

CHAPTER 1

Transgender Rights in India: A Comparative Analysis of the 2019 Act and the 2026 Amendment Act

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CHAPTER 1

Transgender Rights in India: A Comparative Analysis of the 2019 Act and the 2026 Amendment Act

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The right to self-determination of gender identity is a fundamental right, as laid down by the Hon'ble Supreme Court in National Legal Services Authority (NALSA) v. Union of India (2014). The Court relied on Articles 14, 15, 16, 19, and 21 while writing its judgement. Transgender persons have been present in Indian history, myth, and legend for centuries; their rights, however, have as yet been only partially recognised. The Transgender Persons (Protection of Rights) Act, 2019 was enacted with the objective of providing a statutory framework for the protection of transgender rights; the Act, however, has not led to the expected results in improving the position of transgender persons. The Transgender Persons (Protection of Rights) Amendment Act, 2026 seeks to address some of these concerns by introducing procedural modifications and expanding the scope of welfare and protective measures. However, the Act has met with severe criticism from the persons whom it seeks to protect, the main ground of concern being the denial of the right to self-identify one's gender relying more on the assessment of physicians and psychologists, via an institutionalised medical board-led verification mechanism. This paper undertakes a comparative analysis of the 2019 Act and the 2026 Amendment Act, with specific focus on the issues of self-identification, anti-discrimination safeguards, access to healthcare and employment, and institutional mechanisms for implementation. The paper evaluates whether the proposed amendments bring the legislative framework in closer alignment with constitutional guarantees under Articles 14, 19 and 21, as well as with evolving principles of constitutional morality and international human rights standards.

Keywords: Transgender, Fundamental Rights, Constitutional Morality, Gender Identity

“I Am What I Am, So Take Me as I Am”¹

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¹ Johann Wolfgang von Goethe quoted by SC in *Navej Singh Johar v. Union of India*, AIR 2018 SC 4321.

1 INTRODUCTION

The recognition of transgender rights in India has undergone a significant transformation over the past decade, particularly following judicial intervention.² Historically, transgender persons have occupied a visible yet marginalised position within Indian society, reflected in cultural, religious, and literary traditions.³ Despite this longstanding presence, legal recognition and protection of their rights remained limited until relatively recently.⁴

The landmark decision of the Supreme Court in *National Legal Services Authority v. Union of India* marked a decisive shift in the legal landscape by affirming the right to self-identification of gender as a fundamental right under the Constitution.⁵ The judgment located gender identity within the broader framework of dignity, autonomy, and personal liberty, thereby expanding the scope of constitutional protections available to transgender persons.

In response to the judicial mandate, the legislature enacted the Transgender Persons (Protection of Rights) Act, 2019 (“2019 Act”) with the stated objective of prohibiting discrimination and promoting welfare measures.⁶ However, the Act has been subject to sustained criticism for failing to fully implement the principles laid down in *NALSA*, particularly in relation to self-identification and procedural autonomy.⁷

The Transgender Persons (Protection of Rights) Amendment Act, 2026 (“2026 Act”) seeks to address some of these concerns by introducing procedural changes and expanding welfare mechanisms. Nevertheless, the Act has generated further debate, especially regarding the denial of self-identity, and the continued involvement of medical and administrative authorities in determining gender identity.

This paper undertakes a comparative analysis of the 2019 Act and the 2026 (Amendment) Act, examining whether the evolving legislative framework aligns with constitutional guarantees and principles of constitutional morality. It argues that while the 2026 Act merely claims incremental reform, it reflects a rollback of the *NALSA* mandate and further it does not fully resolve the structural limitations of the existing legal framework.

² Suzanne M. Marks, *Global Recognition of Human Rights for Lesbian, Gay, Bisexual, and Transgender People*, 9 HEALTH & HUM. RTS. 33 (2006), <https://doi.org/10.2307/4065388>.

³ Govindasamy Agoramoorthy & Minna J. Hsu, *Living on the Societal Edge: India's Transgender Realities*, 54 J. RELIGION & HEALTH 1451 (2015), <http://www.jstor.org/stable/24485502>.

⁴ Neela Ghoshal et al., *Rights in Transition: Making Legal Recognition for Transgender People a Global Priority*, in WORLD REPORT 2016: EVENTS OF 2015 21 (2016), <https://doi.org/10.2307/j.ctvndv9bj.5>.

