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Education of Transgenders in India: Status & Challenges

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ABSTRACT

The Indian Constitution's spirit is to ensure that every citizen has an equal opportunity to develop and fulfil their potential, regardless of caste, religion, or gender. In many parts of the world, as well as in our country, certain groups, communities, and individuals have always been on the margins due to orthodox beliefs, a lack of awareness, or ineffective planning and policies for the development of society and the global community. The well-known "Hijra" community is also on the margins in terms of social, educational, economic, psychosocial, and psychosexual well-being. Additionally, they have fought for centuries for their identity and rights. The conclusion of this paper's discussion can be interpreted as the inclusion of transgender children or adults in the mainstream education system or society; this requires an appropriate learning environment or social acceptance. Apart from content and pedagogical modifications, pre-service and in-service teachers must be sensitised to dealing with classes with transgender children. In light of the discussion, it is recommended that comprehensive in-service and pre-service teacher training programs be conducted for transgender children's education. The current teacher education programme should be restructured to include content specific to the transgender community, such as their historical background, way of life, culture, rituals, customs, life skills, psychosocial conditions, psychosexual aspects, involvement in various money-making activities, involvement in sex work, as well as legal provisions and welfare programs. This would increase trainee teachers' and trainee teacher educator's understanding of transgender issues, and they would be more willing to discuss issues affecting this community.

Keywords: Transgender, Hijra, Education, Disadvantage group.

I. INTRODUCTION

Human rights are fundamental rights and freedoms that are guaranteed to every human being simply for being human and cannot be created or revoked by any government. It encompasses the rights to life, liberty, equality, dignity, and freedom of expression and thought. The right to select one's gender identity is a necessary component of living a dignified life, which falls

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within the scope of Article 21 (Constitution of India, 1950). When determining a person's right to personal freedom and self-determination, the Court stated that "the gender to which a person belongs is determined by the individual." The Supreme Court has granted the Indian people the right to gender identity. India has observed rapid development and growth. It has made significant progress in key indicators of human development such as literacy, health and education.

However, there are signs that growth has not benefited all disadvantaged groups equally. Among them, the transgender community, which is one of the country's most marginalized and vulnerable groups, lags far apart on human development indicators like education. Disparities among the transgender community and the general public in India persist despite affirmative action such as reservation policies, Right to Education, etc. Because the large percentage of the population is illiterate or undereducated, they are effectively excluded from social, cultural, economic and political activities. According to the 2011 Indian Census, the country has approximately 4.9 lakh transgender people. Additionally, census data uncovers that this community has low literacy rates; only 46% of transgender people are literate, compared to 74% of the general population. This community is classified as a "disadvantaged group" under the Right to Education Act. Exclusion from society, unemployment, continued discrimination, and violence, in addition to teachers' apathy toward the transgender community, are all important factors contributing to transgender people's low participation in educational activities.

Transgender people are individuals of any age or sex whose appearance, personal characteristics, or behaviours do not conform to gender stereotypes about how men and women "should" be. Since the beginning of recorded history, transgender people have existed in every culture, race, and class (Grosz A.M., 2017) Only the term "transgender" and the medical technology that transsexual people have access to are new. Transgender literally means "beyond gender." Transgender and trans-identified are umbrella terms that encompass a broad spectrum of gender identities and expressions. A transgender or trans-identified person is someone whose gender identity, outward appearance, or gender expression do not conform to culturally prescribed gender categories. Transgender people are classified as LGBT (lesbian, gay, bisexual and transgender) (S Stryker, 2008)

Transgender people's lives are daily battles because they are not accepted anywhere and are ostracised from society as well as ridiculed. They face significant stigma in nearly every aspect of their lives, including health, education/college, employment, social services, and entitlement. Extreme social exclusion has a detrimental effect on self-esteem and a sense of

social responsibility. The community must be integrated into the country's mainstream development programme and safeguarded against all types of abuse and exploitation. The very primary ground is here to discuss the education of transgender children. They have the right, under the inclusive development approach, to pursue education while maintaining their authentic identities without facing social discrimination. Additionally, they require a barrier-free social and psychological environment in order to exercise their rights as normal children. This paper will discuss the educational and rehabilitation needs of transgender children in today's inclusive society. (Singh A. A., 2017)

