

# Equity in the Indian Education System: With Special Reference to Transgender

Mohini Sankhwar<sup>1</sup>, Dr B. S. Gupta<sup>2</sup>

<sup>1,2</sup>Department of Education, Babasaheb Bhimrao Ambedkar University (A Central University), Lucknow, U.P. India

## Abstract

Since there is little research exploring equity in the Indian education system with a specific focus on the experiences and challenges faced by transgenders, this study seeks to understand the educational obstacles encountered by the transgenders. Data collection was conducted using questionnaires with transgender individuals in Lucknow and Kanpur who attended Queer Pride events. Secondary data was also gathered from policy documents and other relevant sources. A sample size of 20 transgenders was selected through incidental sampling method. Findings highlight two critical aspects: transgender often lack awareness of the rights and policies that protect them, and the school and social environment itself is generally neither fully inclusive nor adequately informed about transgender-specific needs. The study recommends implementing effective strategies across all educational settings to create a more inclusive and supportive school environment.

**Keywords:** Transgender, Equity, Education

## 1.0 Introduction

Education is essential for the growth and holistic development of individuals and the progress of any nation. In a diverse country like India, where citizens hail from various religions, castes, and creeds, fostering equality through education becomes paramount. According to Rousseau, education is the spontaneous and natural development of a child's abilities and capabilities, and while we often talk about every child, an important part of our society, referred to by the Supreme Court as the 'third gender', is frequently overlooked. According to the inclusive education principles of the United Nations Educational, Scientific and Cultural Organization (UNESCO), "inclusive education ensures that all learners, regardless of their background or identity, can access, participate in, and succeed in education. It is based on the belief that every child has the ability to learn and possesses unique characteristics, interests, abilities, and learning needs. Inclusive education recognizes each individual's right to contribute to the well-being of society and the nation". However, even in the 21st century, when technology is reaching new heights, it remains challenging for many people to accept individual differences. According to the Human Development Index (HDI) published by the United Nations Development Programme (UNDP), India ranks 134th out of 193 countries. In the Gender Inequality Index (GII) 2022, India holds the 108th position out of 193 nations. The publication *India's Relationship with the Third Gender* (October 29, 2018) highlights the many challenges that hijras and other transgender individuals face in modern times, such as social stigma and discrimination. The term "transgender" has evolved over time and, in a broader sense, now includes lesbian, gay, and bisexual individuals. Etymologically, "transgender" is derived from the

Latin words 'Trans' meaning 'Across' or 'Beyond', and 'Gender', which refers to an individual's gender identity. Thus, the term refers to people whose gender identity does not match the gender assigned at birth, including trans-women, trans-men, intersex individuals, genderqueers, and others, such as kinnars and hijras, as defined by *The Transgender Persons (Protection of Rights) Act, 2019*. Despite the legal recognition of transgender people as the third gender, they often face systemic discrimination and exclusion from many social spheres, including education. To achieve true societal advancement, it is imperative that equal educational opportunities be extended to transgender individuals, ensuring their inclusion and empowerment. In 2014, the Supreme Court of India passed a landmark judgment in the case of *National Legal Services Authority v. Union of India*, declaring transgender people as the third gender and affirming that the fundamental rights granted under the Constitution of India, including the Right to Education (Article 21A) and the Right to Live a Meaningful Life (Article 21), would be equally applicable to them. This judgment made it the State's duty to confer all constitutional rights on the transgender community. Traditionally, men have held prominent positions in society, but over time, equal opportunities have been provided to women as well. However, even today, equal opportunities are not fully extended to transgender individuals. Education is particularly important for transgender people as it significantly impacts their well-being and societal inclusion. Access to education offers opportunities for personal growth, empowerment, and the development of skills necessary for career success. Additionally, education plays a key role in challenging stereotypes and promoting inclusivity, creating a more supportive environment where transgender individuals can thrive. It equips them with the knowledge, skills, and confidence to navigate a world that may not always understand or accept their experiences. Furthermore, education fosters awareness, tolerance, and acceptance, contributing to a more equitable society for transgender individuals.