⁵ *Nat'l Legal Servs. Auth. v. Union of India*, (2014) 5 SCC 438.

⁶ Transgender Persons (Protection of Rights) Act, 2019.

⁷ Arvind Narrain, *The Transgender Persons (Protection of Rights) Act, 2019: A Critique*, 55 ECON. & POL. WKLY. 12 (2020).

2 CONSTITUTIONAL FRAMEWORK AND JUDICIAL RECOGNITION

The constitutional foundation for transgender rights in India is primarily derived from Articles 14, 15, 19, and 21 of the Constitution. Article 14 guarantees equality before the law and equal protection of the laws.⁸ The Supreme Court in *NALSA* interpreted this provision to include transgender persons within the ambit of “persons,” thereby extending constitutional protections irrespective of binary gender classifications.⁹ Article 15 prohibits discrimination on grounds of sex.¹⁰ The Court adopted an expansive interpretation of “sex” to include gender identity, thereby recognising that discrimination against transgender persons constitutes a violation of constitutional guarantees.¹¹ Article 19(1)(a) protects the freedom of expression, which the Court held includes the right to express one’s gender identity through dress, behaviour, and presentation.¹² Article 21, guaranteeing the right to life and personal liberty, was interpreted to include dignity, autonomy, and the right to self-determination.¹³ The Madras High Court in *Arunkumar v. Inspector General of Registration* further expanded this understanding by recognising that a marriage involving a transgender person falls within the scope of a valid heterosexual marriage under personal law, thereby affirming the legal recognition of gender identity beyond mere classification.¹⁴ Similarly, in *Nangai v. Superintendent of Police*, the Madras High Court emphasised the obligation of State authorities to ensure protection and dignity of transgender persons, reinforcing that constitutional guarantees must translate into administrative action.¹⁵

The doctrine of constitutional morality, invoked in *NALSA* and later reinforced in *Navtej Singh Johar v. Union of India*, emphasises that constitutional values must prevail over societal prejudices.¹⁶ This doctrine plays a critical role in evaluating legislative measures affecting marginalised communities. The *NALSA* judgment explicitly directed the State to recognise transgender persons as a “third gender” and to grant them the right to self-identify their gender without medical intervention.¹⁷ This principle forms the yardstick against which subsequent legislative developments must be assessed.

⁸ INDIA CONST. art. 14.

⁹ *NALSA*, (2014) 5 SCC at 454.

¹⁰ INDIA CONST. art. 15.

¹¹ *NALSA*, (2014) 5 SCC at 463.

¹² INDIA CONST. art. 19(1)(a).

¹³ *Id.* art. 21.

¹⁴ *Arunkumar v. Inspector Gen. of Registration*, 2019 SCC OnLine Mad 877.

¹⁵ *Nangai v. Superintendent of Police*, (2014) 4 M.L.J. 12 (Mad.).

¹⁶ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

¹⁷ *NALSA*, (2014) 5 SCC at 477.

3 THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019

The 2019 Act represents the first comprehensive legislative attempt to address the rights of transgender persons in India. It defines a “transgender person” broadly to include individuals whose gender does not align with the sex assigned at birth.¹⁸ The Act prohibits discrimination in areas such as education, employment, healthcare, access to public goods, and residence.¹⁹ It also mandates the establishment of welfare schemes and the creation of a National Council for Transgender Persons.²⁰ A key feature of the Act is the certification mechanism under which a transgender person must apply to a District Magistrate for a certificate of identity.²¹ While the Act ostensibly recognises self-perceived gender identity, the requirement of certification introduces an element of administrative control. The Act also provides for certain offences against transgender persons, including denial of access to public places and abuse.²² However, the penalties prescribed have been criticised as being inadequate when compared to similar offences under other laws.²³

4 LIMITATIONS OF THE 2019 ACT

Despite its stated objectives, the 2019 Act has been widely criticised for several reasons.²⁴ The certification process has been viewed as inconsistent with the principle of self-identification recognised in NALSA. The requirement of obtaining a certificate from a District Magistrate effectively subjects gender identity to bureaucratic scrutiny.²⁵ The Act lacks robust enforcement mechanisms. While it prohibits discrimination, it does not provide for a clear grievance redressal system or independent enforcement bodies, thereby limiting its practical effectiveness.²⁶ Further, the penalties prescribed for offences against transgender persons are comparatively lower than those for similar offences under the Indian Penal Code, raising concerns about unequal protection.²⁷ The Act adopts a welfare-oriented

¹⁸ Transgender Persons (Protection of Rights) Act, 2019, § 2(k).

