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## Myths, Margins, and Markets: Transgender Rights and Inclusion in the Indian Workforce

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#### ABSTRACT

Ardhanarishvara, a unique and compelling representation in Hindu mythology, embodies the fusion of divine masculine and feminine energies through the amalgamation of Shiva and Parvati. This depiction transcends traditional gender binaries, symbolizing a state of divine gender fluidity and challenging the conventional hierarchies associated with gender. Despite this ancient cultural symbol of gender fluidity, the reality for transgender individuals in modern India is starkly different. Approximately 78% of transgender people in India do not disclose their identity due to fear of discrimination, particularly in the workplace . Only about 6% of transgender individuals are formally employed, with many being forced into sex work and domestic labor due to limited opportunities and pervasive social stigma

Policy measures for the transgender community in India have historically been limited due to the absence of legal recognition of a third gender. Only in 1994 did India's election commission allowed for the first time to exercise their franchise by including a third category called E (Eunuch). Moreover, the implementation of the Transgender Persons (Protection of Rights) Act, 2019, marks a significant step towards inclusion. Due to this act, transgender individuals have been recognized as the top beneficiaries of the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) scheme.

In conclusion, the juxtaposition of the revered symbol of Ardhanarishvara with the current socio-economic challenges faced by transgender individuals in India underscores a complex dynamic. The Transgender Persons (Protection of Rights) Act, 2019, and its provisions are a positive step, yet there remains a need for comprehensive policies and societal change to bridge the gap between ancient ideals and contemporary realities **Keywords:** Gender diversity, Transgender rights, Indian workplace, Ardhanarishvara, Legal reforms, Social exclusion.

#### I. INTRODUCTION

The notion of a third gender, or gender beyond the male-female binary, is not a new concept in India. In fact, ancient Indian scriptures, texts, and cultural practices offer evidence that gender

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diversity has always been a part of the social fabric.

From the concept of Ardhnarishvara, an image that symbolizes the amalgamation of masculine and feminine energies through the divine partnership of Lord Shiva and Goddess Parvati, to historical accounts of third-gender communities such as Hijras, Kinnars, and Aravanis, India's cultural and spiritual traditions have long celebrated the fluidity and transcendence of gender<sup>2</sup>. However, despite this ancient recognition of third-gender individuals, they have faced severe marginalization, discrimination, and social exclusion in modern times.

In recent years, India has made significant strides toward legal recognition and protection for transgender individuals. Landmark judgments and laws such as the National Legal Services Authority v. Union of India (2014) and the Transgender Persons (Protection of Rights) Act, 2019 have paved the way for transgender rights and recognition, affirming their rightful place in society. Yet, despite these positive legal shifts, significant barriers remain, especially in terms of social acceptance, employment opportunities, access to healthcare, and education. The question of gender identity is not merely biological or legal—it is also deeply social and performative. Philosopher Judith Butler, in her theory of gender performativity, argues that gender is not an inherent identity but is constituted through repeated social performances and norms.<sup>3</sup>This view helps contextualize the lived realities of transgender individuals, whose gender expressions often defy societal expectations and are therefore subjected to systemic regulation. Furthermore, legal scholar Kimberlé Crenshaw's concept of intersectionality explains how individuals experience multiple, overlapping forms of discrimination-such as those based on gender identity, caste, and class.<sup>4</sup> Applying these theoretical lenses to the Indian context reveals that transgender persons face not just legal exclusion, but a deeper structural marginalization rooted in history, culture, and socio-economic hierarchies.

**Statement of Research**: This paper aims to explore the contradiction between India's ancient cultural ethos of gender fluidity and the contemporary socio-economic marginalization of transgender individuals. Through an examination of historical recognition, legal evolution, and current employment and welfare frameworks, the research seeks to understand why inclusive mythology has not translated into inclusive policy and practice. The study specifically investigates employment barriers, legal gaps, and institutional challenges that hinder the integration of transgender persons into India's formal economy.