II. SIGNIFICANCE OF THE DISCUSSION

In India, the total population of transgender persons is around 4,87,803 with a literacy rate of 57.06% according to the 2011 Census. In 2011, there were 54,854 transgender children below the age of six. These children are now between the ages of 10 and 16 and should currently be in schools. The socio-economic situation of transgender people in our country clearly indicates that education is out of reach for them. Their major concern is survival. Education is still seen as a luxury by them. Transgender children deal with social stigma outside schools as well as they are not accepted as dignified members of society by people. Hence, making schools and educational institutions 'trans friendly' is the urgent need of the hour. (Bhumika Rajdev, 2020)

It is one of the emerging issues of our society and directly interacts with the complexities of gender identity and the lives of these people facing the gender disapproval from the society. India's trans-women or transgender community has a long history as long as our civilization. Indian law recognizes trans-women as third gender but till date they are struggling for their identity; they are not getting acceptance by the society. Each child has the right to exist in complete dignity as a normal human being. Many populations in our country, such as transgender children, are disadvantaged due to poverty, handicap, difficulties, or poor surroundings. They, like other students, are critical to the country's overall development process. Nobody can be left behind in the shifting current global landscape of inclusive progress. Transgender children were never regarded a significant component of our culture throughout the colonial era, despite the fact that they may be an excellent human resource for national advancement.

The scarcity of research on transgender issues in education is problematic because transgender people participate in the educational system at all levels. The number of transgender people who participate in the education system is difficult to measure because the high level of societal

transphobia ensures that many transgender individuals are not comfortable publicly acknowledging their identity. Furthermore, lack of access to information prevents many young people whose gender differs from the dominant model from having the language to name their experiences and feelings. (Brill and Pepper, 2008) noted that many transgender people realize that they are transgender in childhood. These examples indicate that transgender children participate in the educational system as early as elementary school. Teacher education programs have the responsibility of preparing teachers to support the growth of transgender individuals at all levels of the education system.

(Sivakami and Veena, 2011) conducted a study in Coimbatore on 120 transgender individuals. According to researchers, 56 percent of transgender people have completed elementary and middle school. Additionally, they said that their professors and classmates avoided these subjects, and as a result, they avoided going to school after noticing odd changes in them, and 64 percent of them were low-income. The researchers emphasized how, as a result of victimization, these individuals experience several difficulties at work and so do not stay long on the job. Their skills and abilities are never accepted in their field of work. According to the findings of this study, 37% of transgender people lived with their own family and 39% reported issues with a specific family member.

(K. Kurt, 2017) We can learn from some America's school administrators that have been named as being responsible for developing and implementing school rules that help provide a safe and equitable learning environment for all children while following national and provincial legislation and school board rules. This targeted quality research zeroed in on school management experience with transgender student definition and student body experience with transgender inclusion, using the transgender student definition as it pertains to school policies and student body. The policy implications of regional and building activity are covered, as well. In recent years, groups for both teachers and students have taken an increased interest in school safety and gender identity, and schools have enacted successful policies in response. Transgender kids have the right to be treated in a way consistent with their identity while they are in a safe and appropriate setting. School counsellors that deal with LGBTQ adolescents have come out in favour of the goals of equal chances and respect and removing obstacles to student growth and accomplishment, in contradiction to school officials.

Additionally, RTE-2009 stressed the importance of educating transgender youngsters in mainstream classrooms. The RTE-2009 strengthened Article 21A, which guarantees universal basic education, particularly for children from marginalized populations. Transgender children would be admitted under the disadvantaged category. This may instill optimism in transgender

children and adults that they can now study with the same dignity as other pupils. There is a need to understand whether the constitutional and legal amendments favored by the transgender community will suffice to create an adequate educational and social environment for transgender children's education and rehabilitation, or whether additional measures should be considered to ensure adequate education and rehabilitation for transgender persons.

