

6. Custodial Justice for Transgender Women in India: Bridging Gaps in Rights and Reform

Shriya Babar

Assistant Professor,
VES College of Law, Mumbai.

6.1 Introduction:

Transgender women in prisons all around the world often face forms of abuse that may not be faced by cisgender individuals. The major reason behind this is systemic neglect and failing to recognize gender within prison systems. This creates more vulnerability, leading to grave violations of safety, dignity and health. While women in prisons also face systemic sexual and physical violence, the marginalization of transgender women introduces a new peril which is beyond the issues faced by women.

The biggest issue is the inability to place transgender inmates according to their gender identity. In India's male-dominated prison system, transgender women are most of the times placed with men, which puts them in danger of sexual and physical assault from other prisoners and prison staff alike.

This poses the same kind of dangers which cisgender women in patriarchal prison environments but elevates those dangers for transgender women because their different visibility often means they are subjected to additional discrimination and violence.

Transgender prisoners are also subjected to systemic denial of gender-affirming healthcare. Gender-affirming healthcare is to be provided as stated by the provisions of the Transgender Persons (Protection of Rights) Act, 2019¹, however, this has been poorly implemented within prison systems. Those who need hormone therapy often find themselves suffering from terrible medical problems due to the severance of care they require. This deprivation is similar to the ones that cis women confront given the frequent lack of proper reproductive care and even sanitary products.

The common vulnerabilities shared between the transgender and cisgender women within the prison systems prompt a call for drastic changes in the whole system. With policy reforms in India permitting gender-sensitive rules, housing people according to their self-identified gender, appropriate provision of medical care and creating a safer environment for all, India has a chance to form a prison system that retains the dignity and rights of everyone, regardless of their gender identity.

¹ Act no. 40 of 2019, Parliament of India

6.2 Vulnerabilities of Transgender Women:

Prisons, by their very nature, are highly vulnerable environments because of loss of freedom, deprivation of some rights and of course, the stigma of imprisonment, catalyzing additional risks for all sentenced inmates. In this context, however, some groups are faced with even more challenges in these already degrading systems. Due to the intersection of their identities and the grim reality of being imprisoned, women, children, people with disabilities and foreigners face unique vulnerabilities. For these groups, prison life is an experience weighted down by systemic discrimination and neglect, excruciating their struggles and marginalization even further.

Among all of these marginalized populations, the LGBTI+ community is among the most overlooked ones. They experience violence, abuse, and discrimination in a unique and compounded manner within custodial settings. Moreover, because they are often so visible, transgender and intersex individuals are especially vulnerable to sexual and physical violence, often at the hands of fellow inmates as well as inside guards and staff. The special rapporteur of the UN Commission on Human Rights has drawn attention to the indelible danger that transgender and transsexual individuals encounter while in prison and the nefarious spaces that are created around them.

For the LGBTI+ groups, therefore, the intersectionality of these identities births an agonizing experience in a punitive and non-affirming environment. The graduated experiences of treatment often include emotional and verbal abuse, lack of access to gender-affirming health care, as well as official negligence of their rights. These layered vulnerabilities not only put their safety and dignity on the line but call for an enactment of other mundane social stigmas that could compound their already highly traumatic experience with their imprisonment. Bringing these issues to a head on requires an urgent and comprehensive framework for prison reform, directed to guarantee safety, equity, and dignity for every individual incarcerated.²

1. Admission Procedures:

The challenges faced by transgender individuals entering the prison system commence right at the point of admission when they must navigate three procedures: the search, medical examination and placement in the facility.

Search procedures should never aim to determine a person's essential nature between male and female. Guidelines recommend that searches be done in the presence of either a medical professional or be done by a preferred gender officer so as to ensure some privacy and

² Arijeet Ghosh & Sai Bourothu, *Existing Beyond Constitutional Rights: Transgender Persons in Indian Prisons*, THE P39A CRIMINAL LAW BLOG (Feb. 10, 2021), <https://p39ablog.com/2021/02/existing-beyond-constitutional-rights-transgender-persons-in-indian-prisons/#:~:text=It%20further%20mandates%20that%20transgender,placed%20when%20in%20detention%20settings.&text=Amongst%20these%20procedures%2C%20in%20particular,it%20comes%20to%20transgender%20prisoners.>

dignity. Since searches often involve stripping, these procedures should occur in a private space and only when absolutely necessary. It has been recommended that "transgender" be added as a separate category in prison admission records, alongside male and female, to reflect the gender identities of those incarcerated.