<sup>&</sup>lt;sup>2</sup> Indrani Ghose, Ardhanarishvara: Meaning, Statues, Concept, Story, Photos, i Share These (Mar. 1, 2010), https://isharethese.com/ardhanarishwara-meaning-statues-concept-story-photos/

<sup>&</sup>lt;sup>3</sup> Judith Butler, Gender Trouble: Feminism and the Subversion of Identity 33–34 (Routledge 1990).

<sup>&</sup>lt;sup>4</sup> Kimberlé Crenshaw, Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color, 43 Stan. L. Rev. 1241, 1244–45 (1991).

#### **II. HISTORICAL CONTEXT OF GENDER FLUIDITY**

One of the most profound expressions of gender fluidity is found in the concept of *Ardhnarishvara*, which represents Lord Shiva and Goddess Parvati as one. The union of masculine and feminine forces in Ardhnarishvara signifies the idea that divinity and creation itself cannot be constrained by binary gender constructs.

Further evidence of gender diversity in ancient India is found in the *Puranas*, which mention three categories of divine beings connected to music and dance: apsaras (female), gandharvas (male), and kinnars (neuter). The kinnars, or people who do not conform to either the male or female gender, were acknowledged as part of the divine order. Such depictions signify a recognition of non-binary individuals, suggesting that the category of "third gender" was well-established in Indian cosmology and spirituality<sup>5</sup>.

In the cultural and social domains, eunuchs—referred to as "hijras" in South Asia—have been recognized for centuries as a distinct group within Indian society.<sup>6</sup> The hijra community, often composed of people who undergo gender transition or are intersex, has been a significant part of Indian history, particularly during the Mughal era. They held prominent roles as royal advisors, military generals, and administrators, and they were even considered symbols of fertility and prosperity.<sup>7</sup>

In addition to hijras, other groups such as *aravanis* (in Tamil Nadu) and *jogappas* (in Maharashtra and Karnataka) also have deep cultural and spiritual significance, with many individuals in these communities dedicating their lives to religious service or forming integral parts of Hindu rituals. These communities were viewed as being blessed by the gods, with their unique identities celebrated in religious ceremonies, such as the worship of Lord Aravan, a figure linked to gender fluidity in Hindu mythology.

However, with the advent of colonial rule and the spread of Western ideologies, these ancient practices and identities were gradually marginalized. British colonial laws, such as Section 377 of the Indian Penal Code, criminalized sexual activities and expressions that did not fit into the traditional male-female binary, thereby contributing to the exclusion and stigmatization of non-

<sup>&</sup>lt;sup>5</sup>Staff Reporter, Ancient Tamil Literature Has Many References to Transwomen, The Hindu (Oct. 3, 2019), updated Oct. 4 2019, https://www.thehindu.com/news/cities/Madurai/ancient-tamil-literature-has-many-references-to-transwomen-madurai/article29586499.ece

<sup>&</sup>lt;sup>6</sup>Legal Rights of Transgender in India, iPleaders (May 28, 2020), https://blog.ipleaders.in/legal-rights-of-transgenderindia/.

<sup>&</sup>lt;sup>7</sup>Amit Kumar Singh, From Colonial Castaways to Current Tribulation: Tragedy of Indian Hijra, 40 Unisia 297, 297–314 (Dec. 14, 2022), https://journal.uii.ac.id/Unisia/article/view/23092

binary and transgender individuals.<sup>8</sup>

#### **III. LEGAL STRUGGLE**

In the post-independence era, the struggle for transgender rights in India remained a silent one, with very little legal recognition of non-binary gender identities. The existence of the hijra community was acknowledged in society, but they were still marginalized and faced severe discrimination in almost all spheres of life, including healthcare, employment, and social services. They were often forced to live on the fringes of society, engaging in begging, sex work, or performing at weddings and childbirth ceremonies for survival.

