
Transgender Community And Educational Rights

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Abstract

The teachers' and, to some extent, their pupils' performance affects the overall quality of the educational process. Every child has the right to the best nutrition possible, in accordance with the human rights principle. In accordance with the Indian Constitution and all other laws and provisions, including the Right to Education Act and the New National Education Policy, transgender children must be given the same opportunities as other children and the right to a high-quality education. The same goes for transgender children, who have the same right to an education as regular kids, and it should be made clear to everyone involved in the educational process that they may make a positive contribution to the education of these kids on an inclusive basis. With a focus on the population's employment and educational status, we want to identify the areas of daily life where the transgender community experiences discrimination. Additionally, we aim to examine the legal and policy measures in place to protect community members' access to a quality education, their ability to receive a fair education, and better post-secondary and higher education employment opportunities.

Keywords- Transgender, Educational rights, Employment, Discrimination, LGBTQIA+.

Introduction

Because of its diversity rather than its size, India is regarded as the largest democracy in the world. Certain groups of people find it difficult to even consider basic human rights because of the pervasiveness of the centuries-old practice of inequity in Indian society. The LGBTQIA+ community is one such group that has suffered from this inequity. Lesbians, Gays, Bisexuals, Transgender, Queers, Intersex, and asexuals are just some of the members of the LGBTQIA+ community, a large social group that has been suffering from institutional marginalization in India. Each word in this community stands for gender conformity. One of the biggest issues that India currently faces is a lack of understanding of the LGBTQIA+ population. The group is made up of an estimated 104 million Indians, or 8% of the entire population. Only 20% of Indians say they have personally known a transgender person, despite the fact that 68% believe transgender rights should be recognized. The disparity in educational opportunities for LGBTQIA+ individuals shows how widespread their marginalization is. Without a willingness to change on peoples' parts, which can only be attained via education, sensitization will be unsuccessful. Whether it be among these community people, their families, or healthcare professionals, a lack of pertinent education has a negative effect. The United Nations' 1966 adoption of the International Covenant on Human Rights makes it explicit that rights should be gradually fulfilled without discrimination on the basis of gender, race, caste, color, or any other factors. It acknowledges a person's entitlement to basic necessities including social security, a stable family, job prospects, and health care. The Center for Sexuality and Health Research and Policy's report from 2021 also recommends making a number of reforms to create a more diverse

educational environment. It suggests creating an anti-bullying and anti-harassment policy, changing educational guidelines to account for gender diversity, educating teacher preparation programs about these issues, and promoting additional educational research in this area.

Literacy rate of transgender community- During the 2011 Indian Census, the other-gender/transgender community was officially recognized for the first time. According to the 2011 census, 56.10% of India's transgender population is literate. The largest percentage of transgender people who are literate is in Mizoram (87.14%), while the lowest percentage is in Bihar (44.35%). According to the 2011 census, an estimated population of 4.88 lakh people had a literacy rate of 56.10 percent, which was lower than the 74.04 percent national average. While there are many factors contributing to drop-out rates and poor academic performance, an important one is the lack of inclusive classrooms in schools and institutions. While third gender people in Rajasthan, Madhya Pradesh, Jammu and Kashmir, Bihar, Jharkhand, and Meghalaya have literacy rates that are noticeably lower than the rest of the states, transgender gender people in Kerala, Karnataka, Goa, Maharashtra, and Mizoram have literacy rates that are comparable to or higher than the state average. Rural and urban literacy levels varied significantly in Madhya Pradesh, Chhattisgarh, Jharkhand, West Bengal, Assam, and Nagaland, though. Urban areas in these states have a 23–25 percent higher level of literacy than rural areas, which highlights a serious divide between the populace and the educational institutions that support it.

Issues faced within educational spaces-

a) Intra-institutional discrimination : In India, schools are meant to be a place where all students can feel comfortable, regardless of their family history. This is regrettably still not the situation for transgender pupils. At the moment, transgender students' failure and graduation rates in India are not brought up. The most recent data on pupils enrolled in schools across India shows that there are just 61,214 transgender kids, and there are none at all in 12 states and Union Territories. According to the Right to Education Act of 2009, all children have a right to free, required education up to the primary level. But according to the report submitted to Parliament, some transgender people have been refused the chance to go to school. According to Section 3 of the Transgender Persons Act, it is necessary to make sure that transgender individuals are not the target of discrimination at any level of society. In higher education institutions that are governed by Rule 10(4), discrimination is prohibited. Education institutions' main duty is to strictly enforce the Act's regulations everywhere.

b) High dropout rates: Dropout rates among transgender students have significantly grown both in India and overseas. Given that struggling with mental health is one of the main reasons young people drop out of high school, it is not unexpected that the bullying, anxiety, and depression transgender students experience have an effect on their academic performance. That trans youth in the state had considerably lower grade point averages, missed more days of school or stopped going altogether, and had less plans to continue their education. The pupils experience significant discrimination from their classmates and even their professors, who are supposed to be there for them at difficult times. At one instance, a student was turned away from his classroom because he was transgender. This kind of treatment from the school and university communities deters students from continuing their education because they may begin to feel alienated whenever they are around their peers. As a result of all these factors, dropout rates among transgender students are quite high. There seems to be very little growth

in schools and universities, not even in the developing globe. In addition to this, the parents of these students were under a great deal of stress due to the heightened anxiety for their child's future and their own lives. The parents have also been burdened more by the discrepancies in schools and institutions. 58% of Kerala's transgender population are school dropouts.