In practice, however, transgender individuals often face a reality that is far from respectful or dignified. Rather than being treated with sensitivity, they are frequently subjected to humiliating and invasive strip searches under the guise of security measures. While searches for male and female prisoners are conducted by officers of the same gender, the Model Prison Manual of 2016 fails to provide clear guidelines for handling transgender inmates during such searches. This lack of clear procedures leads to significant vulnerability for transgender prisoners, who are more likely to face mistreatment and violation of their rights during these processes.

The process of admission for transgender prisoners in India is deeply flawed, particularly in the way their medical examination and placement within the prison are handled. A report by the CHRI³ reveals the absence of a standardized policy on the placement of transgender inmates, resulting in varied approaches across states. Some prisons place transgender prisoners according to the gender listed in court warrants, while others rely on the medical officer's recommendation during the examination. This latter practice, however, is particularly problematic.

As highlighted in the CHRI report⁴, many prisons still determine where transgender prisoners are placed on the basis of the examination of their genitalia. If a transgender person has male parts, they are placed in the male ward; whereas if they have female parts, they are placed in the female ward. This practice reduces gender identity to a physical characteristic, ignoring the lived experiences and self-identified gender of the individual. If one relies completely on genital inspection to determine gender, it strips away the opportunity of asserting their gender identity from transgender individuals. This in turn takes away their right of determining their own gender which leads to their vulnerability within the prison system in India.

2. Gender Based Violence in Custody:

Transgender women (individuals assigned male at birth but who identify and live as women) face challenges that are deeply interwoven with societal stigma, institutional neglect and gender-based violence. Their confinement experiences are at par with those of cis-women whereby: sexual violence and harassment are compounded by a total lack of appreciation and acknowledgment of their gender identity, within the criminal justice system. With that erasure comes heightened vulnerability, and thus their struggle becomes unbelievably haunting.

³ COMMONWEALTH HUMAN RIGHT INITIATIVE, LOST IDENTITY: TRANSGENDER PERSONS INSIDE INDIAN PRISON (2020)

⁴ Ibid

Most of the adversities faced by many transgender women precede their encounters with the criminal justice system. For the most part, they are subjected to systemic exclusion and transphobic violence from a young age, which derails their education and diminishes their opportunities. Research indicates that transgender youth are at a much higher risk of being bullied, harassed, and assaulted within the school environment, resulting in many dropping out. Without education, their chances of securing stable formal employment go down, thus forcing them into unstable living conditions.

Public spaces and institutions designed to provide refuge like crisis centers and shelters constantly fail transgender persons. Many enter these settings with a known history of bias or rejection, and thus support systems are largely unavailable. The same extends to employment discrimination, and when denied opportunities in the open job market, many can only preserve themselves through informal economies. Survival crimes range from sex work to burglaries and petty thefts to buying or taking drugs, to mention a few. As such, these circumstances spur interactions with law enforcement and reinforce a cycle of criminalization.

Such a cycle does not occur chiefly as a result of the criminal offense but is a process broadly fueled by systemic discrimination. Policing tends to disproportionately impact transgender individuals, subjecting them to increased scrutiny, and arrests often without criminal activity. Coupled with poverty and lack of institutional support, such systemic bias leads to the disproportionate representation of transgendered individuals in the criminal justice system.

Confronting the broader inequities in our society that give rise to criminalization are required for understanding disability, transgender women's experiences. They deserve more than mere justice; they deserve equity. In order to break the cycle, there's a need for systemic reformation to address the types of underlying causes of discrimination and exclusion from both within and outside the justice system, allowing transgender women to enjoy the respect, equality, and recognition they deserve.

3. Housing and Gender Identity Recognition:

Among the most pressing concerns faced by transgender women in custody is the nonrecognition or accommodation of their gender identities. In India, as in the vast majority of countries, prison systems follow a strict male-female classification⁵, which means transgender women are frequently confined to men's wards. This kind of placement exposes them to heightened risks of physical and sexual violence, exploitation, and psychological suffering, creating an environment of constant fear and vulnerability.

This situation hasn't really changed all that much since the crucial “NALSA v. Union of India”⁶ decision, which recognized the right of transgender individuals to self-identify their genders. While the judgment represented a significant legal milestone, its principles have

⁵ MINISTRY OF HOME AFFAIRS, MODEL PRISON MANUAL, 2016

⁶ NALSA vs Union of India, AIR 2014 SC 1863

not been effectively implemented within custodial settings. The gap between progressive legal recognition and practical application leaves transgender women in prisons without the dignity and protections they are entitled to by law.

