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Fostering Inclusive Education for Transgender People in India: Challenges, Policies and Pathways to Equity

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Abstract

Transgender individuals in India face significant barriers in accessing equitable education due to societal stigma, inadequate policies, and systemic exclusion. Despite progressive legal frameworks like the Transgender Persons (Protection of Rights) Act, 2019, and the National Education Policy (NEP) 2020, implementation gaps persist, resulting in high dropout rates and limited access to inclusive educational environments. This paper examines the challenges faced by transgender students in India, critically analyzes existing policies, and proposes pathways to foster inclusive education. Drawing on qualitative and quantitative data, legal frameworks, and case studies, the study highlights the need for gender-sensitive curricula, teacher training, and institutional reforms to ensure equity. The paper concludes with actionable recommendations to create safe, inclusive, and supportive educational spaces for transgender individuals, aligning with global sustainable development goals and India's constitutional commitment to equality.

Keywords: Transgender Education, Transgender Persons (Protection of Rights Act, 2019), NEP-2020, Inclusive Education.

1. Introduction

Education is a fundamental human right, enshrined in Article 21A of the Indian Constitution, which guarantees free and compulsory education for all children aged 6 to 14 years. However, transgender individuals in India face systemic exclusion from educational institutions, perpetuating cycles of poverty, discrimination, and marginalization. According to the 2011 Census, the literacy rate among transgender persons in India was 56.1%, significantly lower than the national average of 74.04% (CLPR, 2022) [2]. This disparity reflects deep-rooted societal stigma, lack of inclusive policies, and inadequate institutional support for transgender students. The landmark National Legal Services Authority (NALSA) v. Union of India (2014) judgment recognized transgender individuals as a 'third gender' and affirmed their right to equal access to education, employment, and public services. Subsequent policies, such as the Transgender Persons (Protection of Rights) Act, 2019, and the NEP 2020, aim to promote inclusivity. Yet, challenges such as bullying, lack of gender-neutral facilities, and bureaucratic hurdles in changing names and gender on official documents continue to hinder progress. This paper explores the challenges faced by transgender students in accessing inclusive education, evaluates the efficacy of existing policies, and proposes pathways to equity. It addresses the following research questions:

i). What are the primary challenges faced by transgender

students in Indian educational institutions?

- ii). How effective are current policies in fostering inclusive education for transgender individuals?
- iii). What pathways can be adopted to ensure equitable education for transgender students?

2. Contextual Background: Transgender Communities in India:

Transgender individuals in India, including hijras and other gender non-conforming identities, have a rich historical presence, documented in ancient texts like the Kama Sutra and temple carvings (Thawaney, 2023). During the Mughal era, hijras held respected positions in royal courts, but colonial policies, particularly the Criminal Tribes Act of 1871, stigmatized them as 'criminals,' leading to their social marginalization (ORF, 2023) [7]. This historical exclusion has shaped contemporary challenges, with transgender individuals facing discrimination in education, employment, and healthcare. As of the 2011 Census, India's transgender population was approximately 4.8 lakh, though activists suggest this is an undercount due to social stigma and underreporting (CLPR, 2022) [2]. The literacy rate among transgender individuals (56.1%) lags behind the national average, and dropout rates are alarmingly high, particularly at the secondary and higher education levels (Srivastava, 2023). Transgender students often face rejection from families, bullying in schools, and administrative barriers, which force

many to abandon education and resort to precarious livelihoods like sex work or begging (Mitra, 2017)^[6]. Legal advancements, such as the NALSA judgment (2014) and the Transgender Persons Act (2019), have sought to address these issues by affirming the right to self-identified gender and mandating inclusive education. However, societal attitudes and institutional inertia continue to impede progress, necessitating a critical examination of challenges and policies.

