

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 8 | Issue 3
2025

© 2025 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestions or complaints, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the International Journal of Law Management & Humanities, kindly email your Manuscript to submission@ijlmh.com.

A State-wise Policy and Implementation Gap: Analysis of Transgender Education in India

ANSHIKA VATS¹ AND DR. SHIVLI SHRIVASTAVA²

ABSTRACT

Despite progressive legal advancements such as the NALSA judgment (2014) and the Transgender Persons (Protection of Rights) Act, 2019, the lived realities of transgender individuals in India—particularly in the field of education—remain precarious and marginalized. This paper undertakes a comparative, state-wise analysis of transgender education policies across select Indian states, highlighting both progressive and regressive practices. Special attention is paid to Tamil Nadu and Kerala, recognized for pioneering welfare models, juxtaposed against northern states like Uttar Pradesh and Bihar that exhibit policy inertia. The study further investigates the gap between law and implementation, drawing on budgetary allocations, inclusivity metrics, and the presence or absence of grievance redressal mechanisms. Finally, it evaluates the National Education Policy 2020 through a transgender-inclusive lens, identifying critical gaps and proposing reforms. The findings underscore the urgent need for cohesive, accountable, and inclusive policy action at both state and national levels to ensure educational equity for transgender individuals.

Keywords: Transgender, Education, Policy, Implementation Gap, States

I. INTRODUCTION

The right to education is enshrined in Article 21A of the Indian Constitution and affirmed through various global commitments such as the Universal Declaration of Human Rights and the Sustainable Development Goals (SDG 4). Yet, for India's transgender community—a historically marginalized group—the pathway to education remains fraught with challenges. These range from social stigma and institutional neglect to the absence of infrastructural accommodations and sensitized curricula. Transgender individuals often face early school dropouts, verbal and physical abuse, and systematic exclusion, making the promise of education a distant dream rather than a lived right.³

The right to education is a fundamental human right enshrined under Article 21A of the Indian

¹ Author is a Research Scholar at School of Law, ITM University, Raipur, India.

² Author is an Assistant Professor at School of Law, ITM University, Raipur, India.

³ Sonia Rastogi, Inclusion of the Third Gender in Indian Educational Institutions: Challenges and the Way Forward, 11 J. Gender & L. Pol'y 12 (2020).

Constitution and reinforced by global human rights frameworks. However, access to this right remains unequal for India's transgender population, a group historically excluded from formal education due to societal stigma, systemic discrimination, and inadequate state support.

In 2014, the landmark Supreme Court judgment in *National Legal Services Authority v. Union of India* (NALSA)⁴ formally recognized transgender persons as the “third gender” and directed both central and state governments to take proactive measures to ensure their social and educational inclusion. This was followed by the Transgender Persons (Protection of Rights) Act, 2019, which mandated non-discrimination in educational institutions and the promotion of inclusive policies. Despite this legal recognition, implementation on the ground has been inconsistent and largely dependent on individual state priorities, resource allocation, and bureaucratic will.

Some Indian states, such as Tamil Nadu and Kerala, have taken notable steps towards inclusive policy design—ranging from dedicated transgender welfare boards to scholarships and sensitization programs. On the other hand, many northern states, including Uttar Pradesh and Bihar, have either failed to develop concrete transgender education policies or lack mechanisms to enforce them effectively. This results in a fragmented national landscape where access to education for transgender persons is contingent upon geographical location rather than guaranteed as a universal right.⁵

Compounding these challenges is the absence of transgender-specific focus in overarching national educational frameworks. The National Education Policy (NEP) 2020, despite its progressive vision of inclusion and equity, makes minimal reference to transgender persons. The policy's silence on gender diversity raises critical questions about the inclusiveness of its promises and the depth of its commitment to marginalized groups. Budgetary allocations, teacher training, infrastructure support, and grievance redressal mechanisms often lack the nuance required to support transgender students in a meaningful way.

This paper, therefore, aims to address three interlinked research questions:

1. How do different Indian states approach transgender education in terms of policy and implementation?
2. What are the critical gaps between legal provisions and the lived realities of transgender individuals in educational settings?

⁴ National Legal Services Authority v. Union of India, (2014) 5 SCC 438 (India).

⁵ Arvind Narrain, Gender Identity and Rights: NALSA and Beyond, 9 NUJS L. REV. 405 (2016).

