



REVIEW ARTICLE

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**Gender Biasness in Participation in Indian Politics: A Theoretical Understanding of Transgender Community**

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**Abstract**

This study provides a theoretical understanding of gender biases in Indian politics, particularly associated with the transgender community, and broadly focuses on gender discrimination in the Indian political system. Although some studies have examined issues and problems of political participation of males and females, most have failed to examine transgender participation in politics, particularly in Indian politics. Most of the researchers reported transgender community unable to articulate their point of view because society sees them in different perspectives rather than their unusual activities. The aim of the study is to understand gender biases in the Indian political system, particularly those associated with the transgender community. The study revealed new experiences by reviewing the previously published studies on the transgender community and highlighted major gaps in research, especially from gender perspectives. The study highlights gender biases and discrimination in political affairs still prevalent in Indian society. The article concludes by recommending some suggestions that the existing Transgender Persons (Protection of Rights) Act, 2019 must properly be implemented and government must encourage and generate new initiatives for maximum involvement of transgender in Indian politics in particular.

**Keywords:** Biasness, Indian Politics, Participation, Transgender, Constitution and India

**INTRODUCTION**

People are distinguished based on gender, religion, race, color, linguistic identity, etc. however gender biases, particularly with the transgender community generate a new form of gender exploitation and sometimes unfair treatment deteriorating their conditions of livelihood (Newman, 2014). A man living in a society without any discrimination is known as a rational human being. Though we often say there are two types of gender, one is male and the other is female, but a third gender is another gender from which they are always socially, politically, culturally, and economically excluded in society. It is a matter of fact that the third gender in India has received special significance since the last couple of years. In the Indian context, Hijras are known as the ‘third gender’ and are also called transgender. Transgender are called different names, such as *Eunuchs, Kothis, Aravanis, Jogappas, Shiv Shakthis, and Jogti-hijras* (UNDP, 2010). Thus, this is a biological factor in identifying family relations. Gender issues, particularly those of transgender people, have been a crucial debate in recent years. The study of gender discrimination and gender justice can be restricted neither in India nor in the world. But subsequently, it cannot be restricted to a particular country too. It has been witnessed that the data from various sources indicate that the major sources of earning of transgender are begging in trains,



prostitution & sex work, dancing in bars, and blessing others (Human Rights Law Network, 2015; National AIDS Control Organization, 2015).

In Hindu mythology, the concept of '*tritiyapakriti*' or '*napumsaka*' has been an integral part of Indian society. The term transgender has been used to denote the total absence of procreative ability. Many debates have taken place on gender discrimination, particularly in the transgender community to have an amenable picture of gender issues that have plagued society since its inception. Along with all the stigmatised and disrespect, many scholars have discussed that a state is a product of the mutual agreement of men to serve certain human and social needs. Exponents of the social contract, such as Thomas Hobbes, John Lock, and Jean-Jacques Rousseau (Laskar, 2013) have given different interpretations of the origin of the state in terms of the social contract. From this point of view, Jean-Jacques Rousseau, a French philosopher identified the existence of inequality in society could find in the state of nature. Rousseau in his book 'Discourse on Inequality,' published in 1755; Rousseau clearly defined that private property creates all inequality in society because of the unlimited desire of power holders. This is only a small reminder of the existence of inequality in the ancient states. But he has not given a clear picture of the origin of gender inequality in society (Rousseau, 1775). However, the rise of civilization and the importance placed on gender issues created a large platform for understanding gender issues in modern society.

The concept of 'transgender' or 'third sex' is not a new concept. It can be traced back to ancient Indian culture. In a nutshell, in Vedic astrology, the nine planets are each combined into one of the three genders; the third gender is associated with Mercury, Saturn, and Ketu (Michelraj, 2015). These are concerns about gender division in the ancient era and they were far from reaching political affairs. Though a good chunk of scholars has extensively defined the discrimination of gender, particularly of the transgender community, they failed to lay emphasis on identifying the political participation issues. Therefore, the purpose of this study is to examine political participation and gender biases in the Indian democratic system. The study addressed several questions, such as what are the common problems of the transgender community in political participation? What is their position in the political sphere? Why do they fail to hold political leadership? There are the major questions have been addressed in this study.

