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What About Us?

A Guide to Trans-Inclusive Sanitation

Introduction

Over the past decade, there have been promising initiatives within activist and policy spheres concerning LGBTQ+ rights, equality and social inclusion. A critical area demanding attention is sanitation. Throughout the country, public restrooms have become spaces where transgender individuals face barriers, encountering mistreatment, harassment, and violence when attempting to utilise existing facilities. Despite commendable efforts to enhance sanitation accessibility for all citizens, the provisions have not been extended to transgender and gender non-conforming people, who already bear a disproportionate burden due to the negligent state of sanitation conditions—a fundamental necessity that everyone

relies on a daily basis. This is especially true in low-income urban communities.

Even when the government has issued directives that address the serious issues in sanitation work, they have faced opposition and outrage from those who do not support the LGBTQ+ equal rights movement. The lack of public awareness and widespread prejudice has been weaponized to propagate the idea that supporting transgender rights jeopardises the safety of women—a common connection usually made by heteronormative people. These concerns are unrelated to the experiences of transgender people, as illustrated in this guide. The stereotypes and ideologies not only perpetuate unsafe environments for transgender people but also contribute to an increase in instances of harassment and abuse in public restroom facilities.

Discussing topics that relate to transgender and gender-nonconforming persons elicits discomfort in most communities, where the majority are cis-gendered people socialized with heteronormative beliefs. Acknowledging this fact is a useful starting point to build commitment towards safeguarding the fundamental human rights of transgender people. It is equally crucial in helping individuals cultivate a more accurate understanding, which involves articulating what it means to be transgender in accessible, simple terms as well as concepts rooted in people's lived experiences with gender. In the Indian context, for instance, various cultural and indigenous terms are used to describe diverse gender identities. Depending on the geography, terms such as 'kinnar', 'hijra', and 'thirunangai' are used to describe transgender women or individuals who identify outside the binary. The prevalence of such terms in various regional languages underlines the fact that transgender people in the Indian and South Asian context have been a visible part of the social landscape for centuries.

Overview

This guide outlines the existing provisions for transgender individuals in India, identifies gaps and challenges they encounter, and endeavours to acquire support for them across different domains with a specific focus on public

restroom facilities. Throughout this guide, the term 'transgender people' is used inclusively to encompass all the diverse identities under the trans umbrella, encompassing not only trans women but also trans men and gender non-conforming people. The structure of the guide comprises the following sections:

Introduction to the Concept of Trans Persons

- Provides an overview of the transgender identity and what it means to be transgender

Legal and Policy Context

- Explores the legal and policy stance about transgender rights in India highlighting their shortcomings

Exclusion and Challenges Faced by the Community

- Addresses the exclusionary practices and challenges that transgender people commonly experience across broader social and cultural structures and institutions
- Sheds light on the unique stressors experienced by transgender people in relation to access to public toilet facilities

Conclusion and Recommendations

- Offers suggestions and solutions to bridge the existing gaps and challenges
- Proposes strategies to improve the safety and inclusivity of public restroom facilities for transgender people

- Encourages readers to take concrete action in support of transgender rights
- Advocates for collective efforts to bring about positive change and inclusivity

By organising the guide into these sections, it aims to comprehensively address the multiple facets of issues faced by transgender people in India and proposes actionable steps towards a more inclusive and supportive society.

Terminologies

Before delving into the subsequent sections of this guide, it's crucial to build foundational knowledge about diverse gender identities. This is essential to establish inclusive and accessible structures with a fundamental understanding of key terminologies significant to LGBTQ+ lives. Familiarity with these basic terms will lay the groundwork for a more informed and inclusive discussion in subsequent sections of this guide.

Sex Assigned at Birth: Sex is a category assigned at birth based on a quick visual observation of an infant's genitalia. Depending on the appearance of an infant's genitalia, a doctor declares the infant's sex as male, female, or intersex (people born with non-normative bodies unrelated to gender, though are often linked with *transness* in India).

Gender: A person's gender is based upon the sex assigned to them at birth. The gender identity prescribed to people includes an extensive range of roles, rules, behaviours, and expectations, based purely on the sex assigned at birth. Thus, if an individual is assigned male at birth he will grow up carrying societal expectations of performing the role of a man.

Gender Identity: An individual's profound internal experience of gender, which may or may not align with the sex assigned to them at birth.

Gender Expression: The external manifestation of one's gender identity, expressed through elements such as name, pronouns, behaviour, clothing, haircut, voice, or physical appearance and characteristics.

Sexual Orientation: An individual's enduring capacity for deep romantic, emotional, and/or physical feelings for, and/or attraction towards individuals of one or both sex and many genders.

