

Transgenders In India: A Study Of Educational Status And Legal Rights In Educational Institutes

*Dr. Savita Saloman, (Associate Professor), Gracious College of Education

**Anila Koshy, Research Scholar, Gracious College of Education

Abstract

In the present paper **Transgenders in India: A study of Educational Status and Legal Rights in Educational Institutes** done. In the study we selected 20 Educational institutes, 60 teachers and 17 transgenders. for data collection we use Questionnaire for the status of transgender Education in Educational Institute (QSTEEL) through Google Form. our **OBJECTIVES** is **I.** To study the educational accessibility of transgender in Educational Institutes. **II.** To analyze the legal safeguards and its implementation in educational institutes for the transgenders. **III.** To find out the problems faced by transgender to fulfil their educational aspirations. And **HYPOTHESIS H 1.** There is significant difference in accessibility of education between transgender and dominant genders. **H 2.** There is significant difference existence and implementation of legal rights for transgender community in improvising the educational accessibility in India. **H 3.** There is significant difference in the fulfillment of educational aspirations of transgender students. our conclusion of The studies revealed that the transgender community has a low educational level, transgender people felt excluded from the curriculum, and faces barriers to education. Major findings of the study showed that transgender students experienced discrimination, intolerance, and physical and mental harassment in school due to their sexual orientation and gender identity. Transgender and gender diverse students avoided their school because they can't conform to the gender stereotypes dominant within the school. There is a lack of proper learning environment within school boundaries for the education of transgender children, because of their sexual orientation and gender identity, and face stigma. It is recognised that there is a need for reform in the educational system including that in the curriculum, for better representation of the Transgender community. However, only education can empower the community from within to make each one of them self-sufficient and confident.

key word : Transgenders, Educational Status, Legal Rights, Educational Institutes

INTRODUCTION

Education is a critical task for the development of any democratic nation and its people. Education facilitates a person's overall personality development and also serves as a means of achieving professional and social mobility. Education broadens one's worldview and influences one's behavior, mental processes, and outlook. All citizens in India, regardless of caste, religion, or gender, must be given an equal opportunity to develop and realize their full potential.

Transgender people now have the opportunity to study in schools and colleges with full access because they are classified as a "disadvantaged group" under the Right to Education Act of 2009. (RTE). All educational institutions will provide inclusive education and opportunities for sports, recreation, and leisure activities to transgender people on an equal basis with others,

without discrimination (Transgender Persons Act, 2016). The Supreme Court of India observed that the absence of a law recognizing hijras (kinnar) as the "third gender" could not be used to discriminate against them in education and employment. As OBCs, they will be given educational and employment preferences, according to the Supreme Court (NLSA v. Union of India, 2014). Transgender people have the right to be free from discrimination and to have access to or use any goods, accommodations, services, facilities, or opportunities available to the general public or that are customarily available to the public.

The state and federal governments will take appropriate steps to promote and protect transgender people's rights to participate in cultural and recreational activities, as well as to make it easier for them to access government-sponsored welfare programs. No transgender person will be separated from their parents or immediate family due to their gender identity (Transgender Persons Act, 2016). Transgender people are shunned by family and society because they are denied social and cultural participation. Transgender is a broad term for people whose gender expression, identity, or behavior differs from the norms expected of their birth sex (Saravanan & Thiyagarajan, 2017).

The purpose of this research is to observe the educational status of transgender people and problems faced by transgender people to achieve their educational aspirations.

STATEMENT OF THE PROBLEM:

The statement of the problem for the study is as given below- *A Study of Educational Status of Transgender People in India*

REVIEW OF RELATED LITERATURE

Dhanya and Thanuskodi (2021):- 'Empowering transgender population in India through community libraries'. As the community's educational levels are severely low, this study tries to identify the information needs of the transgender community. In doing so, they point towards an interesting phenomenon of 'information poverty' wherein members of the community cannot access the information and appropriately apply it to their benefit. The possibility of introducing the benefits of community libraries to this secluded section of the population is thought of in the light of knowledge shared by the reviewed literature.

Pallav Das (2019):- in his work, 'Higher Education of Transgenders in India: Opportunities and Challenges' 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. Now-a-days, Transgenders will study in schools, colleges and universities with all facility approving their admission under the category of "disadvantaged group" defined by the Right to Education Act 2009. The Transgender community is a part of the social order and they have an equal right in everything that is available to all others in the world. It talks about the reservations and opportunities that transgenders should receive in educational institutes.

