



Educational Inequality in India: A Review Paper for Transgender Population

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ABSTRACT

A Transgender or trans-identified individual is a person whose gender identity, outward appearance or gender expression transcend culturally defined categories of gender. Transgender falls under LGBT Group [Lesbian, Gay, Bisexual and Transgender] (Athreye). Transgenders are not a part of a general class, and despite of a landmark judgement given by the Supreme Court of India on 2014 created the “third gender” status for hijras or transgenders, around 4.9 Lakh third gender in our country face social discrimination and harassment. The transgender community comes under the category “disadvantaged group” defined by the Right To Education Act (2009). They are eligible for 25% reservation under the economically weaker section (EWS) and disadvantaged students category with access to schooling. This paper is a step towards knowing the present status of transgenders in education, the challenges they are still facing and a list of RIGHTS specified in our Indian Constitution in favour of the third gender, awareness of which can change the picture of educational inequality in order to improve the status of transgender in it.

Keyword: *Transgender, trans-identified, disadvantaged group, LGBT (lesbian, gay, bisexual and transgender) Group*

INTRODUCTION

There's a gender in your brain and a gender in your body. For 99 percent of people, those things are in alignment. For Transgender people, they're mismatched. That's all it is. It's not complicated, it's not a neurosis. It's a mix-up. It's a birth-defect, like a cleft-palate;

Chaz Bono(2011)

From the moment we enter the world, to the moment we leave it, our experiences are shaped by “gender”. The first question on the birth of a new baby, is usually ‘**Is it alright?**’ and the second, ‘Is it a boy or a girl?’. From that point onwards our identities, our life chances and our experiences are filtered through the lens of gender. Gender shapes the language we use, the concepts we use and the games we play. It affects our sense of ourselves and relationship to others, our family dynamics and our educational and employment histories. Gender has always been an important determining factor in EDUCATION, along with class. A concern with gender in education is not new (Arnot et al:1999). But when we try to include the Transgender community everybody reacts to be **transphobic**. Transgender is not a term limited to persons whose genitals are intermixed but it is a blanket term of people whose gender expression, identity or behaviour differs from the norms expected from their birth sex. They have to use myths and misconceptions for their survival. **That CLAP which scares people, has become their identity.** The life of transgender people is a daily battle as there is no acceptance anywhere and they are ostracized from the society and also ridiculed. They face high levels of stigma in almost every sphere of their life such as health, schools/colleges, employment, social schemes and entitlement. Extreme social exclusion diminishes self-esteem and sense of social responsibility. The community needs to be included in the mainstream development program of the country and be protected from all forms of abuse and exploitation.

India on grounds of growth and development, 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 (Rajesh & Naved 2013). What is appalling is that despite affirmative action (reservation policies, Right to Education, etc.) 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. Along with teachers' apathy towards transgender community, exclusion from society, poverty, continued discrimination, violence are some of the important factors which can be attributed to the poor participation of transgender persons in educational activities. Schools on the other hand serves as a setting in which students come to understand gender, but transgender students (those who transgress societal gender norms) are largely left out of discussions of education. The high level of harassment that transgender students face poses sizable obstacles to school success. According to Indian Census 2011, there are around 4.9 lakh transgender in the country. Census data also reveals that this community has low literacy levels, just 46 per cent transgenders are literate, compared to 74 per cent literacy in the general population. In any case before 2014, there were negligible opportunities of employment for transgender. The reason was there was only two sex column Male and Female. After 2014 judgment now the government and private bodies have to have a third column for Transgender. But this does not improve their situation. As in present condition transgender are already uneducated. **To educate them and bring them to a level where they can be employed will take another 20 years.**

HISTORICAL BACKGROUND OF TRANSGENDERS IN INDIA:

Transgender community comprises of HIJRAS, EUNUCHS, KOTHIS, ARAVANIS, JOGAPPAS, SHIV-SHAKTHIS etc. and they, as a group, have got a strong historical presence in our country in the Hindu mythology and other religious texts. The Concept of tritiya prakrti or napunsaka has also been an integral part of vedic and puranic literatures. The word 'napunsaka' has been used to denote absence of procreative capability.