## **REVIEW OF LITERATURE**

This is the glaring fact that the available literature on the transgender community with their debacle experiences recalls us to highlight biases in political participation, although other countries all over the world are accentuated in a susceptible mode. However, contemporary literature on India's transgender community is informed by post-modern conceptions of subjectivity and mutual understanding of gender issues. But the fact is that the oppositions are not mutually exclusive and both men and women rely on human rights discourses (Roen, 2001). As far as the Indian transgender community is concerned, it is pertinent to have a deeper grasp of the understanding of transgender



participation in Indian politics, which needs to be more generalized to represent the involvement of the transgender community and their issues and problems in Indian politics. In the last decade, no significant improvement in transgender people in India has been reported.

Moreover, the issues and problems of transgender in the Indian democratic political system have not received much attention because the transgender community always perceive as inferior, and even their family members force them to leave their families. This is not only the discourse on the issue of transgender people but also the discourse on human beings' issues. Separation from family and relatives does not make any sense of social security and benevolent motive but a bent of blatant relations with relatives. The transgender community, in this regard, is abused, neglected, harassed, and scorned in most parts of the world (Hotchandani, 2019). But India is not an exception in this matter. Furthermore, India is witnessing the mobilization of third-gender and sexual identity politics, which raises several fundamental issues such as citizenship, human rights, cultural identity, and tradition (Thomas, 2015).

The evolution of the transgender community in Indian society gives more importance to understanding the present status of transgender people and their existence in their real political life. And, it also helps researchers to explain the different periods of life of the transgender community and their role in present society from the ancient to the modern period. In the Mughal period, transgender people played a remarkable part in the royal courts of the Islamic world. During this period, they reshaped themselves as political advisors, administrators, and other characters they played. It is significant to note that the transgender community considers themselves as clever, trustworthy, and loyal in their character. At this juncture, the transgender community had played a crucial role in holding political power and they tried to build their empire in the Mughal era (The Indian Express, 2018). In this sense, we may perceive that there was less biasness toward transgender persons. They had to occupy high positions in the field of Islamic religious institutions and tried to undertake necessary decisions to develop their social life through their participation in different institutions.

In India, during the British era, transgender people always accepted protection and benefits from some Indian states through their involvement in the transgender community (Subramanian, 2015). The British era is recognized as an exploiter by transgenders. Transgender people were also denied the right to accept such benefits as holdings of land, rights to food, and large amounts of money from the agricultural sector (Subramanian, 2015). However, the modern transgender community faces sexual and physical violence that significant significantly affects their mental health (Chakrapani et al., 2017). This signifies how a particular gender faced exploitation, discrimination and sometimes biases from others. Later, the inconsistent biases continued by British rulers because the land was not in the hands of the common people or the transgender community. In the Indian context, gender issues, particularly those of transgender people have been the most influential in present society. Because the term 'third sex' is well-known and very popular in the Indian context (Sharma, 2018). There are several issues



relating to transgender which have been a central discussion in eliminating gender biases. In the last couple of years, it has been observed that the Indian census has not clearly identified transgender data. Most interestingly, the census data was collected in the name of 'others' category. In this sense, it is estimated that there are around 4.88 million transgender people residing in the Indian Territory (Sharma, 2018). Apart from that, the 2011 census data<sup>1</sup> says that only 55,000 children were identified as transgender by their parents. In this sense, it seems too difficult to estimate the actual population of transgender people already living in India.

However, the ruling out of Section 377 of the Indian Penal Code in the year 2018 was a milestone in the lives of the LGBT (Lesbian, Gay, Bi-Sexual and Transgender) (Philip & Raju, 2020). According to the law, sex between men was once again considered an 'unnatural offense' contrary to the 'order of nature' (Legislative Council 1860, 152; Mahapatra 2013; Supreme Court of India 2013). It is significant to note that the Supreme Court of India (SCI) issued a landmark decision in April 2014 regarding gender issues, specifically transgender as an integral part of distinction, personality, freedom of expression, and political participation, among other things (Bhattacharya, 2019). Last few years, the government of India (GOI) has thrown up special provisions relating to transgender people emerged as LGBT rights. Among these, the government introduced numerous welfare policies and schemes such as participation of transgender in politics, place in the Indian census, issuing of passports, issuing of citizenship, the right to engage in developmental programmes like social-economic development and safeguards of the transgender community (Thomas, 2015). Despite the fact that the government of India granted special privileges to the transgender community with this, some transgender people find it difficult to deal with their social life (Dutta, 2013). Begging in train, parks, and other public places have been a serious topic of discussion for each scholar because if we analyze these issues, there are several problems that can be reported. Therefore, transgender persons are entitled to hold all power positions and have basic rights according to their population (Konduru & Hangsing, 2018). At a point of time when the congress government led by Dr. Manmohan Singh a well-known economist and politician, introduced the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in 2005, which was a significant initiative for the transgender community, providing employment opportunities and making them more aware of their rights (MURTHY, 2015). However, the Act tries to address several issues of transgender people like education, healthcare facilities, socio-economic and political renovation, housing, police reforms, and legal and constitutional safeguards to prevent gender discrimination from a human rights perspective.

