
SUCCESSION RIGHTS OF TRANSGENDER PERSONS IN INDIA: A SOCIO-LEGAL PERSPECTIVE

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ABSTRACT

Though the constitutionally guaranteed position of transgender persons has been established in India by judiciary and enacted in the Transgender Persons (Protection of Rights) Act, 2019, the scope of grant of the same does not cover all aspects of the law, especially in the area of succession and inheritance. The Indian succession law, be it codified by the Hindu Succession Act, 1956, Indian Succession Act, 1925 or through uncodified religious personal laws, is structurally anchored in the assumptions of binary gender. This research conducts a critical socio-legal review of the succession rights of transgenders in the pluralistic legal system in India. It states that the systemic exclusion is perpetuated by the statutory and judicial interpretation language of heteronormative and cisnormativity, which denies transgender people equal access to property and family rights. The research criticizes the disappearance of transgender identities under the regime of the private law and shows how the lack of express legislative inclusion, combined with the social stigma, enables systematic disinheritance, estrangement of the family and legal exclusion. The research, using a doctrinal analysis, with supplementation by judicial ruling, and a comparative international jurisprudence, illustrates that statutory reforms, to include gender-neutral language and acknowledgement of self-perceived gender in succession claims, are necessary. It also argues that the right to inherit is not only a civil or personal right, but a vital aspect of citizenship, dignity, and socio-economic equality of trans-gender persons. This research demands an intersectional and rights-based law reimagination of succession law to satisfy constitutional pledges of non-discrimination, equality, and substantive justice to the Indian transgender community.

Keywords: Transgender, Succession Rights, Inheritance, Gender Identity, Property Rights, Gender Neutrality, Cisnormativity, Familial Alienation

INTRODUCTION

The category of transgender in India finds itself in an ambiguous area, between historical marginalization and new discourse of rights. Transgender, which is commonly grouped together under the term of third gender, has been prevalent throughout the Indian cultural and religious context, with the hijra people mentioned in ancient scriptures and Mughal-era governmental systems. In spite of this visibility, their legal identity was not recognized until decades later, making them formally invisible to the state, in civil registration, welfare schemes and property rights. There is no statutory recognition of transgender persons before the judgment in *National Legal Services Authority (NALSA) v. Union of India*¹ institutionalized systematic discrimination, disallowing transgender individuals their right to be a subject of constitutional protection under Article 14, 15, 19, and 21.

The right to transgender people to be recognized in the legal context, especially within the framework of succession and inheritance, is not a formal inclusion problem but a problem of concrete equality. Economic security and familial legitimacy rest on the inheritance law that is both personal and codified in India. The fact that the transgender individuals are denied the right to succession is not only due to the strict gender binaries that are embedded into the statutory text (e.g. the terms, son, daughter, widow) but also to the more fundamental social assumption that the transgender persons are alien to the normative family unit. This assumption is realized in the exclusion of transgender individuals in inheritances and successions to family assets, and family lineages, essentially robbing them of their right to equality and dignity as mandated under the Constitution. Therefore, the inheritance issue is not marginal, but central to full citizenship of transgender persons in India.²

NALSA's ruling & enactment of Transgender Persons (Protection of Rights) Act, 2019 have provided a fledgling structure in the legal acceptance of transgender identity. Nonetheless, these advancements are inadequate to cover some of the most important areas such as the law of succession that is still based on gendered legal categories and the heteronormative family unit. This inability to reconcile personal laws with the constitutional right of not being discriminated on grounds of gender identity creates a gap, wherein despite the legal recognition of transgender people, they are still not given access to property rights. This requires a stringent

¹ (2014) 5 SCC 438.

² Jyoti Rattan, *Transgender Persons and the Law in India: An Analysis*, 2(1) NLU Jodhpur L. Rev. 55 (2020).

socio-legal exploration of the system of inheritance in India through the lens of transgender inclusiveness that not only goes against the text and intent of the law but also questions the assumptions that wrap around the concepts of family, identity, and kinship in the Indian legal tradition.³

FRAMEWORK OF TRANSGENDER IDENTITY IN INDIA

The legal interpretation of the transgender identity in India has experienced a transformation of essence, especially in the statutory legislations and progressive judicial statements. Section 2(k) of the Transgender Persons (Protection of Rights) Act, 2019 defines a transgender person to be an individual whose gender is different from that assigned at birth and trans-men and trans-women, persons with intersex variations, genderqueer individuals, and individuals having socio-cultural identities like hijras, aravanis, jogappas, etc. Although the Act tries to cover a broad range of identities, its wording is still medicalized and, arguably, pathologizing, given that it requires an identity certificate, further promoting a gatekeeping tradition that is incompatible with the right to self-identification.⁴