In the epic Ramayana, Lord Rama, impressed with the devotion of the transgender, sanctioned them the power to confer blessings on people on auspicious occasions like childbirth and marriage, and also at inaugural functions.

The third gender of Tamil Nadu consider ARAVAN (the son of Arjuna and Nagakanya in Mahabharata), their progenitor and call themselves ARAVANIS. Jain Texts also make a detailed reference to transgender which mentions the concept of 'psychological sex'. In medieval India too, they played a prominent role in the royal courts of the Mughal emperors and some Hindu rulers. 18th century brought a drastic fall for the transgenders, when the British rule enacted a legislation to supervise the deeds of TG community, known as the Criminal Tribes Act, 1871, which deemed the entire community of third gender persons as innately 'criminal' and 'addicted to the systematic commission of non-bailable offences'. After Independence, the law was repealed in 1949, but mistrust of the transgender community has continued. Even today, they remain socially excluded, living on the fringes of society, in ghettoized communities, harassed by the police and abused by the public.

All the citizens of India have a right to vote and to contest elections. But in year 2003 the electoral rolled only two categories of the sex are mentioned – male and female, which was the reason for unfair treatment to a transgender, Kamala Jaan, by the Hon'ble High Court of Madhya Pradesh. In 2009, India's Election Commission took a first step by allowing transgenders to choose their gender as "other" on ballot forms.

In the judgement given by Supreme Court on April 2014, it passed the rule that "In view of the constitutional guarantee, the transgender community is entitled to basic rights i.e. Right to Personal Liberty, dignity, Freedom of expression, Right to Education and Empowerment, Right against violence, Discrimination and exploitation and Right to work. Moreover, every person must have the right to decide his/her gender expression and identity, including transsexuals, transgenders, hijras and should have right to freely express their gender identity and be considered as a third sex." Hence, today the transgender people in India are considered to be the Third Gender.

REVIEWED LITERATURE:

The researcher while writing this paper found out some past studies, researches and articles based on educational issues of transgenders, they are:

Bilodeau and Renn (2005), concluded from their studies new transgender theoretical models, especially those focused on college students. They conducted an exploratory case study on identity development and LGBT student involvement. **Kristen A. Renn (2010)**, from her studies provided evidence in her research about the state and status of LGBT and Queer in the field of Higher Education. Her research centers on college student learning, development, and success in higher education, with current projects. **Sulekha Nair(2015)**, (**TRANSGENDER ACTIVIST**), wrote an article focusing on acceptance of third gender in schools and society. This article is based on the findings of the Kerala State Transgender Survey, Supreme court judgement 2014 , need of inclusive policy for TG's, data from the National Sample Survey and gender equity .**Dr. Rajkumar (2016)**, presented a research paper based on educational status and challenges faced by the Transgender community in India, it is a step towards enhancing the participation of transgender in mainstream education including higher education, professional education and employment. **Trish Hafford Letchfield, Alfonso Pezzella, Laura Cole and Rebecca Manning (2017)**, revealed in their studies ,the transgender issues as a challenge to institutional policies, processes in education which revealed significant complexities around gender in education and promotion of transgender equality in post-compulsory education. **WRIT PETITION NO. 6871(M/B) OF 2016**, requests all the state governments (except Jammu & Kashmir) and Governments of Union Territories(having Legislature),for inclusion of “third gender” children among the socially and educationally backward classes for the purpose of admission in educational institutions with respect to the letter issued by the Department of School Education & Literacy of Ministry of Human Resource Development, Government of India (F.No.1-3/2014-EE-4,dated 10th of June,2014).

OBJECTIVES OF THE STUDY:

- 1- The challenges/problems still faced by Transgenders
- 2- The present available literacy status of transgenders in India.

3- Rights specified in our Indian Constitution in favour of transgenders.