3. To what extent does the National Education Policy 2020 incorporate a transgender-inclusive vision, and what are its limitations?

II. STATE-WISE POLICY COMPARISON

Education, as both a right and a catalyst for social inclusion, plays a crucial role in the empowerment of transgender individuals. However, in India, the availability and implementation of transgender-inclusive educational policies vary significantly across states. This section presents a comparative analysis of four Indian states—Tamil Nadu, Kerala, Maharashtra, and Uttar Pradesh/Bihar—chosen to reflect a spectrum from progressive to largely non-responsive approaches.

1. Tamil Nadu: A Pioneering Model in Transgender Welfare

Tamil Nadu is often hailed as a trailblazer in transgender welfare. It was the first Indian state to establish a Transgender Welfare Board in 2008, much before the central government recognized transgender persons as a third gender. The board functions under the Department of Social Welfare and includes transgender community representatives, ensuring participatory governance.

In terms of education, Tamil Nadu has implemented the following initiatives:

- **Free Education and Scholarships:** The state provides free education for transgender students in government institutions and offers scholarships at various levels. Transgender students are exempted from tuition and examination fees in public colleges.
- **Reservation and Hostel Accommodation:** Though not backed by legislation, government circulars recommend special hostel facilities and consideration of transgender students under existing reservation frameworks for disadvantaged groups.
- **Inclusion in Curricula:** Tamil Nadu has introduced gender and sexuality topics in its teacher training modules and public education campaigns, aiming to reduce stigma in schools.
- **Skill Development Programs:** Vocational training under the Tamil Nadu Skill Development Corporation (TNSDC) includes transgender beneficiaries, supporting their transition from education to employment.⁶

Challenges: Despite progressive policies, challenges remain. Implementation often depends

⁶ Government of Tamil Nadu, Transgender Welfare Policy (2008), Social Welfare Department, <https://www.tn.gov.in>.

on district-level officials, leading to inconsistencies. Many transgender persons still face harassment and dropout rates remain high due to entrenched social prejudice. The lack of gender-neutral toilets and inclusive school environments continues to deter participation.

2. Kerala: Rights-based, Participatory Policy Innovation

Kerala became the first Indian state to release a comprehensive Transgender Policy in 2015, rooted in a rights-based framework and influenced by the NALSA judgment. The policy specifically identifies access to education as a key goal and outlines structural reforms to mainstream transgender persons in public institutions.

Key initiatives include:

- **Education Grant and Scholarship Schemes:** The Kerala Social Justice Department provides educational assistance from primary school to postgraduate levels, including stipends and hostel accommodation.
- **Gender-neutral Infrastructure:** Some government colleges in Kerala have introduced gender-neutral toilets and unisex uniforms, setting a national precedent.
- **Sensitization and Teacher Training:** The state has conducted multiple awareness programs in educational institutions, including mandatory sensitization for teachers and non-teaching staff.
- **Transgender Cell in Universities:** The University of Kerala and some other institutions have established dedicated support cells for transgender students.
- **School Dropout Survey:** The state conducted a detailed survey of transgender persons who had dropped out of school and initiated adult education and re-enrolment schemes.⁷

Challenges: Implementation is more advanced than in most states, but issues of social stigma and peer bullying persist. There is also a gap between policy documentation and real-time tracking of transgender students' academic progress. Enforcement mechanisms to ensure institutional accountability are still weak.

3. Maharashtra: Moderate Progress with Structural Gaps

Maharashtra's approach to transgender education has been moderately progressive, with specific schemes in place but limited in scope and effectiveness. The Department of Social Justice and Special Assistance is responsible for transgender welfare, yet there is no

⁷ Government of Kerala, State Policy for Transgenders in Kerala (2015), <https://kerala.gov.in/documents/10180/46696/State+Policy+for+Transgenders+in+Kerala>.

comprehensive transgender education policy akin to Tamil Nadu or Kerala.

Some key features include:

- **Educational and Vocational Grants:** Maharashtra offers financial aid for school and college education to transgender individuals under general backward class (GBC) categories, but disbursement is irregular and not tailored to transgender-specific needs.
- **Reservation in Education:** While there is discussion around inclusion under the OBC category, there is no formalized reservation for transgender persons in educational institutions.
- **Supportive Infrastructure:** A few colleges in Mumbai and Pune have begun offering informal support systems for transgender students, including informal peer support groups and anti-ragging cells with gender-sensitivity training.
- **Legal and Medical Support:** Maharashtra has taken steps to provide free gender reassignment surgeries in state hospitals and is gradually integrating these services with education and employment rehabilitation programs.

