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New ERA for Transgender Education

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Abstract

Education plays a crucial role in shaping an individual's life; however, equal access to education is not available to all sections of society. The transgender community remains one of the most marginalised groups, often deprived of basic educational rights. Even in contemporary society, transgender individuals continue to struggle for recognition and equal opportunities in education, despite it being a fundamental right. This paper examines the barriers that hinder their access to a supportive educational environment and highlights their ongoing struggles. It also discusses recent governmental initiatives and policy reforms in India, including efforts by state governments, the University Grants Commission (UGC), and the National Education Policy (NEP, 2020), aimed at improving inclusivity. Encouragingly, these measures have enabled many transgender individuals to achieve success in professional fields such as law, policing, and education. Education should be accessible to every child without discrimination based on gender, enabling them to contribute meaningfully to society and foster positive change.

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Introduction

India, as a democratic and secular nation, guarantees fundamental rights to all citizens, allowing them to grow and develop irrespective of their background, religion, or gender (Government of India, 1950). These rights include access to education, freedom of movement, and legal protection. Despite these provisions, certain groups, especially transgender individuals, continue to face significant challenges in accessing these rights (NHRC, 2018).

Gender is not limited to biological characteristics; it also encompasses psychological and social dimensions. Scholars differentiate between biological sex and gender identity, emphasising that identity is shaped by both internal perception and societal influence (American Psychological Association, 2015). From birth, individuals are categorised into binary gender roles, reflecting deeply embedded societal norms. Transgender individuals frequently encounter discrimination, limited employment opportunities, and social exclusion (Nadal, 2013). Many lack access to stable livelihoods and are often forced to rely on informal means of

survival (NHRC, 2018). Educational deprivation further marginalises them, restricting their participation in economic and social life (UNESCO, 2019).

Society often labels transgender individuals as "different," raising critical questions about societal norms and acceptance. Despite advancements in lifestyle and technology, the absence of empathy and inclusivity remains evident. Ensuring access to education is essential, as it empowers transgender individuals to improve their lives and contribute positively to society.

Review of Literature

The existing literature conceptualises gender as a socially constructed, multifaceted phenomenon shaped by cultural, institutional, and psychological influences. Traditional education systems have largely reinforced binary gender norms, whereas contemporary research advocates inclusive and intersectional approaches (Rands, 2009; Meyer, 2022). Studies on inclusive sexuality education highlight the importance of integrating LGBTQ+ perspectives into

curricula to reduce stigma and mental health challenges (Gegenfurtner & Gebhardt, 2017). Research also shows that transgender students face exclusion due to heteronormative frameworks, emphasising the need for inclusive and accurate educational content (Bradford *et al.*, 2019).

Mental health concerns among transgender individuals, including higher rates of depression and suicidal tendencies, are linked to systemic discrimination and lack of support (Adams & Vincent, 2019). Educational support systems and inclusive policies act as protective factors. Overall, the literature strongly supports inclusive, equitable, and evidence-based educational practices.

Transgender Students

Transgender individuals are those whose gender identity does not align with their assigned sex at birth (2015). Many experience gender dysphoria, a psychological distress resulting from this mismatch (2013). Transitioning may involve social or physical changes to align identity with expression.

Students are entitled to rights such as equality, safety, and freedom of expression. However, transgender students often face discrimination and are denied equal treatment within educational institutions (UNESCO, 2019). This reflects a gap between legal rights and actual experiences.

Struggles

Educational systems traditionally operate within binary gender frameworks, which exclude transgender students. Legal interventions, such as the *NALSA v. Union of India* (2014) judgment, recognised transgender individuals as a third gender and called for inclusive policies.

In *Writ Petition No. 6871 (M/B) of 2016*, directions were issued requesting all State Governments (except Jammu & Kashmir at the time) and Union Territories with legislatures to include “third gender” children among socially and educationally retrograde classes for the resolution of admission in educational institutions. This directive was aligned with the communication issued by the Department of School Education & Literacy, Ministry of Human Resource Development, Government of India (F. No. 1-3/2014-EE-4, dated June 10, 2014) (Government of India, 2014). Despite legal recognition, discrimination persists. Many transgender students face rejection from schools and are forced to drop out. They are often denied participation in social and cultural activities and experience mistreatment from both family and society. Only a small percentage (about 1–2%) complete formal education (NHRC, 2018). Limited access to education directly affects employment opportunities, perpetuating inequality. The lack of admission to education remains one of the most serious challenges faced by the transgender community. Until the early 2000s, transgender individuals were largely excluded from mainstream education, and their right to education was not adequately recognised (UNESCO, 2019). This educational deprivation directly affects their employment opportunities, as both government and private-sector jobs often require formal qualifications.

Constitutional and Legal Provisions

The Indian Constitution includes several provisions supporting education:

- Article 45 ensures free and compulsory education.
- Article 30 protects minority educational rights.
- Articles 15, 17, and 46 promote equality and support disadvantaged groups.

Although legal progress has been made, transgender individuals still face societal discrimination, particularly in rural areas.