Veena Singh (2019):- in her work 'A study on the role of education in empowering transgender' Suggests that sensitization of all sections is important to bring the levels of violence

against the Transgender community lower. 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. As in her work she noticed that the literate transgenders have better socio- economic- political empowerment than illiterate transgenders and have much higher expectation from government in bringing up changes for them in society. Like legal awareness programs, raising workshops, talk shows, media campaigns and free legal aids for them. The sensitization within the transgender community is the primary goal and then to the society for the wholesome good of all. Education system can change the outlook of this community along with good legal and policies backing up but the lack of implementation and ignorance have weakened this community in receiving their basic rights.

Shelton & Lester (2018) remarked that transgender students experienced discrimination, intolerance, and physical and mental harassment in school due to their sexual orientation and gender identity. The school works hard to enforce the status quo. Gender norms were in full effect in most school buildings, gender binary gets reinstated in even the most innocuous moments.

OPERATIONAL KEY TERM

Transgender: Transgender is an umbrella term, an adjective, referring to an individual whose gender identity is different from the sex assigned at birth. The third gender of our Indian society, who are ignored and unacknowledged on their existence.

Educational Rights: It is said that education eradicates all the evils of society therefore educational rights made by NEP and Constitution are studied here.

Discrimination: injustices or inequity faced by a section of people in a community. Here in the study, I have focused on the discrimination done on transgender community.

Inclusive Education: Education should appreciate individual differences and work more on including the secluded community. Inclusive education is the best option proposed here.

RESEARCH OBJECTIVES

The research under focus has the following objectives:

- I. To study the educational accessibility of transgender in Educational Institutes.
- II. To analyze the legal safeguards and its implementation in educational institutes for the transgenders
- III. To find out the problems faced by transgender to fulfil their educational aspirations.

HYPOTHESIS OF THE STUDY

H 1. There is significant difference in accessibility of education between transgender and dominant genders

H 2. There is significant difference existence and implementation of legal rights for transgender community in improvising the educational accessibility in India.

H 3. There is significant difference in the fulfilment of educational aspirations of transgender students.

DELIMITATIONS OF THE STUDY

The research only covers aspects concerning education of transgender mostly in terms on school setup. Seclusions and discrimination they face in other spheres of life like their job opportunities, healthcare, political rights as citizens of India etc. are not included here.

The educational policies and laws granted to them in terms of education are studied here. Overall picture of this community in the society is inferred in the studies only to understand their background and their current situation.

RESEARCH METHOD

Mixed-methods research methodology: This type of methodology combines quantitative and qualitative methods to answer complex research questions. Quantitative analysis is done by collecting relevant literature and documents to substantiate the findings Qualitative analysis has been done to make conclusions from the statistics derived from the questionnaire and check the hypothesis based on the data obtained.

SAMPLE AND SAMPLING TECHNIQUES:

- In the present study, samples were selected in two phases. For the first phase, 20 educational institutions were selected through the convenience sampling technique. From which 60 school teachers were selected. This sampling was done using Stratified Random Sampling Technique.
- For the second phase, 17 transgender were selected through Snowball Sampling.

TOOLS USED IN THE STUDY:

For the study following self-constructed tools were used by the researcher-

- Questionnaire for the status of transgender Education in Educational Institute (QSTEEI) through Google Form.

The validity of questionnaire- Face Validity was used to construct “*Questionnaire for Status of Transgender Education in Educational Institute (QSTEEI)*” which means researchers subjective assessments of the presentation and relevance of the measuring instrument as to whether the items in the instrument appears to be relevant, reasonable, unambiguous and clear. In order to examine the face validity, the dichotomous scale can be used with categorical options of Yes or No which indicates favourable and unfavourable item.

- Semi-structured Interview schedule

DESIGN OF THE STUDY:

A two-phase research design was adopted to specifically provide an empirical answer to the research question through a quantitative and qualitative approach. In the first phase of the study, quantitative data was collected through a self-constructed questionnaire from various educational institutions. In the second phase of the study, qualitative data were collected using a self-constructed semi-structured interview schedule and questionnaire.

