



MAKING INDIA TRANSGENDER INCLUSIVE: AN IN-DEPTH ANALYSIS OF THE EDUCATION SECTOR IN INDIA

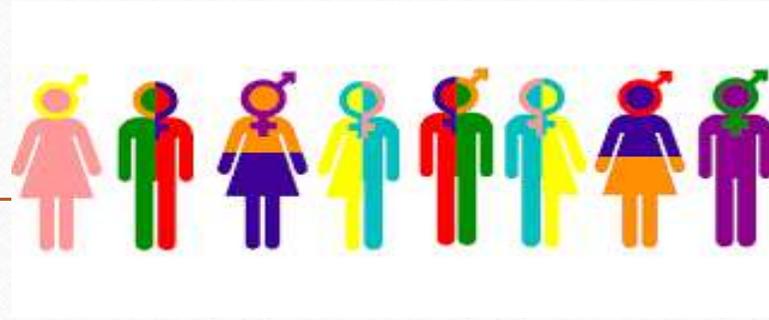
GROUP - 1

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INTRODUCTION



- India largest democracy
- LGBTQIA
- Right to Education
- Scenario of Transgender Education

STUDY OBJECTIVES



- To examine the current scenario



- To analyse and examine the relation between education levels and employment

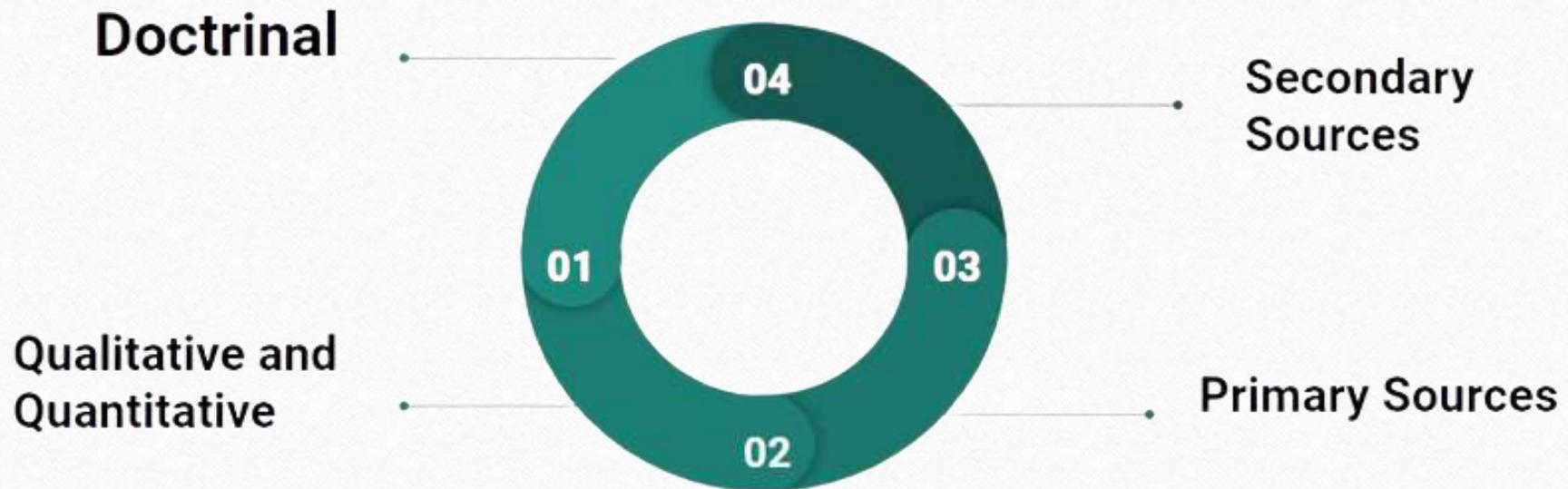


- To analyse legal & policy safeguards



- Further innovations and changes

METHODOLOGY



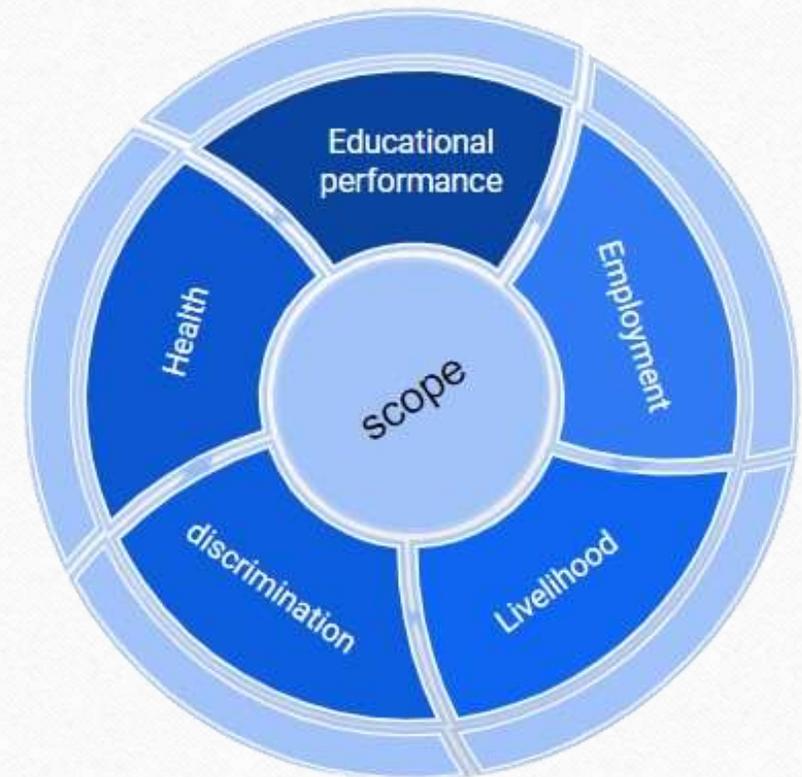
RESEARCH QUESTIONS



- 1) What is the current situation of transgender community in India with respect to access to education?
- 2) How does the educational status of these communities impact their employability standards?
- 3) What are the various legal and policy safeguards in place for improvising the educational access of the transgender community in India?
- 4) What other safeguards or policy innovations might help alleviate the educational status of these communities in India?

SCOPE OF THE STUDY

- Educational performance of the community and its direct bearings on their employment and livelihood status
- Public aspect of Discrimination
 - ✓ Family and kinship
 - ✓ Peer group
 - ✓ Teacher-student
- Macro level aspect
 - ✓ Literacy rate
 - ✓ Employment / job opportunities
 - ✓ Livelihood etc...



ISSUES

Literacy rate

Discrimination

Employment

Mental health

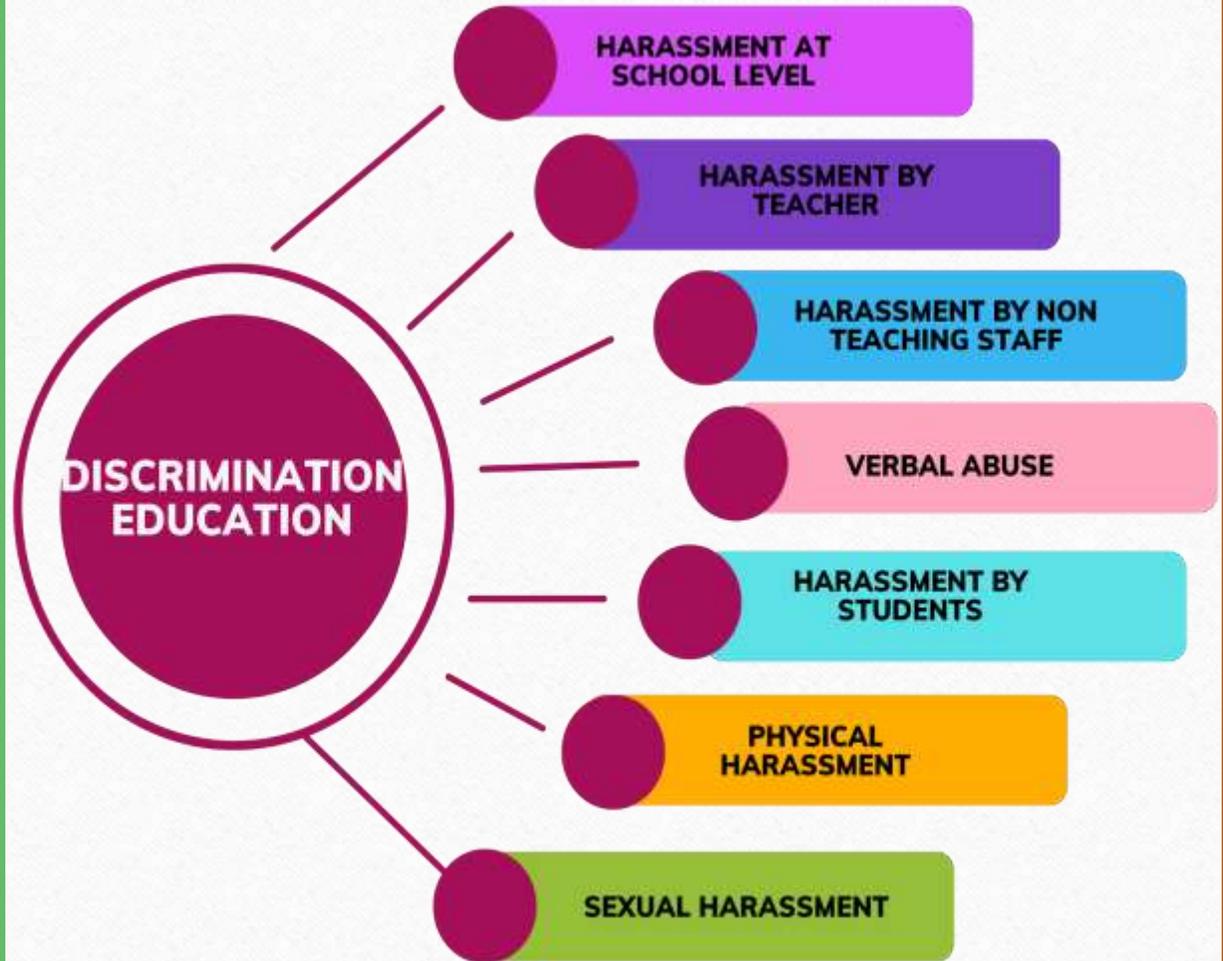
Dropouts

LGBT Bullying Statistics

Various surveys conducted by the Gay, Lesbian & Straight Education Network (GLSEN) have found these results about LGBT students in schools:



NOBullying.com
The Movement Against Bullying

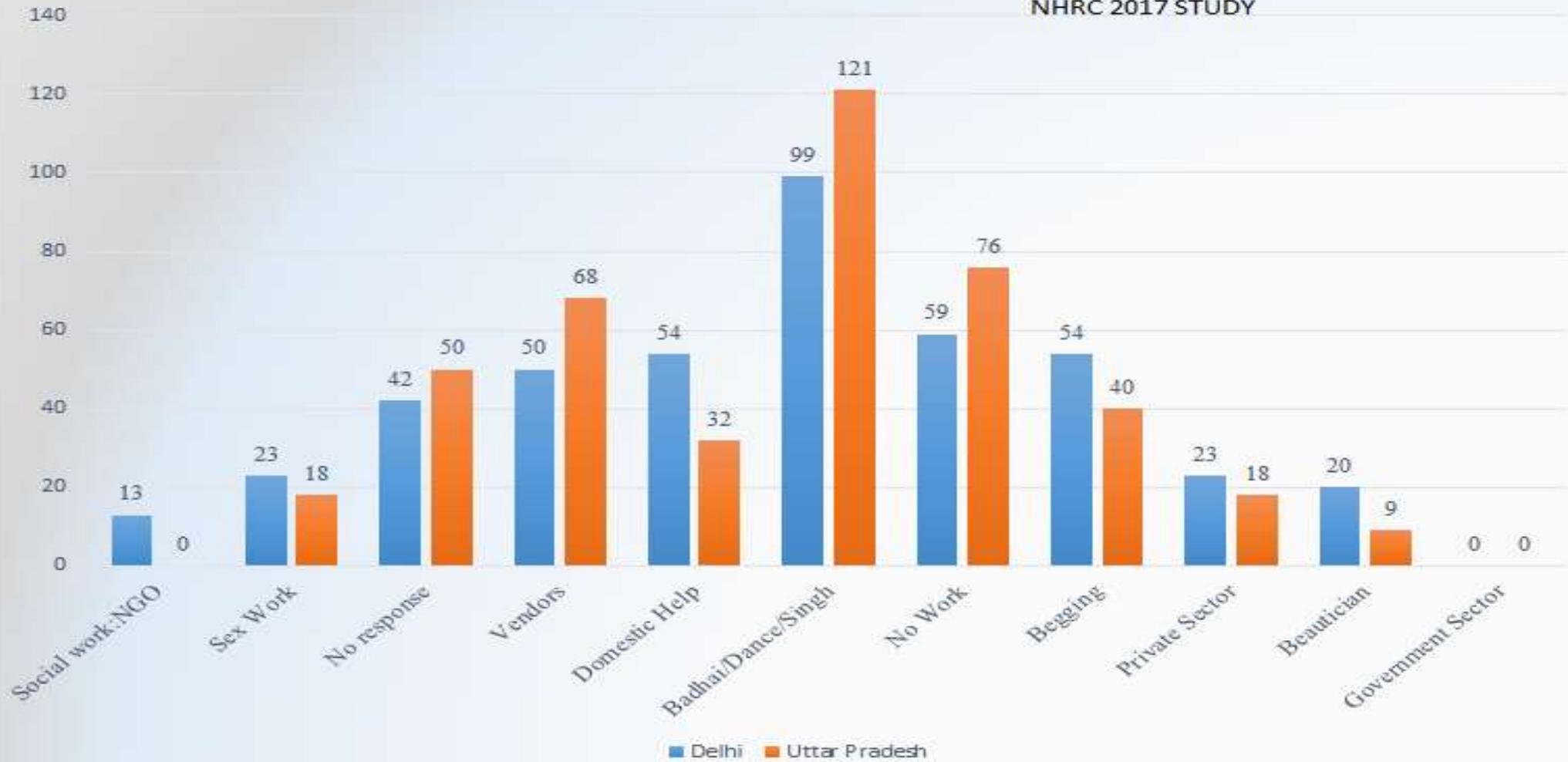


NHRC 2017 STUDY ON TRANSGENDER



EMPLOYMENT OF TRANSGENDER

NHRC 2017 STUDY



INITIATIVES OF GOVT. OF INDIA

- National Education Policy 2020
- National portal for transgender persons
- SMILE
- PM-DAKSH
- Garima Greh
- Centrally-sponsored Scheme of Pre-Matric Scholarship & Post-Matric Scholarship for Transgender Students



AN UMBRELLA SCHEME





Department of Social Justice and Empowerment
Ministry of Social Justice and Empowerment
Government of India