¹⁹ *Id.* § 3.

²⁰ *Id.* §§ 8, 16.

²¹ *Id.* § 6.

²² *Id.* § 18.

²³ Ronak Panchal, *Key Issues with Transgender Persons (Protection of Rights) Act, 2019*, LIVE LAW (July 24, 2025, 9:05 AM), <https://www.livelaw.in/articles/key-issues-with-transgender-persons-protection-of-rights-act-298597>.

²⁴ Dipika Jain & Kimberly Rhoten, *A Comparison of the Legal Rights of Gender Non-Conforming Persons in South Asia*, 48 ECON. & POL. WKLY. 10 (2013), <http://www.jstor.org/stable/24477885>.

²⁵ See PARLIAMENTARY STANDING COMMITTEE REPORTS ON THE TRANSGENDER PERSONS BILL (2019).

²⁶ The National Council for Transgender Persons (NCTP), established under Section 16 of the Transgender Persons (Protection of Rights) Act, 2019, acts as the central advisory body to the Government of India. Its core functions include advising on policy formulation, monitoring the implementation of the Act, and redressing grievances to protect the rights and welfare of transgender persons.

²⁷ *Id.*

approach rather than a rights-based framework. While welfare measures are important, they cannot substitute for enforceable legal rights grounded in constitutional guarantees. Taken together, these shortcomings indicate that the Act fails to fully implement the mandate of NALSA.

5 THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) AMENDMENT ACT, 2026

The 2026 Act seeks to address some of the shortcomings of the 2019 Act by introducing procedural modifications and expanding welfare measures. However, the 2026 Amendment introduces significant structural changes that alter the foundational approach of the 2019 Act. The amendment narrows the definition of “transgender person” by introducing medicalised and socio-cultural criteria, while explicitly excluding persons based on sexual orientation and self-perceived identity.²⁸ This marks a clear departure from the inclusive understanding in NALSA, which recognised gender identity as a matter of personal autonomy rather than medical classification.

One of the key changes relates to the certification process. The amendment strengthens State oversight by requiring the District Magistrate to rely on recommendations from a medical authority for issuing identity certificates.²⁹ This is not a minor procedural tweak: by quietly dropping the earlier statutory recognition of self-perceived identity, the amendment redefines “transgender person” along medicalised lines.³⁰ Gender recognition, once a matter of self-declaration, becomes something a medical board must confirm – a shift that sits uneasily with the right to privacy and bodily autonomy recognised in *Puttaswamy v. Union of India*.³¹ The new institutional reporting requirements for gender-affirming procedures compound the problem, extending surveillance into matters that are, by their nature, intensely personal. To be fair, the 2026 Act does expand certain welfare provisions – healthcare access, insurance coverage for gender-affirming procedures, and a somewhat strengthened institutional apparatus – but these gains do little to offset the tightened verification regime at the centre of the amendment.

The omission of Section 4(2) marks a legislative retreat from self-identification. The conflation of identity with biology and the exclusion of self-perceived identity contradict the NALSA judgment. However, the continued reliance on medical assessment with an institutionalised medical board-led verification mechanism has been a point of contention.

²⁸ Transgender Persons (Protection of Rights) Amendment Act, 2026, No. 3 of 2026, § 2.

²⁹ *Id.* § 4.

³⁰ *See id.* § 2(k).

³¹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

Critics argue that such requirements undermine the principle of self-identification and reintroduce forms of gatekeeping that the NALSA judgment sought to eliminate.³² Thus the Act introduces a surveillance-oriented framework requiring institutional reporting of gender-affirming procedures.

6 COMPARATIVE ANALYSIS OF THE 2019 ACT AND THE 2026 AMENDMENT ACT

A comparative analysis reveals both continuity and change in the legislative approach.

