefs without undue restriction.

- *Expression of Gender Identity*: Transgender individuals have the right to express their gender identity freely. This includes:
 - a. *Self-Identification*: The right to identify and present oneself as a male, female, or any other gender, and to have this identity recognized and respected in both private and public contexts.
 - b. *Public Expression*: The ability to express one’s gender identity in public forums, including through clothing, grooming, and behavior, without fear of censorship or repression.

*Ankur Garg v. Union of India*¹³: This case addressed the rights of activists and organizations working for marginalized communities. The principles established here reinforce the right of transgender activists to engage in public discourse and advocacy under Article 19(1)(a).

¹² The Constitution of India, art. 19(a).

¹³ *Ankur Garg v. Union of India*, (2017) 9 SCC 200.

- **Access to Media and Communication:** Transgender individuals have the right to access and use media to express their views and identity. This encompasses:
 - a. **Media Representation:** The right to be represented in media and entertainment, including films, television, literature, and online platforms.
 - b. **Freedom of Communication:** The ability to communicate their experiences and perspectives through various forms of media, including social media platforms, blogs, and interviews.

*Shreya Singhal v. Union of India*¹⁴:

The Supreme Court ruled that restrictions on freedom of speech on digital platforms must be narrowly defined. This case supports the right of transgender individuals to communicate and express themselves freely on the internet and other media.

- **Government and Legal Reforms:** Efforts have been made to address these challenges and enhance the protection of transgender rights under Article 19(1)(a):
 - a. **Legislative Measures:** Laws such as *The Transgender Persons (Protection of Rights) Act, 2019*, aim to provide a framework for recognizing and supporting transgender individuals, which supports their right to freedom of expression
 - b. **Policy Initiatives:** Various government policies and guidelines aim to improve the social and legal environment for transgender individuals, facilitating their ability to express their identity and advocate for their rights.

¹⁴ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

6. Right to life and personal liberty (Article 21): Article 21¹⁵ which deals with the protection of life and personal liberty states that no person shall be deprived of his life and personal liberty except according to the procedure established by the law. The right states that every individual including a transgender person has the right to life and personal liberty. Being citizens of India they have the right to protect their life and personal liberty.

- In the case, *Nangai v. Superintendent of Police*¹⁶ The Madras High Court recognized that compelling a person to undergo a medical examination of gender violates Article 21. It upheld a person's right to self-identify their gender. This article protects the right to live with dignity and make personal decisions regarding one's gender identity.
- In the Landmark Case: *Navtej Singh Johar v. Union of India*¹⁷, The Supreme Court decriminalized consensual same-sex relationships, reinforcing the principle of personal liberty and dignity under Article 21. This case extended the protection of personal autonomy and dignity to transgender individuals as well.
- In exercise of the rights to dignity, autonomy, privacy, and health an individual (regardless of their gender identity) may choose to enter into a union with a person (who may be of the same sex as them). Once they enter into a relationship as life partners, a couple has the right and the freedom to determine the

¹⁵ The Constitution of India, art. 21.

¹⁶ *Nangai v. Superintendent of Police*, (2014) 4 MLJ 12.

¹⁷ *Navtej Singh Johar v. Union of India*, 2018 INSC 790.

relationship's significance and its consequences. A denial of this freedom would be a denial of the many facets of Article 21.¹⁸

7. **Article 21A: Right to Education:** Article 21A¹⁹ provides the right to free and compulsory education for children aged 6 to 14 years. Ensures that transgender children have access to education and are not discriminated against in schools. In the Landmark Case: *Aarushi Sharma v. Union of India*²⁰, Although not specific to transgender rights, this case emphasized the need for non-discriminatory practices in education. It supports the right of transgender children to receive education without facing discrimination. The right to quality education without discrimination also ensures that every citizen secures basic education to develop themselves.
8. **Article 23: Prohibition of Traffic in Human Beings and Forced Labour:** Article 23²¹ prohibits trafficking in human beings and forced labour. Protects transgender individuals from exploitation and forced labour, which is a significant concern given the marginalization and economic vulnerabilities they face. In the Landmark Case: *Gaurav Jain v. Union of India*²², The Supreme Court addressed issues of exploitation and trafficking, reinforcing protections under Article 23, which are relevant to preventing the exploitation of transgender individuals.
9. **Article 45: Provision for Free and Compulsory Education for Children:** Article 45²³ mandates that the State should provide free and compulsory education for children until they complete 14 years.