Challenges: Maharashtra's efforts, though noteworthy, suffer from fragmentation and weak enforcement. Policy efforts are often ad hoc and heavily NGO-dependent. Budgetary allocation for transgender education remains negligible. Most institutions do not track transgender enrolment or ensure inclusive facilities, resulting in continued invisibility.

4. Uttar Pradesh and Bihar: Minimal Engagement and Structural Invisibility

Uttar Pradesh and Bihar represent states with minimal transgender-specific educational policies or welfare mechanisms. Despite large transgender populations, both states have failed to develop any standalone education policy targeting transgender persons.

Key characteristics:

- **Lack of Dedicated Welfare Boards:** Unlike Tamil Nadu and Kerala, these states have no functional transgender welfare boards or government departments actively working on transgender education.
- **No Budget Allocation:** There is a conspicuous absence of dedicated budget lines or scholarships for transgender students. They are often lumped into broad social welfare categories, which renders targeted assistance ineffective.
- **Poor Inclusion Metrics:** Educational institutions do not maintain disaggregated data on transgender students. Enrolment, retention, and academic achievement are virtually

unrecorded, making it difficult to design effective interventions.

- **No Sensitization Programs:** Teacher training and curriculum reform remain untouched by transgender issues. The result is a hostile or indifferent school environment, which exacerbates dropout rates.
- **Civil Society Dependence:** Whatever support exists often comes from NGOs or community-based organizations that offer informal education, awareness drives, or legal aid.

Challenges: The lack of political and administrative will has meant that transgender persons in these states continue to face extreme exclusion. Without a basic framework or data-driven governance, these states remain at the bottom in terms of transgender educational inclusion.

Comparative Overview

Dimension	Tamil Nadu	Kerala	Maharashtra	Uttar Pradesh/Bihar
Transgender Welfare Board	Yes (2008)	No (but policy-based)	No	No
Dedicated Education Policy	Partial (Circular-based)	Yes (2015 Policy)	No	No
Scholarships & Grants	Yes	Yes	Limited and inconsistent	No
Infrastructure Support	Developing	Advanced (gender-neutral)	Poor	Absent
Sensitization & Training	In Progress	Institutionalized	Sporadic	Non-existent
Budget Allocation	Moderate	Moderate	Limited	None
Data Tracking Mechanisms	Weak	Moderate	Weak	Absent
NGO/Community Role	Supportive	Integrated	Heavy dependence	Dominant actor

Key Observations

- **Policy Leadership Matters:** States like Tamil Nadu and Kerala, where transgender persons are part of policy-making bodies, show more inclusive educational outcomes. Community participation ensures contextual sensitivity and better implementation.
- **Budget and Institutional Support:** Without financial commitment and institution-level changes, progressive policies remain tokenistic. Maharashtra and northern states illustrate this well.
- **Implementation Gap:** Even in states with strong frameworks, such as Kerala and Tamil Nadu, there is often a lag between policy design and on-ground implementation.
- **The Role of Data:** The absence of disaggregated data in most states weakens policy impact assessment. Reliable data on transgender enrolment, dropout, and academic performance is essential for targeted intervention.
- **Civil Society as a Gap-Filler:** In states with weak government support, NGOs have become the default providers of transgender educational services. While important, this model is unsustainable without state partnership.⁸

III. POLICY GAP ANALYSIS: LAW, POLICY, AND GROUND REALITIES

While legal recognition of transgender persons has advanced in India over the past decade, the implementation of educational policies aimed at their inclusion remains uneven, fragmented, and in many cases, entirely absent. This section critically analyzes the gaps between the formal legal-political frameworks and their real-world execution with respect to transgender education across Indian states.

1. Legal Protections vs Practical Exclusion

The *NALSA v. Union of India* (2014) judgment and the Transgender Persons (Protection of Rights) Act, 2019 laid a legal foundation for the inclusion of transgender persons in education. These frameworks mandate non-discrimination, equal opportunity, and affirmative action in educational institutions. Yet, despite this legal architecture, systemic barriers persist.