- *Self-Identification.* The 2019 Act recognises self-perceived gender identity but subjects it to certification. The 2026 Act modifies the process and subjects it fully to external verification. This nullifies the NALSA judgment.
- *Anti-Discrimination Safeguards.* While both frameworks prohibit discrimination, neither provides a strong independent enforcement mechanism. The absence of independent oversight bodies remains a significant gap.
- *Healthcare and Employment.* The 2026 Act expands welfare measures, particularly in healthcare. However, implementation remains contingent on state capacity and policy execution.
- *Institutional Mechanisms.* The National Council established under the 2019 Act continues under the 2026 Act, with some enhancements. However, questions remain regarding its effectiveness and autonomy.

Overall, the 2026 Act represents a significant setback to transgender rights, and an incremental reform rather than a fundamental restructuring of the legal framework.

7 DISCUSSION AND ANALYSIS

From a constitutional perspective, the central issue is whether the legislative framework respects autonomy and dignity. The principle of self-identification is integral to Articles 19 and 21. Any requirement of external validation risks infringing upon personal liberty. The continued involvement of medical authorities raises concerns about paternalism and state control.

International human rights standards, particularly the Yogyakarta Principles, emphasise that no person should be required to undergo medical procedures or obtain approval from authorities to recognise their gender identity.³³ The divergence between these principles and the legislative framework is troubling, given that the law conflicts with prevailing

³² Ayaan Saroori & Arushi Mengi, *Identity on Trial: Constitutional Debate on Transgender Rights in India*, LIVE LAW (Apr. 12, 2026, 10:00 AM), <https://www.livelaw.in/lawschool/articles/constitutional-debate-transgender-rights-india-529903>.

³³ INT'L COMM'N OF JURISTS, YOGYAKARTA PRINCIPLES (2007).

international norms. The Yogyakarta Principles, adopted in 2007 by a group of international human rights experts, articulate the application of existing international human rights law to issues of sexual orientation and gender identity. While not legally binding, they have acquired significant persuasive value and are frequently referred to by the United Nations, and in judicial and academic discourse. The central philosophy underlying the Yogyakarta Principles is that all human beings are entitled to the full enjoyment of human rights without discrimination based on sexual orientation or gender identity. The Principles emphasise that identity is an inherent aspect of personhood and that recognition of such identity is essential to the realisation of dignity and equality. A key aspect of the Principles is the recognition of the right to self-defined gender identity. They explicitly reject any requirement for medical procedures, psychological evaluation, or state approval as a precondition for legal recognition. This reflects a broader shift away from pathological approaches towards an understanding of gender identity as self-determined. The Principles also underscore the obligation of States to prevent discrimination and ensure equal access to healthcare, education, employment, and public services. Importantly, they adopt a rights-based approach rather than a welfare-oriented model, thereby placing emphasis on enforceable entitlements rather than discretionary benefits. The philosophical foundation of the Yogyakarta Principles is rooted in the idea of universality of human rights. It rejects cultural or societal justifications for discrimination and asserts that human dignity is inherent and inalienable. This approach aligns closely with the concept of constitutional morality, particularly in its emphasis on protecting minority rights against prevailing social norms.

In the Indian context, the Supreme Court in *NALSA* implicitly drew upon similar principles by recognising self-identification and dignity as fundamental rights. The influence of international human rights norms is also evident in subsequent judgements, including *Navtej Johar*. However, the extent to which these principles have been incorporated into legislation remains limited. The continued reliance on certification mechanisms and medical assessment in transgender laws marks a divergence from the standards articulated in the Yogyakarta Principles. In this regard, the Principles serve as an important benchmark for evaluating legislative frameworks. They provide a coherent normative framework that emphasises autonomy, dignity, and non-discrimination, and offer guidance for developing a more rights-oriented approach to transgender legislation. Several concerns persist despite the amendment. The conflict between autonomy and state control not only remains unresolved but has, if anything, worsened. The requirement of certification, even in modified form, limits self-determination. Implementation challenges continue to hinder the effectiveness of legal provisions. Without adequate infrastructure and awareness, statutory rights may remain largely symbolic. Social stigma and discrimination cannot be addressed solely

through legislation. However, the law must provide a robust framework to combat such discrimination.