PM DAKSH YOJANA

Skill Development Training for SCs, OBCs, EBCs, DNTs, Safai karamcharis

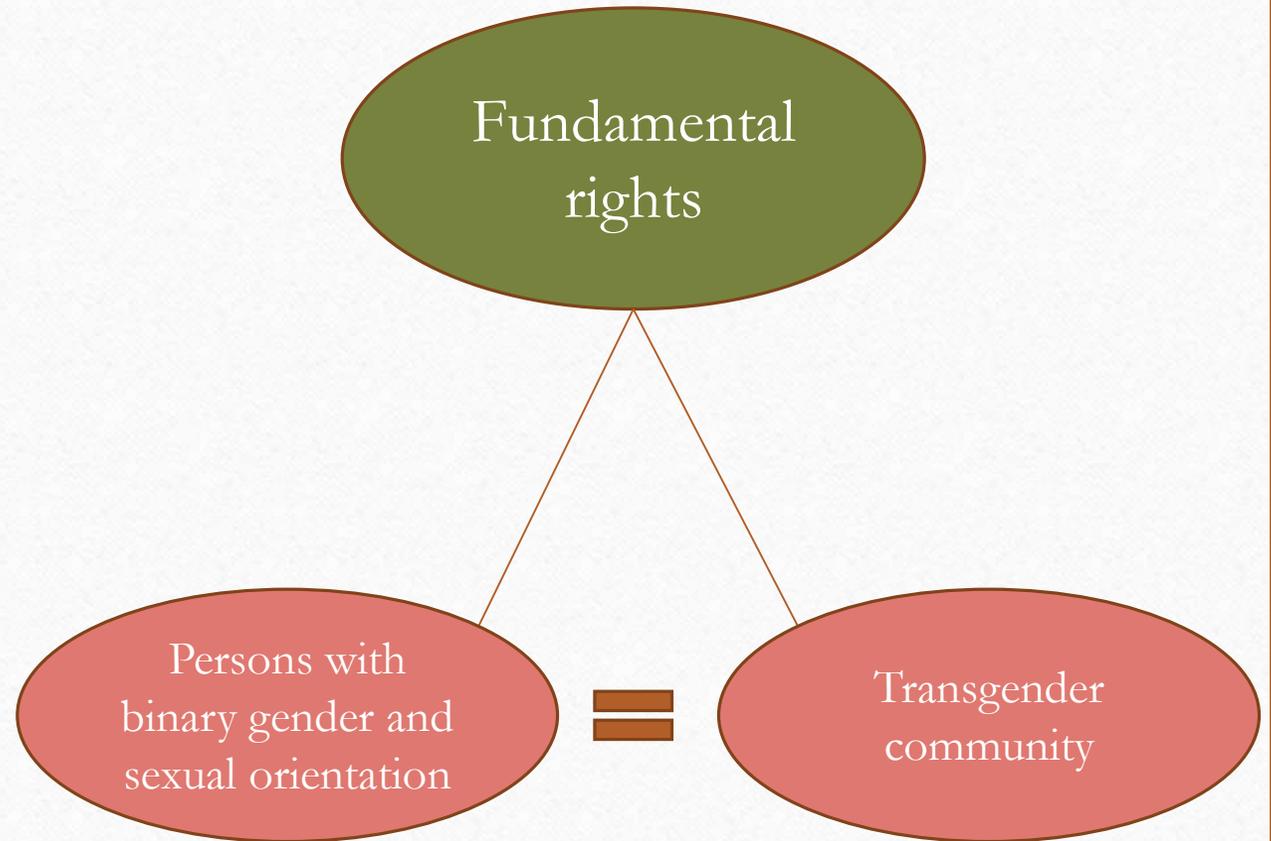
Types of Training

- Up-skilling/RPL
- Short Term Courses
- Entrepreneurial Development Programmes
- Long Term Courses

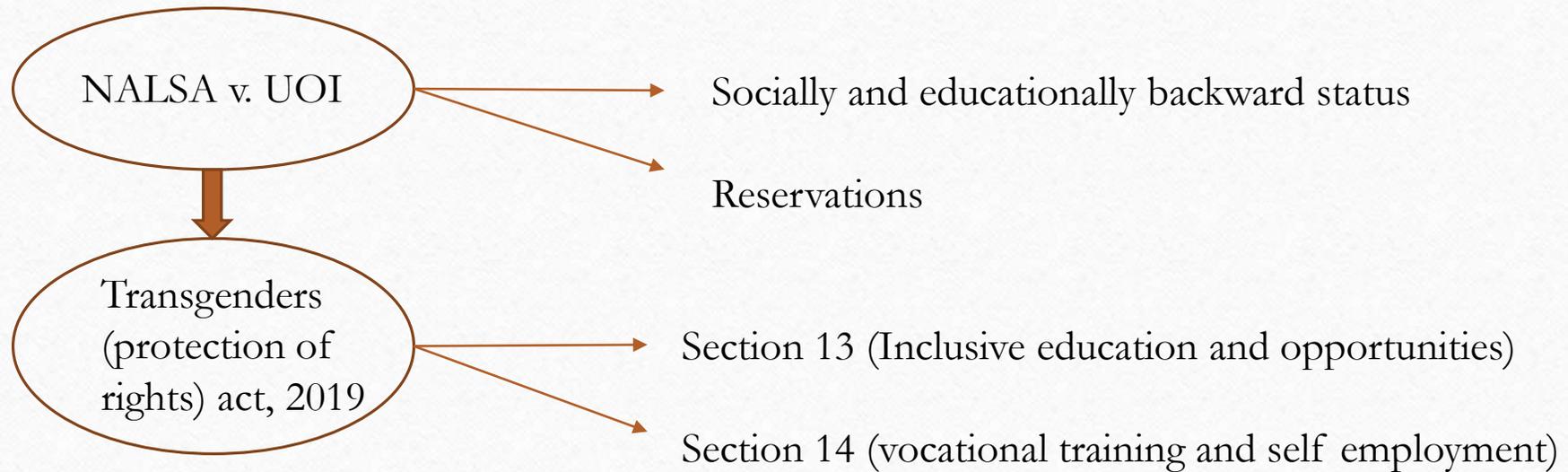


CONSTITUTIONAL SAFEGUARDS

Fundamental rights enshrined in part 3 of the constitution of India safeguards everyone irrespective of their gender identity. This was reiterated in NALSA judgement. Where the judges expressly established link between fundamental rights of a person with TGC

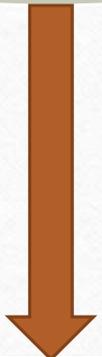


JUDICIAL PRONOUNCEMENTS



- Karnataka high court: **Dr. Trinetra Haldar Gumaraju v. State of Karnataka**
 - ✓ Ordered separate accommodation for transgender community in higher educational institutions
- Madras high court: **Swapna v. Chief Secretary**
 - ✓ Ordered the state govt. to form reservation scheme within 6 months
- Tamil Nādu backward class commission to issue MBC certificate to transgender community
- Madras high court: **Sushma v. commissioner of police**
 - ✓ Issued guidelines to provide gender neutral restrooms, Change in name and gender on records

**POLICY
RECOMMENDATIONS**



**Implementation and Feedback
mechanism**

**Kinner Vidhyalayas on
the name of their
prominent leaders**

Names / Pronouns

**Dress code and
Uniform**

Rest Room facilities

**Robust Anti Bullying
Policy**

Transgender Cell

Budgetary allocations

COMPARATIVE ANALYSIS:

UNITED KINGDOM

The equality act 2010

- ✓ Gender neutral uniforms
- ✓ Unisex toilets
- ✓ Robust anti-bullying policy
- ✓ No discrimination

UNITED STATES OF AMERICA

Key actions suggested by U.S. Dept. of Education

- Preferred names and pronouns
- Dress code and uniform
- Toilets
- Athlete programmes: acc. to their gender identity
- Policy to prohibit discrimination

PHILIPPINES

Philippines anti-bullying act, 2013

- ✓ Robust mechanism and procedure to address complaints
- ✓ Cyber bullying

THANK YOU!

“Remember this, whoever you are, however you are,
you are equally valid, equally justified and equally
beautiful.”

-Juno Dawson



NATIONAL HUMAN RIGHTS COMMISSION

ONLINE SHORT TERM INTERNSHIP PROGRAMME (OSTI) – JUNE 2022

(20.06.2022 TO 05.07.2022)

RESEARCH PROJECT

**MAKING INDIA TRANSGENDER INCLUSIVE: AN IN DEPTH
ANALYSIS OF THE EDUCATIONAL SECTOR OF INDIA**

(GROUP 1)

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BURHAN MUSHTAQ	14

LIST OF CASES

1. Dr. Trinetra Haldar Gummaraju v. State of Karnataka & Ors.WP 19706/2021
2. Jeevam. v. State of Karnataka, W.P. NO. 12113/2019
3. Mx Alia SK v. The state of West Bengal and Ors., W.P. No. 21587 (W) 2019
4. National Legal Services Authority v. Union of India, (2014) 5 SCC 438
5. Sangama v. State of Karnataka WP No. 8511 of 2020
6. SangeethaHijra v. State of Bihar, 2017 SCC OnLine PAT 1040.
7. SumanPramanik v. The Union of India, W.P.A 9187 of 2020
8. Sushma v. Commissioner of Police, W.P.No. 7284 of 2021
9. Swapna v. Chief Secretary, Writ Petition No. 31091/2013

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- **Figure 7.4.1.** According to Census 2011, it was found that the overall population of transgender is 4,87,803 and the state-wise distribution of transgender in India is shown in the figure, with UP having most of the transgender population 1,37,465 and Lakshadweep having only 2 transgender.
- **Figure 7.4.2.** shows the Literacy rate of transgender according to the census 2011, Bihar and Jharkhand having least literacy rates 44.3% and 47.58% respectively and it was found that Mizoram has the highest literacy rate of 87.1%.
- **Figure 7.4.3.** shows the transgender population through different studies in different years. The population of transgender according to Census 2011, National Institute of Epidemiology 2015, From international findings was 4, 87,803, 62,137, and 45,00,000 respectively.
- **Figure 7.4.4.** shows the comparison of data on transgender with the average population in the education and work sector, it was found that 56.10% of transgender have done education while average population the percentage was 74.04% and 34% of transgender do work, while the percentage of the average population was 53.30%, data collected from Census 2011.
- **Figure 7.4.5.** shows the type of work done and the number of transgender doing that work by the survey conducted by NHRC in the states of Delhi and UP. In both states, most transgender was involved in Badhai/ Dancing/ Singing.
- **Figure 7.4.6.** shows the type and percentage of people employed in a different sector, data is based on UPS and UPSS approaches given in the fifth annual employment – unemployment survey 2015-16.
- **Figure 7.4.7.** shows the different types of health issues commonly found in transgender according to a survey conducted by ACHA-NCHA II.
- **Figure 7.4.8.** shows the number of transgender has undergone education and are uneducated in the states of NCR Delhi and Uttar Pradesh survey conducted by NHRC 2017.
- **Figure 7.4.9.** shows the type of occupation transgender is in according to the National AIDS Organization.
- **Figure 7.4.10.** shows the work done by transgender in different sector
- **Figure 7.4.11.** depicts the different types of discrimination faced by the Transgender community in the education sector.

LIST OF ABBREVIATIONS

Abbreviations	Meaning
TGC	Transgender Community
NEP	National Education Policy
LGBTQIA	Lesbians, Gays, Bisexuals, Transgender, and Queers, Intersex, Asexual
PIL	Public Interest Litigation
SRS	Sex Reassignment Surgery
HIV	Human immunodeficiency virus
NALSA	National Legal Services Authority
AIDS	Acquired immunodeficiency syndrome
OBC	Other Backward Classes
MBC	Most Backward Classes
ST	Scheduled Tribes
SC	Scheduled Castes
SCI	Supreme Court of India
WHO	World Health Organisation
GLSEN	Gay, Lesbian, & Straight Education Network
ACHA	American College Health Association
NCHA	National College Health Assessment
UN	United Nations
UOI	Union Of India
NTE	National Teacher Education
NCERT	National Council of Educational Research and Training
GIF	Gender Inclusion Fund
SCERT	State Council of Educational Research & Training
CBSE	Central Board of Secondary Education

GOI	Government Of India
SMILE	Support for Marginalized individuals for Livelihood and Enterprise
PM- DAKSH	PradhanMantriDakshataAurKushaltaSampannHitgrahi Yojana
EBC	Economically Backward Classes
DNT	De-notified, Nomadic and Semi-nomadic Tribes
UGC	University Grants Commission
B.Ed	Bachelor of Education
M.Ed	Masters of Education

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ABSTRACT

The quality of the entire educational process is dependent on the instructors and, in some ways, their students. According to human rights concept, every child has the right to be nourished to the best extent possible. Transgender children also deserve the same and must be provided the right to receive excellent quality education as mandated under India's Constitution as well as in all laws and provisions, including the Right to Education Act and New National Education Policy. Similarly, transgender children have the same right to education as other children, and it should be clear to everyone who is involved in the educational process at any level that they can contribute to their education inclusively. A variety of international and regional procedures defend transgender people's rights. Nonetheless, punishing national laws, policies, and practices that target transgender individuals, such as cumbersome procedures for updating identifying papers, deprive transgender persons of their rights and hinder their access to justice. As a result, both state offenders and society as a whole commit grave abuses of human rights. Through this project we seek to find the aspects of life in which the transgender community faces discrimination with special emphasis on education and employment status of community. We also seek to analyze the legal and policy safeguards in place for improving the educational status of the community, their access to equitable education and better employment conditions post school and higher education.

Keywords: *Transgender, Educational rights, Employment, Discrimination, LGBTQIA+*

1. INTRODUCTION

India is seen as the largest democracy in the world not because of its size but because of the diversity that it possesses. There are sections of people, who owing to the prevalence of the centuries-old practice of inequality in Indian society, get pushed down to their limits to even entertain basic human rights. One such community that has been at the receiving end of such inequality is the LGBTQIA+.

The LGBTQIA+ community, where every word represents gendered conformity, includes Lesbians, Gays, Bisexuals, Transgender, Queers, Intersex, and Asexual and the rest is a significant social group that has been experiencing structural exclusion in India. Lack of awareness about the LGBTQIA+ community is one of the principal problems India faces today. There are an estimated 104 million Indians (or 8% of the total population) who are members of the community. 68% of Indians feel transgender rights should be respected, but only 20% claim to have known a transgender in their life. The disparity in the educational sector for LGBTQIA+ people depict how common their exclusion is.

Sensitization will be ineffective unless individuals are eager to change, which can only be achieved via education. Lack of relevant education whether among such community members, their families, or healthcare professionals has a negative impact. Many young people undergo un-called procedures as a result of a lack of nuanced understanding of intersex bodies.

The International Covenant on Human Rights, adopted by the United Nations in 1966, expresses clearly that rights should be gradually realized, without discrimination based on gender, race, caste, color, or other factors. It recognizes the individual's right to adequate living conditions, including social security, family life, employment opportunities, and health care.