Most notably, while the Act emphasizes “inclusive education and opportunities for sports, recreation and leisure activities without discrimination,” it does not specify mechanisms of enforcement or consequences for non-compliance. This results in legal protections that are declarative but not actionable. For example, there is no central or state-level monitoring

⁸ Nilanjana Sengupta, Education, Margins, and Transgender Identity in India, in *Education and Gender* (Routledge 2020).

mechanism to ensure educational institutions comply with these mandates.⁹

2. Lack of Targeted Implementation Mechanisms

A major policy gap lies in the absence of transgender-specific institutional mechanisms within the education sector. While Tamil Nadu and Kerala have made modest strides by introducing transgender cells in universities or gender-neutral facilities in select colleges, most other states have no such infrastructure in place.

Even in progressive states, such mechanisms often exist only on paper. For instance, teacher training modules rarely include structured components on gender identity or the needs of transgender students. As a result, staff and administration often lack the sensitization needed to implement policies meaningfully.

Moreover, transgender students frequently report harassment, bullying, and social isolation, issues that are not adequately addressed through institutional grievance redressal systems. The absence of gender-neutral restrooms, inclusive curricula, and designated support staff exacerbates alienation and school dropout.¹⁰

3. Budgetary Gaps and Misaligned Priorities

One of the most glaring gaps lies in budget allocations. Most state governments do not earmark funds specifically for transgender education. Even in states that provide scholarships, such as Kerala and Tamil Nadu, funding is often limited, underutilized, or inconsistently disbursed. Maharashtra, for instance, offers educational benefits under general backward class schemes, but these are not tailored to the transgender community's needs, nor are they effectively advertised or tracked.¹¹

In Uttar Pradesh and Bihar, there is virtually no financial support or planning for transgender education. Without dedicated budget lines, implementation becomes reliant on ad hoc arrangements or NGO-led programs, which are inherently unsustainable. Furthermore, funding for inclusive infrastructure (such as gender-neutral toilets, transgender hostels, or counselling support) is either absent or not publicly traceable in most state education budgets.

4. Data Deficiency and Invisible Students

Another critical policy gap is the absence of disaggregated data on transgender students. The Ministry of Education, state education departments, and institutions rarely collect or publish

⁹ Aniruddha Dutta & Raina Roy, Decolonizing Transgender in India: Some Reflections, 7 TRANSGENDER STUD. Q. 219 (2020).

¹⁰ Pooja S. Nair, The Legal Framework and Policy Challenges for Transgender Persons in India, 58 J. INDIAN L. INST. 1 (2017).

¹¹ Ashley Tellis, Transgender Rights and the Right to Education in India, 10 ASIAN J. L. & SOC. 1 (2023).

data on enrolment, retention, or academic outcomes of transgender persons. Without such data, it becomes impossible to track policy effectiveness or identify institutions in need of reform.

The invisibility of transgender students in official statistics also leads to a vicious cycle: policies are not prioritized due to a perceived lack of demand, while transgender persons avoid educational institutions because of exclusionary environments. This results in policy blindness—governments cannot address what they cannot see.¹²

5. Grievance Redressal and Accountability Mechanisms

Although educational institutions are legally mandated to create safe environments for all students, very few have specific grievance redressal frameworks for transgender students. Most rely on generic anti-ragging or harassment committees, which lack the understanding or legal mandate to address gender identity-based discrimination.

Furthermore, there is no central monitoring authority—either at the level of the University Grants Commission (UGC) or the Ministry of Education—to track how transgender-inclusive policies are being implemented. The lack of accountability structures means that institutions face no consequences for non-compliance with anti-discrimination provisions of the 2019 Act or other central directives.

6. Absence of Nationally Coordinated Policy Vision

Another gap lies in the fragmented policy landscape. While education is a concurrent subject, there is no national framework guiding transgender inclusion in education, resulting in a patchwork of state policies—some progressive, others entirely absent.

The National Education Policy (NEP) 2020, though aspirational in its tone, fails to acknowledge the specific needs of transgender persons. Unlike other marginalized groups like SCs, STs, or persons with disabilities, transgender individuals are not clearly listed as a target demographic for affirmative inclusion.

As a result, states lack guidance from the center and are left to develop their own interpretations. States like Kerala and Tamil Nadu have responded with dedicated policies, while others like Uttar Pradesh and Bihar remain policy-deficient. The lack of standardized benchmarks or guidelines also makes comparative evaluation and accountability difficult.¹³

¹² Dipika Jain, *The (Im)Possibility of Queering the Curriculum: Reflections from Indian Law Schools*, 33 *Can. J. Women & L.* 90 (2021).