"Recognition of Transgenders as a third gender is not a social or medical issue but a human rights issue," - Justice K.S. Radhakrishnan.<sup>9</sup>

However, the tide began to change in the early 21st century for the 0.6 million transgender in India <sup>10</sup>, with significant steps taken toward the legal recognition and protection of transgender rights in India. One of the landmark moments in this journey was the *National Legal Services Authority v. Union of India* (2014)<sup>11</sup> case, in which the Supreme Court of India recognized transgender individuals as a third gender. This historic ruling affirmed the right of transgender persons to self-identify their gender, which was a breakthrough in ensuring their dignity, equality, and rights under the Indian Constitution<sup>12</sup>.

The Court directed the government to ensure that transgender individuals have access to the same rights as other citizens, particularly in the areas of education, employment, healthcare, and social security. In response to this Supreme Court ruling, the Indian government introduced the *Transgender Persons (Protection of Rights) Act* in 2019. This Act officially recognizes transgender individuals as a separate category and mandates equal protection of their rights. Section 2(k) of the Act defines a transgender person as someone whose gender identity does not match the gender assigned to them at birth. This includes individuals who identify as trans men, trans women, intersex persons, genderqueer, and those with socio-cultural identities such as

<sup>&</sup>lt;sup>8</sup> Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1974, §174A (India), https://www.indiacode.nic.in/show-data?actid=AC\_CEN\_5\_23\_00037\_186045\_1523266765688&orderno=43

<sup>&</sup>lt;sup>9</sup>BBC News, India Court Recognises Transgender People as Third Gender, BBC (Apr. 15, 2014) https://www.bbc.com/news/world-asia-india-27031180

<sup>&</sup>lt;sup>10</sup>Ashraf Padanna, India Opens First School for Transgender Pupils in Kerala, BBC News (Dec. 30, 2016), https://www.bbc.com/news/world-asia-india-38470192

<sup>&</sup>lt;sup>11</sup> National Legal Services Authority v. Union of India & Ors., Writ Petition (Civil) No. 400 of 2012 with Writ Petition (Civil) No. 604 of 2013, ¶ 59 (Sup. Ct. India Apr. 15, 2014),

https://indiankanoon.org/doc/193543132/

<sup>&</sup>lt;sup>12</sup>Saumya Agarwal & Gourvika, What Are the Rights of Transgender in India, iPleaders (Oct. 24, 2015), https://blog.ipleaders.in/legal-rights-of-transgender-india/

hijras, Kinnars, and Aravanis. In addition to the landmark NALSA v. Union of India<sup>13</sup> judgment, another milestone ruling is Navtej Singh Johar v. Union of India (2018)<sup>14</sup>, where the Supreme Court read down Section 377 IPC and decriminalized consensual same-sex relations between adults. While this case focused on sexual orientation, the judgment strongly reinforced the constitutional principles of individual dignity, autonomy, and privacy under Article 21. The Court emphasized that self-identification of gender and sexual identity forms the essence of personhood, laying a broader foundation for LGBTQIA+ rights in India.

The Court's evolving jurisprudence reflects a shift toward transformative constitutionalism, wherein the Indian Constitution is interpreted as a living document that must uphold the dignity of marginalized individuals, including transgender persons. Together, NALSA and Navtej form a constitutional bedrock for legal and policy advancements concerning gender identity and expression. It can be inferred from sec 22 and 23 of the Act, that the government has categorized transgender individuals as members of the backward classes (positive discrimination) which would allow them to get special benefits from the government<sup>15</sup>.

Despite these legal strides, the law has faced criticism from within the transgender community and civil rights organizations. Critics argue that the law does not sufficiently address the social, economic, and psychological needs of transgender individuals, especially in terms of ensuring comprehensive healthcare, mental health support, and employment opportunities. Furthermore, the absence of an explicit provision for job reservations for transgender persons has been a significant point of contention, as employment remains one of the largest challenges faced by the community.