In contrast, some countries like the United States⁷ and the United Kingdom⁸, have begun adopting policies that allow transgender individuals to be housed in alignment with their gender identity under strict safeguards. These systems are not without flaws, but they represent a step toward acknowledging the specific vulnerabilities of transgender prisoners. In India, however, the absence of comprehensive and inclusive policies at the national level leads to inconsistent and often discriminatory practices across state-run prisons. A transgender woman who has legally recognized her gender identity should be entitled to placement in a women's facility, but institutional bias and neglect frequently strip her of this right.

The inability is reflective of a systemic failure that confronts cisgender women too; they may also have been subjected to the indignities of having to live in facilities inhumane and unsafe, designed without consideration of their specific needs. However, for the transgender women, being doubly marginalized as a woman and being transgender permeates the dignity, safety, and equality they need as inmates. This will require policy changes and a deep cultural shift in institutions to ensure that the rights and humanity of those incarcerated are respected.

4. Issues in accessing Healthcare and Gender affirming Treatment:

In prisons, transgender women have been compounded by problems like lack of access to gender-affirming healthcare. The Transgender Persons (Protection of Rights) Act, 2019⁹, assures transgender people access to necessary medical care. Unfortunately, such promises rarely materialize in prisons. One of the hardest challenges facing transgender women in custody is the denial or neglect of gender-affirming treatments like hormone therapy. For many, these sorts of treatments are intertwined not only as medical but with sense and importance to the identity and well-being they hold dear. Cutting off from such crucial therapy without an alternative solution places immense physical and emotional suffering on transgender women, and prison medical staff, unequipped to deal with transgender medicine, often disregard their needs, leaving these individuals isolated to suffer on their own.

This lack of care constitutes a violation of human rights; no gender-affirming treatments do not allow these subjects to receive, including but not limited to, psychological trauma, depression, anxiety, or suicidal tendencies. Thus, the absence of medical support heightens already unbearable isolation, stigma, and violence they face in custody.

⁷ US DEPARTMENT OF JUSTICE, TRANSGENDER OFFENDER MANUAL, 13 Jan. 2022.

⁸ MINISTRY OF JUSTICE (UK), THE CARE AND MANAGEMENT OF INDIVIDUALS WHO ARE TRANSGENDER, 31 Oct. 2019.

⁹ The Transgender Persons (Protection of Rights) Act, 2019, No. 40 of 2019, India.

In prison systems, this neglect of transgender healthcare reflects even broader inadequacies wherein cisgender women struggle to access basic reproductive care or sanitary products. However, for transgender women, that neglect is further complicated by systemic bias that erases or invalidates their well-formed identities. This multilateral neglect only widens their marginalization and critically exposes the much-needed reform efforts which address the other vulnerabilities faced by inmates.

5. Psychological and Emotional Toll:

The imprisonment of transgender women often displaces enormous mental and emotional damage, increasing physical threats that transgender women face. They are imprisoned in a hostile environment and are regularly subjected to abuse, denial of their gender identity and near-total exclusion from any supportive systems. Such ongoing invalidation and abuse contribute to the trauma of imprisonment since this renders many among them susceptible to depression, anxiety and deep feelings of hopelessness-often without the benefit of psychological care.

Their mental suffering is on par with that of cisgender women in custody, both of whom also experience high rates of PTSD, depression, and disaffection resulting from abuse and neglect. Yet for the transgender women such suffering is complicated by the added burden of gender dysphoria and the pervasiveness of transphobia in prison systems. The continued rejection of their identity by staff and fellow inmates exacerbates their isolation and detracts from their sense of self-making the prison environment, especially damaging for their mental health.

6.3 Voices from Custody: Transgender Experiences from Lack of Clarity:

An American transgender woman, Ce McDonald stabbed a man who had verbally and physically abused her friends and herself. She accepted a plea bargain for her act. Consequently, the question of which prison should she be put in arose. Due to the lack of a concrete answer about putting her in a male or female prison, she was sent to solitary confinement on the pretext of her own protection. In an interview¹⁰, she spoke about her experience while she was in solitary confinement. Being in solitary confinement for 5 months had taken a great toll on her mental health. She had been punished in an undue and unjustified manner for stabbing a man in self-defense only due to the lack of certainty about which prison she should be put in.