3. Challenges in Fostering Inclusive Education for Transgender Students:

Transgender students in India encounter multifaceted barriers in accessing equitable education. These challenges can be categorized into societal, institutional, and policy-related issues.

i). Societal Stigma and Discrimination: Societal stigma is a primary barrier to inclusive education for transgender students. As noted by Ganguly and Dutta (2021)^[4], “The transgender community confronts significant marginalisation and vulnerability, particularly in key human development indices, specifically within the education and employment sectors” (Ganguly & Dutta, 2021, p. 12)^[4]. Transgender students often face harassment, bullying, and exclusion from peers and teachers, creating hostile school environments. For instance, a study by Smile Foundation (2023)^[9] highlights that transgender children are frequently ostracized for defying binary gender norms, leading to psychological distress and dropout. “The binary template followed by schools allows no room for anything ‘different’. In fact, it has traditionally used this ‘difference’ to isolate transgender children who then most likely drop out of schools” (Smile Foundation, 2023, p. 3)^[9]. This stigma extends to families, where transgender youth may face rejection or violence, further limiting their access to education (UNDP, 2016)^[14]. Low health literacy and ritual beliefs also deter transgender students from seeking support, exacerbating social isolation (Frontiers, 2024).

ii). Institutional Barriers: Educational institutions in India are often ill-equipped to support transgender students. Key institutional barriers include:

- **Lack of Gender-Neutral Facilities:** Most schools and colleges lack gender-neutral restrooms, changing rooms, or hostels, forcing transgender students to use facilities misaligned with their gender identity, leading to discomfort and safety concerns (CLPR, 2022)^[2].
- **Administrative Hurdles:** Changing names and gender on academic records is a complex, time-consuming process, often requiring legal affidavits or medical certificates, which many transgender students cannot access (Chhotaray & Pathak, 2022)^[3].
- **Absence of Inclusive Curricula:** The Indian education system predominantly follows a binary gender framework, with curricula and teaching practices reinforcing male-female norms. This excludes transgender identities and experiences, making students feel invisible (Subramanian, 2019)^[11].
- **Lack of Trained Educators:** Teachers often lack training on gender diversity, leading to misgendering, insensitivity, or failure to address bullying. As Raj (2019)^[8] notes, “Teachers often use

pronouns like he/she for every student. Schools should strongly consider asking the students what pronouns are the students most comfortable with” (Raj, 2019, p. 15)^[8].

iii). Policy Implementation Gaps: While legal frameworks like the Transgender Persons Act (2019) mandate inclusive education, implementation remains inconsistent. For example, the Madras High Court directed educational institutions to provide gender-neutral restrooms and appoint LGBTQ+ inclusive counselors, but compliance is low (CLPR, 2022)^[2]. Similarly, the NEP 2020’s ‘Gender Inclusion Fund’ aims to support transgender students, but its centralized approach limits state-level flexibility and impact (ResearchGate, 2022). Moreover, the absence of specific guidelines for higher education institutions, particularly in science and technology fields, hinders inclusivity (ResearchGate, 2022).

iv). Economic and Structural Barriers: Economic constraints exacerbate educational exclusion for transgender students. Many come from socio-economically disadvantaged backgrounds and lack access to financial aid or scholarships (Mitra, 2017)^[6]. The lack of safe housing or hostel facilities further complicates their ability to pursue education, especially for those estranged from families (EPW, 2019). As a result, transgender students are often pushed into informal economies, limiting opportunities for higher education and skill development.

4. Policy Frameworks for Inclusive Education:

India has introduced several policies and legal measures to promote transgender inclusion in education. This section evaluates their strengths and limitations.

i). The NALSA Judgment (2014): The Supreme Court’s NALSA v. Union of India (2014) judgment was a landmark decision, recognizing transgender individuals as a ‘third gender’ and affirming their right to self-identify. The court directed the government to ensure equal access to education, employment, and public services, stating: “Every person has the right to self-identify as a transgender person irrespective of medical treatment. Every transgender person is entitled to proper education” (Supreme Court of India, 2014, para. 67). The judgment mandated affirmative action, including reservations for transgender individuals under the Other Backward Classes (OBC) category. However, its implementation has been uneven, with many institutions failing to adopt inclusive policies or provide necessary infrastructure (CLPR, 2022)^[2].