III. TRANSGENDER EDUCATION IN INDIA: OPPORTUNITIES AND CHALLENGES

(A) Status of Transgender Education in India

Transgender people were counted for the very first time in the 2011 census, when the government agreed to include them as a separate group in the population count. Until 2011, the population census included only two gender categories: male and female, with no option for a third gender. However, in 2014, India's Supreme Court accepted transgender people as a third gender. Primary and secondary gender men and women seek forward in all aspects, particularly education, but there is a distinction with the transgender community. They also attempt to move with them and seize the opportunity to obtain basic and specialized knowledge through higher education. According to the Universal Declaration of Human Rights, "Everyone has the right to education. (NK Vats, 2017) "At the very least, education shall be free during the primary and fundamental phases. Education at the elementary level and the fundamental phases. Primary schooling shall be mandatory. Technical and professional education must be universally accessible, and higher education must be equally available to all based on merit."

The most eunuchs were discovered in Uttar Pradesh, India, out of 35 states and territories, with 13000. Bihar came in second with 9,987, while West Bengal came in third with 9,868. On average, they completed basic education at a rate of 27%, middle school at a rate of 10%, higher secondary at a rate of 10%, and high school at a rate of 27%. They also completed UG and PG courses at a rate of 26%. The census also revealed a low literacy rate among the transgender community, at 46%, compared to 74% in the general population. Due to persecution and prosecution, eunuchs have a poor literacy rate.

(SEE TABLE ON NEXT PAGE)

Table 1
States and literacy

States	Transgender	Child(0-6)	Literacy
Uttar Pradesh	137,465	18,734	55.80%
Andhra Pradesh	43,769	4,0 m.,;482	53.33%
Maharashtra	40,891	4,101	67.57%
Bihar	40,827	5,971	44.35%
West Bengal	30,349	2,376	58.83%
Madhya Pradesh	29,597	3,409	53.01%
Tamil Nadu	22,364	1,289	57.78%
Orissa	20,332	2,125	54.35%
Karnataka	20,266	1,771	58.82%
Rajasthan	16,517	2,012	48.34%
Jharkhand	13,463	1,593	47.58%
Gujarat	11,544	1,028	62.82%
Assam	11,374	1,348	53.69%
Punjab	10,243	813	59.75%
Haryana	8,422	1,107	62.11%
Chhatisgarh	6,591	706	51.35%
Uttarakhand	4,555	512	62.65%
Delhi	4,213	311	62.99%
Jammu Kashmir	4,137	487	49.29%
Kerala	3,902	295	84.61%
Himachal Pradesh	2,051	154	62.10%
Manipur	1,343	177	67.50%
Tripura	833	66	71.19%
Meghalaya	627	134	57.40%
Arunachal Pradesh	495	64	52.20%
Goa	398	34	73.90%
Nagaland	398	63	70.75%
Puducherry	252	16	60.59%
Mizoram	166	26	87.14%
Chandigarh	142	16	72.22%
Sikkim	126	14	65.18%
Daman and Diu	59	10	75.51%
Andaman & Nicobar Islands	47	5	73.81%
Dadra and Nagar Haveli	43	5	73.68%
Lakshadweep	2	0	50.00%
Total	487,803	54,854	56.07%