TECHNIQUES OF DATA ANALYSIS AND STATISTICAL ANALYSIS

For the first phase of the study, Frequency, Percentage Mean, Standard Deviation, and Correlation were calculated from data obtained from part I of QSTEEI which were pictorially depicted throw Graphs and Pie Charts

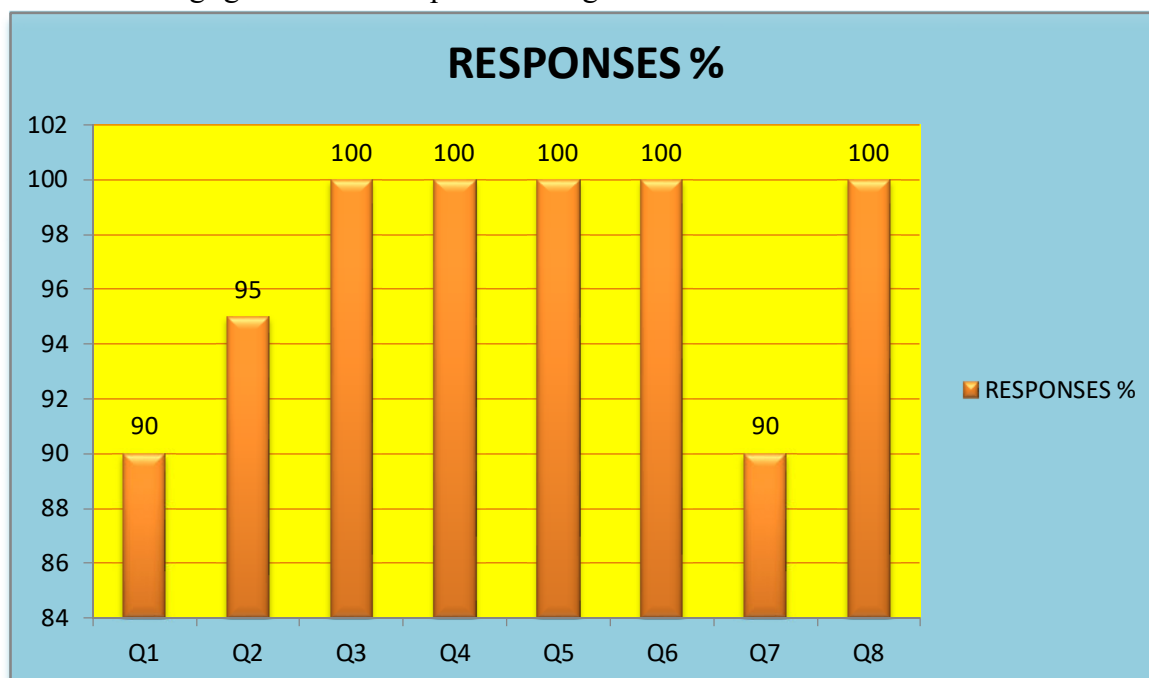
Content analysis of the data obtained from part II of the QSTEEL. for the second phase of the study, data were obtained from a semi-structured interview schedule, and thematic content analysis of qualitative data analysis.

FINDINGS OF THE STUDY

Objective 1: To study the educational accessibility of transgender in Educational Institutes.

- From part I of the tool –QSTEEL, it was found that- 90% of educational institutions have gender-based data available.
- 95.5% of educational institutes stated that they have no option for a third gender/transgender column in their admission form.
- All the administrators of educational institutions (100%) mentioned that parents of transgender students never approached their institution for admission.
- All institutes surveyed, mentioned that their institute had no special provisions for transgender students.
- All the educational institutes mentioned that there were no training programmes conducted to sensitise the teachers about the legal aids for transgender even though about 90% of the institution Heads agreeing on the awareness of existence of the laws
- There is no provision for a separate restroom or toilet for transgender students stated by any educational institutes.