The case of Isla Bryson, a transwoman who was sentenced to eight years in prison for raping two women before transitioning, brings to light the deeply complex and sensitive challenges surrounding the incarceration of transgender individuals. Initially placed in Cornton Vale, a women's prison in Scotland, her placement raised significant public concern. Critics questioned the safety of female inmates sharing space with someone convicted of violent sexual offenses, while others emphasized the importance of respecting Bryson's rights and

¹⁰ Sabrina Rubin Erdely, *The Transgender Crucible*, ROLLING STONE (Jul. 30, 2014), <https://www.rollingstone.com/culture/culture-news/the-transgender-crucible-114095/>

ensuring her safety if housed in a men's facility.¹¹ The resulting public and political outcry led to a review of Scotland's policies, culminating in a new rule: "newly-convicted or remanded transgender prisoners would be placed according to their birth sex pending further assessment". Bryson was subsequently moved to a men's prison under this policy, reflecting a shift aimed at addressing the concerns of all parties involved. This case highlights the delicate balancing act correctional systems face globally: "safeguarding the rights and dignity of transgender individuals while protecting the safety and well-being of other inmates."

The aforementioned instance sheds light on another scenario in which the question arises of whether a trans female placed in a men's facility is more susceptible to facing hardships and atrocities, not only by the fellow prisoners but also by the prison authorities.

In another case that happened in the USA, a famous transgender Youtuber and influencer Nikita Dragun, was caught in a controversy after her arrest in Miami in November 2022. Charged with disorderly conduct and battery on a law enforcement officer, she had been transferred to a male unit at the Turner Guilford Knight Correctional Center, despite being legally recognized as female. This decision caused outrage from her supporters, and LGBTQ+ advocates who pointed out the terrible dangers that transgender women face in such situations: elevated risks of harassment, abuse, and violence. Nikita actively questioned during a court hearing how she was in a men's unit, ably signaling a poignant reminder of the personal yet systematic challenges the transgender community bears while traversing the justice system. Her representatives condemned the move as a violation of established protocols in protecting the safety and rights of a transgender inmate by housing them according to gender and safety needs. Less than forty-eight hours after her arrest, Nikita was freed without bail but brought into wider discussions of the treatment of transgender individuals in custody.¹²

In India as well, many instances of abuse against transgender individuals have been reported. In 2015, reports emerged about incidents of five transgender individuals forcibly lodged in the men's barrack on false charges who faced severe violence in Indian prisons, including sexual assault, harassment and rape.¹³ These incidents shed light on the deep-seated vulnerabilities transgender prisoners face in custodial settings. In 2016, another alarming case surfaced at Bengaluru Central Prison, where a transgender prisoner's silicone implants became infected, but prison medical staff failed to provide adequate treatment.

¹¹ Isla Bryson: Transgender Rapist jailed for eight years, BBC (Feb. 28, 2023), <https://www.bbc.com/news/uk-scotland-64796926>

¹² Rebecca Alter, Nikita Dragun Arrested and Says She Was Placed in Men's Unit of Florida Jail, VULTURE (Nov. 10, 2022), <https://www.vulture.com/2022/11/nikita-dragun-arrest-jail-miami.html> (Last visited Dec. 2, 2024)

¹³ Niranjana Kaggere & Chetan R, *Transgenders to move to women's wing after rise in violent sex crimes*, BANGALORE MIRROR (Mar. 31, 2016), https://bangaloremirror.indiatimes.com/bangalore/crime/transgenders-to-move-to-womens-wing-after-rise-in-violent-sex-crimes/articleshow/51623176.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

This incident revealed a disturbing lack of preparedness among prison medical personnel to cater to the specific healthcare needs of transgender inmates.¹⁴ It was further noted that many medical officers working in prisons across Karnataka were ill-equipped to handle the complex and unique medical needs of transgender prisoners, further exacerbating their vulnerability.¹⁵

From the aforementioned data, the vulnerabilities of the transgender community revolve around the following aspects:

1. Targeted Violence (including sexual violence and harassment) against the transgender inmates not only by fellow inmates but also by prison authorities.
2. Problems relating to placing transgender individuals in prisons.
3. Lack of medical care for transgender inmates.
4. Inadequacy in protecting the dignity of transgender inmates.
5. Need for gender sensitization and awareness.

