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NALSA's Role in Promoting LGBTQIA+ Rights

NALSA has been instrumental in advancing LGBTQIA+ rights in India Through:

1. **Legal Aid:** Providing free legal assistance to LGBTQIA+ individuals facing discrimination, harassment, or persecution.
2. **Advocacy:** Advocating for policy changes, legislation, and judicial reforms to recognize and protect LGBTQIA+ rights.
3. **Sensitization:** Conducting workshops, training programs, and awareness campaigns to sensitize legal professionals, law enforcement agencies, and the general public about LGBTQIA+ issues.
4. **Research and Documentation:** Documenting LGBTQIA+ experiences, challenges, and successes to inform policy and legislation reforms.

Background: Challenges faced by transgender individuals in India

1. **Social Stigma and Discrimination:** Transgender individuals face rejection, ridicule, and violence from family, society, and institutions.
2. **Lack of Legal Recognition:** Until 2014, transgender individuals were not recognized as a distinct gender category, leading to exclusion from social welfare schemes and legal protections.
3. **Limited Access to Education and Employment:** Transgender individuals face barriers in accessing education and employment due to societal bias and lack of inclusive policies.
4. **Healthcare Challenges:** Inadequate healthcare services, including hormone therapy and sex reassignment surgery, exacerbate physical and mental health issues.
5. **Violence and Harassment:** Transgender individuals are vulnerable to physical, emotional, and sexual abuse.
6. **Economic Marginalization:** Limited job opportunities force many into sex work, begging, or other exploitative livelihoods.

Supriyo @ Supriya vs. UOI (LGBTQIA+)

Published by



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Printed: 2024

Introduction

The NALSA is a statutory body established under the Legal Services Authorities Act, 1987. NALSA's primary objective is to provide free and competent legal services to marginalized and vulnerable groups, including the LGBTQIA+ community.

"The Constitution guarantees freedom of expression, and this freedom is not just limited to speech, but also extends to expression of one's identity."
Justice Indu Malhotra

NALSA'S INTERVENTION IN SUPRIYO @ SUPRIYA VS UOI

Key Issues

1. Recognition of Transgender identity:

- Self-identification and autonomy- Transgender individual's right to identify themselves as male, female, or non-binary.
- Legal recognition: Access to identification documents (ID Cards, passports, driver's licenses) reflecting chosen gender.
- Social acceptance: Inclusivity in education, employment, healthcare, and social services.
- Medical care: Access to hormone therapy, sex reassignment surgery, and other transition-related healthcare.

2. Right to Equality, Dignity, and Non-Discrimination:

- Equal access: Ensuring equal access to education, employment, healthcare, and services.
- Protection from violence: Safeguarding individuals from physical, emotional, and sexual abuse.
- Inclusive policies: Implementing policies addressing LGBTQIA+ needs.
- Social acceptance: Fostering a culture of acceptance and inclusivity.

"Freedom is not just the right to be left alone, but also the right to be who your are". – Justice D.Y. Chandrachud

Constitutional framework:

Indian Constitution

- ❖ Article 14: Equality before law – Ensures equal treatment and non-discrimination.
- ❖ Article 15: Prohibition of discrimination – Prohibition discrimination on grounds of sex, race, caste, religion, or place of birth.
- ❖ Article 19: Freedom of expression – Protection individual freedom to express thoughts, opinions, and identity.
- ❖ Article 21: Right to life and liberty – Safeguards individual life, dignity, and personal autonomy.
- ❖ Article 25 to 28: Freedom of conscience and religion – Protects individual freedom to practice and propagate their religion.

Constitutional Principles:

- ❖ Dignity and Autonomy: Recognizing individual dignity and autonomy.
- ❖ Non-Discrimination: Ensuring equal treatment and protection.
- ❖ Equality: Promoting substantive equality.
- ❖ Social Justice: Addressing social and economic inequalities.

1. Petition filing: NALSA filed an intervention petition on behalf of transgender individuals, arguing for recognition as a distinct gender category.
2. Legal Arguments: NALSA advocated for:
 - Recognition of transgender individual's right to self-identification.
 - Protection from discrimination and violence.
 - Access to education, employment, and healthcare.
3. Supreme Court Judgement: On April 15, 2014, the Supreme Court recognized transgender individuals as a "third gender," directing governments to:
 - Provide identification documents reflecting their chosen gender.
 - Ensure inclusive education and employment policies.
 - Provide healthcare services, including sex reassignment surgery.