Even before the statutory recognition, the landmark ruling of the NALSA provided the constitutional basis of identifying transgender persons as a “third gender”. The Court also referred to Articles 14, 15, 16, 19(1)(a), and 21 of the Constitution to declare that the right to self-identify one gender belongs to the right to dignity and autonomy. The ruling was clear in the fact the legal recognition was not to be dependent on the surgical operation or medical certification. In this regard, NALSA was a jurisprudential breakthrough in the sense that gender is not only produced by biological or physiological characteristics, but also by the internal feeling of identity.⁵

Although there is a legal progress, the real-life experiences of transgender in India are characterized by structural marginalization, notably in the area of inheritance and family property. The transgender individuals are usually unseen or marginalized by the normative family systems in India. Most natal families disown them and exclude them in legal papers on succession. It is usually accompanied by the denial of the family support, which will be

³ *Id.*

⁴ Dipika Jain & Shreya Atrey, *Unequal Citizens: A Study of Discriminative Frameworks of Inheritance for Transgender Persons in India*, 5 Indian L. Rev. 138 (2021).

⁵ *Id.*

combined with the societal stigma, forming a systemic obstacle to implying the right to inheritance. Such exclusion amounts to nothing less than a denial of economic rights but also a contravention of the underlying right to equality and non-discrimination.

The inability to receive documentation, especially those that identify one with their self-designated gender, adds to the problem. As an example, identity verification documents are frequently necessary to make property or legal heirship claims, which transgender people might lack because of bureaucratic indifference or family alienation. Although the Act, 2019 gives a provision of certificate of identity, in reality, there has been a lot of delay and discrimination when it comes to getting the certificate of identity. In addition, the courts, as well as revenue authorities, tend to act in a cisnormativity approach, not considering the intricacies of gender identity in matters of succession.⁶

STATISTICAL PERSPECTIVES AND CERTAIN INITIATIVES

The absence of transgender people in the right of succession in India is not a simple effect of the non-inclusion of the law but a manifestation of well-established socio-cultural hierarchies that can lead to legal invisibility. This rejection of transgender individuals by their families, often based on gender non-conformity, is systematic in the formation of transgender individuals, and leaves them without access to property belonging to their ancestry, testamentary gifts and intestate succession. Such alienation frequently compels them to find a second community in forms like the guru-chela relationship, common to the hijra communities. But these structures, providing emotional and economic solidarity, are not recognized in inheritance laws. According to the Census 2011, there are around 4.88 lakh transgender people in the country with most of them socio-economically marginalized who do not have access to education, gainful employment and property ownership.⁷ These overlapping weaknesses are aggravated by judicial discrepancies after NALSA, whereby identity recognition has received positive momentum in 35 of 41 reported rulings until 2021. However, the jurisprudence that directly deals with property succession rights is still in its embryonic and sporadic stages. As an example, in *Anjali Guru Sanjana Jaan v. State of Maharashtra*,⁸ the Hon'ble Bombay High Court confirmed the right of the petitioner to gender self-identification in order to vote, but it

⁶ Piyush Joshi & Yashwant Singh, *Exclusion from Inheritance: A Critical Study of Transgender Rights*, 12 Nirma U. L.J. 135 (2022).

⁷ Zaid Al Baset, *Legal Recognition of Gender Identity in India: A Rights Perspective*, 2 NLUJ L. Rev. 1 (2015).

⁸ 2021 SCC OnLine Bom 4467.

did not consider the issue of succession. The existing practice of subjective judicial discretion in the absence of written norms of transgender heirs has resulted in inconsistent, and in many cases inequitable, jurisdictional outcomes, further entrenching a legal precarity.