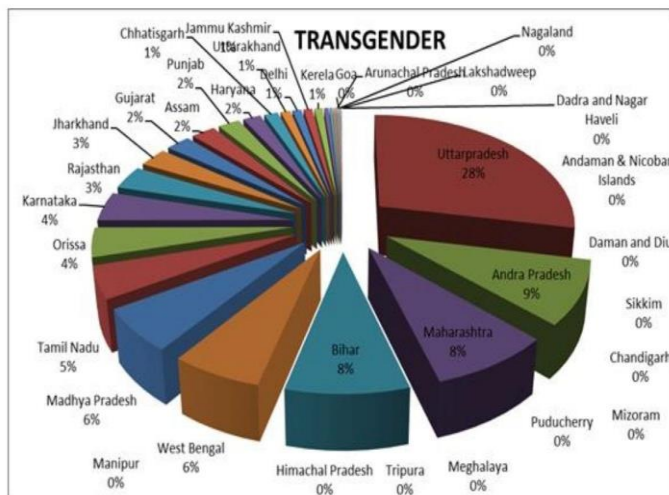


Fig. 1. Transgender

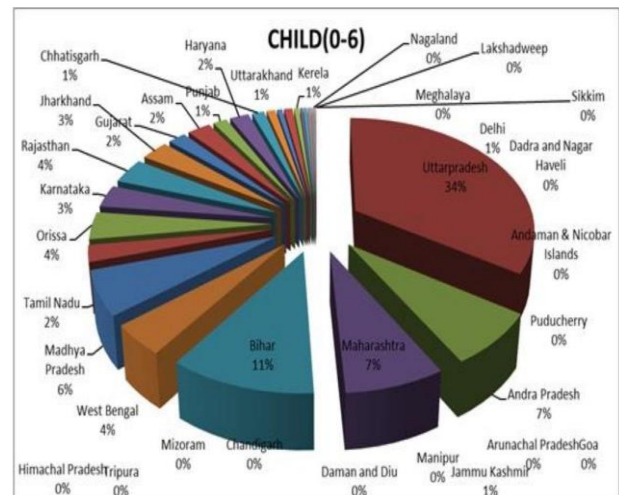


Fig. 2. Child

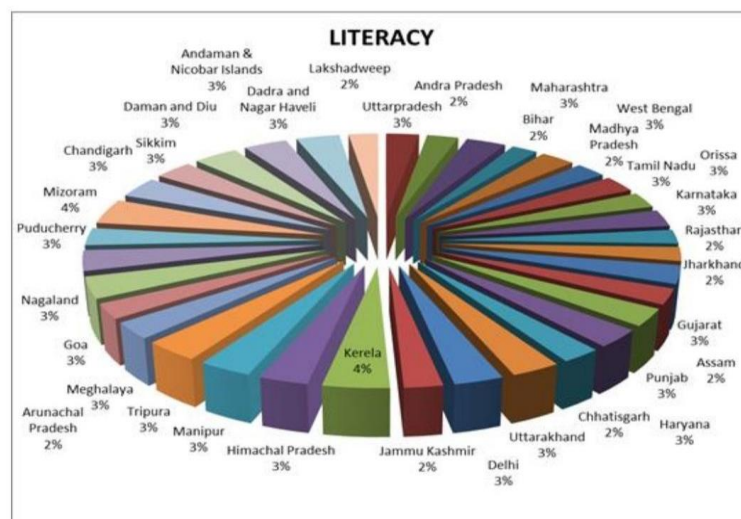


Fig. 3. Literacy

(B) Opportunities of Transgender Education in India

Constitutional rights of transgender people: Sexual (gender) identity is a critical and inescapable characteristic when the Indian state defines civil personhood. Sex-based identification within males and females is a critical component of the civil identity required by the Indian state. The Indian state's policy of recognising only two sexes and refusing to acknowledge hijras as women or as a third sex (if a hijra so desires) has effectively stripped them of certain rights that Indian people take for granted. These rights such as the right to vote, the right to property, the right to get married, the right to establish a formal identity through the use of a passport, ration card, or driver's licence, as well as the right to education, employment, and health care. As a result of this deprivation, hijras are excluded from the

fundamental fabric of Indian civil society. (Constitution of India, 1950)

Transgender policy: Kerala was India's first state to adopt a comprehensive transgender policy. The policy aimed to eliminate the social exclusion experienced by transgender individuals.

Free College Education: Colleges in India have begun to offer transgender students a free college education. Manonmaniam Sundaranar University MSU, located in the southern Indian state of Tamil Nadu, has waived tuition for trans students at all 10 of its campuses.