¹³ Smriti Singh & Smriti Rani, *Educational Rights of Transgender in India: Constitutional and Legal Provisions*, 5 *Int'l J. Innovative Legal & Pol. Stud.* 90 (2019).

7. Social Barriers and Cultural Lag

Policy gaps are further exacerbated by entrenched social stigma. Even when policies exist, societal resistance hinders implementation. Parents may hesitate to enroll transgender children in mainstream schools, fearing ridicule or violence. School authorities may be unwilling to recognize self-identified gender due to personal bias or bureaucratic hesitancy.

There is also widespread lack of awareness among transgender individuals about their educational rights, largely due to poor outreach and absence of targeted information campaigns. This reflects a failure of the state not only to legislate but also to educate.

8. The NGO Dependency Problem

In many parts of the country, civil society organizations have stepped in to fill the vacuum left by the state. NGOs conduct awareness campaigns, provide informal education, offer legal aid, and sometimes even fund transgender students' school or college fees. While commendable, this approach is not a substitute for state responsibility.

The heavy reliance on NGOs also limits scalability and sustainability. What is needed is systemic, state-driven reform embedded in public education, not scattered interventions dependent on external funding and limited outreach.

IV. EVALUATION OF THE NATIONAL EDUCATION POLICY (NEP) 2020 FROM A TRANSGENDER PERSPECTIVE

The National Education Policy (NEP) 2020 is hailed as a transformative blueprint for India's education system in the 21st century. It promises a holistic, flexible, multidisciplinary education that aims to ensure equity, quality, and inclusion for all learners. While it addresses a broad spectrum of socio-economically disadvantaged groups (SEDGs), the policy fails to meaningfully engage with the specific needs of transgender persons, a glaring omission in the context of India's evolving legal and social landscape.

This section critically evaluates the NEP 2020's inclusivity from a transgender lens across four dimensions: recognition and visibility, policy measures and implementation, budgetary and infrastructural commitments, and monitoring and grievance redressal mechanisms.¹⁴

1. Lack of Explicit Recognition

One of the most significant limitations of NEP 2020 is its lack of explicit reference to transgender individuals. While the policy recognizes "gender identities" and refers broadly to

¹⁴ Rajeev Kumar, Right to Education of Transgender Persons in India: A Socio-Legal Analysis, 2 Indian J. Socio-Legal Stud. 75 (2020).

“children belonging to socio-economically disadvantaged groups,” it stops short of naming transgender persons as a specific category requiring focused intervention. This omission is particularly problematic in light of constitutional directives (e.g., Article 15), judicial pronouncements (e.g., *NALSA*, 2014), and legislation (e.g., the Transgender Persons (Protection of Rights) Act, 2019), all of which recognize the distinct rights and vulnerabilities of transgender people.¹⁵

This invisibility in national education policy undermines the very principle of equity and inclusion that NEP 2020 claims to uphold. It also reinforces the systemic neglect that transgender individuals face across institutions and policy frameworks.

2. Equity and Inclusion: Aspirational but Ambiguous

The NEP outlines a commitment to universal access and equity through the creation of Gender-Inclusive Fund (GIF) and Special Education Zones for disadvantaged groups. However, it lacks clarity on whether transgender students are beneficiaries of these initiatives. Unlike scheduled castes (SCs), scheduled tribes (STs), and children with disabilities—who are clearly listed and discussed—transgender persons remain subsumed under vague categories.¹⁶

While the policy states that "curricula will include gender sensitivity" and promises to eliminate gender-based discrimination, it provides no roadmap, indicators, or action plan to make schools and higher education institutions transgender-inclusive. There is no mention of:

- Gender-neutral infrastructure (e.g., toilets, hostels)
- Inclusion of transgender representation in textbooks or curricula
- Administrative procedures for name/gender changes on certificates
- Safety protocols against gender identity-based bullying

Thus, the NEP's inclusion rhetoric, though well-intentioned, remains largely aspirational and non-binding when applied to transgender persons.