Cisgender Identity: Individuals whose gender identity aligns with the biological sex assigned to them at birth. They may belong to various sexual orientations.

Transgender Identity: An umbrella term for individuals whose gender identity, and sometimes gender expression, differs from what is typically associated with their biological sex assigned at birth. They too can belong to a range of sexual orientations.

Transgender Community: The trans community encompasses transgender people, as defined above, who share similar needs and face comparable life experiences and discrimination from various social and cultural institutions. For example, all transgender individuals encounter challenges related to basic hygiene, sanitation, and access to healthcare.

Legal and Policy Context: Understanding Policies, Implementation, and Gaps

Provided below is a comprehensive overview of existing policies and schemes, offering insights into their strengths and weaknesses, and their overall impact on the socio-economic and legal status of transgender people in India:

The Transgender Persons Act

The Transgender Persons (Protection of Rights) Act (TPPRA), passed in 2019, with a set of accompanying rules in 2020, aims to safeguard transgender rights, focusing on education and employment. However, it has several shortcomings, especially in identification procedures and sanitation guidelines.

The law mandates a District Magistrate-led process for the issuance of transgender identification cards, which gives District Magistrates the authority to decide the outcomes of these applications thereby hindering the self-determination

of trans persons. Despite a stated, expected turnaround time of 30 days, the process often takes months. This situation intersects with the challenge of transgender individuals being able to access public restroom facilities, as the lack of an identification card denies them the right to choose their preferred restroom.

Although the Act recognizes the need for public restroom facilities for transgender people, it lacks construction guidelines and provisions for comprehensive training of workers across the entire sanitation sector. This includes sanitation workers, policy program makers, engineers, Urban Local Bodies (ULBs), and Self Help Groups (SHGs). Notably, it fails to address the harassment that transgender individuals face in public restrooms, in fact and Section 18 reveals different forms of violence against transgender people, highlights differences in sentencing compared to offences against women, solely determined by the identity of the victim.

SWACHH Bharat Mission

This Mission, initiated in 2014 to achieve an Open Defecation Free India, initially lacked transgender inclusion guidelines. After active advocacy, guidelines were issued for transgender restroom access, emphasizing equality. Despite its mission statement prioritizing self-determination, challenges arise due to

existing mandates, like those in the Transgender Persons (Protection of Rights) Act (TPPRA), which require identification cards for services, without clear definitions for ‘transgender’.

Both policies lack specific action steps, and suggest adaptation within existing structures rather than outlining concrete new measures. This overlooks the imperative need for targeted interventions, such as community awareness campaigns and training for sanitation workers, to address transgender-specific challenges and their unique needs concerning sanitation facilities.

While the Swachh Bharat Mission acknowledges transgender people, it has insufficient emphasis on gender-neutral facilities. This omission thereby ignores the importance of creating a supportive and inclusive workplace for transgender sanitation workers, one that addresses the stigma and discrimination they face.

Advocates propose a more inclusive approach, involving collaboration with transgender communities. Tailored strategies, awareness campaigns, and training initiatives should address the distinct needs of transwomen and transmen. It is crucial to include gender-neutral restrooms, healthcare collaboration for inclusive menstruation aids, and awareness campaigns to reduce stigma. Training initiatives need to target respectful interactions for all of these. Education and healthcare access are vital

as well. These measures aim to foster inclusivity and address transgender needs in sanitation.

Gender Budget Statement

In the 2023 Gender Budget, the Indian Government allocated 2.23 crore rupees for transgender welfare through the SMILE program. The operational sum is 6 crores, just 0.002% of the total Gender Budget. Concerns persist about the minimal operational budget and policy implementation challenges, such as disbursing benefits of 5 lakh rupees for transgender individuals under the Ayushman Bharat health insurance scheme. The gap between allocations and on-the-ground implementation raises further questions about policy efficiency and impact.

Union Budget for Sanitation

The Union Budget allocated 7,192 crore rupees to sanitation through the Swachh Bharat Mission – Gramin (SBM-G) for the financial year 2023-24. However, a concerning trend is an 8% reduction in SBM-G budget allocations since 2016-17, with expenditures consistently below estimates. In 2021-22, spending was only 31% of the estimate, revealing a substantial gap. The persistent underutilization underscores the need for well-defined proposals that focus on challenges, enhance fund efficiency, and ensure tangible improvements. The budget reduction and disparities

emphasize the importance of advocating for increased allocations.