Transgender Welfare Board: Tamil Nadu, in example, has a comprehensive welfare policy that includes free housing and gender confirmation procedures in government hospitals for transgender people. Additionally, it was the first state to establish a Transgender Welfare Board comprised of members of the trans community.

(C) Challenges of Transgender Education in India

Learning environment: While education of transgender children is just as critical as education of other children, this reference raises the question of whether there is an adequate learning environment within school boundaries for transgender children, as they have faced stigma since the time, they identified their sexual orientation. This is the administration's and school management's responsibility to maintain a suitable environment on school campuses, as there is a greater possibility that different stigmas will begin to affect transgender children's inclusion, as they have previously encountered. And other stigmas may detract from such children's enthusiasm and concentrate on learning activities; more importantly, they may feel avoided, neglected, disrespected, or shamed in educational settings, leading to dropout from high school or college. To create an adequate learning environment within school / college boundaries, administrators and teaching staff personnel must be educated about the learning rights of transgender people and how they would assist in creating an adequate learning environment for transgender children to achieve their learning goals. (A.A. Singh, 2017) Educational research can contribute to the advancement of knowledge in this field, and research can provide scientific evidence to support a certain course of action for improvement.

Sensitization of teachers: At any level of education, instructors and students are critical in achieving the educational life's goals while bearing in mind the national goals and their respective roles. The quality of the entire educational process is determined by the teachers and, in some cases, their students. According to the human rights concept, every child has the right to be raised to the utmost extent possible with the full and adequate cognitive, psychosocial, emotional, and moral support of all systems in his or her environment. Similarly,

transgender children have the same right to education as other children, and from a humanistic perspective, they should be nurtured to the fullest extent possible. It should also be clear to everyone involved in the educational process at any level how they can contribute to their education inclusively. (JB Messman, 2019) Teachers must be made aware of concerns relating to transgender kids, their lives and cultures, psychosocial and emotional well-being, and cognitive abilities, as well as collaboration among all children and the interaction between transgender and other students. Teachers could be educated on how to offer curriculum that is relevant to transgender students.

Content based and pedagogic modification: Without research inputs, it is exceedingly difficult to express oneself in this domain. Transgender children are rarely dull. They possess the mental faculties and emotions of a typical child. However, it should be determined whether there is a need to provide certain materials pertaining to the transgender group (NK Vats, 2017) Additionally, pedagogical adjustments may be beneficial for integrating transgender youngsters into the classroom. At the moment, no research proof exists in this area. However, content- and pedagogical-based modifications could foster greater understanding among classmates and teachers, as well as among transgender kids. This is a time of change, and so

Mindset of our society, academic fraternity and corporate sector about transgender children's rehabilitation: Society and other sectors of life have a far more negative attitude toward transgender children's rehabilitation, education, personality development, connection to other social orders, and sociocultural features. Transgender children encounter several sociocultural stigmas, and as a result of these unfavourable settings, transgender children are unable to overcome the obstacles they confront. (JB Messman, 2017) Thus, the academic community and other areas of life must maintain a favourable and inspiring attitude toward transgender children's education and rehabilitation.

IV. RIGHTS OF TRANSGENDERS: A LEGAL FRAMEWORK

(A) The NALSA Judgment: A Ray of Hope

The NALSA decision should undoubtedly be commended for rejecting gender-based discrimination and for offering hope and opportunity to a group that has traditionally existed outside the legal system. The courts, with great faith and vision, have granted legal identification to all those whose bodies do not conform to recognised gender norms at birth. One ground-breaking feature of the verdict had a significant impact on present marriage, adoption, labour, and inheritance laws, which will now have to evolve away from the binary system of men and women in order to accommodate transgender people's legal rights.