6.4 Existing Guidelines and Way Forward:

6.4.1 Existing Guidelines:

1. **The Yogyakarta Principles**¹⁶ were drafted in the year 2007 by an International Panel of Experts to acknowledge the concerns of violation of human rights by individuals due to their actual or perceived sexual orientation. Yogyakarta Principles plus 10 (2017) made additions to the initial Yogyakarta Principles. Principles 7, 8, 9, 10, 33 and 35 are related to the deprivation of trial, liberty, trial, detention as well as imprisonment of the transgender community. Principles 9 and 10 are the most important since they emphasize on the state responsibility to train and sensitize prison authorities and monitor the prison premises.¹⁷ These principles provide for “Right of the Transgender individuals to be treated with dignity while in detention”, “Right to a fair trial”, “Right to Freedom from Arbitrary Deprivation of Liberty”, “Right to Freedom from torture and cruel, inhuman or degrading treatment or punishment” among several other rights. Efforts to address the challenges faced by transgender individuals in custody aim to uphold their fundamental rights, ensuring they receive a fair trial and are treated with dignity and respect while incarcerated. The Supreme Court of India underscored this commitment in its landmark 2014 judgment in *NALSA v. Union of India*¹⁸, which

¹⁴ Mrinalika Roy, *Transgender prison inmates face abuse, neglect in Bengaluru* (Jan. 23, 2017), <https://www.reuters.com/article/world/india/transgender-prison-inmates-face-abuse-neglect-in-bengaluru-idUSKBN1570QK/>

¹⁵ Ibid

¹⁶ The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (March 2007), https://data.unaids.org/pub/manual/2007/070517_yogyakarta_principles_en.pdf

¹⁷ Yogyakarta Principles plus 10 (Nov. 10, 2017), <https://yogyakartaprinciples.org/principles-en/yp10/>

¹⁸ *NALSA vs Union of India*, AIR 2014 SC 1863

referred to the Yogyakarta Principles as a foundation for its decision. These principles, rooted in international human rights standards affirm the rights of all individuals, regardless of gender identity, to live free from discrimination and violence. The *NALSA* judgment marked a turning point, recognizing transgender people as equal citizens with the right to self-identify their gender. The court emphasized that dignity, equality and freedom from discrimination are inherent rights that must be extended to everyone. By drawing inspiration from the Yogyakarta Principles, the judgment advocated for a society where transgender individuals are not only included but also respected for who they are. This decision serves as a guiding light for fostering a more inclusive and compassionate society, where the rights and humanity of transgender individuals are recognized and upheld. It highlights the collective responsibility to ensure that no one is denied their dignity or their rightful place in the fabric of society, regardless of their gender identity.

2. On January 10, 2022, the Ministry of Home Affairs took an important step toward recognizing the rights of transgender individuals in custody by issuing an advisory on the “Treatment and Care of Transgender Persons in Prison.”¹⁹ This advisory called for the acknowledgment of transgender persons with dignity; housing of transgender persons in facilities that orient with their gender identity; treating them with safety; and giving them access to healthcare they need. This was a crucial step towards addressing systemic challenges transgender persons faced in the criminal justice system. Yet, practical application remains a challenge, as many prisons lack the needed resources, training, and general understanding of how to attend to the special needs geared towards transgender inmates. Staff is often not trained in gender sensitivity, leading to environments rife with harassment, violence, and neglect. Access to basic necessities, such as gender-affirming healthcare and an appropriate wardrobe, is often denied, rendering some conditions of transgender prisoners that would harm their physical and emotional well-being. With weak enforcement and no real attempt to educate staff and inmates on gender diversity, the advisory risks becoming just words on paper, offering little real protection to some of the most marginalized and vulnerable individuals in the prison system. However, the major critique about this advisory is that it is non-binding in nature. There is no compulsion imposed on any authority to follow the guidelines since it is advisory by the very nature of it.
3. “The United Nations Standard Minimum Rules for the Treatment of Prisoners”²⁰, known as the “**Nelson Mandela Rules**”, set a global benchmark for the humane treatment of all prisoners, including transgender individuals. These rules emphasize respect and fairness, ensuring that no one faces discrimination based on gender identity or any other status. They urge the prison authorities to categorize correctional workers according to their needs, such as gender identity, to achieve safety and dignity. The UN Standard Minimum Rules for the Treatment of Prisoners, commonly known as the Mandela Rules, stress the necessity for dignity, culture of sameness, and compassion for all prisoners. Included in these provisions is the mandate for access to sufficient health care, including gendered health care provisions. These principles are intended to