2. REVIEW OF LITERATURE

The Transgender community in India holds a rich history and is diverse within it. Most of the members also exhibit great talent in various performing arts. Unfortunately, their importance is not sufficiently recognized by Indian society, and they have been constantly denied their rightful space in our culture since colonial times. Due to the discriminatory behaviour towards their community, Transgender persons have had to suffer socially, economically and physically. Rao and Nikhita (2022) identify the various issues faced by the community as family denial, harassment, stigma surrounding their identities and lifestyle, discrimination at multiple levels and lack of employment opportunities. All these issues go on to change their lives in a drastic manner and barthem from living a dignified life in the country.

While they deal with these obstacles on a daily basis, education as an important factor in development tends to be ignored. As the community's educational levels are severely low, a study by Dhanya and Thanuskodi (2021) tries to identify the information needs of

the transgender community. In doing so, they point towards an interesting phenomena of 'information poverty' wherein members of the community cannot access the information and appropriately apply it to their benefit due to the inaccessibility of information, as well as lack of skills or resources to do so. The authors also highlight the important role and need of community libraries to make information accessible to the Transgender community, and impart various skills within the community. The study also includes the views of the literate members in the Transgender community who wish to eradicate the stigma regarding their community in India and believes that changes in educational sector and awareness campaigns can greatly benefit their cause.

The report by Center for Sexuality and Health Research and Policy (2021) also runs on the same lines of implementing several changes to achieve a more inclusive educational system. It recommends an anti-bullying and harassment policy, new education policies to accommodate gender diversity, as well as sensitization in teacher training institutes and encouraging more educational research in this regard.

Scholars have also analyzed the impact of lack of adequate education to the limited opportunities and possibilities for the future of transgender individuals (Bal, 2020). Das (2019) points to the issue of high dropout rates within the community due to which their educational qualifications remain restricted to an average of secondary or senior secondary. Here, the author also mentions abuse in schools and colleges that harms the dignity and the will of transgender youth to continue their education.

Veena Singh (2019) suggests that sensitization of all sections is important to bring the levels of violence against the TG community. There is also a mention of the importance of education in social and political empowerment of the community, and education as an enabler of better life for not only individuals but the whole community.

The environment of educational institutions, specifically schools has come into the light time and again when discussing the issues with the educational system. Apart from the discrimination and harassment, the environment focuses only on gender binaries, disregarding the gender diversity within students, be it the dresscode, the restrooms or even co-curricular activities. Such compartmentalization in fact, entails social exclusion of transgender students (Chatterjee, 2018).

In the study of problems faced by Transgender in India, Dr. Chatterjee (2018) also recommends a set of changes that include spreading awareness amongst students and teaching as well as non-teaching staff on gender, representation of the community

through student clubs and the availability of counselors in educational institutions to help the transgender students.

Satish Chandra (2017) also expands on the same issue of lack of 'adequate learning environment' and the need for sensitization. Here, the author amongst a similar set of suggestions mentioned above includes financial assistance for transgender students to retain them in the educational institutions.

A study conducted by Kerala Development Society (2017) limited to Delhi and Uttar Pradesh states that 29.11% and 33.11% transgender people respectively have never attended school. It is worth noting that only 5.33% transgender people in Delhi and 4% of them in UP hold a Graduate Degree. The study, apart from highlighting the above mentioned causes of discrimination also directs us towards another factor involving the Guru-Chela system followed by the TG community in India. While most of the Gurus have never received adequate education, the conservativeness stemming from the fear within this arrangement neglects the importance of education and discourages the Transgender youth from pursuing education. The study also highlights initiatives taken in the state of Tamil Nadu and states it as the ideal model for other states to adopt trans-inclusive policies.

Scholars have pointed to similar issues of abuse and thereby the diversion of transgender youth to the informal sector of works mainly including begging and sex work (Rajkumar, 2016). Mohanty and Dogra (2016) mentions another form of exclusion, that from the decision making process and places the obligation on states to ensure welfare for Transgender communities. They also lay an importance on the role of media in sensitizing the society regarding the issues faced by transgender people. The National AIDS Control Organization (2016) in its report mentions the lack of awareness about the existing schemes for transgender persons in states. It also suggests a Transgender welfare body to assist governments in framing Trans-inclusive schemes.

A report by UNDP India (2010) mentions the kinds of issues faced by the community. It includes mental health issues due to social exclusion, several sexual health issues due to lack of attention in health care, exclusion from educational and economic activities and thereby a lack of social as well as financial security. The existing literature on Transgenders in educational institutions does not show a hopeful picture for the community. Most of the literature points to similar issues. However, scholars recognise the need for reform in the educational system including that in the curriculum, for better representation of the Transgender community. They have time and again suggested

changes in the environment of institutions, and support for the community through welfare schemes. With the increasing awareness in the society, there is hope for better status of the Transgender community. However, only education can empower the community from within to make each one of them self-sufficient and confident.

3. RESEARCH OBJECTIVES

The research under focus has the following objectives:

I. To examine the current scenario related to educational level of the transgender community in India.

II. To determine the relationship between the educational level and the employment status of the community.

III. To analyze the legal and policy safeguards in place for improving the educational status of the community, their access to equitable education and better employment conditions post school and higher education.

IV. To examine what further innovations and policy changes might help in attaining the promise of a safe and equitable educational access for all members of the transgender community.

4. RESEARCH QUESTIONS

I. What is the current situation of transgender community in India with respect to access to education?

II. How does the educational status of these communities impact their employability standards?

III. What are the various legal and policy safeguards in place for improvising the educational access of the transgender community in India?

IV. What other safeguards or policy innovations might help alleviate the educational status of these communities in India?

5. SCOPE OF THE STUDY

Although discrimination faced by the transgender community is an everyday phenomenon, taking place in various institutions and in the confines of both public and private spheres; the scope of this research is restricted to the public aspect of discrimination, faced particularly within the educational sector. The project under study focuses attention on the educational performance of the community and its direct bearings on their employment and livelihood status. The research concedes that the players engaged in discrimination can be myriad ranging from public actors to private players and even familial or kinship relations. Its centre of analysis, however, is the relation between individuals of the Transgender community and the state. Further, given the paucity of data available on micro-factors like peer discrimination, teacher-student discrimination and availability of separate toilets for the students of the community; the research relies on secondary sources that mostly reflect on macro-level factors like literacy rate, lack of job opportunities etc. within the educational sector. Within the education sector, the research will focus on aspects like vocational training, school and higher level education of the community. Employment and livelihood sources of the community will also be covered under this research.

6. RESEARCH METHODOLOGY

The paper tries to take on a holistic approach by covering various aspects regarding the educational sector. The study includes Quantitative data from 2011 Census as well as other reports published by the government and different bodies. It also includes insights from secondary sources such as journal articles and studies on the issues of the Transgender Community and suggestions to improve the conditions. Moreover, the study involves a doctrinal approach by analyzing the existing statutory provisions such as The Transgender Persons (Protection of Rights) Act, 2019. The Primary sources also include the Articles 14, 15, 19 and 21 from the Indian Constitution. There has also been an effort to trace the development in this discourse through landmark cases, taken as the primary source of this study, involving Transgender Rights as well as an analysis of the National Education Policy on the lines of gender inclusivity. The study also looks at policies initiated by different states of India and their impact. Lastly, the study includes a comparative analysis of policy

initiatives in The United Kingdom, The United States of America and Philippines. It also draws some suggestions that can be implemented in India. The initiatives have been collected from secondary sources such as the [South Asian Translaw Database](#) and reports published by UNESCO.

7. TRANSGENDER COMMUNITY AND EDUCATION RIGHTS

7.1.Literacy Rate

For the first time, the other-gender/transgender population has been acknowledged during the 2011 Indian Census. As per the 2011 census, 56.10 percent of transgender population in India is literate. Mizoram has the highest transgender literacy rate (87.14 percent) while Bihar has the lowest transgender literacy rate (44.35 percent).As per the 2011 census, 56.10percent was the literacy rate for an estimated population 4.88 lakh, compared to the national average of 74.04 percent. While there are numerous reasons for drop - out rates and low educational achievement, one critical factor is an absence of inclusive classrooms in schools and universities.¹The transgender gender people in Kerala, Karnataka, Goa, Maharashtra, and Mizoram have literacy rates that are on par with or higher than the state average, whereas third gender people in Rajasthan, Madhya Pradesh, Jammu and Kashmir, Bihar, Jharkhand, and Meghalaya have literacy rates that are significantly lower than the rest of the states.However, in Madhya Pradesh, Chhattisgarh, Jharkhand, West Bengal, Assam, and Nagaland, rural and urban literacy levels are very different. In these states, urban areas are 23-25 percent quite literate than rural areas, indicating a significant disconnect among individuals as well as the educational establishments that serve them.

7.2. Issues faced within educational spaces

a) Intra-institutional discrimination :

Educational institutions are intended to be safe havens for all children in India, regardless of their background. Unfortunately for transgender students, this is still not the case. Currently, in India, the dropout and passing rates of transgender students are not discussed. According to

¹ AmeyaThachappilly, *Trans Students and Educational Spaces: The Need for Better Policies*, Centre for Law and Policy Research(25/06.2022, 6:06 PM)<https://clpr.org.in/blog/trans-students-and-educational-spaces-the-need-for-better-policies/>

the most recent data on pupils enrolled in schools across India, there are just 61,214 transgender kids, and there are none at all in 12 states and Union Territories. The report was presented to the Rajya Sabha on March 23 and was based on information from the Unified District Information System for Education. "You can tell from this report that transgender persons have been denied their rights. Despite the fact that many transgender and intersex children do not self-identify in this way, they are more likely to experience bullying in schools. Bullying based on a sexual characteristic, gender identity, or sexual orientation must not be tolerated in schools "says trans-woman physician and activist Dr. Aqsa Sheikh. There are 4.8 lakh transgender people in India, according to the Census 2011 or any other report. The National Capital Delhi is one of the dozen states with no transgender students enrolled in schools. The Aam Aadmi Party touts the education model adopted by the Arvind Kejriwal-led administration around the nation for its comprehensive approach to boosting the education graph in the National Capital. The lack of transgender pupils in schools has shown significant weakness in the system, despite the government's efforts to implement international best practices to provide children with a top-notch education.

All children have a right to free, obligatory education up to the primary level under the Right to Education Act of 2009. The report made to Parliament, however, reveals that some transgender people have been denied the opportunity to receive an education. It is required to ensure that transgender people are not subjected to discrimination at any level of society under Section 3 of the Transgender Persons Act. Discrimination is forbidden in institutions of higher education that fall within the jurisdiction of Rule 10(4). The major responsibility of educational institutions is to firmly implement the Act's requirements everywhere.

b) College and Universities

More young people than ever before are exposed to online content. There have been both positive and negative effects as a result of this. Due to the prevalence of social media platforms, there is a risk that LGBT+ children can encounter false information from peers who are still learning about themselves or from peers who are not making healthy decisions. Since the students in schools and universities can access any information on the internet, even misinformation lead to harassment and bullying of the transgender students in the particular academic institutions. This has led to various problems in the academic life of the transgender students, studies and surveys have shown that about majority of the schools and universities'

transgender population in comparison to their other genders have shown a higher rate of mental health conditions or have been once diagnosed with some illness in the past. In a nationwide GLSEN poll, 75% of transgender adolescents reported feeling uncomfortable at school. According to the Harvard School of Public Health, transgender youth are also more likely to experience sadness, anxiety, suicidal thoughts, and attempts, and 45 percent of transgender people between the ages of 18 and 24 reports having attempted suicide. According to a research survey conducted by ACHA-NCHA II anxiety (11.6 percent overall, 33.4 percent of transgender kids reporting the ailment), depression (10.4% overall, 34.3 percent of transgender students), and panic attacks were the three mental health issues with the three highest frequency (5.3 percent overall, with 16.5 percent of transgender-identified students). According to the logistic regression, transgender kids had a considerably higher likelihood of receiving diagnoses or treatments for all 12 diseases during the preceding year. This survey was conducted to increase the awareness of the conditions of transgender students.

The Transgender Persons (Protection of Rights) Act 2019 requires educational institutions to provide transgender students with inclusive education and access to adequate amenities. Furthermore, the Madras High Court issued guidelines for educational institutions to follow, to provide gender-neutral restrooms, allowing for changes in name and gender on records, including transgender as a third gender on forms, and appointing LGBTQIA+ inclusive counseling for seeking redress.² Despite the above measures, recently a petition was filed before the Karnataka High Court to address the absence of inclusive and safe accommodation for transgender students in Colleges and Universities. The petitioner, who is a trans-woman, was denied by her educational institute to accommodate her in girls' hostel. She had provided the SRS (Sex Reassignment Surgery) certificate. She was asked to stay in boy's hostel where she was often faced ragging and physical and mental abuse. This further affected her mental health. Acting on the PIL, the court has issued a notice to the state government of providing separate accommodation in higher educational institutions to transgender people.

c) High Dropout rates

Transgender student dropouts have increased in large numbers in India and abroad. It's not surprising that the bullying, anxiety, and depression transgender students endure have an

²Sushma v. Commissioner of Police, W.P.No. 7284 of 2021

impact on their academic performance given that battling with mental health is one of the most important reasons young people drop out of high school. That the grade point averages of trans youth in the state were much worse, that they missed more days of school or stopped going completely, and that they had fewer plans to finish their education. The students face severe discrimination from their peers and even teachers who should be supporting them in times of need, there was a case of a student who was denied entry to their classroom as he was a transgender and had finally started to accept his identity and decided to come to the school as a male instead of a female, but the teacher of the student refused to accept the change of their pronouns and even started to deny their entry in the classroom, which led the student to not come to school for several days and finally the student stopped going to school. This severely affected their education. This sort of treatment received by the school and university communities discourages a student to pursue education as one might start experiencing a feeling of alienation every time they are in the presence of their peers, considering all these factors, the dropouts among transgender students are quite frequent. Even in the developing world, there seems to be very little growth in schools and universities. Not just this, but the dropping out of the students also put huge pressure on the parents of these students, with the increased tensions of their child's future and their life. The disparities in schools and universities have been an increased burden for the parents as well. In Kerala, 58% of the transgender community is school dropouts.

d) Stigma and associated mental health issues

Due to stigma and discrimination, transgender people have a greater incidence of mental health issues than the general population. In addition to a higher prevalence of mental health conditions, transgender people frequently face obstacles to receiving medical care, such as abuse, provider ignorance, and rejection of care. According to the World Health Organization (WHO), there are around 25 million transgender persons and other gender minorities worldwide. The WHO also notes that a disproportionately high number of mental health disorders are frequently experienced by transgender people. They point out that sexism, prejudice, violence, and obstacles to healthcare can all raise the likelihood of mental health issues. According to research, transgender people are nearly four times more likely than cisgender people to suffer from a mental illness. The most common problems are Depression, Anxiety, stress, substance misuse, low self-esteem, eating disorders, and many more associated with transgender identity.