ii). Transgender Persons (Protection of Rights) Act, 2019: The Transgender Persons Act (2019) mandates educational institutions to provide inclusive education and adequate facilities for transgender students. It prohibits discrimination and ensures the right to self-identified gender. Key provisions include:

- a) Access to education without discrimination.
- b) Support for name and gender changes on official documents.
- c) Provision of scholarships and vocational training.

Despite these provisions, critics argue that the Act lacks enforcement mechanisms and clear guidelines for institutions (Bal, 2020)^[1]. For instance, the requirement

for a medical certificate to change gender contradicts the NALSA judgment's emphasis on self-identification, creating bureaucratic hurdles (ORF, 2023)^[7].

iii). National Education Policy (NEP) 2020: The NEP 2020 identifies transgender students as part of Socio-Economically Disadvantaged Groups (SEDGs) and proposes a 'Gender Inclusion Fund' to enhance access to education through provisions like sanitation, bicycles, and conditional cash transfers. The policy states: "The NEP2020 recognises transgender persons as a socio-economically disadvantaged group (SEDG) in the broader category of gender-marginal groups, which includes 'female and transgender individuals'" (Ministry of Education, 2020, p. 23). However, the NEP's centralized approach limits its adaptability to local contexts, and the lack of specific measures for higher education, particularly in STEM fields, is a significant gap (ResearchGate, 2022). Moreover, the policy does not address teacher training or curriculum reform to include transgender perspectives.

iv). State-Level Initiatives: Some states have taken progressive steps. Tamil Nadu, for instance, was the first to grant transgender individuals ration cards, free education, and stipends for higher education (Smile Foundation, 2023)^[9]. Kerala's 2015 Transgender Policy includes measures like free sex-reassignment surgeries and transgender-run metro stations, which indirectly support educational access by fostering social acceptance (StudyIQ, 2025)^[10]. However, these initiatives are region-specific and not uniformly adopted across India.

v). Limitations of Current Policies: Despite progressive intent, policies face several limitations:

- **Inconsistent Implementation:** Lack of monitoring and accountability mechanisms hinders policy execution (CLPR, 2022)^[2].
- **Centralized Approach:** The NEP's top-down model limits state autonomy in addressing local needs (ResearchGate, 2022).
- **Lack of Awareness:** Many educators and administrators are unaware of legal mandates, leading to non-compliance (Ganguly & Dutta, 2021)^[4].
- **Insufficient Infrastructure:** The absence of gender-neutral facilities and trained counselors undermines policy goals (Chhotaray & Pathak, 2022)^[3].

5. Pathways to Equity in Transgender Education:

To foster inclusive education for transgender students, a multi-faceted approach is required, encompassing policy reform, institutional changes, and societal sensitization. The following pathways align with the Sustainable Development Goals (SDGs), particularly SDG 4 (Quality Education) and SDG 5 (Gender Equality), and India's constitutional commitment to equality.

i). Policy Reforms, Strengthen, Implementation Mechanisms: Establish monitoring bodies to ensure compliance with the Transgender Persons Act and NEP 2020. Regular audits of educational institutions can track progress in providing gender-neutral facilities and inclusive curricula.

Decentralize the Gender Inclusion Fund: Allow states to tailor the NEP's Gender Inclusion Fund to local contexts, addressing specific barriers like transportation or hostel access for transgender students (ResearchGate, 2022).

Simplify Administrative Processes: Streamline procedures for changing names and gender on academic records, aligning with the NALSA judgment's emphasis on self-identification (ORF, 2023)^[7].