Advocacy efforts should emphasize sanitation's crucial role in public health, making a case for higher allocations to meet growing demands. Persistent discrepancies necessitate robust community-level monitoring and accountability mechanisms to optimize fund utilization, contributing to the success of sanitation initiatives and addressing urgent needs in this critical area.

Indian Constitutional Law

Despite the introduction of these policies, their non-implementation violates constitutional guarantees of equality (Article 14), non-discrimination (Article 15), personal liberty (Article 21), and minority protection (Article 29). Disregarding transgender rights contradicts the principles of equality and non-discrimination in Articles 14 and 15, encroaching upon the fundamental rights to life, personal liberty, and minority protection in Articles 21 and 29. Mandated identification card requirements that deprive many transgender people of restroom choice challenge personal liberty in Article 21. Article 29, which protects minority interests, is relevant to transgender marginalization. Policies that overlook their unique challenges thus contradict the commitment to safeguarding their rights. Addressing these issues is crucial

for upholding constitutional values and fostering an inclusive, just society.

Poor Implementation of Gender-neutral Sanitation Facilities across India

Implementation efforts are scarce, despite positive initiatives like the Kochi Metro Rail recruiting from the transgender community and transforming restrooms into gender-neutral facilities. Corporate inclusivity is generally low, with only 9.5% of surveyed organizations showing significant LGBTQ+ efforts.

A Randstad India study (2021) found that a mere 9.5% of surveyed organizations prioritized LGBTQ+ inclusivity. When present, it was usually at multinational corporations like the Godrej group and IBM, which support transgender employees with pro-bono therapy and gender-neutral restrooms.

Another recent effort to include the LGBTQIA+ community in sanitation include installing gender-inclusive signage in public restrooms and community-driven projects, which also serves to raise awareness of their needs. Local activists, like Rituparna Neog in Assam, actively promote LGBTQIA+ inclusion in sanitation, leading the "No more holding my pee" campaign for gender-neutral washrooms across North East India. While relatively modest, these initiatives serve as crucial examples of promoting

inclusivity and understanding within the LGBTQIA+ community in sanitation.

However, despite these positive steps, the prevailing mainstream narrative often reflects common prejudices and stereotypes against transgender and gender-nonconforming individuals, which impacts their well-being and disclosure in public spaces. Even after disclosure, individuals may deeply internalize these stereotypes, perpetuating negative self-perception.

Challenges Experienced by the Transgender and Gender-nonconforming Communities

The transgender and gender-nonconforming communities encounter multifaceted challenges across societal, institutional, and individual levels, including discrimination, stigma, and exclusion in areas such as healthcare, education, employment, housing, and relationships. Social institutions typically perpetuate binary gender perspectives. This creates obstacles to transgender and gender non-conforming individuals accessing basic services and leads them to experience stigma and prejudiced attitudes that contribute to their continuing marginalisation. A 2021 survey revealed alarming negative societal bias, with respondents expressing views that labelled transgender people as being sinful, violating cultural traditions, or mentally ill. Despite government

initiatives to introduce inclusive policies, the pervasive fear of social stigma perpetuates discriminatory practices, particularly in India. This directly affects transgender individuals' marriage and adoption rights, unless they undergo a complete transition and engage in heterosexual relationships. In India, identity verification processes for education, livelihood, and healthcare applications force transgender people into vulnerable positions.

Religious spaces often marginalize transgender people. Governmental efforts, such as establishing a separate caste for transgender people in Bihar, raise questions about the effectiveness of such interventions in addressing underlying issues of discrimination and inclusion. Recognizing transgender as a separate caste in a country like India comes with grave drawbacks, given the persistence of caste power dynamics in our country. These include the risk of reinforcing social segregation, exposing transgender people to increased stigmatization and discrimination, possibly restricting their social mobility, and oversimplifying their diverse experiences. This approach may also fall short in addressing systemic issues related to discrimination, potentially resulting in tokenistic gestures instead of meaningful inclusion and empowerment. While it signifies a step towards inclusivity and acknowledgment of historical injustices, its actual impact hinges on societal

attitudes, legal frameworks, and government initiatives, underscoring the necessity for a more comprehensive cultural shift towards equality and inclusivity. Healthcare challenges further complicate the situation, as transgender and gender-nonconforming people encounter difficulties accessing medical facilities due to stigma, lack of expertise, and inadequate infrastructure. The challenges were underscored during the COVID-19 pandemic when transgender people were denied vaccination shots because they lacked valid government-issued ID.