7.3. Impact of education on employment patterns and livelihood

In the case of **National Legal Services Authority v. Union of India**³, the Apex Court in its judgement upheld the transgender person's right to choose their self-identified gender and the Central as well as the state governments are legally bound to recognize their gender identity either as male, female or "third gender". The Central and state governments were also directed by the Supreme Court to take action to consider them as socially and educationally backward classes of citizens and to apply all forms of reservation when considering them for admission to educational institutions and positions in the public sector.

Section 2 (d) of The Right of Children to Free and Compulsory Education Act, 2009 states that a child who belongs to socially and educationally backward class would be included in the definition of those children who belong to disadvantaged group for the purposes of the Act. While Section 3 of the above stated 2009 Act has specified that every child of six to fourteen years of age including those who have specified in Section 2 (d) would have the right to free and compulsory education in a neighborhood school till they complete their elementary education.

25% of seats in private, unaided schools are set aside for children who belong to weaker section and disadvantaged group according under Section 12(1)(c) of the Right to Education (RTE) Act, 2009.

Although the Act is intended to protect both economically and socially disadvantaged groups within society, according to the Indus Action report, the admissions data breakdown between the two groups shows that the latter group is not receiving even remotely close to enough protection.⁴

It added that among other groups, these categories also comprise children who require care and protection, orphan children, children with special needs, children who work as child laborers, transgender and HIV+ children. Thus, we can only imagine how minute the number of transgender children who are admitted to such schools must be in spite of the reservation

³ National Legal Services Authority v. Union of India, (2014) 5 SCC 438

⁴ Kritika Sharma, *20 lakh seats reserved in private schools for poor children but only 20% get filled*, theprint.in, (June 25, 2022, 08:07 PM), <https://thepprint.in/india/governance/20-lakh-seats-reserved-in-private-schools-for-poor-children-but-only-20-get-filled/166749/>.

provided by Section 12(1)(c). Despite the fact that many governments have a policy to promote gender parity in admissions; the policy has not been successful in allowing admissions to disadvantaged children. Only 1% of admissions in Delhi in 2018 were for underprivileged students. Less than 1% of Gujarat's admitted students in 2018 came from economically disadvantaged groups.

Furthermore, transgender people are not allowed to enroll in universities for higher education since the sex assigned at birth listed on their birth certificate and other school/college documents does not match their gender identification.⁵The percentage Hijras that are working is below 45% due to the low literacy rate, and many of them resort to prostitution as a way of livelihood, which poses a serious risk for diseases like AIDS or HIV. Due to their limited population and gender diversity, they are subjected to a variety of forms of discrimination and abuse from all sectors, which have a negative impact on their quality of life.⁶

The majority of transgender people, at about 90%, turn to prostitution as their main source of income. The causes are a lack of employment opportunities, economic insecurity, and stigmatization. It has been reported that up to 90% of transgender persons sell sex in India, 84.6% in Malaysia, 81.6% in Indonesia, 47.6% in El Salvador, and 36.6% in Cambodia.⁷ This indicates the high population of transgender who have to engage in prostitution as their main source of income despite the grave threat it poses to their health.

One of the measures taken to promote and ensure the protection of rights of transgender was The Transgender Persons (Protection of Rights) Bill, 2018 which despite clear instructions from the Supreme Court in *NALSA v. Union of India*, the failed to address the issue of reservations for transgender in employment and education. The 2018 Bill which was signed into law by the President of India and became Transgender Persons (Protection of Rights) Act, 2019 has no provisions for mandatory reservation for employment and education for transgender.⁸

Section 13 of the Transgender Persons (Protection of Rights) Act 2019 states that the educational institutions have an obligation to provide inclusive education to transgender persons. However, this provision does not include reservations for transgender in educational

⁵SangitaLaha, *Journey From Marginal to Mainstream - The Woes of Transgender in India*, 11 RMLNLUJ 18 at page 29 (2019).

⁶*Id.* at 22.

⁷*Id.* at 23.

⁸*Id.* at 32.

institutions. Similarly, Section 14 seeks to provide vocational training and self-employment to transgender persons and in order to facilitate this;the concerned government has been empowered to formulate welfare programs and schemes.Firstly, while having two separate social identities that serve as the foundation for affirmative action, transgender people compete with cisgender people who belong under the OBC group. Secondly, transgender people from various castes—both upper and lower castes—are being considered equal. Thirdly, transgender people who are SC/STs must choose between SC/ST or OBC reservations. While the former may seem like a no-brainer due to higher advantages, it would be based on caste identity and totally disregard gender identity. A transgender person from a caste that is already designated as OBC would also be eligible for the benefit based only on their caste identity. Last but not least, transsexual people of higher caste might also use the seats which have been reserved for OBCs consequently going against the very purpose for which the reservation scheme exists in our country.⁹

The contention of the horizontal reservation is supported by a few judgements from different High Courts. While discussing the circular granting reservation to transgender people under the MBC category, the Madras High Court in **Swapna v. Government of Tamil Nadu**¹⁰ ordered the government to grant post-based reservation to transgender people, i.e., at least one seat in each category. While the case of **Sangama v. State of Karnataka** was pending, the Karnataka government changed its recruitment policies to allow 1% horizontal reservation.¹¹

The question which arises now is how reservations are to be implemented in case of transgender.Different states have different reservation policies. While on one hand, Karnataka recently recognized a horizontal scheme of reservation for transgender people following the court's intervention, on the other hand,a few other states, notably Kerala and Tamil Nadu, chose a vertical model. On the central level, a similar stand can be seen. It is also important to note that a number of states have not yet given transgender persons any kind of reservation (vertical or horizontal).¹²

Establishing a single uniform structure for the implementation of strictly horizontal reservations for transgender people, by an amendment to the current Transgender Persons

⁹*Id.* at xi.

¹⁰*Swapna v. Government of Tamil Nadu*, 2016 SCC OnLine Mad 15973.

¹¹Raghuvanshi and Swaminathan, *supra* note 7, at xi.

¹²Raghuvanshi and Swaminathan, *supra* note 7, at xiii.

(Protection of Rights) Act 2019, would eliminate the potential for differential interpretation of the reservation-related directions laid out in NALSA by different states. After a comprehensive review of pertinent empirical data, it would also provide for an acceptable level of reservation across categories (for example, 1% as was in the state of Karnataka).¹³

It is essential to observe that the Report of the Standing Committee on Social Justice and Empowerment (2016-2017) had noted that reservations for transgender persons must be granted as per NALSA. The proposed reservation would ensure mandatory reservations for all transgender by all the states as per the directions of the Apex Court.

To guarantee that the right to self-identification, as acknowledged by the SCI, is protected, additional appropriate amendments are also necessary. A transgender person who follows the procedure will receive a certificate of identity under the existing system. This provision has drawn a lot of criticism.¹⁴

The court found that the petitioner had the right to identify herself as a female in compliance with the law established by NALSA judgement and run for office from a female unreserved seat in the case of *Sangeetha Hijra v. State of Bihar*.¹⁵

Persons who identify as transgender women must be eligible for reservations under either of the horizontal gender categories, transgender or women. To ensure greater inclusivity of those who fall under the umbrella term "transgender," necessary amendments to the current legislation must also be made in consultation with members of the transgender community. Any reservation accorded to some transgender people to the exclusion of others would be discriminatory.

The central legislation itself must specify the scope of the reservation. Due to a lack of empirical data, a specific number or percentage of seats to be set aside for transgender people has not been proposed, but it is crucial to specify in the proposed central legislation or amendment the extent of the reservation must be based on empirical data which must also be revised and reviewed regularly in order to ensure consistency and adequate implementation of the proposed reservation scheme across states.¹⁶

¹³*Id.*

¹⁴*Id.* at xiv.

¹⁵*SangeethaHijra v. State of Bihar*, 2017 SCC OnLine PAT 1040.

¹⁶*Raghuvanshi and Swaminathan*, *supra* note 7, at xvii.

Lastly, it is also recommended that keeping in mind that the transgender community is the target beneficiaries, any such enactments or amendments must not be done without their consultation in order to ensure their inclusion.¹⁷

7.4. Research Finding

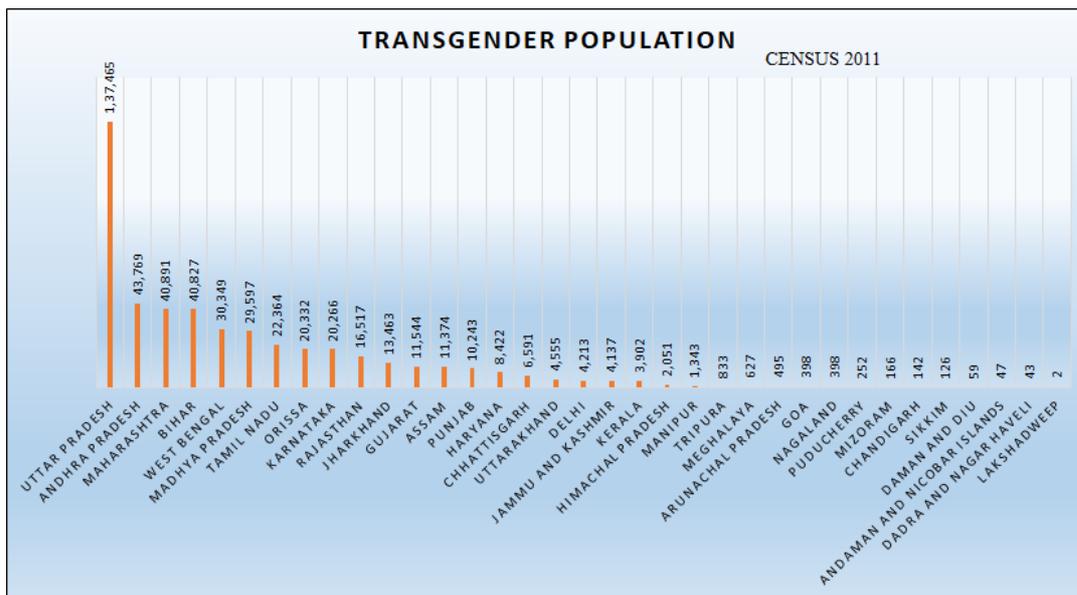


Figure 7.4.1. According to Census 2011, it was found that the overall population of transgender is 4,87,803 and the state-wise distribution of transgender in India is shown in the figure, with UP having most of the transgender population 1,37,465 and Lakshadweep having only 2 transgender persons.

¹⁷*Id.*

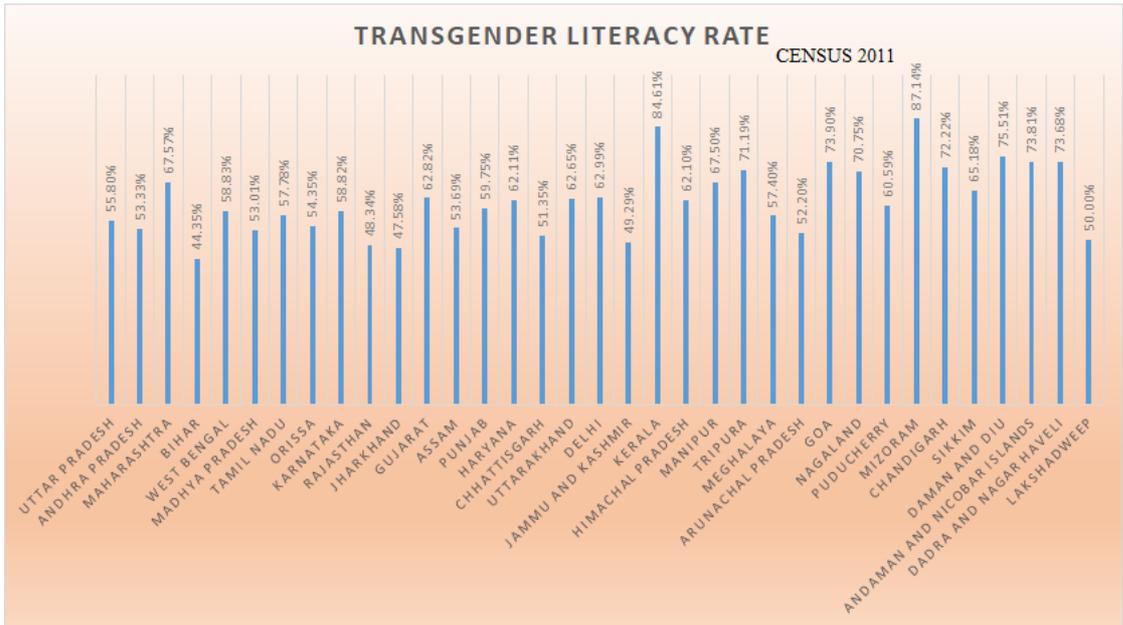


Figure 7.4.2. shows the Literacy rate of transgender according to the census 2011, Bihar and Jharkhand having least literacy rates 44.3% and 47.58% respectively and it was found that Mizoram has the highest literacy rate of 87.1%.

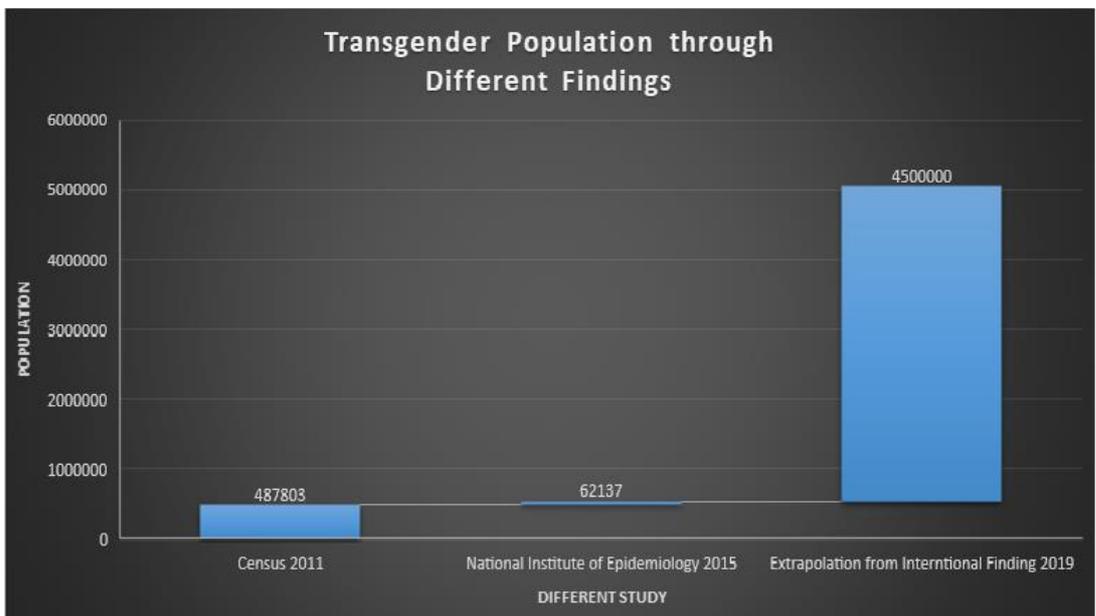


Figure 7.4.3. shows the transgender population through different studies in a different years. The population of transgender according to Census 2011, National Institute of Epidemiology 2015, From international findings was 4, 87,803, 62,137, and 45,00,000 respectively.