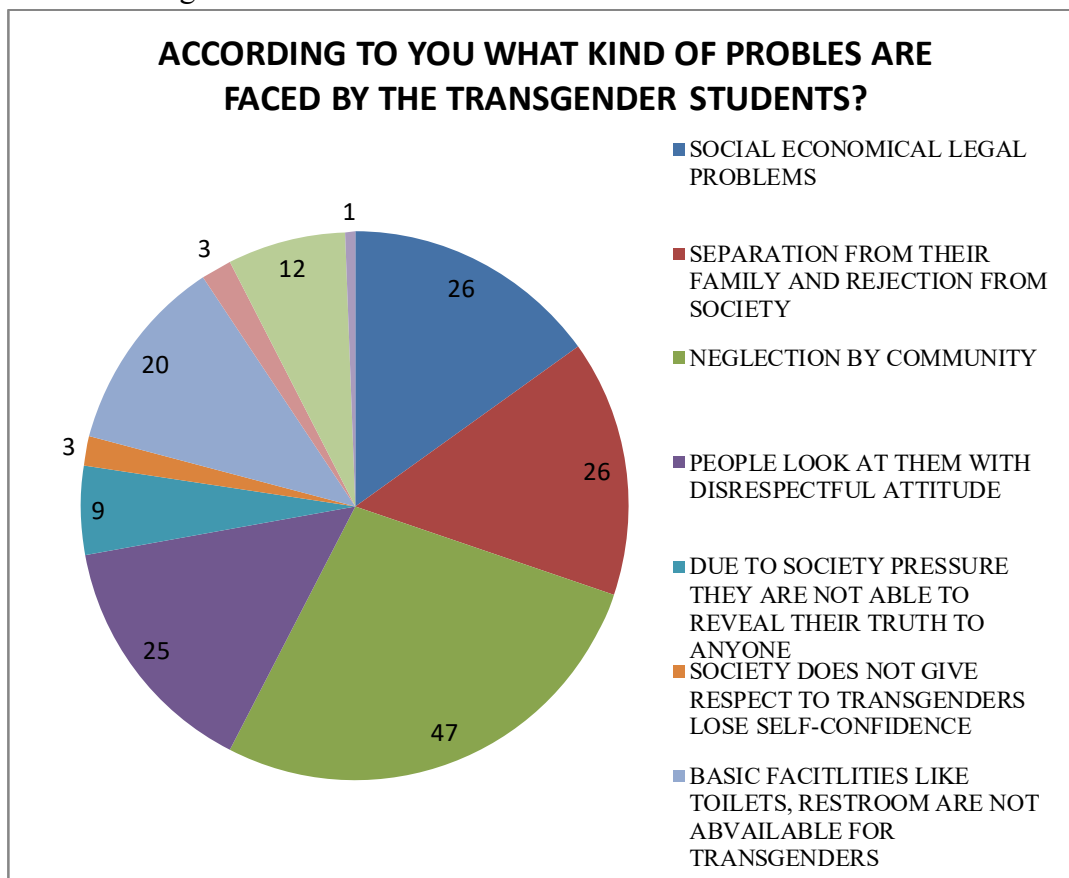
Therefore, it is clear that the accessibility of education for transgenders in educational institutes are negligible when compared other genders.



Hence, when found the correlation coefficient of the transgenders and dominant genders it is negative correlation negative correlation In this case the accessibility of education is only getting better for dominant gender and for transgenders the changes in the educational institute is near to non-substantial.

Objective 2: To analyze the legal safeguards and its implementation in educational institutes for the transgenders

Chart: Pictorial representations showing problems faced by transgender students in educational institutions according to teachers.