c) Mental health issues: Transgender individuals have mental health problems more frequently than the general population because of stigma and discrimination. Transgender people frequently encounter barriers to seeking medical care, such as abuse, provider ignorance, and rejection of care, in addition to a higher prevalence of mental health disorders. The World Health Organization (WHO) estimates that there are around 25 million transgender people and other gender minorities in the world. The WHO also observes that transgender people frequently endure a disproportionately high incidence of mental health illnesses. They draw attention to the fact that discrimination, violence, misogyny, and barriers to healthcare can all increase the risk of mental health problems. According to studies, transgender people are almost four times as likely to have mental illness than cisgender people. The most frequent issues with transgender identity are depression, anxiety, stress, substance abuse, low self-esteem, eating disorders, and many others.

Transgender Education: legal and policy discourse- The Transgender Persons (Protection of Rights) Act, 2019, provides a framework for understanding the transgender community's legal status in India. To be recognized as a transgender person, it is required by law that medical records be provided. The first step entails requesting a "transgender certificate" from the District Magistrate in one's community.

a) National Education Policy: The first education policy of the twenty-first century, National Education Policy 2020, replaces a national education policy that was initially introduced in 1986 and has been in place for 34 years. The four pillars on which the new NEP is based are access, equity, quality, and accountability. The new policy will feature a 5+3+3+4 structure instead of the old 10+2 structure, which comprises 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, aims to make school and college education more comprehensive and multidisciplinary in order to transform India into a thriving knowledge society and a global knowledge superpower. In order to improve the nation's capacity to provide equal, high-quality education to all girls and transgender persons, the policy dedicates a portion to the education of girls and transgender people and creates a Gender Inclusion Fund (GIF). Accepted candidates may get financial aid up to 50% of the time, with at least 20% earning full scholarships. The Central Board of Secondary Education (CBSE) recommends NCERT textbooks for classes I through XII, with a few exceptions for a few areas. NCERT, SCERTs, schools, and educators will collaborate as part of the NEP 2020 to undertake concentrated efforts to significantly reduce the weight of textbooks and school bags through suitable curricular and pedagogy changes, as outlined in the "Policy on School Bag 2020."

b) National portal for Transgender persons: The Ministry of Social Justice and Empowerment created this webpage to make it easier for members of the transgender community to apply for a free digital certificate and identity card from anywhere in the nation. The beneficiary can obtain the certificate of identity as a transgender without engaging in any physical interaction or making a personal trip to any government agency, ensuring openness and accountability and lowering red tape.

It will be granted by the district collector or magistrate for a maximum of 30 days after the application date.

c) SMILE-Support for Marginalised Individuals for Livelihood and Enterprise: Providing rehabilitation, medical services and interventions, counselling, education, skill development, and economic ties are the main objectives of this all-India umbrella program. A sub-program of the SMILE Scheme, Comprehensive Rehabilitation for the Welfare of Transgender Persons focuses on rehabilitation, the provision of medical facilities and intervention, counselling, education, skill development, and economic ties to transgender people.

d) PM-DAKSH (Pradhan Mantri Dakshta Aur Kushalta Sampann Hitgrahi Yojana) : It is a Ministry of Social Welfare and Empowerment initiative for skill development. It is a national action plan for empowering underprivileged groups in India, including transgender people and sanitation workers like garbage pickers. Under the PM-DAKSH program, transgender people can participate in short-term training programs, up-skilling/re-skilling programs, entrepreneurship development programs, and long-term training programs.

e) Garima Greh: With basic amenities like food, medical attention, and recreational facilities, Garima Greh only offers sanctuary to transsexual people. Through tailored strategies for their overall development, Garima Greh is well suited to assist transgender people who require care and safety. Garima Greh for the transgender community must be established in order to preserve the rights of transgender people and the interests of the community. According to Section 8(4) of the TG Act 2019, the competent government must take action to rescue, protect, and rehabilitate transgender people in order to meet their requirements. The creation of Garima Greh will also be in line with the rule set forth in Section 12(3) of the TG Act 2019, which states that if a parent or other member of the transgender person's immediate family is unable to care for them, the competent court shall, by order, direct that they be placed in the rehabilitation center. The 'Garima Greh' housing complex provides the transgender community and beggars with food, clothing, recreational facilities, possibilities for skill development, recreational activities, medical support, etc. Each state will have a transgender protection cell to keep track of transgressions and guarantee that they are promptly reported, investigated, and prosecuted.

f) Centrally-sponsored Scheme of Pre-Matric Scholarship for Transgender Students (VIIth to Xth Std.): This program was started with the intention of helping transgender parents with their children's education in classes VIIth to Xth std. in order to reduce the incidence of drop-outs, especially during the transition from the elementary to secondary stage, and to increase transgender students' participation in these classes so that they perform better and have a higher chance of moving forward.