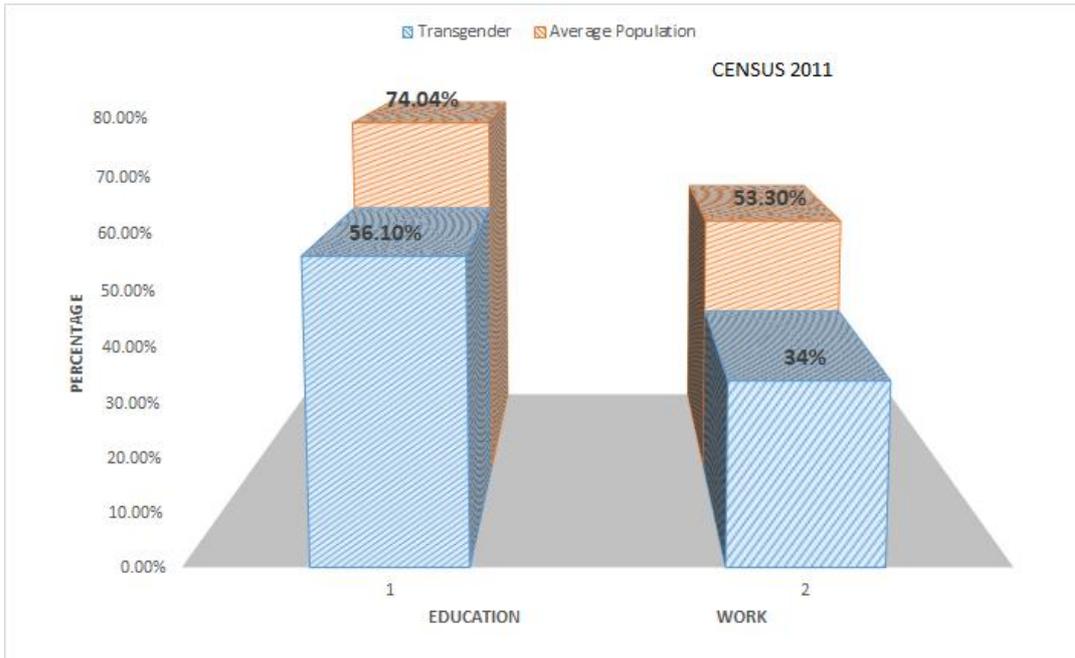


Figure 7.4.4. shows the comparison of data on transgender with the average population in the education and work sector, it was found that 56.10% of transgender have done education while average population the percentage was 74.04% and 34% of transgender do work, while the percentage of the average population was 53.30% data collected from Census 2011.

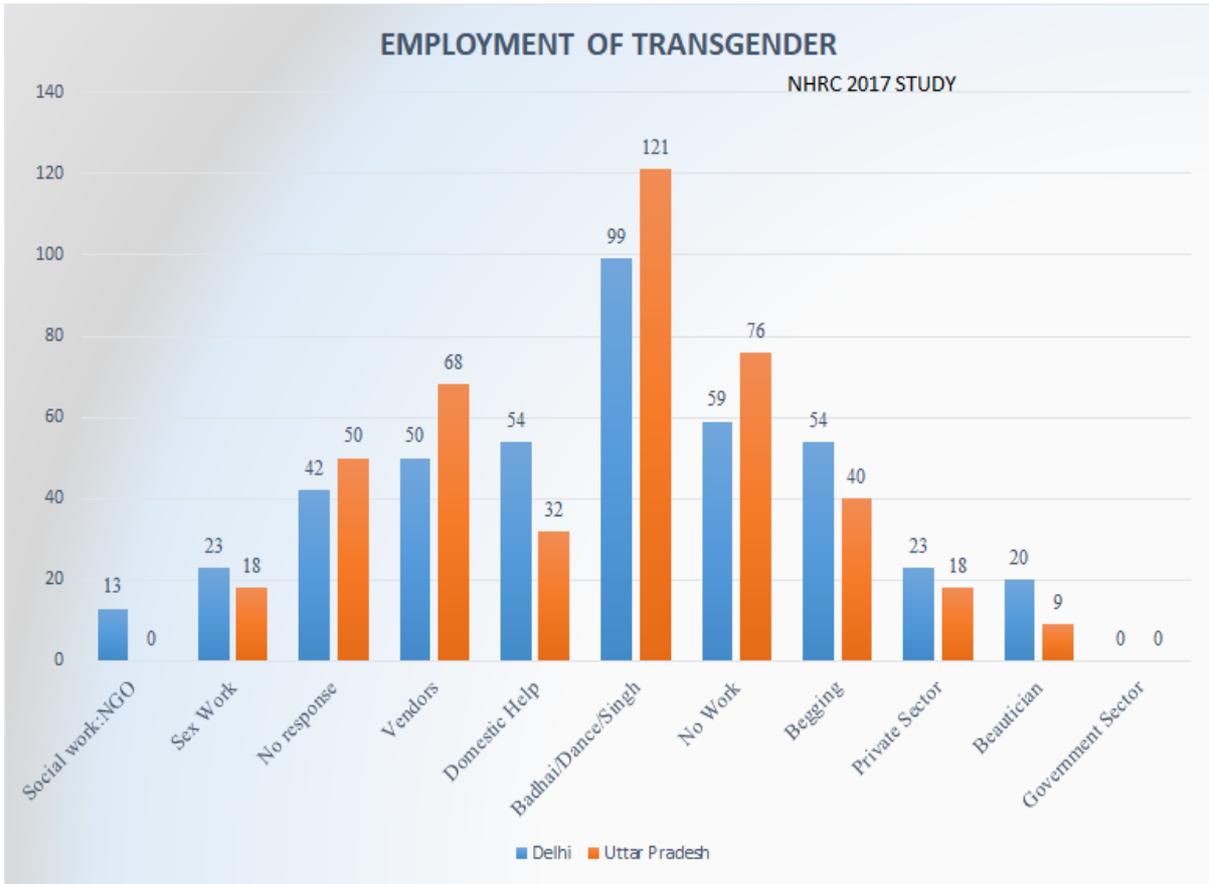


Figure 7.4.5. shows the type of work done and the number of transgender doing that work by the survey conducted by NHRC in the states of Delhi and UP. In both states, most transgender was involved in Badhai/ Dancing/ Singing.

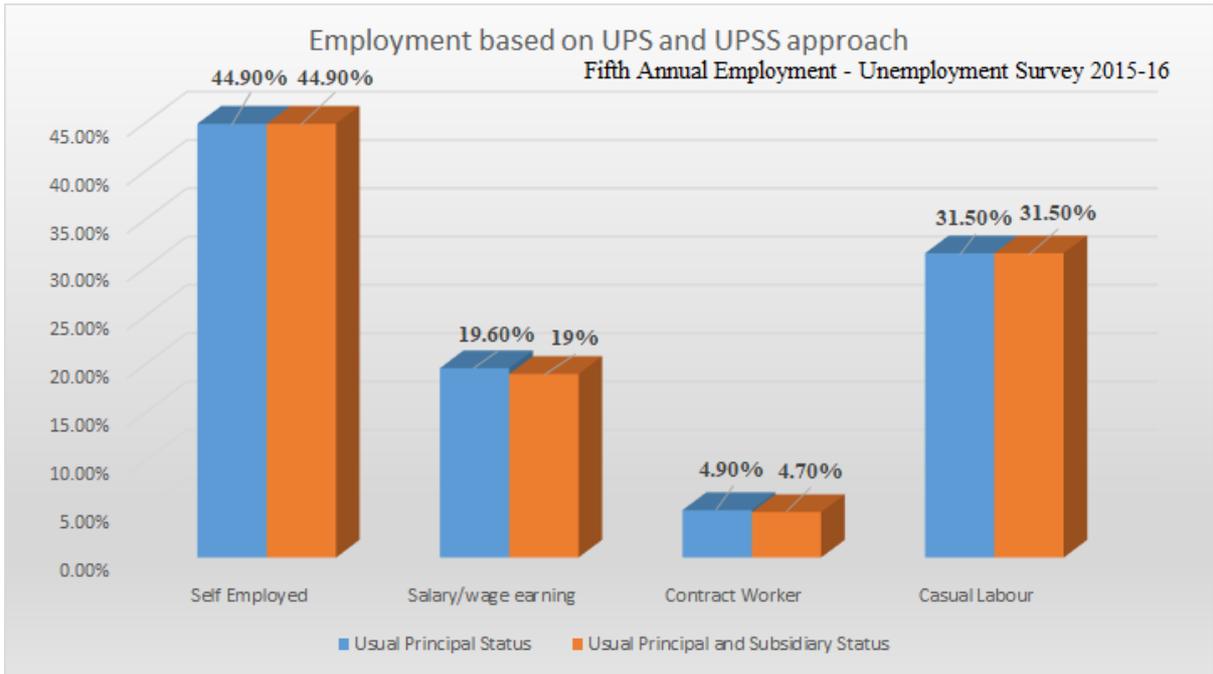


Figure 7.4.6. shows the type and percentage of people employed in a different sector, data is based on UPS and UPSS approaches given in the fifth annual employment – unemployment survey 2015-16.

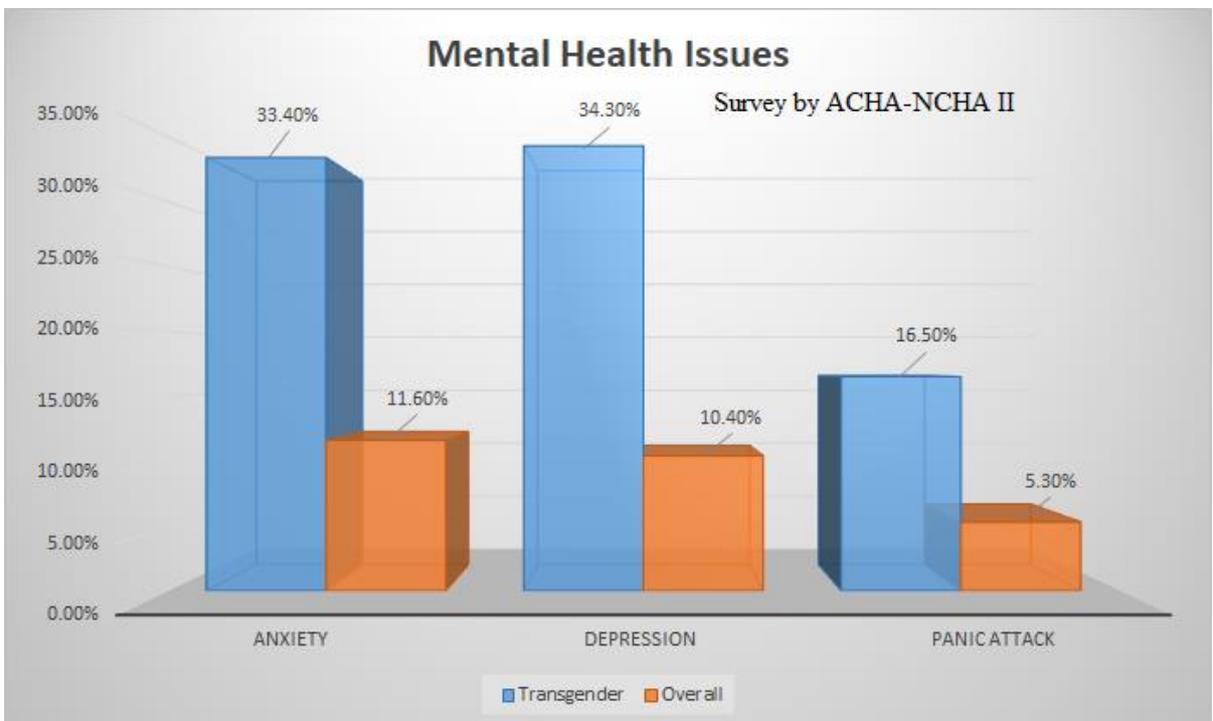


Figure 7.4.7. shows the different types of health issues commonly found in transgender according to a survey conducted by ACHA-NCHA II.

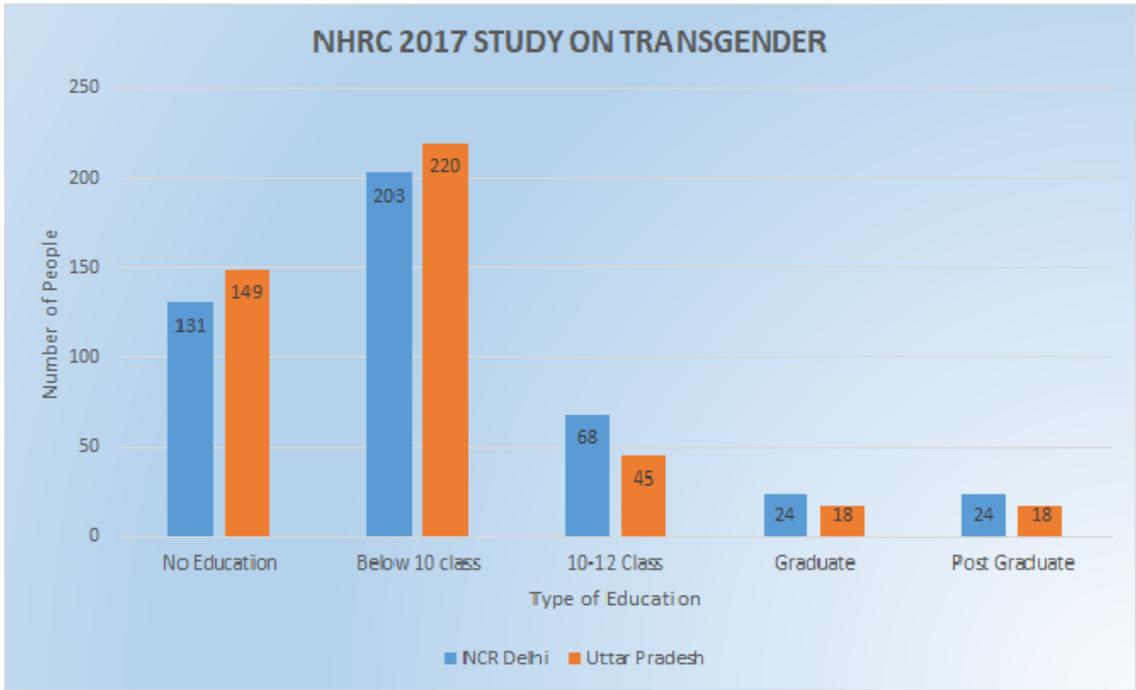


Figure 7.4.8. shows the number of transgender has undergone education and are uneducated in the states of NCR Delhi and Uttar Pradesh survey conducted by NHRC 2017.



Figure 7.4.9. shows the type of occupation transgender is in according to the National AIDS Organization.