In 2014, the National Legal Services Authority (NLSA) vs Union of India case was a landmark judgment by the Supreme Court of India, which provided exclusively for transgender people to be recognized as 'third gender' and granted fundamental rights by the Indian Constitution, which are now

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<sup>1</sup> See the Indian census data, 2011



equally applicable to transgender people and gave them legal identity along with other privileges therein (Mishra, 2016). This landmark judgment has the credibility to maintain gender equality in India. The apex court felt that transgender people were treated as socially and economically backward classes and they should be given special reservations in both the educational sector and government employment sectors (India Today, 2021). The sitting judges K.S. Radhakrishna and A.K. Sikri played a vital role in resurrecting gender equality. Consequently, several courts follow the same role to ameliorate gender inequality and provide political space to the transgender community in Indian society (Times of India, 2014).

From the above narration, the transgender literature in the Indian context reveals that the transgender community got humiliated on numerous occasions, including working as sex workers, dancing and begging, and so on. To some extent, their family members are not keen to keep them in their house even if they want to do so. They are being targeted by other communities to be excluded from the different institutions. This is havoc as some researchers asserted in their experimental work. The transgender community is deprived of all sorts of privileges and their participation in political affairs is not encouraging. They neither have social nor political space to live as human beings (Khan et al., 2009; Gayathri & Karthikeyan, 2016). There are several studies that have been carried out on the transgender community in some states in India. The findings of the study are not encouraging because the transgender community had less experience in the political sphere. In Odisha, the transgender community faces numerous hurdles and challenges. Still, these hurdles and challenges are not limited only to economic hurdles but also extend to social, political, and institutional factors (Barik & Sharma, 2018). Lack of legal documents, awareness, low literacy and less knowledge about policy initiatives are major findings of the study. It is observed that several transgender communities do not have identity cards, even if they do not have voter identity proof. However, the Supreme Court of India in 2014 upheld the legal rights of the transgender community. Despite landmark discussions on legislative developments, the mass media also always highlights the wide range of discrimination and inequalities faced by the transgender community in India (Majumder et al., 2020). The study also addresses issues such as gender-based bullying at school and transgender people's use of alcohol, cigarettes, and other drugs in Western countries. But if we look at the Indian context, the use of these articles is less than that of Western countries.

However, the current status of the institutionalized Panchayati Raj Institutions (PRIs) in India as a self-governing body planned for social justice and economic development, the empirical evidence shows that there is a complete absence of transgender in local self-government. The local government, in this regard, came to a great boon when the 73<sup>rd</sup> Constitutional Amendment Act (CAA) of 1992 threw new challenges to the PRIs, particularly for the growth of rural democracy. Still, the Act has not tried to augment the transgender community's participation in local government they just ignore



it. It is pertinent to assimilate that the census data has not covered transgender based on their caste, although India has long experience with the caste system. The empirical evidence collected by the scholars shows that the Dalits and Adivasis are the first victim of any humanitarian crisis and always face humiliation, exploitation, biases, and discrimination at both the private and public domain. But the transgender community is not an exception in this regard (Malik, 2022). Several research has been carried out on gender equality even SDGs at the global level throwing up some of the actions to the state to mitigate gender inequality but the findings of the numerous studies reveal that there is growing dissatisfaction among transgender people because of the lack of public support. The research carried out by Miller et al. (2017) highlighted how transgender rights are affected by disgust sensitivity and authoritarian regimes. But the transgender community had not come into major concern very limited studies had been carried out comprises on their health issues. The present paper seeks to investigate the gender biases in the participation of transgender in Indian politics and how several Acts help the transgender community in their political, social and economic progress, particularly in Indian society.