3. Budgetary and Infrastructural Gaps

The success of any inclusive education policy depends on adequate financial and infrastructural commitment. However, NEP 2020 does not specify any budgetary allocation for transgender inclusion in educational settings. The proposed Gender-Inclusive Fund remains undefined in terms of funding source, utilization framework, or implementation

¹⁵ Rajesh Rajagopalan, Policy Paralysis and Transgender Education in India, 12 *Contemp. Edu. Dialogue* 23 (2021).

¹⁶ Siddharth Narrain, Beyond the Binary: The *NALSA* Judgment and the Recognition of Transgender Persons, 49 *Econ. & Pol. Wkly.* 98 (2014).

structure. Without financial backing, even well-formulated plans risk remaining symbolic.

Additionally, the policy fails to address infrastructural reforms essential for transgender participation:

- There is no mention of building gender-neutral toilets, despite repeated demands from the transgender community.
- No guidance is offered on inclusive hostel accommodations or sensitization of administrative staff.
- NEP does not include any mention of safe, accessible transportation, crucial for transgender students often subject to harassment during commutes.

These infrastructural barriers contribute directly to high dropout rates and exclusion from formal education, especially in secondary and higher education contexts.¹⁷

4. Curriculum, Pedagogy, and Teacher Training

NEP 2020 emphasizes reforms in curricula and pedagogy to foster critical thinking, empathy, and constitutional values. However, it misses the opportunity to mainstream gender diversity in school and teacher education content. The policy could have mandated:

- Inclusion of gender identity and LGBTQ+ issues in NCERT and SCERT textbooks
- Development of inclusive pedagogical strategies for teacher education programs
- Training modules for school principals, counsellors, and staff to respond to gender identity-based bullying or discrimination

Although the NEP promotes “inclusivity” and “diversity” in abstract terms, the lack of transgender-specific content suggests that prevailing prejudices may go unchallenged in classroom environments. Teachers—already untrained in handling such issues—are unlikely to foster affirming educational spaces without specific directives and capacity-building.

5. Grievance Redressal and Institutional Accountability

Another major oversight in NEP 2020 is the absence of robust grievance redressal mechanisms for transgender students. The policy talks about empowering School Management Committees (SMCs) and student feedback systems but does not provide any mechanisms for addressing gender-based harassment, misgendering, or denial of access to facilities and opportunities.

¹⁷ Manju Jain, Educational Exclusion of the Transgender Community in India: A Critical Study, 6 J. Edu. & Pol’y 33 (2021).

Furthermore, there is no mechanism for institutional accountability in terms of compliance with anti-discrimination clauses under the 2019 Transgender Act or the RTE Act, 2009. Without third-party audits, compliance reporting, or penalties for violations, transgender inclusion remains at the mercy of institutional discretion, which often aligns with societal prejudice rather than constitutional mandates.¹⁸

6. Missed Opportunities for Structural Reform

NEP 2020, as a once-in-a-generation policy, had the opportunity to reimagine Indian education as radically inclusive. In light of progressive legal changes and the increasing visibility of transgender persons, the policy could have proposed system-wide reforms, such as:

- Mandating affirmative action or reservations for transgender persons in educational institutions
- Establishing transgender resource centers at universities and training institutes
- Integrating legal aid and mental health support services for transgender students
- Requiring all educational institutions to report annually on inclusion metrics

Unfortunately, by omitting these structural provisions, the NEP risks perpetuating the invisibility of transgender persons within India's educational mainstream.¹⁹

V. FINDINGS

The analysis of transgender education policies across Indian states, along with the evaluation of the National Education Policy (NEP) 2020, reveals a complex and fragmented landscape. While legal recognition and policy commitments exist in principle, actual implementation is inconsistent, regionally skewed, and often symbolic rather than structural. The findings underscore a persistent gap between legal intent and educational reality for transgender individuals in India.

1. Uneven Policy Landscape Across States

One of the most prominent findings is the sharp disparity between states in their approach to transgender education. Tamil Nadu and Kerala have emerged as relatively progressive models, showcasing proactive policy measures such as scholarships, hostels, sensitization programs, and even gender-neutral infrastructure in some institutions. However, these

¹⁸ Shubhangi Agarwal, *Mainstreaming Transgender Rights in India: Judicial and Legislative Developments*, 4 *Socio-Legal Rev.* 55 (2018).

¹⁹ Ministry of Human Resource Development, *National Education Policy 2020* (2020), https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf.

initiatives, though commendable, remain limited in scale and highly dependent on political will.