1-The challenges/problems still faced by transgenders:

Transgender is generally described as an umbrella term for persons whose gender identity, gender expression or behavior does not conform to their biological sex. Although the Supreme court of India under the “disadvantaged Group” has given them educational and employment reservation as OBCs. The apex court also said States and the Centre will devise social welfare schemes for third gender community and run a public awareness campaign to erase social stigma. Transgender are human being. In India still they are not recognized as human beings. This itself is a huge violation of Human Rights. This lack of recognition had segregated them from the society and more worst, in the matter of civil rights .They have been destitute from many rights and privileges that we Indians enjoy. They are not the part of social and cultural participation in public, they are neglected by family and society. The schools did not give them admission so there is again no chance of joining colleges and universities at higher level. Those who joined at lower level school were shunned off once the reality came into picture. Only very few around 1% - 2%, of transgender can make it to higher level of education. Few major areas in which they face problems are:

- a. **Less Education** - Inclusion of transgender in schools and colleges is a big challenge. Till 2004 nobody even thought to include transgender in the mainstream and were denied right towards education. Thus because of no education or less education, government or private jobs remain inaccessible for the transgender community leading to many factors associated with inequality in employment and socioeconomic status.
- b. **Poverty** – They scour out their living by begging , (this may include singing in train and bus and collecting money /begging at traffic signals/ forcefully blessing people at public places a common scenario in India and collecting money etc.), doing quotidian jobs and in some cases sex work too. Their low level background makes them susceptible towards harassment by the police.
- c. **Discrimination and ignorance** – The class and gender discrimination has made the Transgender group most disempowered group in India. They are threaten of lively hood and thus do mean jobs for their living.

- d. **Calling disrespectful names and pronouns-** When a transgender youth identifies as a particular gender (irrespective of biological sex), it is respectful to the youth's human dignity to use the name chosen and the pronouns appropriate to that particular gender. Transgender youth can understand and sympathize with some confusion, so long as there is continuous, good faith progress in using the proper name and pronouns.
- e. **Lack of access to appropriate restroom facilities-** Lack of safe access to public restrooms is one of the major problems that the transgender community has to face in everyday life. They may be assaulted if they use the restroom that conforms to their gender identity or forced to use a restroom that does not conform to their gender identity. Transgender people often have no safe access to locker room facilities that conform to their gender identity. Wherever dress codes are enforced, they may create problems for transgender youth.
- f. **Confidentiality-** At the time of their birth or 7 – 8 years later when the parents realize the actual gender identity of their child. Due to societal pressure and fear of the truth of their child coming in open, in most of the cases they disown their child. The transgender youth hence have unsupportive families and may even face violence and/or rejection from their home if their gender identity or gender expression is disclosed to the family. Basically their gender identity is kept confidential.
- g. **Lack of ideal personality-** Here how can we expect a Transgender youth to have an ideal personality when he/she has to face discrimination, disrespect and downtrodden attitude of the normal gender at every wake of life. They often feel alone in the world. Exclusion from the society acts as a drawback for the proper nurturing of their personality, which adds barriers like inferiority complex, lack of confidence and self-motivating factors in the way of their upliftment.
- h. **Lack of Medical Facility-** Lack of shelter, education and medical facilities these transgender, are more often prone to various kinds of health risk and setbacks. Since they are deprived of medical facilities in private and public health care system, most of them go to quacks for instant remedy. There due to lack of knowledge and hygiene become suspect to many contagious diseases.
- i. **Lack of Identity Documents –** The widespread lack of accurate identity documents among transgender people can have an impact on every area of their lives, including access to emergency housing or other public services. To be clear, without identification, one cannot travel, register for school or access many services that are essential to function in society. Many states require evidence of medical transition – which can be prohibitively expensive and is not something that all transgender people want – as well as fees for processing new identity documents, which may make them unaffordable for some members of the transgender community.

2. The present available literacy status of transgenders in India

Indian Census has never recognized third gender i.e. Transgender while collecting census data for years. But in 2011, data of Transgender's were collected with details related to their employment, Literacy and Caste. In India, total population of transgender is around 4.88 Lakh as per 2011 census. The data of Transgender has been cubbed inside "Males" in the primary data released by Census Department. For educational purpose, separate data of Transgender has been curved out from that.