#### **IV. GLOBAL COMPARISONS**

India is not alone in recognizing gender beyond the binary. In South Asia, Nepal became the first country in the region to legally recognize a third gender in 2007, following a Supreme Court judgment that ordered the government to amend laws and provide identity cards for third-gender individuals. <sup>16</sup>Nepal's approach aligns with a rights-based framework rooted in dignity and equality, similar to India's NALSA ruling. On the other hand, Argentina has adopted a more progressive model based on self-identification. Its Gender Identity Law, 2012 allows

<sup>&</sup>lt;sup>13</sup> National Legal Services Authority v. Union of India, (2014) 5 S.C.C. 438.

<sup>&</sup>lt;sup>14</sup> Navtej Singh Johar v. Union of India, (2018) 10 S.C.C. 1.

<sup>&</sup>lt;sup>15</sup>The Transgender Persons (Protection of Rights) Act, No. 40 of 2019, Acts of Parliament pts. I–IX (India), enacted by Parliament Dec. 5, 2019, commenced Jan. 10, 2020, https://www.indiacode.nic.in/handle/123456789/13091?locale=en.

<sup>&</sup>lt;sup>16</sup> Sunil Babu Pant & Others v. Nepal Government & Others, Supreme Court of Nepal, Writ No. 917 of 2007 (Dec. 21, 2007).

individuals to change their gender markers on official documents without medical or judicial approval, and mandates that the public healthcare system cover hormone therapy and gender affirmation procedures. <sup>17</sup>These international models offer valuable lessons for India, particularly in terms of simplifying legal procedures and improving access to gender-affirming healthcare.

#### **CURRENT CHALLENGES**

While the legal framework for transgender rights has improved, significant challenges remain for transgender individuals in India.

Social stigma remains one of the most significant barriers to the acceptance and integration of transgender individuals in India. Families often reject transgender children, and societal norms are slow to evolve in accepting gender diversity. Transgender individuals face discrimination in all areas of life, including education, employment, healthcare, and housing. They are often ostracized by their families and communities, leading to mental health issues, including depression, anxiety, and suicidal tendencies. The social ostracism experienced by transgender individuals is not limited to personal relationships but extends to institutions such as schools and workplaces. Despite legal protection, transgender individuals are often discouraged from disclosing their gender identity due to fear of harassment, job loss, or exclusion. Surveys suggest that up to 78% of transgender individuals do not reveal their gender identity at work. Institutional discrimination manifests through a lack of comprehensive anti-discrimination frameworks, gender-inclusive infrastructure, and inadequate support mechanisms.

Transgender individuals also struggle with misaligned documentation, complex identity verification processes, and limited legal workplace protections. Workplace culture issues, including persistent stigma, stereotyping, microaggressions, and exclusion from professional networks, contribute to significant mental health challenges. Continuous discrimination results in elevated stress levels, reduced professional self-esteem, increased risk of depression and anxiety, and a higher likelihood of job turnover, creating a cyclical pattern of professional and personal challenges that profoundly impact transgender individuals' workplace experiences and overall quality of life<sup>18</sup>.

Transgender individuals in India are disproportionately affected by poverty. The lack of job opportunities, combined with the high level of discrimination in the workplace, means that

<sup>&</sup>lt;sup>17</sup> Republic of Argentina, Gender Identity Law, Law No. 26.743 (2012), https://www.argentina.gob.ar/sites/default/files/ley\_de\_identidad\_de\_genero.pdf.

 <sup>&</sup>lt;sup>18</sup>Equal Opportunities Policy for Transgender Persons, Ministry of Social Justice and Empowerment (India), Sept.
29, 2023, https://socialjustice.gov.in/writereaddata/UploadFile/67311708075108.pdf

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many transgender individuals are forced into sex work, begging, or other low-income forms of labour to survive. According to available data, only about 6% of transgender individuals are formally employed in either private organizations or NGOs<sup>19</sup>, while about 5% engage in sex work, 5% work as domestic labourers, 13% engage in selling food and 11% engage in begging<sup>20</sup>.

Even within the transgender community, the socioeconomic conditions vary. While some individuals in the community have managed to build support systems through self-help groups or small businesses, the majority still struggle to access basic resources and opportunities<sup>21</sup>. In states like Kerala, which is considered one of India's most progressive, more than half of the transgender population still earns less than INR 5,000 per month, and the majority faces discrimination within the healthcare system<sup>22</sup>.