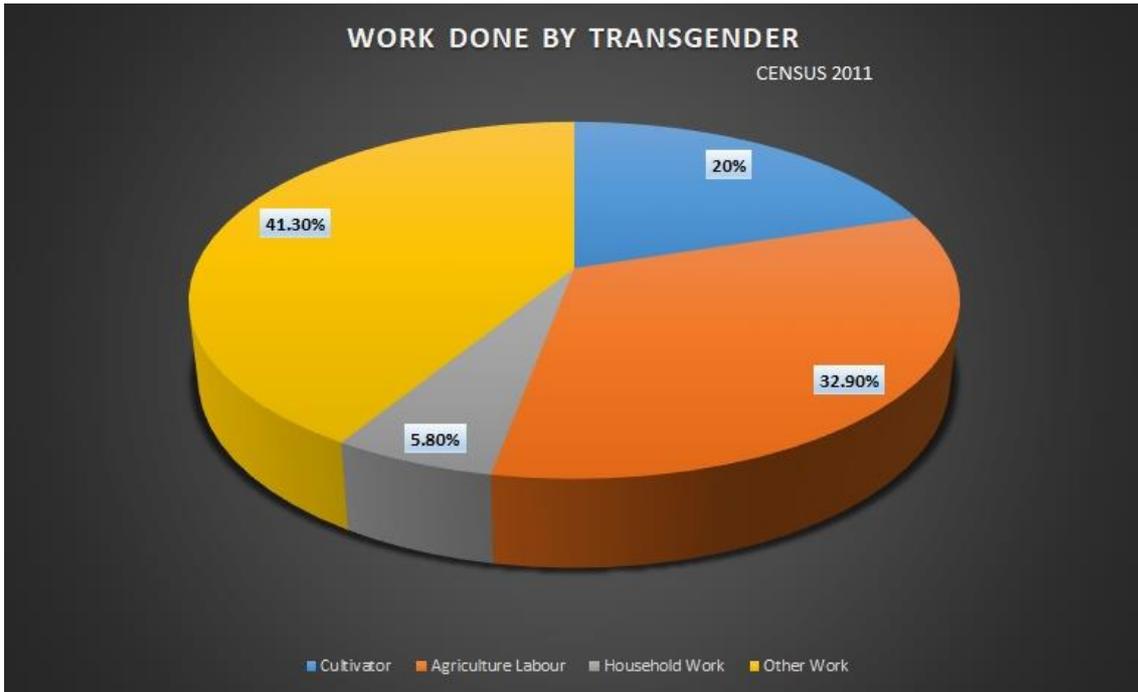


Figure 7.4.10 shows the work done by transgender in different sector.

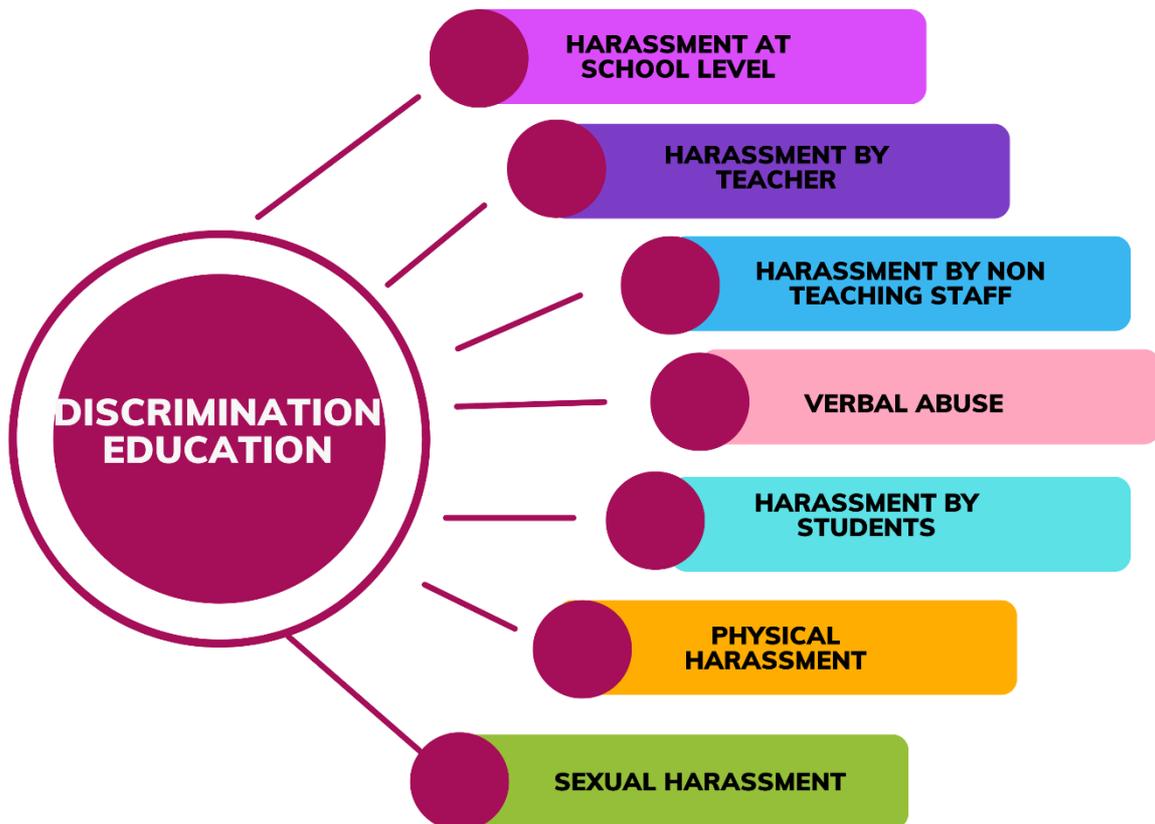


Figure 7.4.11 depicts the different types of discrimination faced by the Transgender community in the education sector.

8. Transgender Education : LEGAL AND POLICY DISCOURSE

8.1. *The Policies regarding Transgender Community in India*

In India the legal position of the transgender can be traced through The Transgender Persons (Protection of Rights) Act, 2019. As per the act, it involves medical documents to be furnished as a necessary condition to be recognized as a Transgender. It involves an individual to first apply for a "transgender certificate" from their local District Magistrate.¹⁸ For a "change in gender certificate," transgender can avail the option to change a person's legal gender to male or female. The person must, however, submit a hospital-issued certificate of surgery to the District Magistrate for a second examination, and the official must be "satisfied with the correctness of such certificate,"¹⁹ This gives one government entity unprecedented ability to decide which transgender people "qualify" for recognition as who they are. No one should be forced to adopt medical procedures such as sex reassignment surgery (SRS), sterilization or hormonal therapy for legal recognition of their gender identity.²⁰

In order to prevent oppressive preconditions like forced sterilization, forced therapy, and divorce, states should instantly issue legal identification documents that confirm one's preferred gender. This has been highlighted as one of the recommendations in the Report of the Office of the United Nations High Commissioner for Human Rights. Sweden, Netherlands and Australia have done away with forced sterilization, forced therapy and divorce as preconditions of issuing gender identity documents as per the UN Report. Similarly, WHO and the Asia-Pacific Transgender Network has also recommended to states to take legislative, administrative and other measures for recognition of a person's gender identity without medical requirements and also without subjecting them to discrimination on any grounds.

As per the judgement of the Apex Court in **NALSA vs. UOI**²¹, it recognized the right of transgender individuals as a "third gender" and further provided that under Article 19(1)(a), it includes within its ambit, one's right to express his 'self-identified gender'. "Self-identified gender can be expressed through dress, words, action or behaviour or any other

¹⁸Sec 5, The Transgender Persons (Protection Of Rights) Act, 2019.

¹⁹Sec 7, The Transgender Persons (Protection Of Rights) Act, 2019.

²⁰National Legal Ser. Authvs Union Of India &Ors, WRIT PETITION (CIVIL) NO.400 OF 2012(2014)

²¹National Legal Ser. Authvs Union Of India &Ors, WRIT PETITION (CIVIL) NO.400 OF 2012(2014)

form.”²² Although, the above provisions of the Transgender Act, 2019 are in contravention to the Apex Court’s ruling which have introduced a necessary procedure to be complied with to be recognized as a Transgender legally. The right to be recognized as a person before the law is guaranteed in various international human rights conventions and is a critical component of affirming each person's inherent dignity. Legal gender recognition is also an essential component of other fundamental rights, such as of privacy, freedom of expression, and rights to employment, education, health, etc.²³

Article 26 of the International Covenant on Civil and Political Rights has also been re-interpreted to include within its ambit transgender persons also under the category of sex to prevent any discrimination against them in line with the principle of equal protection given to all. Similarly, Article 9 of the International Covenant on Civil and Political Rights has been interpreted to ensure that the right to liberty is available to “everyone” which includes persons who identify themselves as member of LGBTQ community.²⁴ “In Nepal, trans persons [may only register under the “Others”](#) category regardless of what gender the person identifies with, while India’s recent 2019 Transgender Persons Act denies transgender persons their fundamental right to self-identification.”²⁵

8.1.1. National Education Policy

National Education Policy 2020 is the first education policy of the twenty-first century to replace a 34-year-old national education policy, which was originally introduced in 1986. Access, Equity, Quality, and Accountability are the four pillars on which the new NEP is built. In place of the previous 10+2 structure, the new policy will have a **5+3+3+4** structure that consists of Twelve years of school and three years of Anganwadi/pre-school.

This policy, which is in line with the 2030 Agenda for Sustainable Development, seeks to transform India into a thriving knowledge society and a global knowledge superpower by

²²See *Id.*

²³ Human Rights Watch, (<https://www.hrw.org/news/2019/12/05/indias-transgender-rights-law-isnt-worth-celebrating>) last visited 25th June, 2022

²⁴A J Agrawal, *Need for Recognition of Trans Rights in International Human Rights Law*, Centre for Law and Policy Research (25/06.2022, 6:06 PM)<https://clpr.org.in/blog/need-for-recognition-of-trans-rights-in-international-human-rights-law/>

²⁵A J Agrawal, *Need for Recognition of Trans Rights in International Human Rights Law*, Centre for Law and Policy Research (25/06.2022, 6:06 PM)<https://clpr.org.in/blog/need-for-recognition-of-trans-rights-in-international-human-rights-law/>

making school and college education more all-encompassing and multidisciplinary. The primary objective is the development of practical knowledge and skills, which will start in sixth grade. One common entrance exam, administered by NTE, will be required for admission to all higher education institutions. There will be various entry and departure points, and individuals can begin and stop their education at any moment with the option to resume it later.

The policy dedicates a part to girls' and transgender education and establishes a Gender Inclusion Fund (GIF) to strengthen the country's ability to offer equal, high quality education to all girls and transgender people. Up to 50% of applicants who are accepted must receive financial aid in some form, with at least 20% receiving full scholarships. With a few exceptions for some topics, the *Central Board of Secondary Education* (CBSE) prescribes NCERT textbooks for grades I through XII. As per the NEP 2020, NCERT, SCERTs, schools, and educators will work together to make concerted efforts to drastically reduce the weight of textbooks and school bags through appropriate adjustments in curriculum and pedagogy as mentioned in the "Policy on School Bag 2020."

8.1.2. Other Government Schemes

A person being born as a human till his/her death always strives to achieve the 5 things. They are food, clothes, shelter, money and power. These can be achieved in a hierarchical order. There are like 5 stages. According to Abraham Maslow's theory of hierarchy of needs, there are 5 types of needs which are also to be achieved hierarchically and they are Physiological needs, Safety needs, Social needs, Esteem needs, Self-actualization needs. Health and education are placed for safety needs and social needs respectively.

If the transgender community needs to be educated, they should be in a place where they are available with the basic things like food, clothes and shelter and then followed by health. It is the govt. duty to uplift the downtrodden sections of the society to achieve the overall development of the country. As a part of it, section 3, 13, 14, 15 of the Transgender Persons (Protection of Rights) Act, 2019 urges the GOI to provide the transgender community with basic amenities like food, medical care, shelter, education and skill training for self-employment through so many social welfare programs like SMILE, Garima Greh, PM-DAKSH and so forth under the Ministry of Social Justice and Empowerment.

a) National portal for transgender persons

It is a portal launched by the *Ministry of Social Justice and Empowerment* to assist the transgender community in applying for a digital certificate and identity card at free of cost from any part of the country. Without any physical interface or any personal visit to any govt. office, the beneficiary can get the certificate of identity as a transgender, which ensures the transparency & accountability and reduces red tapism. It will be issued by the dist. Collector/magistrate with a maximum period of 30 days from the date of application.

b) SMILE – Support for Marginalized individuals for Livelihood and Enterprise

It is a pan India umbrella scheme which focuses on providing rehabilitation, medical facilities and interventions, counseling, education, skill development, economic linkages, etc. Comprehensive Rehabilitation for Welfare of Transgender Persons: It is a sub-scheme under the SMILE Scheme which focus on rehabilitation, provision of medical facilities and intervention, counseling, education, skill development, economic linkages to transgender persons.

c) PM-DAKSH (Pradhan Mantri Dakshta Aur KushaltaSampannHitgrahi) Yojana:

It is a skill development scheme of Ministry of the Social Welfare and Empowerment. It is a pan Indian Action Plan for skilling of marginalized persons covering Transgender, SCs, OBCs, EBCs, DNTs, Sanitation workers including waste pickers. Short Term Training Program; Up-Skilling/Re-skilling; Entrepreneurship Development Program, and Long-Term Training Program are conducted for transgender under the PM-DAKSH scheme.

d) Garima Greh:

Garima Greh exclusively provides for shelter to transgender person with basic amenities like food, medical care, and recreational facilities. Garima Greh is well equipped to support Transgender persons in need of care and protection through individualized plans for their overall development. To safeguard the rights of Transgender persons and protect the interest of the community, there is a prime need to establish Garima Greh for the Transgender community. *Section 8(4) of the TG Act 2019* has mentioned that the appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons. The establishment of Garima Greh will also align with the provision laid down under *Section 12(3) of the TG Act 2019* which says that whether any

parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in the rehabilitation centre. The Housing facility in the form of 'Garima Greh' ensures food, clothing, recreational facilities, skill development opportunities, recreational activities, medical support, etc. to the Transgender community and the people engaged in the act of begging. The Provision of Transgender Protection Cell in each state will monitor cases of offenses and ensure timely registration, investigation, and prosecution of offenses. The National Portal & Helpline will provide necessary information and solutions to the Transgender community and the people engaged in the act of begging when needed.

e) Centrally-sponsored Scheme of Pre-Matric Scholarship for Transgender Students (VIIth to Xth Std.)

This scheme was introduced with the aim of supporting the parents of the Transgender Children for the education of their wards studying in classes VIIth to Xth std. so that the incidence of the drop-out, especially in the transition from the elementary to the secondary stage is minimized and to improve the participation of transgender children from classes VIIth to Xth of the pre-matric stage, so that they perform better and have a better chance of progressing to the post-matric stage of education to study in India with some conditions alongwith.

f) Centrally-Sponsored Scheme of Post-Matric Scholarship for Transgender Students

This scheme was introduced with the aim of providing financial assistance to Transgender students studying at the post-matriculation or post-secondary stage to enable them to complete their education. This scheme adheres to the Article 14 of the Indian constitution which states that every person is equal before the law, Article 19(1) ensures the freedom of speech by expression, Article 21 guarantees the right to dignity, and Article 15(1), 15(2), and 16(2) which prohibits discrimination on the basis of sex. Hence, education should be made available to persons of all genders including transgender persons. Therefore, scholarship should be given to all the transgender students who have been living in different parts of the country and is planning to study with certain conditions.