Additionally, one cannot ignore the irony that the ruling was handed only a few months after the case of Suresh Kumar Koushal and others v. NAZ Foundation and Others¹¹ established the legitimacy of Section 377 of the Indian Penal Code. Accepting that Section 377 is discriminatory against transgender people, the Court stated that the decision leaves the Koushal issue unresolved, focusing solely on the legal recognition of the transgender community. One of the most novel aspects of the verdict was the incorporation of fundamental rights straight from the Constitution, particularly the application of Article 19, which served as a bold motivator for recognising the rights of a transgender person. (NALSA vs. UOI, 2014)

The solutions that the Court grants are also intriguing. As of now, three mandates have been mentioned: hijras are currently viewed as the third sex, trans-persons have the right to choose between being male, female, or providing a home with the third gender, and trans-persons are to be given advantages that are duly offered under government policies regarding minorities, because they would qualify as a "socially disadvantaged, backward sex." The Court then goes on to issue a slew of different orders, including some specific ones (like providing user-friendly toilets and treatment for HIV-positive trans-people) and some broad ones (like directing doctors to provide them with medical care in all facilities, laying out various social welfare plans for their advancement, and finding a way to raise public awareness to ensure their safety)

(B) The Transgender Persons (Protection of Rights) Bill 2019

The Lok Sabha passed the Transgender Persons (Protection of Rights) Bill, 2019. This springs from not less than 3 versions of the bill passing through Parliament - the 2014 Transgender Persons (Protection of Rights) Bill, the 2016 Transgender Persons (Protection of Rights Bill) and the 2019 Transgender Persons (Protection of Rights) Bill. Transgendered persons are a section of our population that have long since faced discrimination and unfair treatment. The new bill is the first formal protective measure they have in a progressive legal system and is long-awaited. (Transgender Bill, 2019)

1. Timeline of the Bill

- **August 2016:** Introduced in Lok Sabha
- **September 2016:** Referred to a standing committee.
- **July 2017:** Standing Committee submitted its report.
- **December 2018:** Passed in Lok Sabha
- **December 2019:** Received President's assent
- **January 2020:** Came into effect in India.

2. Highlights of the Bill

- The Bill defines a transgender person “as one who is partly female or male; or a combination of female and male; or neither female nor male. In addition, the person’s gender must not match the gender assigned at birth, and includes trans-men, transwomen, persons with intersex variations and gender-queers.”
- A transgender person must get a certificate of identity to establish their transgender status and to exercise their rights under the Bill. The "District Magistrate on the recommendation of a Screening Committee would award such a certificate. A medical officer, a psychologist or psychiatrist, a district welfare officer, a government official, and a transgender person would serve on the Committee."
- The Bill outlaw’s discrimination against transgender individuals in a variety of settings, including education, work, and healthcare. It mandates that the federal and state governments establish social programs in these areas.
- Offenses such as forcing a transgender person to beg, denying them entrance to a public location, and physical and sexual assault would carry a maximum sentence of two years in prison and a fine.

(C) Gaps in the Bill: Education of Transgender People

The most significant case, arguably, is that of education, which is addressed in Section 13 of the Bill. At school, a trans child's first experience with society outside of the familial barrier occurs. At school, the concepts of self-identity and self-worth begin to take shape. As a result, measures must be developed to ensure that trans children are admitted to schools and feel safe and secure. (A. Sawhney, 2019) To encourage inclusion, society must develop an awareness of the issues confronting the trans population. Clause 13 mandates that all government-recognized education systems provide opportunities for sports, recreation, and leisure activities without discrimination. However, the bill makes no mention of how gendered sports - those split by the gender binary - will be affected or if transgender people will be allowed to participate on the same team as their preferred gender. The National Collegiate Athletic Association (NCAA) in the United States of America enables transgender students to participate in gender-segregated sports congruent with their gender identity if they are getting hormone therapy. For instance, the regulations require that a female transgender compete on a female team for at least a year while on testosterone suppression medication. India, which is increasing its participation in sports, should have laws governing the field that would ensure the most efficient use of available resources. (S Grover, 2019)

V. RECOMMENDATION

One critical component of education that might be examined is the creation of specific government-funded scholarships for transgender students to ensure their access to all levels of education; and the development of a more inclusive and sensitive curriculum. There is a rising need for inclusive school and college courses. Our pupils must be educated about the LGBTQ community and their rights, and professors must be trained to prevent discrimination against transgender and gender nonconforming children. Additionally, the government must promote transgender children to pursue all levels of education through scholarships and incentivize the commercial sector to hire transgender people in order to overcome their marginalization.