g) Centrally-Sponsored Scheme of Post-Matric Scholarship for Transgender Students: The purpose of this program is to give transgender students who are enrolled in post-secondary or post-matriculation education financial aid so they can finish their studies. The Indian Constitution's Article 14—which guarantees that everyone is treated equally under the law—as well as Articles 19(1), 21—which guarantee the right to dignity and Articles 15(1), 15(2), and 16(2)—which forbid sex-based discrimination—are all upheld by this program. The availability of education for people of all genders, including transgender people, is therefore necessary. Therefore, financial aid should be provided to all transgender students who plan to enroll in school and have lived in various parts of the nation.

Recommendations towards gender-sensitive education- Despite several law modifications and official support, violence and discrimination against the transgender community continue. The new legislation hasn't done anything to raise the social standing of the neighborhood. There is little doubt that just a small fraction of them—those who are watchful and aware of their rights—benefit from these legislative advances, but a substantial portion of this population continues to face injustice. Comprehensive cooperation from all society groups is necessary to lessen the vulnerability of the transgender minority in India. This community needs to be viewed differently by society. This population is abused and mocked because they are compelled to engage in begging and sex labor to support themselves. Society needs to become more understanding of people's needs rather than blaming them for their employment choices. Steps which can be taken to improve their conditions are as follows

1. **Kinnarvidyalaya:** A NonGovernmental Organization named Shri Mahasakti charitable trust just presented this idea. In addition to offering free education, this school will offer workshops for developing skills in handicraft, waste management, beauty, and interior design. This might be a significant step in securing the transgender community's right to an education. There should be financial provision given to include these in numerous Indian regions.
2. **Curricula embracing transgender persons:** A curriculum that "considers and caters for the diverse needs, prior experiences, interests, and personal characteristics of all learners" is necessary for an inclusive learning experience. It makes an effort to guarantee that, despite differences in learning styles, all students participate in the classroom's shared learning experiences and are given equal opportunities. The school's teenage education curriculum may contain a chapter on transgender issues to raise awareness of this latest Scottish initiative. This may be a useful approach to combat discrimination and stigma at the school level. The Anti-Ragging Act is one example of a rigorous legislative policy that will further enforce order in the institutions. TGC parts and subtopics should be covered in accordance with the students' level of comprehension.
3. **Building positive classroom atmosphere:** Place students at the center of initiatives to stop exclusion based on sexual orientation, gender identity, gender expression, and other sex-related traits. Inclusion is a process and an experience first and foremost, not merely an outcome. A high-quality education should not only result in academic success; it is equally crucial to have the right to be in excellent bodily and mental health, happy, safe, and connected to others as it is to have the right to learn. It's important for children to feel a feeling of belonging to the school and their peer group, as well as to have a supportive classroom environment where teachers acknowledge and applaud students' efforts. Children must engage with peers from varied backgrounds in order to foster social cohesion, which requires diversity in schools.
4. **Education system has to adopt the holistic approach of access, equity, environment and employment:** Transgender people's right to an education in schools must be protected for both those who can afford it and those who cannot, in order to maintain the accessibility of transgender students in schools and institutions. All educational institutions must adopt the 2014 UGC ruling to include a column for transgender people to mention their gender. Sensitizing the general public and students to the benefits of gender neutral treatment is essential for guaranteeing equity in treatment. When gender-neutral practices like using

students' first names when addressing them, having gender-neutral restrooms (or letting them choose their own), having gender-neutral uniforms, and having gender-neutral seating arrangements, among other gender-bounded policies, are adhered to, an enabling environment is created. Making sure that transgender people have an easy time finishing their schooling and finding work is one way to provide for their employment. Other initiatives include skill development, stipends, scholarships, and other forms of financial aid for transgender students, reservations in the educational sector, and employments to create a level playing field for them to achieve a stable source of income and a higher standard of living.

Conclusion - Every person in our culture is subject to the widespread societal idea of gender. The traditional framework of dichotomous identification is oppressive, especially for the population of persons who identify as the other gender, whose perception of themselves as gender-specific individuals conflicts with the gender assigned at birth. Othergender people are targeted for abuse when others try to impose traditional gender norms. In fact, the strict gender binary needs to be expanded to accept more gender identities or completely abolished. Contrary to cisgendered people, transgender people suffer from considerable health and educational disadvantages due to prejudice and restricted access to resources. Because they don't "fit" the binary norms, some people must suffer the repercussions. There have been several petitions, legal challenges, and policy developments for transgender parity; nonetheless, there is still a lack of implementation. Discrimination occurs for a variety of reasons, one of which is a lack of awareness and sensitivity. None of the textbooks used in the classroom make even a single reference of the transgender population. Therefore, there is a desperate need for ethically sound and righteous laws and regulations that would make it easier for them to use their rights without feeling threatened. Because the perspectives of the transgender community are not taken into account when creating laws and policies, one of the key reasons why laws still lack inclusion is this.

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