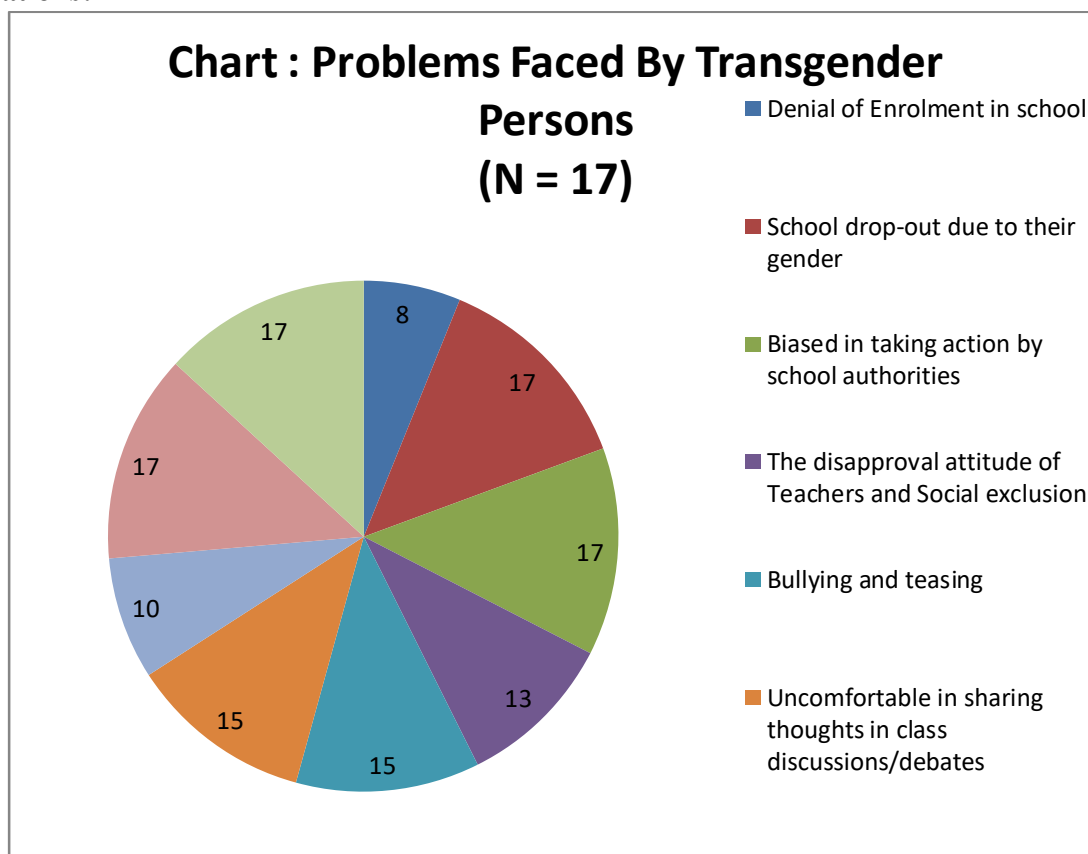


- Recognition of transgender as third gender NLSA- 95% of the educational institutes have no option for transgenders in admission forms. Even though Full access to school and college educational opportunities under RTE 2009
- Educational reservations as OBCs to transgenders under NLSA 2014 and provisions under SEDGs to transgenders in NEP 2020. Still All institutes surveyed, mentioned that their institute had no special provisions for transgender students.
- A system of education without discrimination, neglect, harassment, intimidation to transgenders in TEP Act. Still 53% teaches agreed that the major problem transgenders face is bullying and harassment
- NLSA 2014 guaranteed 'Public awareness programme against discrimination and right to education without discrimination' but lack of execution led to all the administrators of educational institutions (100%) mentioning that parents of transgender students never approached their institution for admission.

- NEP 2020 states ‘Gender inclusive funds would be granted by states for providing provisions of sanitation and toilets conditional cash transfers’ still there is no provision for a separate restroom or toilet for transgender students stated by any educational institutes.
- NEP 2020 states ‘Sensitisation of school administration and students for inclusion, equity, respect and dignity of transgender students’. But no school provides training to sensitise the teachers or students.
- NEP 2020 states ‘Counseling to make comfortable learning environment to reduce dropout.’ About 70% of the educational institutes don’t have counseling facility and no school have separate provision of counselling for transgenders
- Therefore education for transgender = to inefficiency of government in execution of transgenderal laws or inefficiency of bringing change in educational institute by implementation the laws

Hence when Statistical Analysis of Data was collected to find the standard deviation of educational institute that follows the educational policies and found that the value is high as the value of standard deviation is far from the Mean (SD= 3.09 and Mean 17.5) which shows that even though there are laws to protect the needs of transgenders in educational institutes but none of them are followed strictly by the Government and Educational Institutes.

Objective 3. To find out the problems faced by transgender to fulfil their educational aspirations.



- All transgender people stated that they struggled with school dropout because of their gender. For transgender people, school is the first level of government where they feel unsafe even though NEP 2020 guarantees Alternative and Innovative Education Centers to curb the dropouts of transgenders
- 88.23% of Transgender students were beaten up at school by teachers and classmates, and they are also physically and sexually abused.
- These exploits can sometimes lead to suicide. Because schools do not provide separate bathrooms for them, they face numerous problems and become victims of exploitation.
- They are not represented in the curriculum or textbooks. Only these two sexes, men and women, are discussed in our educational system, despite the fact that there are other genders. Therefore, 58.82% transgender students felt unrelatable to curriculum
- However, no information is provided to the students about transgenders, and in the absence of information, transgender students of both boys and girls struggle.
- 100% Transgender people are largely unaware of the policies and programmes put in place by the government to help them.
- 76.47% transgenders felt disapproval from the teachers
- Inclusive education in educational institutes including them in all kinds of extracurricular without discrimination on transgender person act 2016 still almost all transgenders experienced seclusion in school activities.
- 100% of the transgenders felt the authorities were biased in taking action against other genders as they were in majority and also because of pressure from their parents

Therefore, lack of accessibility of education in educational institutes and laidback attitude of government in implementing the existing laws for transgenders have ensured that their basic right to education is never met.