8.2.A CRITICAL APPRAISAL OF POLICY AND LEGAL DOMAIN

8.2.1. *Constitutional Safeguards*

The fundamental rights are a crucial component of a person's life which gives them rights to enjoy and flourish in their lives. Fundamental rights are the rights that are pivotal to their being also provide legal recourse for a person when these rights are violated by someone else, be it another person or the government. The idea that people have different gender identities, that defines them and shapes their future, have a right to be protected like any other straight person's rights. The basic theme of **National Legal Services Authority v. Union of India** judgement²⁶ has been to prove again and again the equality between people who are binary gender, sex and sexual orientation, and people who fall outside that narrow bracket. It is also surprising to see how a connection between the transgender community and fundamental rights had to be established by the judges as if this connection did not exist before.

A mere human existence is not enough to be eligible to be a holder of rights. The whole point of the written document known as the constitution of India is to cement legally on paper the rights of all that are innate to individuals and not cement the rights for picking and choosing whom they apply to. Also the base of whole judgment is created on the fact that there can be more genders than just female or male.²⁷

The honorable judges started after tacitly establishing a connection between transgender persons and **article 14**²⁸ the term "person" shows that no discrimination is done on the basis of sex or gender identity. 'Transgender Persons' cannot be subjected to unfair treatment in educational institutions or at the time of employment. They also have the right to equal health services, and the right to use public property or the right to freely move in the country.

Referring to Article 15 of the constitution of India, again the court has established and emphasized that within the word 'sex' used under Article 15, 'gender' was always included, as both gender and biological attributes constitute distinct components of sex. This article further prohibits any sort of discrimination on the basis of race, religion, caste or sex or any of them.²⁹ This implies that discrimination or ill-treatment of Transgender Persons infringes their basic fundamental right. In the case of **Mx. Alia SK v. The State of West Bengal and**

²⁶National Legal Services Authority v. Union of India, (2014) 5 SCC 438

²⁷Transgender rights: historical, constitutional, legal perspective and critique, B&B Associates, (June 29, 2022 7:56 PM) <https://bnblegal.com/article/transgender-rights-historical-constitutional-legal-perspective-and-critique/>

²⁸INDIA CONST. art. 14

²⁹INDIA CONST. art. 15

Ors,³⁰ the court held that Transgender persons have the right to seek admission into universities. The judgement is important because it signified the role of courts in ensuring that special accommodations and adjustments are made to include transgender people in the process of public university applications and admission process where none exist.

Further constitution of India also enumerates **Article 19** which grants every citizen the freedom of speech and expression.³¹ This includes the freedom to express your gender identity publicly. Self-identified gender can be expressed through dress, words, action or behavior or any other form. Gender constitutes the core of one's sense of being as well as integral part of a person's identity. Legal recognition of gender identity is therefore part of the right to dignity and freedom guaranteed under our constitution. **Article 21** which deals with the protection of life and personal liberty states that no person shall be deprived of his life and personal liberty except according to the procedure of law.³² This right states that every individual including a transgender person has the right to life and personal liberty. The transgender person being a citizen of India should have the full right to protect their life and personal liberty.

Education & skills opportunity plays pivotal role in enhancing jobs and economic opportunities for an individual. The Constitution of India under **Article 21A**³³ considers 'education' as a fundamental right for children for six to fourteen years. Every child of the age of six to fourteen years shall have a right to free and compulsory education in neighborhood school till completion of elementary education. Promulgation of a separate Act further provided impetus to the government efforts in providing free compulsory education to children, as it has now become constitutional obligation for the state to provide free education.³⁴

Despite such laws in the constitution of India, the other sex (transgender) continues to be ostracized. Transgender people faced discrimination and harassment at family, school and community forces them to move to the other places. The nature of the harassment includes

³⁰Mx Alia SK v. The state of West Bengal and Ors., W.P. No. 21587 (W) of 2019

³¹INDIA CONST. art. 19

³²INDIA CONST. art. 21

³³INDIAN CONST. art. 21A

³⁴Dr. Rajkumar, Education of transgender in India: status and challenge, IJRESS, Vol. 6 issue 11, pp 15-24, pg. 16

verbal, physical and sexual abuse which has serious impact on the mental health as well.³⁵ If we look at the real stats only 1% of admissions in Delhi in 2018 were for underprivileged students. Less than 1% of Gujarat's admitted students in 2018 came from economically disadvantaged groups. Furthermore, transgender people are not allowed to enroll in universities for higher education since the sex assigned at birth listed on their birth certificate and other school/college documents does not match their gender identification.³⁶ The percentage Hijras that are working is below 45% due to the low literacy rate, and many of them resort to prostitution as a way of livelihood, which poses a serious risk for diseases like AIDS or HIV. Due to their limited population and gender diversity, they are subjected to a variety of forms of discrimination and abuse from all sectors, which have a negative impact on their quality of life.³⁷

The majority of transgender people, at about 90%, turn to prostitution as their main source of income. The causes are lack of employment opportunities, economic insecurity, and stigmatization. It has been reported that up to 90% of transgender persons sell sex in India, 84.6% in Malaysia, 81.6% in Indonesia, 47.6% in El Salvador, and 36.6% in Cambodia.³⁸ This indicates the high population of transgender persons who have to engage in prostitution as their main source of income despite the grave threat it poses to their health.

8.2.2. Judicial Pronouncements

India has achieved significant growth and development. It has improved on crucial human development indices such as levels of literacy, education and health. There are indications, however, that not all disadvantaged groups have shared equally the benefits of the growth process. Among these, the transgender community, one of the marginalized and vulnerable communities in the country is seriously lagging behind on human development indices including education. What is appalling is that despite affirmative action (reservation policies, Right to Education, etc.) and various safeguards backed up by the constitution of India the disparities remain substantial among the transgender community in India. Majority of the population is uneducated or undereducated thereby excluding them from participating in social, cultural, political and economic activities. To reduce such disparity and to make them

³⁵Higher education of transgender in India: opportunities and challenges, *International Journal of Research in Engineering, Science and Management*, Vol 2, issue 2, Feb. 2019, ISSN (online) 2581- 5792, page 375.

³⁶Sangita Laha, *Journey From Marginal to Mainstream - The Woes of Transgender in India*, 11 RMLNLUJ 18 at page 29 (2019).

³⁷*Id.* at 22.

³⁸*Id.* at 23.

part of mainstream Supreme Court and various High Courts in India played crucial role which are as discussed below.

In one of the landmark case **National Legal Services Authority v. Union of India**³⁹, the Apex Court in its judgement upheld the transgender right to choose their self-identified gender and the Central as well as the state governments are legally bound to recognize their gender identity either as male, female or “third gender”. The Central and state governments were also directed by the Supreme Court to take action to consider them as socially and educationally backward classes of citizens and to apply all forms of reservation when considering them for admission to educational institutions and positions in the public sector.

Following the NALSA judgment, and for the purpose of safeguarding transgender rights under Part III of the Constitution, the **Transgender Persons (Protection of Rights) Act, 2019** was introduced. Under this Act, the Central Government is directed to provide the following educational and employment rights to the transgender community.

Prohibition on discrimination against a transgender person, including denial of service or unfair treatment in relation to inter alia (i) **education**⁴⁰ (ii) **employment**⁴¹

Section 13: Every educational institution funded or recognized by the appropriate Government shall provide **inclusive education and opportunities** for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others as well as **access to adequate amenities**.

Section 14 says that the appropriate Government shall formulate welfare schemes and programs to facilitate and support livelihood for transgender persons including their **vocational training and self-employment**.

Despite the above measures, recently in **Dr. Trinetra Haldar Gummaraju v. State of Karnataka** a petition was filed before the Karnataka High Court to address the absence of inclusive and safe accommodation for transgender students in Colleges and Universities. The petitioner, who is a transgender woman, was denied by her educational institute to accommodate her in girls’ hostel. She had provided the SRS (Sex Reassignment Surgery) certificate. She was asked to stay in boy’s hostel where she was often was done. This further affected her mental health. Acting on the PIL, the court has issued a notice to the state

³⁹ National Legal Services Authority v. Union of India, (2014) 5 SCC 438

⁴⁰ Sec 3(a), Transgender persons (protection of rights) act, 2019, No. 40, acts of parliament, 2019 (India).

⁴¹ Sec 3(b), Transgender persons (protection of rights) act, 2019, No. 40, acts of parliament, 2019 (India).

government of providing separate accommodation in higher educational institutions to transgender people.⁴²

This act has faced severe criticism from the transgender community on the ground that this act doesn't include provision for reservation in education and employment and related institution which was strongly stated in the NALSA judgment. The Transgender Persons Bill, 2014 provided for 2% reservation for transgender in government and government-aided schools for primary, secondary, and higher education. Various petitions were filed across different High Courts in the country to implement the reservation scheme. The High Court of Madras in the case of **Swapna v. Chief Secretary**⁴³ directed the State government to form a scheme for reservation of transgender within 6 months, which is yet to be complied with. Court further ordered the government to grant post-based reservation to transgender people, i.e., at least one seat in each category. While the case of **Sangama v. State of Karnataka** was pending, the Karnataka government changed its recruitment policies to allow 1% horizontal reservation.⁴⁴

The question which arises now is how reservations are to be implemented in case of transgender.

The transgender community wants horizontal reservation within each class to access better educational and employment opportunities. This is one of the main concerns of the transgender community against the Transgender Act.⁴⁵

The NALSA judgement was also referred to the Tamil Nadu Backward Classes Commission. This Commission is made in charge for examining communities which must be included in the "Backward Classes" list. The Commission recommended that transgender persons should be included in the list of "**Most Backward Classes**" ("**MBC**") based on multiple factors. It stated that transgender were eligible to reservations in education and public employment, as are applicable to those listed under "Most Backward Classes". This order also directed government officials to issue "**MBC**" **certificates** to transgender persons on the basis of which they may access reservations. It noted that these certificates would be issued to persons who had been recognized as transgender by the Tamil Nadu Transgender Welfare Board.

⁴²Dr. TrinetraHaldarGummaraju v. State of Karnataka &Ors.WP 19706/2021

⁴³Swapna v. chief secretary, Writ Petition No. 31091/2013

⁴⁴PrakharRaghuvanshi and SandhyaSwaminathan, Editorial: Horizontal Reservation for Transgender Persons: Resolving the NALSA Conundrum, 6.2 CALJ v at page xi (2022).

⁴⁵Amaralsingh, critical analysis of transgender persons (protection of rights) act, 2019, ProBono India, page 7

The Karnataka High court in *Jeeva M. v. State of Karnataka*⁴⁶ considered a petition filed by a transgender person who wanted to change their name and gender on all school documents, as well as their 10th and 12th certificates. Court ordered the Government to issue a circular to ensure transgender persons need not keep coming to Court to change their education documents. The circular makes it easier to enforce their constitutional right to have their documents reflect their self-identified gender identity.

Furthermore, the Madras High Court in **Sushma v. commissioner of police** issued guidelines for educational institutions to follow, to provide gender-neutral restrooms, allowing for changes in name and gender on records, including transgender as a third gender on forms, and appointing LGBTQIA+ inclusive counseling for seeking redress.⁴⁷

The Calcutta High Court in the case **Sumana Pramanik v. The Union of India &Ors.**⁴⁸, said that providing reservation is not the only thing important for transgender community but also the age relaxation and fee concessions for them in their examinations. Where there are provisions made for reservations, then there shall provisions for implementation and enforcement of age relaxations and fee concessions in examination.

By going through the decisions of various High courts, these judgments proves out to be very progressive but they are only binding in that particular states or have only persuasive value on other states. So there is need of a central legislation which can expressly include the substantive parts if not all of these recommendations by courts. This will also result in settlement of controversy on the Transgender Persons (Protection of rights) Act of 2019.

Lastly it is also recommended that keeping in mind that the transgender community is the target beneficiaries, any such enactments or amendments must not be done without their consultation in order to ensure their inclusion.⁴⁹

8.3. Initiatives by states

8.3.1. Tamil Nadu

Tamil Nadu government was the first state to release a transgender welfare policy and the Tamil Nadu Transgender Welfare Board was constituted in 2008. [58]Transgender people

⁴⁶Jeeva m. v. State of Karnataka, W.P. NO. 12113/2019

⁴⁷Sushma v. Commissioner of Police, W.P.No. 7284 of 2021

⁴⁸SumanPramanik v. The Union of India, (W.P.A 9187 of 2020)

⁴⁹*Id.*

can access free sex reassignment surgery in government hospitals, free housing, various citizenship documents, admission to government colleges with a full scholarship for higher studies, and initiating income-generation programs.

8.3.2. Odisha

The Odisha government implemented the Sweekruti Mission in 2015 to ensure justice and secure rights of the transgender with ten areas of focus. The schemes exclusively for education include providing assistance to the parents of transgender children, pre and post matric scholarship and skill development scheme involves providing an assistance of Rs 15,000 to the transgender trainee per course with stipend.

8.3.3. Kerala

Kerala government has implemented the [57]‘Saphalam scheme and Varnam scheme which provides financial assistance to transgender persons who pursue higher studies in Degree/Diploma level courses and students pursuing higher education through distance learning respectively Samanwaya scheme identifies the transgender children who dropouts after conducting a Census and got them enrolled in schools for continuing their education. Financial aid for transgender students for hostel rent or accommodation will be provided to support those who leave home due to stigma or discrimination.

8.3.4. Karnataka

[59]Karnataka government has taken a progressive step in providing employment opportunities, which made Karnataka the first state to provide for horizontal reservations by introducing Karnataka Civil Services (General Recruitment) Amendment Rules, 2021. This Amendment provides a 1% reservation for transgender persons in civil services post filled through direct recruitment. The reservations will be 1% in each of the categories of posts: General Merit, Scheduled castes, Scheduled Tribes, and in each category among Other Backward Classes.

8.3.5. Assam

Assam government introduced **Assam Policy for Transgender, 2020** with objectives to provide access to educational facilities. Incentivize learning through the reservation of seats, providing **separate boarding and lodging arrangements** and establishing **scholarships to Transgender students**. In addition, support positive discrimination to address inequities in

areas of education, health and employment. The Assam transgender welfare Board will promote awareness campaigns and sensitization programs to ensure that the rights of transgender persons are protected; provide **free vocational training courses**.

9. COMPARATIVE ANALYSIS OF UK, USA, PHILLIPINES

Transgender Rights are subject to country's economic status and educational well-being. In South American Countries such as Guyana where a law banning cross-dressing was ruled to be unconstitutional by a regional appeals court in November 2018, after a legal battle stretching over several years. Transgender Rights are not guaranteed by countries which have been subject to colonial distress because of which countries have not been able to codify these rights into laws. Several countries have several aspects of elements associated with the Transgender communities.