## **METHODOLOGY**

This study is based on a theoretical explanation of transgender participation in Indian politics by approaching previous studies that have examined the problems of participation of transgender in Indian Politics. There are some data on which the studies used secondary data such as research articles, census data, newspapers, books, journals and other relevant sources related to transgender involvement in the political sphere to investigate the existing problem of political participation of transgender in Indian politics. After rigorous review, I found three themes which include constitutional laws for transgender in India, Equality of opportunity and rights against all forms of discrimination, and Does democracy promote gender equality? However, the collected data have been verified from original reports, census data and other sources. Though the paper is a theoretical basis, most of the papers are included transgender political participation and their legal rights while the remaining papers are related to economics, and social and their involvement in other social activities are soul criteria. The paper also used research articles to explore transgender exclusion from other spheres of social life.

The study also used secondary data but no statistical tools and techniques were used to analyze the transgender experiences. Although India augmented the new Constitutional Act in 2019 relating to the transgender community, several studies on the transgender community have been carried out but very less study on transgender participation in politics have been carried out. The study also adopted different parameters, such as the economic, social, political and cultural background of transgender from pre-colonial to post-colonial India to investigate the transgender way of social life. But the political parameter hardly remained untouched due to the one-party dominant at the center. However, transgender political participation did not receive special importance. Based on the study's objective, the article explores new experiences and driving forces undertaken by GOI to combat the existing



unequal social order. Therefore, the study is designed to have more understanding of the political condition of transgender in Indian politics to gain new experiences of gender inequality in Indian democracies.

## **THEMES**

### ***Constitutional laws for transgender in India***

The constitution of India under PART III provides that each and every person is equal before the law and is entitled to have equal protection of the laws within the territory of India (Granville, 1966). Here, the word ‘every person’ denotes every individual, and there is a complete absence of discrimination irrespective of caste, creed, religion, sex, etc. India has also adopted fundamental rights from the American Bill of Rights which provide basic rights to each individual to develop their all-round personality and at the same time, it also provided the absence of biases on the basis of gender (Bhat & Agrawal, 2019). In a nutshell, the preamble of the Indian constitution says justice—social, economic, and political, equality of status and opportunities to each individual (Bhargava, 2009). It is striking to note that it has not clearly mentioned the term ‘gender’, particularly transgender though women have received special provisions in recent years. Soon after framing the Indian Constitution, provisions were made for women to safeguard their rights and offer them enough rights in educational institutions, public offices and legislative bodies as well as 33% reservation in democratic participation for their all-round development (Malik & Nayak, 2021). But the transgender community did not receive special attention in our constitution. Moreover, the evidence of the recent Indian constitutional mandate signifies that there is a lack of clarity in transgender law that undermines gender equality (Bhattacharya et al., 2022).

As we have seen in Hindu society, it accords the hijras, as sexually ambiguous figures, a measure of power and requires their presence on auspicious occasions. But Hindu society's attitude toward the hijras is ambivalent (Nanda, 1990). Although this community had less experience in political space, the ability, opinion, rights and justice should be taken away because they are also part of society. The argument has been made by Hines and Sanger (2010) that gender diversity in society has received less attention within mainstream sociological studies. Hence, transgender people who are neither male nor female but fall within the express definition of ‘person’ are entitled to hold legal protection in all spheres of their life (Shaw, 2021). In addition, I may say as we all are born free we need to promote transgender people to have employment, healthcare, education, and the same civil, political, social, economic, and citizenship rights (UNDP, 2010). Therefore, it is pertinent to have a great look to investigate the democratic status of transgender people as the new Constitutional Act is concerned.