Transgender individuals face unique mental health challenges, often exacerbated by social stigma and rejection. The lack of mental health services tailored to the needs of transgender persons further exacerbates these challenges. Many transgender individuals also face difficulties accessing basic healthcare due to discrimination, ignorance about transgender health needs, and the unavailability of specialized care.

Moreover, there is often a reluctance within the healthcare system to address issues such as hormone replacement therapy, sexual health, and gender-affirming surgeries. The lack of comprehensive healthcare policies that cater specifically to the needs of transgender individuals is a major issue that hinders their overall well-being. Legal scholars have critically engaged with the evolving framework of transgender rights in India. Arvind Narrain, a leading voice in queer jurisprudence, argues that Indian constitutional law must adopt an explicitly inclusive lens that challenges entrenched heteronormativity. He advocates for the use of *constitutional morality*—a principle now recognized by the Indian judiciary—as a tool to dismantle majoritarian and patriarchal value systems.<sup>23</sup>

<sup>&</sup>lt;sup>19</sup>Daniel Cancela, Sarah E. Stutterheim & Sjir Uitdewilligen, The Workplace Experiences of Transgender and Gender Diverse Employees: A Systematic Literature Review Using the Minority Stress Model, 72 J. Homosexuality 60, 60–88 (2025), https://doi.org/10.1080/00918369.2024.2304053

<sup>&</sup>lt;sup>20</sup> Ratrish Saha et al., Beyond Transgender Visibility: India Works Toward Employment Equity, UNAIDS (Mar. 31, 2023), https://www.unaids.org/en/resources/presscentre/featurestories/2023/march/20230331\_beyond-transgender-visibility-india

<sup>&</sup>lt;sup>21</sup>Joby Philip & Devi Soumyaja, Workplace Diversity and Inclusion: Policies and Best Practices for Organisations Employing Transgender People in India, 15 Int'l J. Pub. Pol'y 299, 299–314 (2019), https://doi.org/10.1504/IJPP.2019.10024584.

<sup>&</sup>lt;sup>22</sup>Jane Fenn, G. Nair & Sanju George, What Is It to Be a Transgender in God's Own Country (Kerala, India)? An Explorative Case Study, Glob. J. Med. Pharm. Biomed. Update, vol. 15, no. 3, at 1–5 (July 2, 2020), https://doi.org/10.25259/GJMPBU\_2\_2020

<sup>&</sup>lt;sup>23</sup> Arvind Narrain, Queer: Despised Sexuality, Law and Social Change 123–26 (Yoda Press 2004).

Likewise, Ratna Kapur critiques how the law, even when progressive, may fall short of delivering substantive justice to marginalized groups if it relies solely on liberal legal reforms. She stresses the need for an intersectional and structural approach to policy-making that addresses caste, class, and gender together.<sup>24</sup>

Internationally, a UNDP–World Bank report (2017) titled "*The Economic Cost of Exclusion and Gains of Inclusion of LGBT People in India*" estimated that transphobia and homophobia may cause a loss of up to 1.4% of India's GDP<sup>25</sup>. This reinforces the argument that inclusion is not only a constitutional imperative but also an economic necessity.

#### V. GOVERNMENT SCHEMES AND POLICIES

While the Indian legal framework is designed to uphold the rights and dignity of all individuals, systemic exclusion and discrimination continue to impede the recognition and empowerment of transgender individuals<sup>26</sup>.

The *Transgender Persons (Protection of Rights) Act* was a landmark piece of legislation aimed at safeguarding the rights of transgender persons. The Act ensures that transgender individuals can self-identify their gender and provides for their protection against discrimination in education, employment, and healthcare. It also mandates the creation of a National Council for Transgender Persons to monitor the implementation of the Act and safeguard the interests of the community.