The National Education Policy (NEP) 2020 made significant strides by introducing the notion of transgender education for the first time. If this clause is truly implemented, with consideration for the suffering, marginalization, and harassment that transgender people experience, it will aid in their mainstreaming. What transgender individuals need is privacy, respect, and dignity, and the NEP's provisions could potentially address these needs. According to Section 4.28, page 16 of the policy, special attention should be given to transgender children, as they often experience assault or isolation that forces them to leave school. The NEP 2020 explicitly includes transgender people among the Socio-Economically Disadvantaged Groups (SEDGs), which have historically had low representation in the education system. The policy notes that while overall school enrolments decline steadily from Grade 1 to Grade 12, this decline is significantly more pronounced for SEDGs. Thus, recognizing and addressing the educational needs of transgender students is crucial in ensuring their inclusion and providing them with the opportunities they deserve.

## 2.0 Review of related literature

The enforcement of gender norms can lead to children being excluded from certain activities, materials, and relationships, which restricts the development of essential skills and knowledge. This, in turn, can impact their future educational and employment opportunities. This issue is also linked to emerging research on the experiences of transgender or non-binary children in the early years (**Kroeger & Regula, 2017; Warin & Price, 2020**).

**Sharma (2014)** wrote in his report for the Indian Express that the Government of Delhi had notified the inclusion of a 'transgender' child within the definition of 'child' belonging to the disadvantaged group, as

stated under a section of the RTE Act 2009, applicable to all schools in Delhi. Additionally, Delhi University included a third-gender category in their application forms, allowing these children to be eligible for a 25 percent reservation under the EWS category for admission to schools, colleges, or any other educational institutions.

**Podder S. (2018)** reported in the journal *Awareness of Transgender Issues among M.Ed. Students of the Regional Institute of Education, Bhubaneswar* that the majority of participants lacked a clear understanding of transgender individuals. While they could differentiate between gender and sex, they had no clear concept of gender identity or gender and sex. Many were unaware of the NALSA judgment. They also had no knowledge of separate toilet systems for transgender individuals, and the institute itself did not provide such facilities. Furthermore, the teacher training curriculum did not address these issues, and neither teachers nor faculty members discussed them. The library also lacked materials to help prospective teachers understand how to support this marginalized community.

**Page, M. L. (2017).** *From Awareness to Action: Teacher Attitude and Implementation of LGBT-Inclusive Curriculum in the English Language Arts Classroom.* This article concludes that school curricula should reflect respect for all students, including those of diverse sexual orientations and gender identities. Teachers and administrators must be willing to transform curricula to address these issues, with support from colleagues, scholars, and teacher educators. Education opportunities, particularly in rural areas, should be accessible, focusing on intellectual freedom and curriculum selection. Advocacy groups should promote GSAs and provide resources, while organizations like GLSEN and library associations can offer grants and resources for text selection. Leadership organizations should support school leaders to advocate for inclusive education.

**Ashokraj S. (2019)** conducted a study titled “Educational Status in Relation to Problems and Challenges of Transgender People.” The purpose of this study was to explore the educational status of transgender individuals and examine the problems and challenges they face. A descriptive survey method was adopted, and the researcher selected Dharmapuri, Salem, Erode, Tiruppur and Coimbatore districts for the study. Two research tools were used: an Educational Status Scale and an Educational Problems and Challenges Scale, which helped assess the educational status in relation to the issues faced by transgender people. The findings offer valuable insights to curriculum developers, educators in general, and transgender educators in particular, contributing to improvements in transgender education and providing a foundation for future studies.

**Singh, V.K. (2022)** conducted a study titled “A Study of Educational Status of Transgender People in Varanasi District” using a descriptive survey method. The study concludes that transgender people have the Right to Education, but this right remains largely unfulfilled. Due to rejection from family and society, transgender individuals face severe mental and physical abuse. They are mocked by classmates, teachers, and others due to their gender behavior, leading to isolation and, often, dropout from school.