### ***Equality of opportunity and rights against all forms of discrimination***

Articles 15 and 16 of the Indian constitution prohibit all kinds of discrimination on the ground of gender identity which has been outlined in the Fundamental Rights. The expression of 'sex' is not just limited to the biological sex of both males and females but it includes people who consider themselves neither male nor female (Safer & Tangpricha, 2019). To understand the political involvement of transgender people, special attention has to be paid to assessing the day-to-day multiple struggles, humiliations, and oppressions in a civilized society. Several studies have been conducted based on transgender issues but the legality of their rights and demands needs to be addressed (Mohanty & Hota, 2021). Therefore, we must make political democracy a social democracy as well. It is pertinent to say that the advocacy of gender inequality has a long history dating back to the time when women were recognized as the first oppressed class in society. Still, transgender people remained isolated and hardly recognized in some aspects. Although the transgender community comes under that group, their legal rights must be respected. Despite their identity, many transgender communities have achieved their legal and political rights to promote and secure their healthy development in social, economic, and political fields, respectively. However, the transgender community is spurred by other genders, particularly by patriarchal social settings that they would no longer exist if self-awareness and emancipation of each and every individual were gripped up. The binary approach has been criticized on many grounds because it has failed to distinguish the fact that youngest people today experience their sexuality as fluid (Clarke et al., 2010).

### ***Does democracy promote gender equality?***

Democracy has its own instrumental value; it needs careful investigation. In this sense, the question arises in our mind: Does democracy promote gender equality and domestic peace and order? The answer to this question is yes. Though democracy promotes it, then why is one community disadvantaged in their power position and always remains unhappy? For this, democracy gives the country economic development and growth, control of corruption, respect for human rights, gender equality, and more social welfare and less inequality, protection of the environment, and social capital (Carbone, 2009). Moreover, with the emerging multi-party system since the early 1990s, political parties have increasingly sought women's electoral support (Rai, 2007). It is clear that female candidates continue to hold less political power in parties and the state apparatus. In this sense, it is assumed that gender biasness is inherited in society and that could not be fully removed from society but can minimize gender biasness and division in a larger framework. However, without gender equality in the democratic machinery system, there is no effective deal of power politics, which compelled both women and transgender communities into deep insecurity and jeopardy (Pinki et al., 2020). The risk of transgender in the democratic process would no longer exist if effective voting mobilization tends to be part of that community and its preference is perpetuated and disapproved by voters themselves. But





India is not an exception in this regard because recent data reveals that the transgender community has less political popularity and more gender inferiority though they are biologically different from other genders (EPW, 2013). Here, the argument can be input that if democracy promotes gender equality why there is the perpetual practice of gender discrimination and exploitation in Indian society? Thus the outcome of electoral participation of transgender is less than others, the report of the various sources also shows the disrespectful and weak turnout that always signifies a debility model of transgender political interest. Sometimes, democracy promotes gender equality and, at the same time, not because outside forces easily sway voters that their elected leaders remain away from political involvement (Mitra, 1992).

## DISCUSSIONS

In India, the transgender community is considered the most humiliated and backward community as they are socially, culturally, educationally, and economically excluded from society (Dutta & Roy, 2014). Therefore, gender bias is always consistent in a large framework in every sphere of life. The new trend of discrimination in various fields, particularly in the Indian political process, tends to make us realize how the Indian patriarchal system prevents women, as well as transgender from participating in Indian politics. As it is evident from the Indian electoral process, Indira Gandhi is the only female who served as Prime Minister (PM) of India.<sup>2</sup> Since then, no female person has been elected as PM. But there is very less representation of transgender people in the Indian political system as their lives are under discrimination, disrespect, and abuse (Centre for Gender and Politics, 2021). However, the transgender community were unaware about their rights, including the right to vote and participation in elections. In the year of 2009, the Election Commission (EC) of India for the first time attempted to put transgender as a third gender regarded as 'Other' in their ballot forms (Telegraph, 2009). The prime objective of the government is to make transgender people more sensible and familiar with the electoral system. Therefore, affirmation of judicious settlement of public affairs needs to be convenient for the transgender community which would make possible the enhancement of political equality in a larger framework. A recent report in India revealed that a number of transgender people participated in the elections, some being defeated and the remaining elected as political leaders but their number is least in comparison to other representatives (Bairagi & Sarma, 2021). It has been noticed that previous studies which have mentioned in this article show that there are less studies on local power relations and find transgender political participation in local politics is negligible. Studies on transgender illiteracy and poverty reduction are also hardly conducted. The social and economic status of transgender makes hurdles for them to take part in politics is another finding. The lack of adequate studies on transgender power share in politics affects the transgender community form articulating their points of view. The