The journey toward legal acknowledgment for transgender individuals in India has been arduous. It wasn't until 1994 that the Election Commission of India included a third gender category—designated as 'E' for eunuchs<sup>27</sup> allowing transgender individuals to exercise their right to vote for the first time. This marked a significant milestone, but it also highlighted the systemic neglect that had persisted for decades<sup>28</sup>. Prior to this change, transgender individuals faced severe limitations in political participation, further entrenching their status as societal outcasts. In 2005, the government took another step by introducing a third gender option in passport applications, again designating it as "eunuch<sup>29</sup>." However, these changes were merely

<sup>26</sup> UNAIDS, India, UNAIDS Keyword (last visited June 16, 2025), https://www.unaids.org/en/keywords/india

<sup>&</sup>lt;sup>24</sup> Ratna Kapur, Gender, Alterity and Human Rights: Freedom in a Fishbowl 41–50 (Edward Elgar 2018).

<sup>&</sup>lt;sup>25</sup> M.V. Lee Badgett, Nezhla Asenjo & Kanishka Balasuriya, The Economic Cost of Stigma and the Exclusion of LGBT People: A Case Study of India, World Bank & UNDP (2014), https://documents.worldbank.org/en/publication/documents-reports/documentdetail/541261468035506782.

<sup>&</sup>lt;sup>27</sup> Ministry of Social Justice and Empowerment (India), Official Website, https://socialjustice.gov.in/

<sup>&</sup>lt;sup>28</sup> United Nations, India / Transgender Voting (UNifeed broadcast, Apr. 2025) https://media.un.org/unifeed/en/asset/u140/u140425b

<sup>&</sup>lt;sup>29</sup> Nyaaya, Passport for LGBTQ+ Persons (last visited June 16, 2025), https://nyaaya.org/legal-explainer/passport-for-lgbtq-persons/

incremental. While they provided some legal recognition, they fell short of addressing the broader spectrum of gender identity and the comprehensive rights of transgender individuals. Legal documents, social services, and healthcare options remained inaccessible or inadequate, leaving many without proper identification or support.

The National Pension Scheme for transgender individuals aged 40 to 60 is one initiative aimed at providing some level of financial security, yet the total number of submissions only 1,768<sup>30</sup> to date illustrates the limited outreach and awareness surrounding this program. The inclusion of transgender individuals as priority beneficiaries in schemes like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)<sup>31</sup> is a positive development, yet it is only a small part of a much larger puzzle that requires systemic change.<sup>32</sup> Furthermore, the National Rural Livelihood Mission (NRLM)<sup>33</sup> and the National Urban Livelihood Mission (NULM)<sup>34</sup> also discuss financial inclusion for transgender people through self-help groups (SHGs). Apart from national-level efforts, state-specific initiatives have played a vital role in transgender welfare. Kerala became the first Indian state to adopt a comprehensive Transgender Policy in 2015, addressing key issues such as education, healthcare access, self-identification, and employment<sup>35</sup>. Kerala has also facilitated access to gender-neutral toilets and initiated livelihood schemes for transgender persons.

Similarly, Tamil Nadu established a Transgender Welfare Board as early as 2008, offering official identity cards, housing schemes, and reservation benefits in education.<sup>36</sup> Despite these pioneering moves, other states have yet to follow suit, leading to inconsistencies and inequities in the implementation of transgender rights across India.

Initiatives like these have shown positive effects in states such as Odisha, where community engagement has facilitated better economic outcomes. However, these programs need to be scaled and made universally accessible to ensure that transgender individuals across the country

<sup>&</sup>lt;sup>30</sup> Ministry of Social Justice and Empowerment (India), Parliament Question: Welfare of Transgenders (Press Release No. 2085146, Dec. 17, 2024), https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2085146

<sup>&</sup>lt;sup>31</sup> Mahatma Gandhi National Rural Employment Guarantee Act, 2005, Ministry of Rural Development (India) (last visited June 16, 2025), https://nrega.nic.in/MGNREGA\_new/Nrega\_home.aspx

<sup>&</sup>lt;sup>32</sup> Department of Social Justice and Empowerment (India), National Portal for Transgender Persons (last visited June 16, 2025), https://transgender.dosje.gov.in/.