9.1 United Kingdom

In U.K., **the Equality Act 2010** ensures legal protection against discrimination in employment, education, the provision of services and the delivery of public functions, in relation to the nine protected characteristics defined in the Act, one of which is Gender Reassignment.⁵⁰

The legislation lay down that a school must not discriminate against a pupil because of their transgender status. The school will make reasonable adjustments to **accommodate absence requests for treatment** and support from external sources. The absence must be requested in advance by the parents/carers. The School will protect the confidentiality of the student in these circumstances. The Schools to have **gender neutral uniform**, and will allow the pupil to wear the uniform of the gender with which they identify when appropriate⁵¹. The curriculums and schemes of works are updated annually, in line with the statutory guidance on relationships education, relationships and sex education (RSE) and health education, and awareness of transgender persons' issues is embedded within the themes of tolerance, inclusion, equality and embracing difference. Due care is taken to ensure that these themes are referred to in an age-sensitive and factual manner. Schools also have to provide for **unisex**

⁵⁰Transgender policy- both schools including EYFS and boarding, Felsted, page 6

⁵¹Transgender guidance for schools, Bolton safeguarding children, page 2

toilets⁵². Transgender students will be able to use these facilities which have been labeled sensitively and appropriately.

Schools must have a **robust anti-bullying policy**⁵³. In line with this policy, transphobic incidents will be recorded and dealt with in the same manner as other incidents that are motivated by prejudice, e.g. racist or homophobic incidents.

9.2 United States of America

US department of education lays down a **policy Supporting Transgender Youth in Schools**. It provides for students **right to be addressed by the names and pronouns that they use**. That's true even they have not legally changed their name or gender. If teachers and school officials refuse to use the right name and pronouns, they may be breaking the law. Schools must take reasonable steps to **protect transgender student's privacy**. Using **welcoming and inclusive language** in school, college, and university mission statements, it is such a commitment to ensuring a safe and supportive campus that is free from discrimination and harassment for LGBTQ+ students.⁵⁴

9.2.1 Key action taken by schools in USA

Athletic programs-When institutions provide sex-segregated physical education or athletic programs, students must be allowed to participate in a manner consistent with their gender identity.⁵⁵

Dress-Students should have the right to dress in accordance with their gender identity, within the constraints of non-discriminatory school dress codes or school uniform policies.⁵⁶

Policies- Educational institutions should adopt policies and administrative regulations that prohibit harassment and discrimination against transgender and gender nonconforming students, address appropriate accommodations, establish consequences for those who harass or discriminate against students, and set a tone that allows students to feel safe to report harassment.⁵⁷

⁵²*Id.* at 10.

⁵³*Id.* at 9.

⁵⁴Factsheet on US department of education policy letter on transgender students, National centre for transgender equality, page 1

⁵⁵Legal guidance on transgender students' rights, National Education Association, page 6

⁵⁶*Id.* At 6

⁵⁷*Id.* At 5

Preferred names and pronouns -Students should be addressed by their preferred names and pronouns without being required to obtain a court-ordered name or gender change or to change their official records. A school's intentional and persistent refusal to respect a student's gender identity should be considered discriminatory.⁵⁸

9.3 Philippines

The **Philippines Anti Bullying Act, 2013** requires all schools, both private and public to adopt policies to prevent and address all acts of bullying in their institutions. This Act explicitly defines the nature of bullying behaviour including prohibited acts, including mechanisms and procedure for handling bullying incidents. It is believed to be the first country among all the South Asian countries to address cyber-bullying and also refers to 'gender based bullying' which refers to any 'act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity.'⁵⁹

Nonetheless it is worth mentioning that, by going through the steps taken by the above three countries, one can draw inference that India is still lacking in introduction of concepts like gender neutral uniforms or restrooms and many more, which are already present in those countries for atleast 5 years from now. These courses of action can also be recommended for India as well. Those recommendations are mentioned in the next heading.

10. CONCLUSION

Gender is a pervasive social concept that holds sway over every person in our society. The traditional dichotomous identity framework is oppressive, particularly for the other-gender population, whose sense about themselves as gender specific people is at odds with the gender assigned at birth. When others attempt to impose traditional gender boundaries, other-gender people are targeted for mistreatment. The strict gender binary should indeed be eliminated, either entirely or enlarged to include more gender identities. Unlike the cis-gendered individuals, the transgender individuals experience significant amount of education and health disparities associated to the discrimination and limited access to the resources. In 2020, when the CBSE released the result of classes 10 and 12, it was found that in class 10

⁵⁸*Id.* At 6

⁵⁹*Id.* 36, pg 46

only nineteenth students were registered as transgender persons and in class 12 only six students were registered as transgender person. This shows how rights are not equal for everyone. Some individuals have to face consequences just because they don't "fit" under the binary norms. Many petitions were filed, laws were challenged and policies were being made for the transgender equity, however there is still lack in the implementation part too. Lack of awareness and sensitivity are one of the main reasons for the discrimination. There is not even a single mention about transgender community in any of the classroom textbook. Therefore, there is an ardent need of sustainable and right-based policies and laws that would facilitate them so that they could exercise their rights without living in fear. One of the main reasons why laws still lack inclusivity is because the opinions of transgender community are not taken into consideration while making law and policies. Hence, community participation is a very important factor for the overall development of the transgender community so that they could live a dignified life.

11. RECOMMENDATIONS - Towards a gender-sensitive education : THE WAY FORWARD

The transgender community still experiences violence and discrimination despite numerous legal changes and official backing. The community's social standing has hardly been improved by the new legislation. Clearly, only a small portion of them—those who are vigilant and aware of their rights—benefit from these legislative reforms, but a sizable portion of this population continues to experience injustice. In order to reduce the vulnerability of the transgender community in India, comprehensive cooperation from all societal segments is essential. The way society views this community needs to change. Due to their forced participation in begging and sex labour to support themselves, this population is subjected to abuse and ridicule. Instead of criticizing people for their career choice, society needs to become more sensitive to their needs. It is true that a major barrier to transgender people being able to get quality employment is the lack of education. All transgender children should have access to the fundamental right to an education. In the primary and upper levels of school, there shouldn't be any form of prejudice against them. The government should take harsh action against organisations that refused to admit individuals on the basis of their sex. Steps which can be taken to improve their conditions are as follows:

1. **Kinnarvidyalaya**⁶⁰ –this concept was recently introduced by a Non-Governmental Organization Shri Mahasakti charitable trust. This school will provide vocational guidance and skill development workshop in handcraft, waste management, beauty and interior decoration in addition to imparting free education. This could be a great step towards ensuring right to education to transgender community. **Budgetary allocation** should be made to make these a part of many districts in India.
2. **Promoting their culture** - The transgender community has a distinctive culture that includes dancing, folk music, and other arts. The community benefits greatly from it and gains a strong feeling of identity. In order to promote increased community involvement, these artistic and cultural expressions should be interwoven with livelihood activities. To act as a bridge to career opportunities, efforts should be made with sufficient financial backing.
3. **Curricula embracing transgender persons** - An inclusive learning experience requires an inclusive curriculum, one that ‘takes into consideration and caters for the diverse needs, previous experiences, interests and personal characteristics of all learners. It attempts to ensure that all students are part of the shared learning experiences of the classroom and that equal opportunities are provided regardless of learner differences⁶¹. A chapter on Transgender can be included in the adolescent education curriculum in the school to sensitize the larger society on Transgender, recently done by Scotland. This can be an effective step to address stigma/discrimination at school level. Also adding strict legislative measures like the Anti-Ragging Act will bring strict order in the institutions. Depending on the comprehension levels of the students, TGC sections and subtopics should be covered in all classes using the most recent NCERT chapters. For instance (out of many), social science textbooks for classes 6, 7 etc. containing chapters like "Understanding Diversity", 'On Equality', "Understanding Marginalization" must be closely reviewed.

⁶⁰Nico Lang, India opens ground breaking school to provide free education to transgender people, Them, (June 29, 2022 1:17 AM), <<https://www.them.us/story/india-opens-groundbreaking-school-provides-free-education-transgender-people>>

⁶¹Don't look away, No place for exclusion of LGBTI students, 45th policy paper, global education monitoring report, UNESCO, pg 6

4. **Students, family and community engagement is important to address barriers** - Even the best-designed laws, policies and measures cannot go far if the education community is not behind them. Students, parents and communities can drive but also resist attempts at inclusion in education, when, as is common, they hold discriminatory beliefs. They therefore need to be involved in planning, implementation and evaluation, including in strategies that identify and support children who are bullied, redirect the behavior of children who bully, and change the attitudes of adults and youth who tolerate bullying behaviour. LGBTI children and youth are often marginalized and lack peer structures enabling them to form and express views. ⁶²
5. **Building positive classroom atmosphere** - Put students at the centre of efforts to prevent exclusion on the basis of sexual orientation, gender identity, gender expression and variations of sex characteristics. Inclusion is not just a result; it is first and foremost a process and an experience. An education of good quality should not just deliver academic success; the right to be in good physical and mental health, happy, safe and connected with others is as important as the right to learn. A positive classroom atmosphere, where teachers recognize and support students' effort, is crucial, as is a sense of belonging to the school and the peer group. Diversity in schools is necessary for children to interact with peers from different backgrounds and to strengthen social cohesion. Governments and schools should help establish clubs and spaces that offer support systems, including adequate information, for any learner who has experienced bullying or violence⁶³
6. **Transgender cell (anti discriminatory cell)**-All the educational institutions/universities should establish an anti-discrimination cell to monitor any form of discrimination against the transgender community. On the line of strict anti-ragging cell, there should be zero tolerance towards any incidence of the discrimination or complain. ⁶⁴
7. **Names and/or pronouns:** Use the name and/or pronouns appropriate to the young person's chosen gender identity. Remember that it is everyone's essential

⁶²*Supra 37, pg 11*

⁶³*Supra 37, pg 12*

⁶⁴*Supra 9, pg 22*

dignity to be called by our chosen name, and it is everyone's right to be recognized as the person we see ourselves to be.

8. **Access to restroom facilities:** Educate staff and youth about gender identity. Make sure that everyone understands that transgender youth. If possible, designate gender-neutral restrooms and locker rooms (toilet facilities that anyone may use, irrespective of gender identity or gender expression). Educate staff and youth about gender identity.
9. **Confidentiality-** Make sure that the program maintains confidentiality with regard to the gender identity, gender expression, sexual orientation, and sexual behavior of all the youth in the program.
10. **Provide financial assistance-** Government should provide fee-waiver, fee-reimbursements, scholarships, free textbooks, free hostel accommodation and other facilities at subsidized rates for students belonging to the transgender in order to make higher education and professional education accessible by the community. Special coaching should be provided to the candidates for competitive examinations.⁶⁵
11. **National law and policies to protect children in school-** a supportive policy and legislative environment is critical to the elimination of violence in schools. This includes not only the establishment of relevant legislations and regulations, but also mechanisms for monitoring and enforcement.⁶⁶
12. **Implementation and feedback mechanism** –as the laws and policies relating to transgender is still in their reformative stage, flaws and loopholes are inevitable. In such a situation there should be a mechanism of feedback to be followed. First step is to implement those laws and policies and next and most important step is to take the feedback of the beneficiaries. According to these feedbacks, bring amendments in those laws or policies.
13. ⁶⁷**Education system has to adopt the holistic approach of access, equity, environment and employment:** Accessibility of transgender students in the schools and institutions must be ensured by not denying them admissions and

⁶⁵*Supra* 9, pg 23.

⁶⁶*Supra* 36, pg 45.

⁶⁷<https://translaw.clpr.org.in/wp-content/uploads/2019/02/Odisha-Scheme-for-TG-Final.pdf>
http://164.100.47.193/Refinput/New_Reference_Notes/English/final%20Problems%20and%20welfare%20of%20transgeneders.pdf

ensuring the transgender persons' right to education for those who cannot afford education in schools. The 2014 decision by the UGC to include a column for transgender to mention their gender has to be extended to all educational institutions. Equity in treatment comes with ensuring sensitizing the masses and students on practicing gender neutral approaches. An enabling environment occurs when gender neutral practices such as referring students by name, gender neutral toilets (or letting them choose the toilets of their choice), gender neutral uniforms and gender neutral seating arrangements among other gender bounded rules are followed. Employment of the transgender persons can either be provided by ensuring a smooth path for transgender in completing education and attaining job. Other measures include skill development, providing stipend, scholarship and other financial assistance for transgender students, reservation in educational sector and employments to ensure a level playing field for them to attain a permanent source of income and better standard of living.

14. **Setting up a National Commission for Transgender Persons:** The existing shortage on the materials available on the problems of transgender community and the lack of surveys and feedback on the existing schemes implemented by the state and Central government can be covered by setting up statutory body exclusively for the welfare of transgender citizens. This body can also conduct sensitization and awareness programs in institutions across the country to remove the stigma and discrimination on the transgender persons' community. They can arrange workshops and conferences in collaboration with national and international bodies that works for the welfare of the transgender community for students as well as common masses. They can also promote research and allocate funding for transgender welfare studies' and policies conducted by organizations that include civil society, schools, colleges, etc. 24 hours help-lines can be activated with timely intervention including counseling plus rehabilitation facilities for the transgender victims particularly kids can be done. This body can be bifurcated to have independent bodies at the state and district levels for better implementation of their workings. They shall also be entitled with the authority of seeking reports from various governments on their measures implemented, its impact assessment reports on a timely manner.
15. **Decentralized measures:** India has successful stories of decentralization which helps in better penetration of progress and welfare for the common citizens.

Community libraries can be set up by the local government or other civil society organization for the upliftment of the transgender members who dropped out or could not pursue education due to various reasons. Those can be maintained by the transgender members themselves with monetary support from public, government authorities. Anti-discrimination cell at every corporation or Panchayat involving politicians, a member from transgender community and other gender studies experts and scholars to sort out the complaints of transgender community. They can also sensitize the masses by conducting workshops, streetplays, flashmobs, short films, movie screening, display of legal measures & rights on notice boards, awareness sessions on the existing schemes by the respective State government, counseling session at educational institutions, government offices as well as in common public places. Career guidance cell, counseling sessions, mobile awareness sessions, advertisements screening on the public billboards, theatres, hoardings can also be undertaken by local bodies in connection with police, other bodies working for the welfare of transgender community. Transgender help desks in police stations and other government offices to provide aid to transgender community can also be set up by the local self-government.

16. **Media:** Media has an inevitable influence that shapes the perceptions of individuals from a young age. Both printed and visual media should abstain from portraying transgender communities as comical figures and ensure promoting transgender friendly contents to curb discrimination. The derogatory contents on the media and the social media about transgender community need to be censored and penalized if necessary and encouraging more and respectable representation of transgender community in media such as cartoons, short films, films, advertisement, playbooks would ensure positive impact on children's perception about the transgender community including children. Any individual and organization that works for the welfare of the transgender community must use the space of media and social media to widen the reach of their initiatives creatively and informatively.

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