¹⁸ *Supriyo @ Supriya Chakraborty & Anr v. Union of India*, (2023) INSC 920.

¹⁹ The Constitution of India 86th Amendment Act, 2002.

²⁰ *Aarushi Sharma v. Union of India*, (2016) 5 SCC 404.

²¹ The Constitution of India, art. 23.

²² *Gaurav Jain v. Union of India*, (1997) 8 SCC 114.

²³ The Constitution of India, art. 45.

Supports the right of transgender children to access education without discrimination.

- 10. Article 51A (j): Fundamental Duties:** Article 51A (j) imposes a fundamental duty on every citizen to strive towards excellence in all spheres of individual and collective activity. Encourages citizens to promote equality and non-discrimination, including towards transgender individuals. In the Landmark Case: *Vineet Narain v. Union of India*²⁴, The Supreme Court emphasized the duty of citizens and the State to uphold constitutional values, including the rights of marginalized groups such as transgender individuals.

V Depiction of Transgenders in movies and shows

1. Taali (The Show):

The show *Taali*, starring Sushmita Sen, is a biographical drama that explores the life of Gauri Sawant, a prominent transgender activist and social worker in India. The show delves into Gauri Sawant's personal and professional journey, focusing on her struggles, achievements, and the broader issues faced by the transgender community.

Plot Summary of *Taali*:

- *Background and Context:* *Taali* is inspired by the real-life experiences of Gauri Sawant, who has been an influential advocate for transgender rights in India. The show aims to shed light on her life, highlighting both her challenges and her impactful work in the community.
- *Gauri Sawant's Journey*

²⁴ *Vineet Narain v. Union of India*, AIR 1998 SC 889.

- **Early Life and Transition:** The show begins by depicting Gauri Sawant's early life and the struggles she faced growing up. It explores her journey of self-discovery and her decision to transition, which was fraught with societal challenges and personal hurdles.
- **Challenges Faced:** *Taali* portrays the various forms of discrimination and stigma that Gauri Sawant encountered, both personally and professionally. This includes societal rejection, difficulties in accessing basic rights, and the ongoing struggle for acceptance.
- **Activism and Advocacy:** The show highlights Gauri's transition from personal struggle to activism. It focuses on her efforts to improve the lives of transgender individuals by advocating for their rights, including legal recognition, healthcare access, and social acceptance. Her work includes setting up support systems for transgender people, fighting for their rights in legal and social arenas, and raising awareness about transgender issues.
- **Personal Relationships:** *Taali* also delves into Gauri Sawant's relationships, including her interactions with family, friends, and her broader community. It explores how her personal life intersects with her activism and the emotional challenges she navigates.
- **Achievements and Impact:** The series showcases the positive impact of Gauri's work, including improvements in legal recognition for transgender individuals and changes in societal attitudes. It portrays her as a trailblazer who has made significant contributions to advancing transgender rights in India.

- **Themes: Identity and Self-Acceptance:** The show focuses on the journey of self-acceptance and identity for transgender individuals, reflecting Gauri Sawant's personal evolution and societal challenges.
 - **Advocacy and Rights:** It emphasizes the importance of activism and the ongoing fight for equal rights and recognition for transgender people.
 - **Societal Change:** The series portrays the broader struggle for societal acceptance and the need for legal and social reforms to support marginalized communities.

➤ ***Inspirational Aspects***

- **Representation:** By telling Gauri Sawant's story, *Taali* brings visibility to the struggles and achievements of transgender individuals, offering a platform to voices that are often marginalized.
- **Empowerment:** The show serves as an inspiration for transgender individuals by showcasing a real-life example of resilience and successful advocacy.
- **Social Impact:** *Taali* aims to educate viewers about the issues faced by transgender individuals, foster empathy and understanding, and encourage societal change.

Overall, *Taali* is a significant contribution to Indian television, highlighting important social issues and celebrating the life and work of a notable transgender activist.