<sup>&</sup>lt;sup>33</sup> Deendayal Antyodaya Yojana – National Rural Livelihoods Mission (DAY-NRLM), Ministry of Rural Development (India) https://aajeevika.gov.in/

<sup>&</sup>lt;sup>34</sup> Deendayal Antyodaya Yojana – National Urban Livelihoods Mission (DAY-NULM), Operational Guidelines for Social Mobilisation and Institution Development (SM&ID), Ministry of Housing & Urban Affairs (India), Sept. 2013 (amended Aug. 22, 2016), https://nulm.gov.in/PDF/NULM Mission/NULM-SMID Guidelines.pdf

<sup>&</sup>lt;sup>35</sup> Government of Kerala, State Policy for Transgenders in Kerala (2015), https://transgender.dosje.gov.in/TGPolicies/KeralaTGpolicy2015.pdf.

<sup>&</sup>lt;sup>36</sup> Social Welfare Department, Government of Tamil Nadu, Transgender Welfare Board, https://www.tnsocialwelfare.org/tgb.

can benefit from similar opportunities. Countrywide financial assistance schemes, such as oldage pension programs, must explicitly ensure the inclusion of transgender individuals. For instance, the Pradhan Mantri Vaya Vandana Yojana (PMVVY)<sup>37</sup>, a pension scheme for senior citizens aged 60 and above, could readily extend its coverage to include transgender persons over this age threshold. Such initiatives would not only enhance the economic security of older transgender individuals but also contribute to their dignity and well-being. To facilitate this process, the Ministry of Social Justice and Empowerment (MoSJE)<sup>38</sup>, in collaboration with the Ministry of Women and Child Development, can undertake a gender budgeting exercise to evaluate and enhance the coverage of transgender persons under various social schemes. By signing a Memorandum of Understanding (MoU) with all central ministries, the government can prioritize the inclusion of transgender persons as a target group in flagship schemes aimed at poverty alleviation, housing, and pension.

For example, the Ministry of Agriculture and Farmers' Welfare, through initiatives like the National Cooperative Development Corporation (NCDC)<sup>39</sup>, could prioritize support for cooperatives that are organized and operationalized by marginalized groups, including transgender individuals. This would provide economic and technical assistance specifically tailored to the needs of transgender people, particularly in peri-urban and rural areas where they face compounded challenges.

#### VI. CONCLUSION

India's journey toward recognizing and ensuring the rights of transgender individuals has been long and complex, influenced by historical traditions, colonialism, legal reform, and social change. While significant progress has been made in terms of legal recognition, the challenges faced by transgender persons in India remain substantial. Social stigma, discrimination, economic exclusion, and inadequate access to healthcare continue to hinder the ability of transgender individuals to fully participate in society.

The Indian government's efforts to address these challenges through legislation, welfare schemes, and healthcare initiatives are commendable, but the road to equality and justice for transgender persons is far from complete. Real inclusion can only be achieved through a concerted effort from all sectors of society—government, civil society, the private sector, and

<sup>&</sup>lt;sup>37</sup> Vikaspedia, Government of India Schemes Overview, https://schemes.vikaspedia.in/viewcontent/schemesall?lgn=en

<sup>&</sup>lt;sup>38</sup> Ministry of Social Justice and Empowerment (India), Department of Social Justice & Empowerment Official Website https://socialjustice.gov.in/

<sup>&</sup>lt;sup>39</sup> National Cooperative Development Corporation (India), Official Website (last visited June 16, 2025), https://www.nedc.in/

the general public—to challenge prejudices, expand opportunities, and ensure the full protection of the rights of transgender individuals.

As India continues to evolve, it must work to ensure that all its citizens, regardless of their gender identity, can live with dignity, equality, and respect. Only by reconciling India's ancient ethos of gender diversity with contemporary legal and economic inclusion can true equality be achieved.

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