**Biswas and Soora (2021)** in their report, *Education of Transgender in India: Status and Challenges*, highlight that India, as a democratic country, guarantees equal rights for all citizens. While the judiciary has made significant strides in removing the stigma attached to the third gender, it is now crucial for society to fully understand and implement these changes. The report suggests that extensive in-service and pre-service teacher training programs be introduced to address the education of transgender children. The current teacher education program should be restructured to include content specifically focused on the transgender community, such as their historical background, way of life, culture, rituals, customs, life

skills, psychosocial conditions, psychosexual aspects, involvement in various occupations, sex work, legal provisions, and welfare programs’

### **3.0 Significance of the Study:**

The population of India constitutes 17.76% of the world’s total population. According to the 2011 Census, the transgender population in India is around 4,87,803. However, only 56.1% of transgender people are literate, compared to 74.04% of the total population. In 2011, there were 54,854 transgender children in the age bracket of 0-6 years. These children are now between 10-16 years old and should have been in school by now. According to a 2014 Supreme Court judgment, transgender individuals should be recognized as the "Third gender" and given admission under the "disadvantaged group" category, as defined by the Right to Education (RTE) Act of 2009. However, the most recent CBSE results for Class 10th and 12th reveal a different picture. According to a CBSE press release, there were 1,889,878 candidates in Class 10 and 1,206,893 candidates in Class 12. Among the Class 10 candidates, 788,195 were girls, 1,101,664 were boys, and only 19 were transgender. In Class 12, out of 1,206,893 candidates, 522,819 were girls, 684,068 were boys, and only 6 were transgender.

The data reveals a concerning underrepresentation of transgender students in the education system. Despite the legal provisions under the RTE Act and the Supreme Court’s 2014 ruling recognizing transgender individuals as a third gender with the right to education, the actual participation of transgender students in exams is minuscule. This gap underscores the persistent barriers—such as societal discrimination, lack of inclusive infrastructure, and limited awareness among educators—that transgender students face in accessing quality education. This study is significant as it highlights the discrepancy between policy and practice in the education of transgender students in India. The findings emphasize the need for more effective implementation of existing legal provisions, a more inclusive curriculum, and better support systems to ensure transgender students are not left behind. Further research and targeted interventions are required to address the challenges that prevent transgender children from attending school and completing their education. This could help bridge the educational gap and promote a more equitable society.

### **4.0 Objective**

1. To study the challenges and barriers faced by transgenders in educational environment.
2. To study the inclusiveness and sensitivity of the educational environment towards transgenders.
3. To study the awareness of policy and prohibition of educational environment of transgenders.

### **5.0 Methodology**

This study is a combination of both qualitative and quantitative research methods. It primarily relies on official documents, secondary data, and questionnaires to gather information. The conclusions drawn in the study are based on both primary and secondary sources. The primary sources include government census reports, books, and questionnaires. The secondary sources consist of data extracted from journals, articles, newspapers, and other published works. This research falls under descriptive research.

### **5.1 Population and Sample**

The research population consists of transgenders, with a sample of 20 transgender participants selected using a simple accidental sampling technique.

## **5.2 Instrument of Data Collection**

The data instruments used in this research focus on educational equity for transgenders. The scale consists of 20 statements, which address several indicators: access to education, inclusiveness and sensitivity, academic and personal support, and awareness of policy. A questionnaire was used to gather basic information about transgenders. The researcher employed a three-point Likert scale for each statement, with response options ranging from 'Agree,' 'Neutral,' and 'Disagree.'

## **5.3 Data Collection and Analysis Procedures**

A Google Form will be provided to transgenders, with each participant given a maximum of 15-20 minutes to complete the questionnaire according to the provided guidelines. They are asked to submit their responses based on their honest beliefs. To analyze the results for the first, second, and third objectives, descriptive statistical methods will be used.

## **6.0 RESULTS**

### **6.1-To study the access to education for transgenders in the educational environment.**

Data collection revealed that 100% of transgenders believe they have equal rights to attend and access school. While 60% reported having family support, they noted a lack of social support. In terms of education, 75% of transgenders studied until high school, after which they either joined TOLI or were forcibly expelled from school. Employment data showed that only one transgender individual was employed in Jabalpur. Additionally, 75% of respondents reported negative experiences, including facing discrimination and poor treatment from teachers and administrators. Finally, 100% of transgenders stated that there is no gender-diverse educational environment.