Education presents additional hurdles. Harassment has been reported to cause the high dropout rates among transgender students in Delhi and Uttar Pradesh, some of whom did not attend school at all. The existing educational infrastructure, including uniforms, dress codes, and restroom facilities, often fails to accommodate the diverse gender expressions of transgender and gender-nonconforming children, contributing to a hostile learning environment. In the employment sector, there is a lack of legal safeguards against discrimination, and a significant number of surveyed transgender people in Delhi and Uttar Pradesh reported challenges in securing employment despite qualifications. Media representation is also lacking, with transgender people often confined to limited roles, negatively impacting their opportunities for broader recognition in

the industry.

A troubling legal disparity is evident in the punishment for crimes against transgender people. For example, the maximum sentence for raping a transgender woman is two years, compared to seven years in the case of cisgender women. Equally disturbingly, a 2016 study involving 60,000 transgender participants across 17 states revealed that law enforcement officials and police were the primary perpetrators of violence against transgender people. The National Crime Records Bureau (NCRB) documented 236 crimes against transgender people in 2020—a mere 0.006% of reported crimes. No instances of rape, bullying, or child trafficking for sex work were officially recorded, indicating the likelihood of a lack of reporting rather than an actually low crime rate within the transgender community. Recognizing and addressing these gaps is crucial for fostering inclusivity and removing barriers that further contribute to transgender marginalization.

Moreover, transgender people face daily stressors and challenges, described below, that are unique to their experience. Most of these are stressors shared across the community and manifest as discriminatory behaviours and violence, especially from authority figures and even from public and mental healthcare professionals. Discrimination and violence, both in private and public

spaces, exacerbate the challenges faced by the transgender community, highlighting the urgent need for awareness, understanding, and supportive environments.

Gender Dysphoria

The term refers to the psychological distress that results from the misalignment between an individual's gender identity and their biological body, and which predominantly affects transgender and gender-nonconforming individuals. Those with gender dysphoria often feel a profound sense of detachment from, and harbour intense aversion and disgust towards, their biological bodies. The distress they experience is heightened in restroom facilities that are designed for binary genders. For individuals with gender dysphoria, having to suppress their gender expression and identity while utilising these binary facilities adds to their emotional burden on a daily basis. This constant iteration of their lack of inclusion can lead to self-harming behaviors, even deaths by suicide.

Passing

The concept of passing involves being accurately perceived according to one's self-identified gender rather than being perceived on the basis of biological sex assigned at birth. The struggle to be seen in terms of one's authentic gender is a daily challenge, influencing decisions about clothing, hairstyle, accessories, and

other aspects to avoid misgendering. In a world marked by intense transgender prejudice and hostility, passing may also serve as a means to prevent potential violence resulting from not conforming to traditional gender expectations.

Coming Out Decisions

The decision to come out as transgender poses significant stressors, especially for children facing resistance and rejection from family, teachers, and authority figures expecting conformity to assigned gender roles. Consequences may include pressure to 'correct' gender expression, emphasizing the need for broader societal acceptance and understanding.

Gender Transitioning

This process is a personal journey involving the alignment of an individual's gender presentation with their inner gender identity. This multifaceted process may encompass social, medical, and legal aspects, allowing individuals to express their true identity through self-reflection, community support, therapy, and available trans-related resources.

Misgendering and Trans Erasure

Misgendering (using he/him pronouns for a transwoman or she/her pronouns for a transman), involving the use of incorrect pronouns or deadnames (name given at birth that transgender people no longer use during and/or upon transitioning) and trans erasure

(disregarding the existence of transgender people) are pervasive stressors. This can also manifest in other forms of mistreatment or microaggressions, even discrimination and violence. Some mental health professionals and medical practitioners can also contribute to these challenges due to a lack of awareness and training.

Discrimination and Violence

Transgender individuals often encounter discrimination and violence in private and public spaces, beginning in childhood with attempts to ‘correct’ gender presentation. Professionals, including school counsellors, may inadvertently contribute to these challenges. Documented instances of bullying and violence, especially in educational settings and families, remain prevalent in India, highlighting the need for widespread awareness and sensitisation.

Conclusion

In the ongoing discourse surrounding transgender rights, it is imperative to remain cognizant of the daily discrimination and marginalisation faced by transgender people. Acknowledging the diverse identities, desires, and needs within the transgender community is an urgent need, emphasising that no singular individual or group can authentically represent the entirety of these collective

experiences.

Involving transgender individuals in both the design and implementation phases of trans-inclusive initiatives is absolutely essential. Historical precedent demonstrates that integrating women from economically marginalized backgrounds in the planning and execution of essential low-income housing amenities, from smokeless cook stoves to sanitation toilets and the promotion of sanitary products, yields significant improvements in user-efficacy and adoption rates. Therefore, mere ‘consultation’ is inadequate; genuine inclusion necessitates the active participation of transgender individuals across all levels of engagement.