Causes Affecting Transgender Education

Although the exact number of transgender students attending colleges nationwide is not clearly documented, some institutional data provide insight. For instance, Mills College, one of the first women’s colleges to adopt trans-inclusive policies, reported that approximately 8% of its undergraduate population identified as transgender (Beemyn, 2019). Despite relatively low representation, such institutions often face backlash and criticism for implementing trans-inclusive admissions policies. These policies bring additional challenges, including the need to provide appropriate academic and residential resources while ensuring an inclusive campus climate. Transgender students on traditional campuses also face risks of physical harassment and discrimination (Beemyn, 2019; UNESCO, 2019).

Research indicates that transgender students experience unsafe educational environments, harassment, and a lack of institutional support (GLSEN, 2017). Many face difficulties in accessing facilities, changing identity documents, and participating in school activities.

According to the Census 2011, transgender literacy (56.1%) is significantly lower than the national average (74.04%). Discrimination by peers and educators, along with structural barriers, contributes to high dropout rates.

Several factors contribute to high dropout rates and low literacy levels, including systemic discrimination and lack of institutional support. Educational institutions in India are often ill-equipped to ensure a safe and inclusive environment for transgender students. Common barriers include difficulties changing names and gender on official documents, as well as inadequate access to appropriate facilities and accommodations (NHRC, 2018).

The ability of transgender students to fully exercise their right to education is hindered in multiple ways. These include direct harassment and discrimination by teachers and peers, as well as structural exclusion, such as being denied the right to wear uniforms or use restrooms consistent with their gender identity. Such practices often force transgender students to leave school prematurely (UNESCO, 2019).

Transgender students should not be excluded from educational institutions on the basis of their gender uniqueness. They are entitled to equal rights and protections, including affirmative measures such as the reservation of at least 25% of seats in private schools for children from disadvantaged groups, as directed under the Right to Education framework (Government of India, 2009). Encouragingly, due to the efforts of parents, educators, and equality advocates, many states and school districts have implemented non-discrimination and anti-bullying policies that explicitly include gender identity and expression. These policies are often supported by training programs that foster inclusive educational environments for transgender students (UNESCO, 2019; GLSEN, 2017).

Recent Initiatives

Several steps have been taken in India:

- Karnataka’s Transgender Policy (2017)
- Maharashtra’s Transgender Welfare Board (2019)
- Gujarat’s welfare schemes
- UGC inclusion directives
- National Education Policy 2020

These initiatives aim to improve access to education, provide scholarships, and promote inclusivity. However, implementation gaps still exist.

NEP 2020 focuses on reducing dropout rates and ensuring worldwide access to education at all stages, with particular attention to marginalised and disadvantaged groups, including transgender individuals (Government of India, 2020).

Despite these progressive measures, only a limited number of educational institutions in India have successfully created inclusive and supportive environments for LGBT students. This highlights the gap between policy formulation and its effective implementation on the ground (UNESCO, 2019).

Supportive Measures

NEP 2020 emphasises inclusive education and recognises transgender individuals as a marginalised group. It promotes scholarships, representation, and grievance redressal systems. Creating a safe, confidential environment is essential to student well-being.

The policy also introduces supportive measures such as scholarships based on academic performance and socio-economic background, which can particularly benefit marginalised communities, including transgender students (Government of India, 2020). Additionally, representation in education is crucial; having teachers from socially and educationally backward classes (OBC) can serve as role models for students from similar backgrounds, fostering a sense of belonging and motivation (Government of India, 1950).

Furthermore, institutional mechanisms such as helplines should be easily accessible to students, enabling them to report grievances safely. It is equally important that confidentiality is strictly maintained when students file complaints, thereby creating a secure and supportive educational environment (UNESCO, 2019).

Achievements

Despite challenges, many transgender individuals have achieved success:

- **Manabi Bandopadhyay:** First transgender college principal in India
- **Prithika Yashini:** First transgender sub-inspector
- **Sathyasri Sharmila:** First transgender lawyer

Their achievements demonstrate the transformative power of education.

These examples clearly illustrate the empowering role of education. Education not only provides knowledge of rights and legal frameworks but also equips individuals with the confidence and ability to challenge injustice and achieve their aspirations. It enables transgender individuals to rise above societal barriers and create meaningful change in their own lives and in society at large (UNESCO, 2019).

Conclusion

Transgender students have the same right to education as all other children, and from a humanistic perspective, they should be nurtured to their fullest potential. It is essential that every individual involved in the educational process understands and supports inclusive practices so that transgender students can fully participate in learning environments (UNESCO, 2019). Education systems must recognise diversity in gender identity and guarantee equal opportunities for learners, regardless of their upbringing.

Teachers play an important role in nurturing inclusive education and must be sensitised to issues related to transgender identities, including their lived experiences, cultural contexts, and psycho-social and emotional needs. Effective teaching requires awareness of appropriate content delivery, understanding of cognitive development, and the promotion of cooperation among all students. Building respectful relationships between transgender and non-transgender students is essential to create a safe and kind learning environment (National Council of Educational Research and Training, 2021; UNESCO, 2019).

In recent years, there has been a noticeable increase in cases where transgender individuals are demanding access to education in schools and colleges. In response, many educational institutions are gradually revising their policies to become more inclusive and uphold fundamental rights, including the rights to dignity and education (Government of India, 2020). These changes reflect a growing recognition of the need to create impartial and inclusive educational places for transgender students.

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