#	State	Transgenders	Child (0-6)	SC	ST	Literacy
-	India	487,803	54,854	78,811	33,293	56.07%
1	Uttar Pradesh	137,465	18,734	26,404	639	55.80%
2	Andhra Pradesh	43,769	4,082	6,226	3,225	53.33%
3	Maharashtra	40,891	4,101	4,691	3,529	67.57%
4	Bihar	40,827	5,971	6,295	506	44.35%
5	West Bengal	30,349	2,376	6,474	1,474	58.83%
6	Madhya Pradesh	29,597	3,409	4,361	5,260	53.01%
7	Tamil Nadu	22,364	1,289	4,203	180	57.78%
8	Orissa	20,332	2,125	3,236	4,553	54.35%

9	Karnataka	20,266	1,771	3,275	1,324	58.82%
10	Rajasthan	16,517	2,012	2,961	1,805	48.34%
11	Jharkhand	13,463	1,593	1,499	3,735	47.58%
12	Gujarat	11,544	1,028	664	1,238	62.82%
13	Assam	11,374	1,348	774	1,223	53.69%
14	Punjab	10,243	813	3,055	0	59.75%
15	Haryana	8,422	1,107	1,456	0	62.11%
16	Chhattisgarh	6,591	706	742	1,963	51.35%
17	Uttarakhand	4,555	512	731	95	62.65%
18	Delhi	4,213	311	490	0	62.99%
19	Jammu and Kashmir	4,137	487	207	385	49.29%
20	Kerala	3,902	295	337	51	84.61%
21	Himachal Pradesh	2,051	154	433	118	62.10%
22	Manipur	1,343	177	40	378	67.50%
23	Tripura	833	66	172	181	71.19%
24	Meghalaya	627	134	3	540	57.40%
25	Arunachal Pradesh	495	64	0	311	52.20%
26	Goa	398	34	9	33	73.90%
27	Nagaland	398	63	0	335	70.75%
28	Puducherry	252	16	40	0	60.59%
29	Mizoram	166	26	1	146	87.14%
30	Chandigarh	142	16	22	0	72.22%
31	Sikkim	126	14	9	37	65.18%
32	Daman and Diu	59	10	1	2	75.51%
33	Andaman and Nicobar Islands	47	5	0	3	73.81%
34	Dadra and Nagar Haveli	43	5	0	22	73.68%
35	Lakshadweep	2	0	0	2	50.00%

3- Rights specified in our Indian Constitution in favour of transgenders

Despite the increased visibility of transgender celebrities like (Late) Indian film director, actor, writer and lyricist **Rituparno Ghosh**, first transsexual actress **Anjali Ameer** or First Transgender Beauty Queen 2017 **Nitasha Biswas**, many Indians still don't personally

know anyone who is transgender – but the number who do is growing rapidly. Being a responsible citizen of Democratic India if we are aware that the normal gender and the transgender share the same rights prescribed in our constitution, next time when we meet a transgender, we will definitely respect their rights and respect their identity. Let's know the Fundamental rights which we commonly share in India but due to prejudices we exclude transgender from getting them.

a. Right to Equality (ARTICLE 14):

This article of the Indian Constitution states that the State shall not deny to any person **equality before law** or equal protection of the laws within the territory of India. Here, Article 14 provides **equality for any person that includes transgender as well.**

b. Non-discrimination on ground of religion, race, caste, sex, and place of birth(ARTICLE 15 & ARTICLE 16):

Both these articles of the Indian Constitution **prohibits the State from discriminating on the ground of sex** but indeed such rights are not being recognized for the transgender community.

c. Equality of opportunity (ARTICLE 16): provides equal opportunity in the matters of employment.

d. Abolition of untouchability (ARTICLE 17): abolishes the practice of untouchability in India.