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<sup>2</sup>Sharma, Harikrishna (2022). Indira Gandhi: Second longest serving and first women Prime Minister. The Indian Express. May 20. See the link: <https://indianexpress.com/article/political-pulse/indira-gandhi-first-woman-prime-minister-7928253/>



most important research gap in these studies is that researchers mostly preferred to conduct research on big cities rather than small towns and remote areas. Despite such shortcomings, transgender people have been participating in elections whether national, state or local elections. It has been witnessed that in many states of India like Odisha, Tamil Nadu, Maharashtra, Karnataka, West Bengal, Delhi, Kerala, and others, transgender people are elected as a political leader and appointed as a political leader and hold political power to represent their community issues and try to customize social orders through the articulation of constitutional provisions.<sup>3</sup> In the year of 2015, the state of Kerala became the first to have a transgender rule against discrimination of transgender persons (Kerala Social Justice Department, 2015). However, many transgender people have occupied many positions, such as Shabnam Mausi Bano who is a member of the State Legislative Assembly (SLA) of Member of Parliament (MP), Kamla Jaan, who was elected as the Mayor of Raigarh Municipal Corporation, and Asha Devi Aryanayakam, who was also elected as the Mayor of Gorakhpur and so on (Hotchandani, 2019). The character and issues of transgender people find more space in movies like Malayalam movies which were released in the local language in the year 2012, the first transgender movie. Surya played an important role in the movie. This movie reflects to explore the difficulties of transgender that harassed by police and the public and most of them move to the cities like Mumbai, where a sizable number of transgender people are living (Agoramoorthy & Hsu, 2015). But movies based on transgender about their political representatives are rarely found in India because the narratives of transgender real social life have more significant than political affairs. In the Indian context, the claim of the community had that they had no elected members in any of the state Assemblies or Parliament. Even political parties give less importance and no political party gives a party ticket (Dey, 2020).

In this context, the voting rights of transgender people in India were vague till 2009. After 2009, the 'third gender' community received its special significance through the Election Commission of India, which allowed third genders to choose their gender as 'Other' on ballot forms. In this sense, they received their constitutional rights to vote and contest the election (Padhi & Mohanty, 2019). Thus, in a democracy, each and every citizen should enjoy their voting rights which are mentioned under article 326 of the Indian constitution. It has been believed that for the last few years, the transgender communities have been contesting in elections in many parts of the country and their success in the elections is not encouraging due to gender discrimination (Das & Prasad, 2021). Therefore, the political representation of transgender in the federal republic system is lower than that of male and female representatives. There are many reasons behind this because the structure of society is male hierarchy predominant to some extent (Suman, 2021). Moreover, in the traditional culture and rituals, the power structures were also vested in the male hierarchy. However, female inferiority was prevalent in many parts of India in particular and the world in general. But in the Indian context, if we look at the position

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<sup>3</sup>See the Election Commission of India report. Also see the different state election report like Odisha, Tamil Nadu, Maharashtra, Karnataka, West Bengal, Delhi, Kerala and others.



of gender, why is the transgender community deprived of such discrimination, exploitation, and repression? An answer to this question is difficult because of the gender constraint. According to the 2011 census data, the third-gender political status was not given much thought, as only a few parameters were used (See Census Data 2011, India).<sup>4</sup> However, in the traditional culture, the transgender community had to receive much discrimination because of their identity, during religious festivals are celebrated as the divine of avatar of gods (Hayden & Siva, 2021).

The transgender community neither has democratic space nor political rights, only difficulties related to their livelihoods and occupations (Suman, 2021). Many studies conducted by many scholars show that the transgender community in India has some distinct features, including none of its members attending parliament despite the fact that our constitution recently guaranteed transgenders as a disadvantaged group must have the same political rights as males and females in their political domain. Some states have increasingly mediated the new path to gender equality by including a separate column for the third gender in educational and public institutions (Basu, 2015). In India, Assam state is the first to introduce (2020) a transgender option to civil services applications. The state of Karnataka also became the first state to provide 1% reservation for third-gender in all government services followed by the Karnataka Civil Service (General Recruitment) Rule, 1977. After Karnataka, some states like Kerala, West Bengal, Odisha, Madhya Pradesh, Tamil Nadu, and others adopted transgender as a separate category. They should include it in any public institution as it is legalized through the constitution (Kalita, 2022). As far as the recent report is concerned, Joyita Mondal, became India's first transgender judge in 2017 from Kolkata (Joshi, 2022). Among them, several others such as Laxmi Narayanan Tripathy served as activists, while Naaz Joshi has come a long way in fighting the abuse and stigma associated with being a transgender person, and she became India's first transgender beauty queen. So, several transgender people are being augmented in different activities (The Indian Express, 2021). However, the life satisfaction of this community is not encouraging because of traditional occupations and modern occupations are limited to them. Therefore, they are unable to accommodate their social life as per the 2011 census data concerned.