2. **The movie 'Laxmii':** The movie *Laxmii* (released as *Laxmii* in 2020) is a Bollywood horror-comedy film directed by Raghava Lawrence.

Social Aspects of *Laxmii*

➤ *Representation of Transgender Characters*

- **Portrayal of Transgender Ghost:** In *Laxmii*, Akshay Kumar's character, who is initially a male, becomes possessed by the spirit of a transgender woman named Laxmii. This supernatural plot element aims to bring attention to the issues faced by transgender individuals, although it does so through the lens of a horror-comedy. The film presents Laxmii's backstory as a transgender woman who faced discrimination and violence, highlighting the historical and social struggles of transgender people.
- **Stereotyping and Sensitivity:** The portrayal of Laxmii as a ghost and the associated comedic elements have been criticized for potentially reinforcing stereotypes and reducing serious issues to entertainment. While the intention may be to highlight transgender issues, the execution has been seen as problematic by some, as it mixes horror and comedy with sensitive subjects.

➤ *Discrimination and Violence*

- **Historical Context of Violence:** The film's narrative includes flashbacks that show Laxmii's experiences with violence and discrimination. This reflects the harsh realities faced by transgender individuals in real life, including societal rejection and abuse. By depicting these aspects, the film aims to raise awareness about the severe challenges transgender individuals face, though it does so within a supernatural and comedic context.

- **Social Commentary:** Through Laxmii's backstory, the film comments on the systemic discrimination and violence against transgender individuals. It serves as a reminder of the need for societal reform and better protection for marginalized communities.

➤ *Family and Societal Reactions*

- **Family Dynamics:** The film explores the impact of Laxmii's ghostly presence on the protagonist's family, including their reactions to the haunting and the revelations about Laxmii's past. This subplot serves to highlight the ripple effects of societal issues on families and communities.
- **Social Stigma:** The reactions of characters in the film towards Laxmii's spirit reflect broader societal attitudes towards transgender individuals. The film uses these reactions to underscore the stigma and prejudice that transgender people often face, albeit through a supernatural and comedic lens.

➤ *Comedy and Sensitivity*

- **Humour and Social Issues:** *Laxmii* uses humour to address serious social issues, which can be seen as a double-edged sword. While comedy can make difficult subjects more accessible, it can also trivialize the struggles faced by transgender individuals. The film's comedic treatment of Laxmii's character and the ghostly elements has been controversial in terms of how it handles sensitive topics.
- **Impact on Audience Perception:** The comedic and horror elements may influence how audiences perceive

transgender issues. The film's portrayal may either open discussions about transgender rights or perpetuate misunderstandings and stereotypes, depending on viewers' interpretations and responses.

➤ *Inspirational Aspects*

- Awareness: Despite its flaws, *Laxmii* brings transgender issues into mainstream cinema, which can prompt viewers to think about the struggles faced by transgender individuals and the need for societal change.
- Discussion Starter: The film can serve as a conversation starter about transgender rights, discrimination, and representation, encouraging audiences to engage more deeply with these issues.

VI Conclusion

'It is the spirit and not the form of law that keeps justice alive'²⁵

the transgender community in India has seen significant legal progress, particularly with the landmark *Nalsa v. Union of India* (2014) ruling, which recognized transgender individuals as a "third gender" and affirmed their rights to dignity, equality, and social justice under the Indian Constitution. The passage of the *Transgender Persons (Protection of Rights) Act* in 2019 was a step forward, aiming to prohibit discrimination in education, employment, and healthcare. However, despite these legal advancements, the transgender community continues

²⁵ Warren, Earl. (March 19, 1891 – July 9, 1974). American Jurist and Politician. 30th Governor of California (1943–1953) and 14th Chief Justice of the United States (1953–1969).

to face substantial challenges. The *Transgender Act* has been criticized for failing to provide sufficient safeguards, particularly in areas like gender identity recognition and access to healthcare. Additionally, societal stigma, lack of enforcement, and limited access to legal remedies persist, leaving many transgender individuals vulnerable. A more comprehensive and inclusive legislative approach, alongside effective implementation, is necessary to ensure that transgender persons in India are granted full legal protection and the right to live with dignity and equality.