The judgment in *National Legal Services Authority v. Union of India* represents a foundational moment in the constitutional recognition of gender identity. The Supreme Court, in its reasoning, treated gender identity not merely as a social or medical issue but as an intrinsic aspect of personal autonomy. The Court emphasised that the determination of gender lies at the core of individual dignity and cannot be subjected to external validation. In doing so, it rejected approaches that conditioned recognition upon medical procedures or psychological certification. The Court further observed that the Constitution does not contemplate a binary understanding of gender. By interpreting the term “person” under Article 14 in an inclusive manner, the Court affirmed that transgender persons are equally entitled to legal protection. This interpretive approach reflects a purposive reading of the Constitution, where equality is understood in substantive rather than formal terms. In its analysis of Article 19(1)(a), the Court recognised that gender expression constitutes a form of speech and expression. The freedom to express one’s gender identity through dress, behaviour, and self-presentation was held to be constitutionally protected. Any restriction on such expression, whether through law or administrative practice, would therefore require strong justification. The Court’s interpretation of Article 21 is particularly significant. It located the right to self-identification within the broader framework of dignity, privacy, and personal liberty. The judgment makes it clear that dignity is not an abstract concept but one that must be realised through recognition of individual identity. Denial of such recognition, the Court noted, results in a violation of fundamental rights. Importantly, the Court also addressed the role of the State. It held that the State has a positive obligation to recognise and protect the rights of transgender persons, including through affirmative measures. However, this obligation does not extend to controlling or determining gender identity. The distinction between recognition and regulation is central to understanding the limits of legislative intervention.³⁴

Subsequent developments in *Navtej Singh Johar v. Union of India* further reinforce these principles. While the case primarily concerned the decriminalisation of consensual same-sex relations, the Court’s observations on autonomy, identity, and constitutional morality have direct relevance to transgender rights. In *Navtej Johar*, the Supreme Court emphasised that constitutional morality must guide the interpretation of fundamental rights, even where societal morality may be opposed. The judgment underscores that the Constitution is designed to protect minority rights against majoritarian tyranny. This principle is particularly relevant in the context of transgender rights, where social prejudice continues

³⁴ *Nat’l Legal Servs. Auth. v. Union of India*, (2014) 5 SCC 438.

to influence legal and administrative practices. The Court also expanded the scope of dignity under Article 21 by linking it with the right to privacy, as recognised in *K.S. Puttaswamy v. Union of India*.³⁵ Privacy was understood not merely as spatial or informational privacy, but as decisional autonomy, including the freedom to make intimate personal choices. Gender identity falls squarely within this domain. Further, the judgment recognised that identity is a complex and deeply personal construct that cannot be reduced to biological determinism. The Court rejected the notion that legal recognition should be contingent upon conformity with socially accepted norms. Instead, it affirmed that the Constitution protects the right of individuals to define their own identity.³⁶

Taken together, *NALSA* and *Navtej Johar* establish a clear constitutional framework grounded in autonomy, dignity, and substantive equality. They emphasise that the role of the State is to facilitate, rather than restrict, the exercise of these rights. Any legislative framework that imposes conditions on self-identification must therefore be carefully scrutinised. When viewed in this context, the continued reliance on certification mechanisms under the 2019 Act and the 2026 Amendment Act raises important constitutional concerns. While administrative processes may be justified for the purpose of accessing benefits or welfare schemes, they cannot be used to determine or validate identity. Such an approach risks reintroducing forms of control that are inconsistent with the principles laid down by the Supreme Court. Moreover, the emphasis on medical or psychological assessment reflects an outdated understanding of gender identity. Both *NALSA* and *Navtej Johar* move away from pathologizing approaches and instead recognise identity as self-determined. Legislative provisions that rely on medical validation therefore run counter to these judgments. It is also relevant to note that the Supreme Court, in these decisions, adopts an approach that is aligned with international human rights standards. The emphasis on self-identification, dignity, and non-discrimination reflects principles articulated in global human rights frameworks. While the Constitution does not mandate that domestic law replicate international standards in entirety, a clear divergence is difficult to justify. In this light, the 2026 Amendment Act cannot be seen as an attempt to balance administrative concerns with constitutional principles. The balance continues to remain tilted in favour of regulation rather than autonomy. The persistence of pseudo-paternal mechanisms reflects that the legislative framework is not in tune with the transformative potential of the Constitution. The Supreme Court provides not only a benchmark but also a direction for future reform. It indicates that any meaningful advancement in transgender rights must move beyond procedural

³⁵ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

³⁶ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

adjustments and address the underlying question of autonomy. Without such a shift, legislative reform remains incremental and arbitrary.