On the other hand, states like Maharashtra exhibit moderate efforts, often dependent on civil society actors and lacking a comprehensive framework. In stark contrast, states like Uttar Pradesh and Bihar demonstrate policy inertia, with almost no targeted provisions or data tracking mechanisms for transgender inclusion in education. These disparities reflect the absence of a nationally coordinated policy framework, leaving transgender students' educational futures heavily reliant on geographic location.

2. Symbolic Legalism Without Structural Reform

Although India's legal framework—including the *NALSA* judgment and the Transgender Persons (Protection of Rights) Act, 2019—mandates the inclusion of transgender individuals in education, laws have largely remained symbolic without enforceable guidelines or institutional accountability. None of the examined states, including the relatively progressive ones, have introduced legally binding enforcement mechanisms to hold schools, colleges, or universities accountable for discrimination, exclusion, or harassment.²⁰

The lack of statutory oversight bodies, absence of compliance audits, and poor grievance redressal frameworks contribute to institutional apathy. This undermines the effectiveness of well-intentioned laws and leaves transgender students vulnerable in systems ill-equipped to address their needs.

3. Absence of Budgetary Commitment

A critical finding is the lack of dedicated financial resources for transgender inclusion in education. Most states do not allocate separate budget lines for transgender-specific programs, and where scholarships or educational grants exist, they are limited, inconsistently disbursed, or poorly publicized. Even Kerala and Tamil Nadu, despite their initiatives, do not exhibit transparent or substantial transgender-inclusive budgeting.

At the national level, NEP 2020 too fails to propose any dedicated financial commitment. The proposed Gender-Inclusive Fund remains undefined in its scope and operational guidelines. Without financial backing, the policy objectives of equity and inclusion remain aspirational and non-binding.

²⁰ Aniruddha Dutta & Raina Roy, Decolonizing Transgender in India: Some Reflections, 7 Transgender Stud. Q. 219 (2020).

4. Data Invisibility and Policy Blindness

Another systemic issue is the lack of data on transgender learners. Most state education departments and central institutions, including the Ministry of Education and UGC, do not maintain or publish disaggregated data on enrolment, retention, dropout rates, or academic performance of transgender students. This renders the community statistically invisible, making evidence-based policymaking impossible.

In the absence of baseline data, governments cannot set inclusion benchmarks or measure progress. This institutional blindness reinforces marginalization, as policy design continues to exclude transgender individuals from mainstream planning processes.²¹

5. Infrastructural and Institutional Exclusion

Despite the legal mandate for inclusion, physical and cultural infrastructure in educational institutions remains overwhelmingly binary and exclusionary. Most schools and colleges lack:

- Gender-neutral toilets
- Transgender-sensitive hostel policies
- Inclusive dress codes and uniforms
- Sensitized administrators and teaching staff

Even in states with policy frameworks, the absence of mandated infrastructural reform undermines the safety, dignity, and psychological well-being of transgender students. Institutional spaces continue to reproduce gender binaries, often compelling transgender students to either conceal their identity or drop out.

6. NEP 2020: Inclusive in Vision, Exclusive in Practice

The NEP 2020 is ambitious in its promise of inclusion and equity but falls short of meaningful engagement with transgender concerns. It fails to explicitly recognize transgender persons as a marginalized group, makes no provision for affirmative action, and overlooks infrastructural and pedagogical reforms essential for transgender inclusion.

This omission is not merely a policy oversight—it signals a deep-rooted systemic invisibility, where gender identity diversity is not viewed as central to educational justice. As a result, the NEP may reproduce existing inequalities unless urgently amended to reflect India's constitutional and international human rights obligations.²²

²¹ Sonia Rastogi, Inclusion of the Third Gender in Indian Educational Institutions: Challenges and the Way Forward, 11 J. Gender & L. Pol'y 12 (2020).

²² Akshay Khanna, Sexual Subject Formation and Transgender Rights in India, 16 Indian J. Gender Stud. 49

7. Civil Society as Stop-Gap Rather than Systemic Partner

The research also finds that in many states, especially those with weak state mechanisms, non-governmental organizations (NGOs) serve as the primary source of support for transgender education. They provide informal education, scholarships, legal assistance, and mental health support. However, this model is inherently unsustainable and inequitable.

NGOs should not substitute the role of the state in delivering constitutional rights. A reliance on civil society without institutional integration creates patchy, non-replicable models of support and underscores the state's abdication of responsibility.