### **6.2 To study the inclusiveness and sensitivity of the educational environment towards transgenders.**

90% of transgenders reported that their educational environment is not inclusive. 85% stated that they have experienced bullying, harassment, and discrimination in the educational setting. 100% of transgenders indicated that their institution did not provide inclusive restrooms, and 90% reported that teachers and staff are not gender-sensitive towards them.

### **6.3 To study the awareness of policy and prohibition of educational environment of transgenders.**

100% of transgenders reported that their educational institutions do not provide counseling, peer support groups, extracurricular activities, or awareness programs for transgenders. 75% of transgenders are aware of government policies, but 80% do not know how to utilize these policies. 100% of transgenders stated that they have not been made aware of any policies in their educational institutions, and their institutions do not have any anti-discrimination policies specifically addressing transgenders.

## **7.0 Conclusion**

The challenges faced by the transgender community in accessing education are indeed multifaceted and deeply rooted in societal biases. The statistics from the 2011 census highlight a significant literacy gap among transgender individuals, with only 46% being literate compared to the national average of 74%. This disparity can be attributed to various factors, including economic disadvantages, social exclusion from family and friends, and mental health issues. The Right to Education Act's categorization of transgender individuals as a disadvantaged group acknowledges their marginalized status. Poverty serves as a major obstacle, limiting access to quality education and perpetuating a cycle of disadvantage. Exclusion from family and social circles further compounds the difficulties faced by transgender individuals. The lack of familial support can lead to homelessness, forcing many to prioritize survival over

education. This societal ostracization also contributes to mental health issues, compounding the challenges of pursuing an education. For those who manage to overcome these obstacles and pursue education, the struggle doesn't end there. The workplace discrimination against transgender individuals is pervasive, resulting in unequal opportunities and a lack of recognition for their qualifications. This systemic discrimination perpetuates a cycle of unemployment and economic hardship, making it even more challenging for transgender individuals to break free from the cycle of poverty and exclusion. Their literacy rate is only 46%, far lower than other groups. Although they have rights like other citizens, societal attitudes prevent these rights from being fully realized. While the government and other institutions are working to mainstream transgender people, more effort is needed. Proper laws and policies must be implemented to ensure their education. Teachers play a crucial role in fostering a positive attitude towards transgender students, helping them feel secure in school. However, the most important change required is a societal shift in attitude, where gender diversity is accepted and transgender individuals are respected as human beings. Only then will transgender people truly benefit from education

### 8.0 Educational implication of transgender

The educational implications for transgender individuals in India, based on the available data, indicate a significant gap in access to quality education, due to social stigma, bullying, and a lack of inclusive policies. To address these challenges, key policy interventions and inclusive educational strategies are necessary.

**8.1 Inclusive Educational Policies:** Transgender students often face discrimination in educational settings, leading to high dropout rates. To counter this, schools and universities must adopt clear policies ensuring non-discriminatory practices and respect for students' gender identity. These policies should include using correct names and pronouns, anti-bullying measures, and explicit protections against discrimination (**National Education Policy, 2020**).

**8.2 Equal Access and Retention:** Many transgender individuals drop out due to harassment or financial constraints. Policies should provide scholarships, free education, and financial support to increase enrolment and retention rates among transgender students. Ensuring transgender students' safety and emotional well-being through counselling services is also critical for their academic success. Yes, the government is making significant efforts toward inclusion, but our policies sometimes fail to address the issue at a deeper level. This is often due to a lack of awareness or the persistence of social stigma and etc.

**8.3 Anti-Bullying and Sensitization Programs:** Educational institutions must implement anti-bullying programs and sensitization workshops for students and staff. Training staff on gender identity issues and creating a supportive, respectful environment will help reduce stigma and encourage inclusivity, improving the overall educational experience for transgender students.

**8.4 Gender-Neutral Facilities:** To make transgender students feel safe and respected, schools and universities should provide gender-neutral restrooms and changing facilities, ensuring students' comfort and dignity within the educational environment.