8 RECOMMENDATIONS

8.1 Restoring the Right to Self-Identification

A more effective approach to transgender rights would require a shift towards a rights-based framework.³⁷ The starting point has to be self-identification. Section 4(2) of the 2019 Act, and the definition it was meant to protect, should be restored in clear and unambiguous terms, so that a person's gender is once again a matter of their own declaration rather than a medical board's opinion. Administrative procedures may still be retained for accessing welfare schemes, but they should have no bearing on the validity of an individual's identity.

8.2 Strengthening Anti-Discrimination Enforcement

Anti-discrimination protections need teeth. The 2019 Act prohibits discrimination but gives transgender persons almost nowhere to go when it actually happens. Parliament should establish independent grievance redressal authorities at the state level, backed by defined timelines, the power to award compensation, and a clear route of appeal. Without mechanisms of this kind, the existing prohibitions remain largely aspirational.

8.3 Ensuring Effective Implementation and Accountability

Implementation deserves as much attention as drafting. Jane Kaushik shows what happens when rights exist on paper but not in practice: a transgender woman lost her livelihood despite a statute that was supposed to prevent exactly that outcome. Regular monitoring, mandatory compliance audits, and annual public reporting on transgender employment and welfare outcomes would go some way towards closing that gap between recognition and lived reality.

8.4 Institutional Sensitisation and Social Inclusion

None of this, finally, works without a change in attitudes on the ground. Sensitisation of police personnel, healthcare workers, teachers, and employers should be a standing institutional obligation rather than an occasional training exercise, and public awareness campaigns are likely to succeed only if they are built together with transgender communities rather than designed on their behalf. Law can open a door; it cannot make anyone walk through it. A

³⁷ Alexander Lussenhop, *Beyond the Male/Female Binary: Gender Equity and Inclusion in Evaluation Surveys*, 43 J. MUSEUM EDUC. 194 (2018), <https://www.jstor.org/stable/48540051>.

framework that gets self-identification, enforcement, and implementation right at least gives that door somewhere real to lead.

9 CONCLUSION

A significant recent development is the decision of the Supreme Court in *Jane Kaushik v. Union of India*, wherein the Court moved beyond the question of recognition to address the issue of implementation. The case arose from the denial of employment to a transgender woman despite statutory protections. The Court held that the failure of State authorities to effectively implement the provisions of the Transgender Persons (Protection of Rights) Act, 2019 amounts to a violation of fundamental rights. It characterised such failure as a form of “omissive discrimination”, thereby recognising that inaction by the State can be as detrimental as direct discrimination. The judgment also emphasised that constitutional guarantees under Articles 14, 15, 16 and 21 must translate into actual access to employment and dignity. In doing so, the Court highlighted the gap between legal recognition and lived reality, reinforcing the need for a more effective and rights-based legislative framework.³⁸

The evolution of transgender rights in India reflects a conflict between constitutional ideals and legislative practice.³⁹ While the 2019 Act marked an important step towards recognition, its limitations have necessitated further reform. The 2026 Amendment Act claims to represent an attempt to address these shortcomings; however, it does not resolve the fundamental issues relating to autonomy and self-identification. The continued reliance on administrative and medical processes indicates a cautious, arbitrary approach that falls short of the transformative vision articulated in NALSA. A more robust conformity with constitutional principles requires a shift towards recognising transgender rights as inherent and inalienable, rather than conditional upon state approval.⁴⁰ Only then can the promise of equality, dignity, and liberty be meaningfully realised.

* * *

³⁸ *Jane Kaushik v. Union of India*, 2025 INSC 1248.

³⁹ *The Third Sex: Transgender Persons in India Want to Be Treated as Citizens. Is This Too Much to Ask For?*, 48 *ECON. & POL. WKLY.* 9 (2013), <http://www.jstor.org/stable/23528827>.

⁴⁰ M. V. Lee Badgett et al., *Statistical Relationship Between LGBT Rights and Development*, in *THE RELATIONSHIP BETWEEN LGBT INCLUSION AND ECONOMIC DEVELOPMENT: AN ANALYSIS OF EMERGING ECONOMIES* 36 (2014), <http://www.jstor.org/stable/resrep35047.9>.