This gap is further institutionalized by the fact that the applicability of the personal laws, which assume the existence of two gender roles, still continues to exclude transgender individuals within the inheritance systems. Hindu succession law acknowledges heirs on a malefemale spectrum, the Muslim personal law, which takes its basis on the Shariat, applies gendered quotas solely on the distribution of property, and the Indian Succession Act of 1925, which applies to Christians and others, uses gender-specific terms that do not resonate with non-binary realities. Though the Delhi Minorities Commission has requested the Union Government to review this law to cover transgender persons as legal heirs, there have been no reforms to this date in 2025. Although the Transgender Persons (Protection of Rights) Act, 2019, is a progressive piece of legislation that prohibits discrimination in property-related activities and establishes the National Council for Transgender Persons, it is mostly aspirational because it lacks an enforceable directive or guidelines on succession. Other socio-economic schemes such as SMILE scheme and state-sponsored schemes such as welfare board in Tamil Nadu or health interventions in Kerala remain silent on the issue of property devolution.⁹ The amendment of the Revenue Code in Uttar Pradesh, which permits transgender individuals to have access to agricultural land through inheritance is a good but geographically limited innovation, which is not replicated nationwide. The 2023 advisory issued by the National Human Rights Commission highlighted the necessity of inclusive legal recognition in property rights yet, did not go further to suggest legal reforms that could be taken. Moreover, although India partially refers to international practices in its national courts to the Yogyakarta Principles, it has not institutionalized the commitments in the field of succession law.¹⁰ By the middle of 2025, no authoritative government report or legislative proposal addressing the inheritance rights of transgender persons in a specific way has appeared. The 2023 advisory opinion by the Supreme Court on the context of same-sex marriage encouraged parliamentary examination of the personal laws in the perspective of inclusivity, but entitlement to succession of transgender persons stands as an unlegislated territory.

⁹ Priya Kothari, *Gender Identity and Legal Exclusion: A Case for Reform in Indian Succession Laws*, 7 Christ U. L.J. 88 (2023).

¹⁰ *Id.*

OVERVIEW OF SUCCESSION LAWS IN INDIA

The Indian legal system of succession is highly multi-pluralistic, complicated, and based mostly on religious personal laws, all of which have gendered assumptions that lead to the exclusion or marginalization of transgender persons. In the case of Hindus, Buddhists, Sikhs, and Jains, the Hindu Succession Act, 1956, includes a system of patrilineal and heteronormative inheritance. Despite the fact that it was amended significantly in 2005 to provide gender parity in the cases of sons and daughters, the law remains in the binary understanding of gender with rigidity in categories of son, daughter, widow, and husband. It does not provide space to people who do not identify as either male or female in any part of its text. As a result, transgender individuals, especially transitioned ones, have been caught in legal limbo on whether they are a Class I heir or not unless they are absorbed under one of the two categories that do not reflect the identity that the individual lives.¹¹

Even the Indian Succession Act, 1925, that covers Christians, Parsis, and interreligious issues, displays gender-specific language and heteronormative prescriptions. Although it is a codified law and seems to be procedurally sound, its use is still based on gender binaries. An example is the Parsi intestate succession under the Act which grants separate shares to son and daughter and differentiates heirs by gender.¹² The Act lacks an interpretive device to decide how a transgender individual, especially one who does not identify as a male or female, must be categorized in order to inherit. Essentially, these laws compel transgender people to choose a binary to be recognized under the law, which is against the constitutional right to self-identify. It creates an immense disjunction between constitutional law and the statutory law.

The matter is even more obscure in the case of Muslim personal law that is neither codified nor managed by regular interpretations of the Quran and Hadith but rather by custom. The Muslim law of succession is very prescriptive and detailed, having definite shares of male and female heirs, according to religious injunctions. The customary Islamic jurisprudence only recognizes male and female gender and there is a silence in history concerning how khwajasiras or hijra persons were treated in terms of inheritance though they existed in pre-modern Islamic societies. Transgender individuals in Muslim personal law are usually excluded by the family

¹¹ Surabhi Shukla, *The Family and Transgender Rights: Negotiating Recognition in Indian Law*, 35(3) J. L. & Soc'y 215 (2022).

¹² *Id.*

and rendered invisible before the law unless they are codified or reinterpreted in a progressive way. Furthermore, since many Islamic schools of thought are based on patriarchy, a transgender female assigned at birth may not receive an inheritance as a daughter or sister, and a transgender male may not be able to receive a male share unless the family or community accepts his gender identity.¹³

The issue of gendered language is even more pervasive in all of the personal laws in that it systematically discriminates against transgender individuals. Terms such as son, daughter, widow, and father are also based on cisnormativity assumptions of gender identity and family roles. This causes interpretive ambiguity and uncertainty in law when transgender individuals want to claim their rights in matters of succession. This lack of legal recognition of third gender or non-binary identities creates a vacuum that the courts have been unwilling to fill, which means people must rely on ad hoc judicial discretion, which frequently requires documentation, family acceptance, or biological determinism.¹⁴ This brings serious issues in regard to constitutionality of such exclusionary legal regimes under the Articles 14, 15 and 21 of Constitution that provide equality, non-discrimination, and right to life with dignity. In this respect therefore, the gendered construction of Indian laws of succession cannot resonate with the jurisprudential change that gender identity is self-defined and a constitutionally guaranteed right.