CONCLUSIONS OF THE STUDY

The studies revealed that the transgender community has a low educational level, transgender people felt excluded from the curriculum, and faces barriers to education. Major findings of the study showed that transgender students experienced discrimination, intolerance, and physical and mental harassment in school due to their sexual orientation and gender identity. Transgender and gender diverse students avoided their school because they can't conform to the gender stereotypes dominant within the school. There is a lack of proper learning environment within school boundaries for the education of transgender children, because of their sexual orientation and gender identity, and face stigma. It is recognised that there is a need for reform in the educational system including that in the curriculum, for better representation of the Transgender community. However, only education can empower the community from within to make each one of them self-sufficient and confident.

SUGGESTIONS FOR FURTHER RESEARCH

On the experiences, during the study, the researcher proposes the following suggestion for further research-

- The present study was limited to the only 20 schools from few states similar studies can be conducted in different districts across India.
- A longitudinal study of a few transgenders considering their educational growth can be done.
- Profile of transgenders can be developed by studies on the educational status of transgenders in different places.
- Experimental studies can be done by selecting similar cohorts of transgenders and educating them by a different method to study their educational achievement/motivation etc.
- Studies can be done to develop support material for the educational mainstreaming of transgender

BIBLIOGRAPHY

1. Agarwal, S. (2015). What are the rights of transgender in India?. Retrieved from <https://blog.ipleaders.in/legal-rights-of-transgender-india/>
2. Babbar, S. K. (2016). The Sociolegal Exploitation of the Third Gender in India. IOSR Journal of Humanities And Social Science, 21(5), 12-18. Retrieved from <https://www.iosrjournals.org/iosrjhss/papers/Vol.%2021%20issue5/Version-4/C2105041218.pdf>
3. Balabantaray SR, Singh A. Review of (revisiting) the transgender education in India: An analysis of the National Educational Policy 2020. J Public Affairs.2020;
4. Bhattacharya, S. (2019). The transgender nation and its margins: The many lives of the law. South Asia Multidisciplinary Academic Journal. Retrieved from <https://journals.openedition.org/samaj.4930>
5. Dar, J. (2022, May 21). Lack of transgender-friendly system blocks education of such kids.
6. Deepak S. Nikarhil and Saahil Kejriwal, India's Healthcare Systems Persistently Exclude LGBTQ+ People. This Needs To Change.
7. Dhall, P., & Boyce, P. (2015). Livelihood, exclusion and opportunity: socioeconomic welfare among gender and sexuality non-normative people in India (No. IDS Evidence Report; 106). IDS.
8. Hatzenbuehler ML, Keyes KM. Inclusive anti-bullying policies and reduced risk of suicide attempts in lesbian and gay youth. *Journal of Adolescent Health*.2013;53:S21–S26. doi:10.1016/j.jadohealth.2012.08.010.
9. Kull R, Greytak E, Kosciw J, Villenas C. Effectiveness of school district anti-bullying policies in improving LGBT youths' school climate. *Psychology of Sexual Orientation and Gender Diversity*.2016;3
10. National Education Policy 2020, Ministry of Human Resource
11. Peter C, Tasker T, Horn S. Adolescents' beliefs about harm, wrongness, and school policies as predictors of sexuality- and gender-based harassment. *Psychology of Sexual Orientation and Gender Diversity*. 2016;3:xx–xx.
12. SangitaLaha, Journey From Marginal to Mainstream -The Woes of Transgender in India, 11 RMLNLUJ 18 at page 29 (2019).

13. Saravanan, R., & Thiyagarajan, B. (2017). The Third gender: A legal study. *International journal of legal insight*, 1(4). Retrieved from <https://www.ijli.in/assets/docs/SaravananThiyagarajan.pdf>
14. Toomey R, Anhalt K. Mindfulness as a coping strategy for bias-based school victimization among Latina/o sexual minority youth. *Psychology of Sexual Orientation and Gender Diversity*.2016;3:xx–xx.
15. Toomey, R. B., Ryan, C., Diaz, R. M., Card, N. A., & Russell, S. T. (2010). Gender non – confirming lesbian, gay, bisexual and transgender youth: school victimization and young adult psychological adjustment. *Developmental Psychology*, 46(6), 1580-1589.
16. UNESCO. 2016. *Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/expression*.
17. UNESCO. 2016; OAS IACHR, *Violence Against LGBTI Persons in the Americas* (OAS/Ser.L/V/II.rev.1 Doc. 36) 12 November 2015