The Indian government has indeed implemented several initiatives for the welfare of transgender individuals, such as the **Transgender Persons (Protection of Rights) Act, 2019**, the **SMILE scheme**, the **National Portal for Transgender Persons**, the **National Education Policy 2020** (which includes a gender inclusion fund), **Samagra Shiksha Abhiyan**, scholarships under the SMILE initiative, the **NISHTHA program**, **Skill India Mission**, skill training through **PM Daksh**, and **Garima Grih** shelter

homes for transgender individuals. These programs reflect a significant step toward the inclusion and empowerment of the transgender community.

However, despite these efforts, transgender students often still do not feel safe and secure in educational environments. This could be due to the persistence of social stigma, lack of awareness, and insufficient implementation of inclusive policies at the grassroots level. While government policies have provided legal recognition and some support structures, there is still a gap in ensuring the practical, day-to-day safety and well-being of transgender students in schools and universities. Social acceptance and a cultural shift are essential to making these policies effective and to truly empowering transgender individuals in the educational sector.

## Reference

1. Balabantaray SR, Singh A. Review of (revisiting) the transgender education in India: An analysis of the National Educational Policy 2020. J Public Affairs. 2020; e2504. <https://doi.org/10.1002/pa.2504>
2. Biswas, S. (2022). Education of Transgender in India: Present Scenario and Future Concern. ResearchGate chapter-51.pdf.
3. Cohen, L., Manion, L. & Morrison, K. (2000). Research methods in Education (5th ed.). Routledge Falmer. <http://dx.doi.org/10.4324/9780203224342s>
4. Cornwall, A. & Jewkes, R. (1995). What is participatory research? Social Science & Medicine, 41(12), 1667-1676. [https://doi.org/10.1016/0277-9536\(95\)00127-5](https://doi.org/10.1016/0277-9536(95)00127-5)
5. Ministry of Human Resource Development (2020). National education policy 2020. [https://www.education.gov.in/sites/upload\\_files/mhrd/files/NEP\\_Final\\_English\\_0.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf)
6. Ministry of Law & Justice (2019). The transgender person (protection of rights) act 2019. <http://socialjustice.nic.in/writereaddata/UploadFile/TGbillgazette.pdf>
7. Ministry of Social Justice & Empowerment (2019, June 25). State wise population of 'others' as per Census 2011 [Press release], Government of India.
8. GOI (2014) The Rights of Transgender Persons Bill-2014, Bill No. XLIXC-C of 2014, Lok Sabha, Parliament of India, New Delhi.
9. GOI (2016) The Transgender Persons (Protection of Rights) Bill-2016, Bill No. 210 of 2016. Rajya Sabha, Parliament of India, New Delhi.
10. Warin, J., & Price, D. (2020). Transgender awareness in early years education (EYE): 'We haven't got any of those here'. Early Years, 40(1), 140–154.
11. Kroeger, J., & Regula, L. (2017). Queer decisions in early childhood teacher education: Teachers as advocates for gender non-conforming and sexual minority young children and families. International Critical Childhood Policy Studies, Special Issue, 6(1), 106–121.
12. Poddar S (2018). Awareness of Transgender Issues among M.Ed. Students of Regional Institute of Education, Bhubaneswar. IJCRT.6(1) ,2320-2882
13. Page, M. L. (2017). From Awareness to Action: Teacher Attitude and Implementation of LGBT-Inclusive Curriculum in the English Language Arts Classroom. Sage Open, 7(4). <https://doi.org/10.1177/2158244017739949>
14. Ashokraj S. (2019). Educational Status in Relation to Problems and Challenges of Transgender. Bharathiar University. <http://hdl.handle.net/10603/351842>
15. Singh, V. K. (2022). A Study of Educational Status of Transgender People in Varanasi District. Banaras Hindu University. <http://hdl.handle.net/10603/450524>

16. Chandra, S. (2017). Transgender Children's education and their reengagement in society. International Journal of Educational Research Studies., 2(13), 875–890.
17. Balabantaray SR, Singh A. Review of (revisiting) the transgender education in India: An analysis of the National Educational Policy 2020. J Public Affairs. 2020; e2504. <https://doi.org/10.1002/pa.2504>