e. Freedom of speech, expression, assembly, association, movement, residence, acquisition and disposition of property, practice of any profession, carrying out any occupation, trade, or business. (ARTICLE 19)

f. Protection of Life and Personal Liberty (ARTICLE 21): provides **Right To Life** to every person. It is a wonder of Social Jurisprudence in this nation that right to life is a recognized right for an unnatural person but not for natural transgender community.

g. Free and compulsory education from 6 – 14 years of age{ARTICLE 21(A)}: provides free and essential education to children from 6-14 years of age

h. Right against exploitation(ARTICLE 23 AND ARTICLE 24): provides protection to citizens from being subjugated to environmental, domestic and work hazards. Article 23 is against Human Trafficking and Forced Labour while Article 24 is against Child Labour.

i. Provision for early childhood care and education until age 6(ARTICLE 45): provides early childhood care and education for all children until the age of 6 years.

j. ARTICLE 51(A),CLAUSE – E: to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to

renounce practices derogatory to the dignity of women. Still no amendment has been made to add the transgender community as well.

k. ARTICLE 51(A), CLAUSE-J : to promote excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

Here the question arises, how can our nation attain excellence when still most of the population of India which includes transgender community also, are kept deprived from their constitutional as well as the human rights.

CONCLUSION OF THE STUDY:

Though the supreme court ruling is out for last three years now, the social stigma still continues. The implementation of this historic ruling is still not in picture. The harassment and marginalization of the community still continues. The social prejudice still exists against Transgender. Although transgender have been taken as backward community and they will be entitled for all benefits in education and jobs still the government and private agencies need to start focusing on implementing the order so that the benefits start reaching to the transgender community. For the general public it is important to understand the feelings and mental status of the Transgender community. People need to understand that humans are diverse but after all every one is a Human being. Transgender community has a right to behave and live they are and express their feelings without any fear. It is now time for Indian authorities to implement the Supreme Court directives and bring the transgender to the main stream community. The authorities should also work towards ending the discrimination against the transgender and take care of their protection and social needs. The society also needs to take off their social stigma towards transgender community and give them a chance to stand equally and participate in together in the community development process.

SUGGESTIONS FOR HELPING TRANSGENDER YOUTH:

The researcher being a masters student of Education feels that being a future teacher educator and we being a responsible citizen of India, can reach out to help the transgender youth by following few steps, which include:

Listen: It seems obvious, but the best thing we can do in the beginning is allowing the LGBT Youth to vent and express what is going on in his or her life.

Affirm: We need to tell them that “YOU ARE NOT ALONE”. This is crucial. A lot of L(lesbian) /G(gay) /B(bisexual) /T(transgender) /Q(queer) youth feel isolated and lack peers with whom they can discuss issues around sexual orientation. Letting them know that there are others dealing with the same issues is invaluable. This statement is also important because it does not involve a judgment call on your part.

Refer: You do not have to be the expert. A referral to someone who is trained to deal with these issues is a gift you are giving to that student, not a dismissal of responsibility.

Address: Deal with harassers-do not overlook issues of verbal or physical harassment around sexual orientation. It is important to create and maintain an environment where all youth feel comfortable and welcome.

Follow-up: Be sure to check in with the individual to see if the situation has improved and if there is anything further you may be able to do. There are also some things that you as an individual can do to better serve L/G/B/T/Q youth and youth dealing with issues around sexual orientation:

- Work on your own sense of comfort around issues of sexual orientation and sexuality.
- Get training on how to present information on sexual orientation effectively.
- Dispel myths around sexual orientation by knowing facts and sharing that information.
- Work on setting aside your own personal biases to better serve students dealing with issues around sexual orientation or sexuality.

The high level of harassment that transgender students face poses sizable obstacles to school success. If the field of education is committed to equity and social justice, then teacher education programs must prepare educators to teach gender in more complex ways that take into consideration the existence and needs of transgender people. Harassment and disrespect in terms of sexual orientation is one of the root cause of lower literacy rate in the transgender community. We should accept them as an individual with due respect and acceptability, free from any social stigma or prejudices. Above all, respect **HUMANITY**.

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