LEGAL STATUS OF TRANSGENDER PERSONS UNDER SUCCESSION LAWS: A CRITICAL ANALYSIS

Succession laws in India have remained largely tied to heteronormative and binary conceptualizations of gender as seen through major statutory provisions such as Hindu Succession Act, 1956, Indian Succession Act, 1925, and uncoded personal law including Muslim inheritance law. These legal documents have a massive amount of gender-coded words, including son, daughter, widow, and brother, without providing a definition that can help individuals who belong to groups that do not fit into the male-female binary. Therefore, transgender individuals can easily be disregarded as part of the legal definition of a heir by the current application of the law, particularly where their gender identity does not align with those

¹³ Dipika Jain, *Law-Making for LGBT Rights in India: A Substantive Equality Perspective*, 43(2) Delhi L. Rev. 67 (2021).

¹⁴ *Id.*

of their family or the state based on the gender they were given at birth. The absence of this explicit statutory recognition makes the claims of transgendered individuals to inheritance legally unclear and usually subject to challenge.¹⁵

The classificatory problem is a product of the binary taxonomy of personal laws which strictly classifies heirs in terms of male/ female. Examples include that under Hindu law, the rules of succession between sons and daughters vary greatly, and between agnates and cognates, the two categories of which do not consider non-binary or third-gender identities. Although in theory the courts can understand transgender people as members of the gender, in practice, the lack of statutory clarity results in the subjective judicial discretion, and in many cases, the exclusionary results. Transgender individuals are either deprived of their right to inheritance when family members dispute their identity or when the issuing authority is reluctant to honor their claims. Not only does the vacuum of classification put transgender claimants at the risk of litigation, but the outer limit of inclusivity of the personal law regimes in India under the equality requirement in the Constitution also comes into question.¹⁶

This ruling by the NALSA was a landmark since it acknowledged the right of individuals to self-identify as male, female or third gender thereby upholding gender identity as part of dignity and personal autonomy under Articles 14, 15, 19 and 21. The decision was categorical in granting constitutional protections to transgender individuals and that they be accorded equal citizen status and receive legal protection. Nevertheless, the potential of transformative NALSA is partially achieved in the field of succession rights. Although the ruling suggests that the transgender people should enjoy the same legal rights as the cisgender people, the ruling does not imply the re-interpretation of the succession laws. The lack of any statutory modification post NALSA has left the law of succession in an indeterminate state of ambiguity; whereby transgender individuals are formally acknowledged as citizens but substantially deprived of the benefits of such recognition in family and property law.

In addition to the textual gaps of the law stands the equally disturbing land of its enforcement, which is blighted by social discrimination and the mass inaction of the bureaucracy. Transgender people are regularly rejected access to property by birth families, and are usually

¹⁵ Rajeev Dhavan, *Legal Recognition of Transgender People: Identity, Autonomy, and Access to Justice*, 4(2) Int'l J. Const. L. 98 (2020).

¹⁶ *Id.*

ostracized, disinherited, or even subjected to violence. They are also forced to jump procedural hoops in getting identity papers to be in sync with their gender identity which is a pre-requisite to claiming legal heir certificate or mutation of property records even when they are willing to exercise their rights through legal means. Others cannot provide such documentation because they do not have family support, no birth records, or face bureaucratic opposition. These institutional barriers strengthen socio-legal exclusion and undermine the equality of promise contained in NALSA. Without focusing legislative changes and sensitized enforcement frameworks, transgender individuals in India remain de facto denied rights to succeed to the rights under their succession law, even though they are recognized de jure under the constitutional law.