¹⁹ MINISTRY OF HOME AFFAIRS, TREATMENT AND CARE OF TRANSGENDER PERSONS IN PRISONS 10 Jan. 2022

²⁰ UNITED NATIONS OFFICE ON DRUGS AND CRIME, THE UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS, 17 Dec. 2015

cultivate a prison environment that shows respect for the innate rights and humanity of every person behind bars. While the Mandela Rules were not directly aimed at transgender persons, they are indeed relevant to this group. The principles of non-discrimination and personal health care apply strongly to transgender inmates, who typically endure systemic disparagements and prejudices in custodial establishments. By ensuring access to gender-affirming medical care while addressing vulnerabilities that are possibly unique to gender identity, the Mandela Rules chart a course forward in valuing the rights of transgender prisoners and affirming their well-being in prisons.

4. The “Transgender Persons (Protection of Rights) Act, 2019”²¹ was a landmark point in the struggle for rights of the sentimental community in India. It was an important step towards protection against discrimination in vital areas like education, employment, and healthcare, while recognizing the fundamental right to self-identify. This was significant in asserting the dignity and equality of transgender persons within society. However, the act remains limited when it comes to protecting transgender persons behind bars. While it provides for dignity and the right to challenge discrimination in different spheres, it does not really deal with the special problems faced by transgender persons in prison. In the prison system, transgender inmates still struggle with abuse, lack of proper medical care, and unsafe housing, with no clear legal protection or support tailored to their needs in these environments.

6.4.2 Way Forward:

1. **Legislative Framework:** The Advisory issued by the Ministry of Home Affairs²² lays down certain guidelines regarding search and placing of transgender inmates along with prohibition of discrimination and violence against them. But as stated before, these guidelines are merely advisory for all the states and authorities. Therefore, it is of utmost importance that these guidelines are backed by legislative authority. A statutory framework would ensure that the proper rules set in place are followed by all the states, authorities and administrative bodies which would ensure that the transgender inmates are protected.
2. **Prison Hygiene and Healthcare Facilities:** The Government as well as the Prison authorities must frame policies that would assist in accommodating the requirements and needs of the transgender inmates. This would help in ensuring their right to sanitation, thereby helping them in living their life with dignity. Also, it is very important that the transgender inmates are provided with access to medical care especially in regard to their reproductive health and gender reassignment treatment.
3. **Training and Awareness:** There should be special training and awareness programs for prison authorities to deal with the needs of transgender inmates. This would ensure that the prison officials are well equipped to handle the problems that the transgender inmates would face and also ensure that they do not face any kind of discrimination or atrocities solely on account of their gender. Awareness among prison officers, wardens, fellow inmates, visitors, etc is crucial to ensure that the transgender inmates are treated with respect. Another helpful step that can be taken by the state is recruitment of

²¹ The Transgender Persons (Protection of Rights) Act, 2019, No. 40 of 2019, India.

²² MINISTRY OF HOME AFFAIRS, TREATMENT AND CARE OF TRANSGENDER PERSONS IN PRISONS 10 Jan. 2022

transgender staff in prisons since they are sensitized and aware of the needs of other transgender individuals.

- 4. Prison Monitoring:** Further, prisons should be inspected and monitored regularly to ensure that the prisons are managed according to the framework provided and the rights of the vulnerable group of transgender individuals are protected and respected. This would also help in reporting of the cases of atrocities against the inmates, if any and taking immediate steps to remedy the situation.

In conclusion, progress has been made to recognize the rights of transgender persons with the **NALSA vs. Union of India** judgment and the **Transgender Persons (Protection of Rights) Act, 2019**—the protection of transgender people in prisons remains a significant challenge. Despite positive legal steps, including the adoption of **Yogyakarta Principles** and international standards like the **Mandela Rules**, the reality in prison systems is far from ideal. Transgender inmates still face discrimination, abuse, and neglect because clear, enforceable guidelines are lacking, and prison staff often lack the necessary training to acknowledge and resolve the needs of transgender individuals. While the **Transgender Persons (Protection of Rights) Act** offers protections in many areas, it doesn't fully address the unique challenges faced by transgender people in prison, where they are at risk of violence, mistreatment, and inadequate healthcare. To ensure true equality and dignity, a more comprehensive legal framework is needed—one that specifically protects transgender people in custodial settings, backed by strong enforcement and proper staff training. Only with these changes can we begin to fulfill the promise of justice and equality for all transgender individuals, whether inside or outside prison walls.