8. Social Stigma and Institutional Neglect

Lastly, no policy or law can be effective without addressing the deep-seated social stigma against transgender persons. Despite policy reforms, transgender students continue to face bullying, harassment, and exclusion from peers and educators alike. Many school administrators are unwilling to recognize self-identified gender or accommodate students who do not conform to traditional binaries.

This highlights the urgent need for cultural transformation through sustained awareness campaigns, community outreach, and structural reforms in teacher education programs. Institutional neglect is often a reflection of societal attitudes, which must be challenged through education itself.²³

VI. RECOMMENDATIONS

1. Explicit Recognition of Transgender Persons in National Policy

- The NEP 2020 must be amended to explicitly include transgender persons as a distinct socio-economically disadvantaged group.
- Government policies and notifications should clearly state entitlements for transgender learners across all education levels.

2. Formulation of a National Framework for Transgender Education

- The Ministry of Education, in consultation with the Ministry of Social Justice and Empowerment and transgender communities, should draft a National Transgender Inclusive Education Framework.

(2009).

²³ Aparna Chandra, *The NALSA Judgment: A Missed Opportunity for Constitutional Transformation?*, 9 Socio-Legal Rev. 85 (2016).

- This framework must provide uniform guidelines for all states, covering admissions, scholarships, curriculum, infrastructure, grievance redressal, and data collection.

3. State-level Policy Mandates and Implementation Units

- All state governments must establish transgender-inclusive education policies, with clearly defined objectives, timelines, and dedicated implementing agencies.
- States should constitute Transgender Education Monitoring Committees to oversee policy execution in schools, colleges, and universities.

4. Budgetary Allocation and Inclusive Infrastructure

- Central and state budgets must include specific funding for transgender-inclusive education, including scholarships, gender-neutral toilets, inclusive hostel facilities, and mental health support.
- Dedicated grants should be made available to institutions for infrastructural upgrades and sensitization programs.

5. Curriculum Reform and Teacher Sensitization

- The NCERT and SCERTs must integrate transgender experiences, history, and rights into school textbooks and curricula.
- Teacher training programs (B.Ed, in-service workshops) must include mandatory modules on gender diversity, safe school practices, and inclusive pedagogy.

6. Data Collection and Monitoring

- Institutions must be required to collect and publish disaggregated data on transgender students regarding enrolment, performance, and dropouts.
- This data should feed into annual inclusion audits to inform policy improvement and accountability.

7. Strengthened Grievance Redressal Mechanisms

- All educational institutions must establish gender-sensitive grievance redressal cells with specific procedures to address identity-based discrimination, harassment, and administrative challenges.
- These should be linked to state-level education ombudsmen with powers to investigate and penalize non-compliance.

8. Community Participation and Peer Support Networks

- Include transgender individuals and community-based organizations in policy formulation, review boards, and school committees.
- Promote peer-led support groups and helplines within institutions to create safe and affirming spaces for transgender students.

9. Legal Enforcement and Accountability

- The Transgender Persons (Protection of Rights) Act, 2019 must be strengthened with clear penalties for educational discrimination.
- UGC, NCTE, and other regulatory bodies must mandate compliance reporting and include transgender inclusion metrics in accreditation and ranking systems.

VII. CONCLUSION

Education is not merely a tool for individual advancement—it is a foundational right that upholds dignity, equality, and opportunity. For India's transgender community, access to education continues to be shaped by structural barriers, institutional apathy, and social stigma, despite growing legal recognition and scattered policy initiatives.

This study reveals that while states like Tamil Nadu and Kerala have pioneered models of inclusion, the national picture remains fragmented and uneven. The National Education Policy 2020, though visionary in its scope, fails to provide a comprehensive, actionable roadmap for transgender inclusion. The gap between law and implementation, policy and lived experience, continues to deny transgender persons their rightful place in classrooms and curricula.

To bridge this gap, what is needed is not isolated reform but a systemic shift—a nationwide, rights-based, and community-led effort that reimagines education as a space of genuine inclusion. This involves rewriting curricula, redesigning infrastructure, training educators, and most importantly, listening to the voices of transgender individuals.

Only through such a comprehensive approach can India move beyond tokenism and build an education system that not only accommodates but celebrates gender diversity—one that truly fulfils the constitutional promise of justice, equality, and liberty for all.