VI. SUGGESTIONS

Inclusion through Vocational Education / Training: Teachers, the administration of the school and the community have a significant role to play in promoting inclusivity. When it comes to trans kids, teachers should provide them with skills training and career development to help them become independent. The teachers and other school personnel should be made aware of the transgender community. Providing instruction in art for transgender youngsters helps them succeed in every situation. When they develop more confidence in themselves, they will be more accepting in the community and family.

Financial Assistance: Efforts like scholarships, books, and hostel facilities for transgender students should be supported by the government.

Anti-discrimination Cell for Transgender Children/Persons: If transgender people are harassed or discriminated against in any environment, an anti-discrimination cell should be established at schools, universities, or other educational institutions.

Training of Teachers and Awareness in Society: Teachers who are committed and competent in teaching a class with transgender students must do their best to offer educational opportunity and inclusiveness for transgender pupils. Additionally, you should be aware of the trust concerns transgender children face.

Interact them using name: If we are talking to a transgender person, we should use the proper pronoun (she, her, him, him, and him), rather than insisting on using their previous name, since doing so emphasises their dignity and self-worth. They will be more accepting in the community as a result of this exercise.

Aware the concerned people in organization/society: It is incumbent for all educational institutions, schools, colleges, and other organisations to recognise the rights and dignity of

transgender children. To guarantee that the location of the organisation does not violate people's dignity or privacy, it should be required that locations should not discriminate based on gender, for example.

National Commission for Transgender Children/Persons: A governmental commission should be created to monitor the academic, social, and economic rehabilitation of children and transgender persons.

Comprehensive Census Data of Transgender Persons: This should be a must have, as it would be critical to have an in-depth understanding of the dynamics and the children on various levels when it comes to educational status, age, literacy, literacy for various groups, enrolment and departure between various educational levels. Collecting this data would involve following up with a census, gathering further information, and acquiring further equipment. research findings

VII. CONCLUSION

Each individual in this Universe is truly unique and a necessary component of Nature. Thus, it would be unethical to condemn and discriminate against individuals who deviate from the stereotype, which is also a man-made construct. It is past time for India to recognise that each citizen has equal rights and advantages in this country and to adopt a policy of "live and let live." Thus, the primary right that transsexual people deserve is Article 14's Right to Equality. Article 15 prohibits discrimination on the basis of religion, caste, sexual orientation, or place of birth. Article 21 stipulates that all citizens have the right to privacy and personal dignity, while article 21(Constitution of India, 1950) (A) states that education is a fundamental right for every Indian. The constitution guarantees fundamental rights to equality and prohibits discrimination based on gender, caste, creed, or religion. Additionally, the constitution ensures that each person has political rights and other privileges.

Despite such provisions in India's constitution, the other sex (transgender) continues to be marginalized. Transgender people experience prejudice and harassment at home, school, and in the community, which drives them to relocate. Harassment can take the form of verbal, physical, or sexual abuse, all of which can have a negative impact on one's mental health. Transgender people do not have access to social and political rights in a democratic country like India. They are not covered by any form of welfare. Considering the foregoing findings, it is clear that there is a critical need for intervention at the individual, community, and policy levels to protect transgender rights.

While the judiciary has taken a significant step to remove the stigma attached to the third

gender, it is our turn to recognize the true implication and prioritize its enforcement. It is advised that extensive in-service and pre-service teacher training programs be provided for transgender children's education. The current teacher education programme should be restructured to include content specific to the transgender community, such as their historical background, way of life, culture, rituals, customs, life skills, psychosocial conditions, psychosexual aspects, involvement in various money-making activities, involvement in sex work, as well as legal provisions and welfare programs.

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