JUDICIAL PERSPECTIVES

The emergence of transgender succession rights in India, which remains in an initial and fissiparous phase, is brought to light by some of the primary judicial statements that have started addressing the enigma of the interaction of statutory regulations, conventional practices, and gender identity. In *Sweety (Eunuch) v. General Public*,¹⁷ the Hon'ble Himachal Pradesh High Court recognized the guru-chela inheritance tradition and, thus, sanitized a non-codified customary interest in property devolution in the transgender community. In taking note of the right of the guru to inherit the property of the chela, the Court tacitly accepted that the socio-cultural autonomy of hijra tradition demanded that the Hindu Succession Act not be applied where it would interfere with the established and ancient practices of the community. However, a hidden precariousness is shown in this jurisprudence as inheritance rights in these systems are still dependent on personal ranking and unofficial loyalty, which puts transgender people at risk of being coerced economically. Similarly, in *Illyas v. Badar Zaman*,¹⁸ the subordination of Muslim customary norms by the Hon'ble Allahabad High Court in their rulings that afforded a chela the option of receiving two-thirds of the property of the deceased transgender person is evidence of judicial awareness of the community level considerations, although within the bounds of testamentary freedom under the Muslim law. The combined effect of these rulings is to support a contextual jurisprudence that is attendant to the socio-legal marginalization of transgender people, but which is unconfirmable premised on a normative exclusion of familial

¹⁷ 2016 SCC OnLine HP 4386.

¹⁸ 2001 SCC OnLine All 1176.

succession regimes founded in statutory personal laws.

On a parallel track, transgender individuals have increasingly been accepted by the modern jurisprudence as falling in the rubric of personal laws in relation to marriage and therefore inheritance has its consequential implications. In *Arun Kumar v. Inspector General*,¹⁹ The status of transgender women as wives and thus their eligibility as Class I heirs was further entrenched by the Madras High Court through its interpretive expansion of the term bride in the Hindu Marriage Act to cover transgender women. Although a substantive victory in transgender identity in the heteronormative legal system, this decision is limited in its application to only binary-conforming transgender women, and does not offer protections to transgender men or non-binary individuals. Likewise, in *Supriyo v. Union of India*,²⁰ the Supreme Court reinstated the validity of heterosexual marriages between transgender individuals, thus, indirectly authorizing the right to inheritance by a spouse. The refusal of the Court to acknowledge same-sex marriages however, has a stark effect of limiting the scope of such recognition, contributing to a systemic deficiency that queer and non-binary people in relationships beyond traditional marital structures do not have access to inheritance rights.

SOCIO-LEGAL CHALLENGES IN PRACTICE

Socio-legal issues that face transgender individuals in succession rights are based on the embedded normative frameworks of family, gender and property. Central to this is the effect of the rejection and disinheritance by family, which is not just transphobic, but also due to a failure to meet heteronormative expectations of gender normativity. In many cases, transgender people are driven out of the place of their birth, or they leave on their own free will because of psychological, physical or emotional violence. When parents or relatives die, their right to inheritance is often challenged or flatly rejected by biological relatives. The legal system, which mostly values traditional familial relationships and overlooks the actuality of chosen families, has not acknowledged the validity of relationships that fall outside the traditional cis gender-binary framework of a family. This exclusion is further justified by the fact that there are gendered and heteronormative language used in the personal and statutory successions thus even transgender persons are in no way structurally visible as heirs.²¹

¹⁹ 2019 SCC OnLine Mad 418.

²⁰ (2023) 11 SCC 1.

²¹ Aarthi S., *Reimagining Family Law through a Trans-Inclusive Lens*, 11 Indian J. Const. L. 129 (2022).

The issue of cultural stigma is significant not only in the social exclusion process but also in undermining their legal right. Transgender individuals have been perceived to have renounced their positions in either the patrilineage or matrilineage that dictate property succession, particularly in caste or religious groups. This stigma is shifted into practical property denial whereby transgenders are kept off their portions or are intimidated to give up their claim through intimidation and emotional blackmail or even documentations. Without the explicit legal safeguards and adjudicatory procedures that validate their gender and entitlements to inheritance, the transgender individuals are sidelined by society and law. The absence of institutionalized systems to dispute such discriminatory activities has institutionalized disinheritance as a normative reaction to gender non-conformity.²²

A similarly urgent issue is the overall ignorance and legal illiteracy of not only transgender individuals but also lawyers. Transgender people as a result of historical disenfranchisement do not have access to formal education, including legal education, and do not know of their few rights, if any, under personal or secular systems of succession. Conversely, the law practitioners, including judges, tend to lack the perspective of a gender-sensitive approach to the interpretation of the succession laws, which contributes to the additional marginalization during adjudication. This is complicated by the lack of court precedents and jurisprudence, which is why transgender people can hardly exercise their rights. Further, the legal aid structures that serve marginalized groups have not been very successful at assisting the needs of transgender individuals, both in outreach and representation.