Incorporate Transgender Studies in Curricula: Introduce modules on gender diversity and transgender history in school and university curricula to normalize transgender identities and reduce stigma (Subramanian, 2019)^[11].

ii). Institutional Changes:

Develop Gender-Neutral Infrastructure: Mandate gender-neutral restrooms, hostels, and changing rooms in all educational institutions, as directed by the Madras High Court (CLPR, 2022)^[2].

Train Educators and Counselors: Implement mandatory training programs on gender sensitivity and inclusive pedagogy for teachers and staff. As Raj (2019)^[8] suggests, "Teachers should take the cue from students in addressing them" (Raj, 2019, p. 15)^[8].

Establish Anti-Discrimination Cells: Create dedicated committees in schools and colleges to address transgender-specific grievances, ensuring anonymity and swift resolution (Ganguly & Dutta, 2021)^[4].

Provide Scholarships and Financial Aid: Expand scholarship programs and financial support for transgender students, particularly those from marginalized backgrounds, to reduce economic barriers (EPW, 2019).

iii). Societal Sensitization Awareness Campaigns

Launch nationwide campaigns like Kerala's 'I Am Also Human' to promote acceptance of transgender individuals in educational settings (StudyIQ, 2025)^[10].

Engage Parents and Communities: Involve parents and local communities in gender sensitization programs to reduce familial rejection and support transgender students' education (Subramanian, 2019)^[11].

Leverage Media and Technology: Use digital platforms and media to showcase positive transgender role models and challenge stereotypes, as suggested by Subramanian (2019)^[11]: "Using these platforms to communicate with parents could provide exposure to diverse role models and challenge traditionally held gendered notions" (Subramanian, 2019, p. 8)^[11].

iv). Case Studies and Best Practices:

Sahaj International School, Kochi: Founded by transgender activists, this school provides a safe space for transgender children, with transgender teachers fostering a supportive environment (EPW, 2019). Scaling such models nationwide could address dropout rates.

Tamil Nadu's Transgender Welfare Policy: By providing free education and stipends, Tamil Nadu has increased transgender enrollment in higher education (Smile Foundation, 2023)^[9]. Other states can adopt similar measures.

Nordic Model of Inclusion: Nordic countries emphasize equitable education through affirmative action and cultural sensitivity training. India can adapt these strategies to enhance representation of transgender students (Taylor & Francis, 2024)^[12].

v). Aligning with Global Frameworks:

India's commitment to the SDGs, particularly the principle of "Leaving No One Behind," necessitates inclusive education

for transgender individuals. SDG 4 emphasizes equitable quality education, while SDG 5 promotes gender equality. By aligning national policies with these goals, India can create a roadmap for transgender inclusion, drawing on global best practices like UNESCO's guidelines for inclusive education (UNESCO, n.d.).

6. Conclusion and Recommendations:

Fostering inclusive education for transgender studies in India requires addressing societal stigma, institutional barriers, and policy gaps. While the NALSA judgment, Transgender Persons Act, and NEP 2020 provide a robust legal framework, their implementation remains inconsistent. Transgender students continue to face discrimination, lack of infrastructure, and economic challenges, resulting in high dropout rates and limited access to higher education. To achieve equity, the following recommendations are proposed:

Policy Enforcement: Establish national and state-level task forces to monitor compliance with transgender-inclusive policies.

Infrastructure

Development: Mandate gender-neutral facilities in all educational institutions within a fixed timeline.

Curriculum Reform: Integrate transgender studies and gender diversity into curricula at all educational levels.

Teacher Training: Implement mandatory gender sensitivity training for educators and counselors.

Community Engagement: Launch awareness campaigns to foster societal acceptance and reduce stigma.

Financial Support: Expand scholarships and financial aid programs for transgender students, particularly in higher education and STEM fields. By adopting these measures, India can create an inclusive educational ecosystem that upholds the dignity and rights of transgender individuals, aligning with its constitutional values and global commitments.

Future research should focus on longitudinal studies to assess the impact of these interventions and explore intersectional barriers faced by transgender students from marginalized communities.

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