To accomplish this, engaging with a broad spectrum of transgender voices is vital. By listening to their goals and granting them the autonomy to choose their preferred solutions, we ensure that transgender experiences are accurately and fully represented. This approach is especially crucial for underprivileged segments of the transgender community, including trans males, trans children, individuals with impairments, and members of minority groups. By encouraging inclusion and amplifying diverse voices, we pave the way for a more equitable and just conversation on transgender issues.

Recommendations

Based on our extensive study, we

conclude that the most effective approach, exemplified by the work of Rituparna Neog in the states of North East India, is to *improve accessibility to public restroom facilities by establishing gender-neutral facilities that are not segregated based on gender*. The following measures can prove useful in making a substantial contribution towards a more inclusive and equitable public sanitation environment:

- **Enhancing Accessibility through Gender-Neutral Facilities:** Advocate for gender-neutral public restrooms alongside traditional binary ones, accommodating a broader spectrum of gender identities for a more inclusive sanitation environment.
- **Recognizing Disability Washrooms as Gender-Neutral Spaces:** Officially designate disability washrooms as gender-neutral, allowing able-bodied transgender individuals to use them, promoting inclusivity, and leveraging existing facilities for equal access accommodating everyone. Actively promoting the transformation of disability washrooms into gender-neutral ones is the quickest and possibly most successful attempt towards creating an environment that acknowledges and supports equal access for all.
- **Comprehensive Training Programs:** Implement detailed guidelines and comprehensive training programs for the sanitation sector, including workers, policymakers, engineers, and governing bodies. Focus on providing education on gender-neutral washrooms and their proper utilization, and the unique needs of transgender and disabled individuals. Sensitisation is particularly important to overcome barriers that have historically prevented able-bodied transgender people from accessing public facilities. Sanitation staff and specifically self-help groups, through their awareness and understanding, will play a pivotal role in upholding the integrity of such spaces, contributing to an atmosphere characterised by respect and safety for all individuals.
- **Dialogue between Transgender Communities and Authorities:** Facilitate a dialogue between transgender communities and government authorities will promote the development of new, accessible restroom facilities designed in collaboration with the diverse needs of the transgender population.
- **Advocacy for Gender-Neutral Infrastructure:** Advocate for gender-neutral infrastructure as a commitment to social equity, accompanied by awareness programs fostering empathy for marginalized communities. Training and awareness initiatives that foster a culture of empathy and help people acquaint themselves with different

- gender identities are essential for creating a compassionate, rights-affirming and inclusive society.
- **Accessible and Inclusive Infrastructure and Restroom Design:** Promote inclusive restroom design by prioritizing individual stall-based configurations across public places for convenience, accessibility and inclusivity for diverse users. This will help prevent unintentional creation of male-dominated spaces and reduce the likelihood of trans-phobia and discrimination.
 - **Fostering Education, Training, and Awareness:** Address concerns about restroom safety and privacy through training and awareness programs for sanitation staff and the broader community, dispelling misconceptions and stereotypes. These programs should emphasize equal access for transgender individuals without posing threats to others, especially for women and children. Many women have experienced feelings of threat from cisgender men, in restrooms and other public places, or simply walking down a street. These concerns are valid, and it is essential to work towards helping people understand that ensuring equal access to sanitation for transgender people does not pose a threat to women, as laws are already in place for their protection. It may also be useful to explore the creation of community-level alliances between women and transgender people to champion each other's right to safe access to sanitation facilities.
 - **Increasing Official and Community Accountability for Mistreatment of Transgender Individuals:** Recognize the mistreatment faced by transgender individuals, emphasizing their active and realistic participation in societal change. Facilitate their inclusion in the transformative process for a more equitable society. Increase official and community accountability for mistreatment of transgender people by adopting a multifaceted approach aimed at both systemic and cultural change for legal protection of transgender people rights.
 - **Mindful Engagement with Marginalized Voices:** Be mindful of marginalized voices within the transgender community, considering experiences and insights of various groups, including transgender youths, children, non-binary individuals, and those with disabilities.
 - **Preventing Erasure and Fostering Empathy:** Ensure transgender people, especially those from ethnic or religious minorities, are not erased from the movement. Establish empathy among stakeholders by recognizing transgender individuals

as human beings with multiple identities and intersecting experiences of oppression, beyond being categorized as ‘the third gender’.

These measures collectively strive to create an inclusive society where public sanitation facilities respect diverse gender identities and ensure equal access for all individuals.

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