The obstacles to receiving legal redress to transgender people are not only procedural but highly systemic and intersectional. Litigation structural delays, the cost of legal representation, and a culture of judicial insensitivity discourage transgender people to take or maintain a legal fight to inheritance. In addition, the marginalization of transgender persons is aggravated by intersectionality where gender identity is coupled with caste, class, and religion. As an example, a Dalit transgender woman can be subjected to multiple discrimination both on the community level and on the level of the legal environment. Transgender individuals belonging to minor religions and especially those with uncodified personal laws regulating succession are

²² *Id.*

even more alienated to the protective nets of the state.²³

COMPARATIVE INTERNATIONAL FRAMEWORK

Unlike the ambiguity and heteronormative inflexibility that remains in Indian personal laws, some jurisdictions have gone a long way towards harnessing the right to inheritance by transgender persons by adapting gender-neutral laws and adopting liberal jurisprudential interpretations. An example is the UK, who through the Gender Recognition Act 2004 enables the transgender people to obtain a Gender Recognition Certificate which legally recognizes the gender that the transgender has acquired. Through this legal acknowledgement, they have a right to succeed in laws that would otherwise apply to their gender as identified and thus, ensuring equality in the right of succession. In addition, English inheritance law, which tends to fall under the Inheritance (Provision for Family and Dependents) Act 1975, sets no gendered limitations, and claimants may use dependency and family connection as justifications of inheritance rights as opposed to a specific two-gendered framework.²⁴

Canada offers an especially liberal example, with succession rules regulated by provincial law, usually written in gender-neutral terms. To illustrate, the Succession Law Reform Act in Ontario specifically avoids gendered formulations and acknowledges the rights of persons irrespective of sex or gender identity. The inclusivity has also been facilitated by judicial attitudes, in *XY v. Ontario (Minister of Government and Consumer Services)*,²⁵ where the Human Rights Tribunal of Ontario determined that denial of issuance of a birth certificate that matched the gender identity of the transgender individual was discriminatory. Although it was not a case involving succession, it cemented the larger idea that state documentation must reflect gender self-identification in order to have any standing to be recognized as an heir.

South Africa and Argentina are the landmark cases of legal recognition of gender identity and socio-economic entitlements as inseparable. The Gender Identity Law of Argentina of 2012 is one of the most progressive in the world as it acknowledges gender self-identification without undergoing surgery and psychiatric diagnosis. Practically, the law helps transgender persons be accepted in every way in the legal and civil sphere, including through intestate succession

²³ Tobias Barreto, *Inheritance Law and Gender Identity: A Comparative Study of Legal Systems*, 24(2) Int'l J. L. Pol'y & Fam. 198 (2020).

²⁴ *Id.*

²⁵ 2012 HRTO 726.

and inheritance. South Africa, with its post-apartheid constitutional obligation to equality and dignity, has construed rights to succession broadly by way of gender-neutral statutory amendment, and constitutional case law. In *Gory v. Kolver NO and Others*,²⁶ the court granted same-sex life partners the option of inheriting their partners under the Intestate Succession Act, creating a strong precedent of extending principles of equality to the field of family law beyond heteronormative constructs that, logically, apply to transgender people as well.

CONCLUSION & THE WAY FORWARD

The discourse on the succession rights of transgender persons in India reveals a critical lacuna at the intersection of personal law and constitutional jurisprudence. While the NALSA's ruling heralded a constitutional recognition of transgender identity grounded in Articles 14, 15, and 21 of the Indian Constitution, the practical transposition of this recognition into the realm of inheritance law remains largely unfulfilled. The gender-binary framework underpinning most Indian succession statutes, such as the Hindu Succession Act, 1956, and the Indian Succession Act, 1925, inherently excludes or ambiguously situates transgender individuals within legal categories that were never designed to accommodate non-binary identities. The resultant legal vacuum fosters systemic discrimination, legitimizes social exclusion by families, and obstructs access to justice, reinforcing the structural marginalization of transgender persons. Therefore, the way forward demands a multipronged reform strategy, first, a legislative overhaul to infuse gender-neutral terminology into all succession laws; second, explicit statutory recognition of transgender persons as legal heirs based on self-identification, in consonance with the NALSA mandate; and third, administrative reform to ensure expeditious issuance of gender-affirmative documents and inheritance certificates. Furthermore, a purposive judicial interpretation of existing laws through a transformative constitutional lens must be encouraged to bridge statutory silences and uphold the egalitarian ethos of the Constitution. Without these reforms, the right to equality remains a constitutional promise denied to one of India's most vulnerable communities.

²⁶ 2006 (5) SA 396 (CC).