In this connection, the Ministry of Social Justice and Empowerment of India launched 'Support for Marginalized Individuals for Livelihood and Enterprise' (SMILE), a government portal that is also a 'National Portal for Transgender Persons' (see SMILE scheme of India). This umbrella scheme would focus on both transgender people and people who are engaged in several acts such as begging, with special attention on education, food, rehabilitation, medical facilities, skill development, and economic linkages with the direct support of governments, non-government organizations, and others. Garima Greh Yojana is also for transgender people for their welfare and to measure the social life of transgender people (see Garima Greh scheme of India). Different states have also formulated

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<sup>4</sup>See the link : <https://www.census2011.co.in/transgender.php>



several comprehensive schemes for social justice and empowerment for the transgender community. Although some states have implemented it, the results are discouraging. Complete vigilance on fake transgender must be arrested. It was reported on July 10, 2012, in the *Times of India* that a 'fake transgender' had been arrested on a train, where an official of the railway police said, 'We have got them medically examined and all four are men' (Dutta, 2013). Her study reveals that there were several community-based organizations for 'sexual minorities' in West Bengal, the eastern state of India, where she identified some fake transgender people who were always asking train passengers for money as their primary occupation. Neither any claim nor any case has been registered against them. And sometimes, police contrast them with 'real' or castrated 'eunuchs', which is a common designation for hijras, a well-known socio-religious group of people who dress in women's clothes and are organized into clans or gharanas (Reddy, 2005). Indeed, this problem has been common in many parts of India.

## CONCLUSION AND RECOMMENDATION

In the plight of the new political power structure, freedom, rights, equality, and justice are key indispensable elements for the development of democratic values and spirit. This paper based on theoretical understanding undertaken a deep knowledge of gender biasness, particularly of the transgender community that would benefit academicians, scholars, policymakers and others in terms of political participation in the Indian political process. Less attention to the transgender community may enhance unequal political representation, biasness in all spheres of life and the apathy of transgender to participate in the decision-making process. And also several studies have not touched on the political aspects of transgender, particularly in India. It would minimize if we undertake it as the most important challenge to an equal share of power and essential steps to remove ostracize and stigma through the recent transgender Act of India. However, challenges like humiliation, stigmatization, exclusion from census data, lack of education, less opportunity in the employment sector, unequal representation of gender on the basis of their population, unequal distribution of resources and gender biasness especially in relation to the democratic process.

Despite rigorous reading of several works which are mentioned in the paper, I found there are some research gaps including very limited research on the political involvement of transgender in the democratic process particularly in the Indian context. Though several types of research covered political representation or political involvement of transgender in a democratic process outside India, the recent political ambivalence about the gender biases in the Indian democratic system would enhance the keen interest of academics, researchers, and policymakers to highlight the issues and problems of transgender people. Therefore, it needs all aspects of the study of transgender including the social, economic, political, cultural and physical aspects of transgender people in order to make them easy to enjoy their social life. The Transgender Persons (Protection of Rights) Act, 2019 is still in the initial stage, and more rigorous studies and investigations are needed to address transgender political issues. The study



may recommend academicians, researchers, officials and policymakers to distinguish research gaps that exist in pertaining to the Indian political process. In addition, the protection of transgender rights and freedom should be given major concern paying special attention to their political rights so that the political representatives of that community could enhance not only their political eminence but also all aspects of transgender social life in the world in general and in India in particular.

### **Competing interests**

No competing interests are declared by the author.

### **Ethical Statements**

The author declares that the paper tried to explore the new experience of transgender political participation in Indian politics. The author also sought to the approval of the different journals, researchers, newspapers, academicians and research reports for publication in the Journal of Advances in Humanities Research journal. Although the paper attempted to analyze the political participation of transgender in politics, the author has used secondary data for a deeper understanding of transgender's involvement in politics particularly in the Indian context.

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