



AWARENESS ON TRANSGENDER & THEIR INCLUSION IN HIGHER EDUCATION

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ABSTRACT

The objective of this study was to determine the level of awareness present among the youth in NCT Delhi with respect to transgender, the NLSA judgment and the provisions of the Transgender Persons (Protection of Rights), Bill 2016. The respondents were youth from National Capital Territory Delhi, India who belonged to the age group of 17 to 28 years. The respondents were selected at random across different genders pursuing either an undergraduate course or a postgraduate course in various streams. Survey method was adopted to collect data. The results of the analysis are presented in the form of tables and charts to arrive at logical findings and conclusions. It was found that most of the students would be comfortable with the inclusion of transgender in their higher educational institutes. Further, the study reveals that majority of the youth is not aware of the act passed by the government and the provisions established for transgender community. Therefore, the findings suggest that there is a greater need to spread awareness among the youth regarding the welfare policies and schemes formulated in support of the transgender community.

KEYWORDS : Gender, Transgender Awareness, Social Acceptance, Higher Education

1. INTRODUCTION

Gender refers to the social connotation of being male or female. Gender identity is the feeling of being male or female, which most persons obtain by the age of three. Gender orientation isn't just being a male or a female.. As per the Children's Health Encyclopedia, "gender identity is an individual's feeling of self-identification with either the male or female sex, as showed in appearance, conduct, and different parts of an individual's life". The third-gender as commonly perceived, is also known as 'Transgender. The Transgender community includes Hijras, Eunuchs, Kothis, Aravanis, Jogappas, Shiv-Shakthis etc., who have been a part of Indian society since long. The traditional literature of the Vedas and Puranas mentions "tritiyaprakriti" which means the third gender and "napunsaka" denoting someone who has loss of procreative ability. The word "hijra" is used in the Indian language which is derived from the Persian word hiz, meaning someone who is incompetent. Another word which is commonly used is "kinnar", whereas "chhakka" is often used in a derogatory context (Michelraj, 2015). Etymologically, the term 'transgender' has been derived from two words, namely 'trans' and 'gender'. The former being a Latin word, which means 'across' or 'beyond'. The grammatical meaning of the word 'transgender' therefore is, across or beyond gender (Vidya, 2008). Soon, this came to be known as the umbrella term under which gays, lesbians, bisexuals, and cross-dressers (sometimes also know as drag-queens) got included. Transgender people are persons of any age or sex whose appearance, personal characteristics, or behaviours are different from stereotypical idea of how men and women are "supposed" to be (Satashivam 2012).

The India census had never recognized the third gender, i.e., transgender while collecting the data for years. However, in the Census of 2011, data of transgender was collected in the category of "Others" while mentioning details related to their employment, literacy, and caste. This was the first time that a transgender was considered to be present in the society.

The census revealed that the total population of transgender is estimated to be around 4.88 Lakhs. However, the data has been primarily linked to males section as they are usually counted as men, but on request, they may be counted as women. The 2011 census also reported that 55,000 children were identified as transgender by their parents (Census, 2011).

The constitution gives the essential right to equality, and endures no discrimination on the grounds of sex, caste, creed or religion. The constitution additionally ensures political rights and different benefits to each citizen. In any case, the transgender keeps on getting shunned from the society. They endure a lot of mental, physical and sexual abuse in the general public.

India has significantly developed and grown in areas such as levels of literacy, education and health. There are indications, however, that not all disadvantaged groups receive equal benefits of the growth process. Among these groups, the transgender community, one of the marginalized communities in the country is lagging behind on human

development indices including education (Rajesh & Naved 2013).

When a transgender is not treated as equal in the society, there are not many mechanisms available to a transgender for revolting against the humiliation or discrimination. Our society often exploits and ridicules the transgender community. They are treated as untouchables in public places. Hence, the failure lies in the society's unwillingness to accept or socially include different gender identities.

This perception needs to be changed. The socio-historical conditions influence a person's social life. Critical theory presents as an appropriate framework for this specific study as it aims to illuminate the external societal structures that influence the experiences of transgender students within a higher education setting (Dahms, 2008). A Transgender is mostly deprived of social and cultural participation.

This restricts their access to education, health care and public places initially, which makes it even more difficult for the constitutional provisions to be guaranteed.

In order to put an end to all the inappropriate behavior towards the transgender community, it is important to note that efforts have been made by the government to integrate the rights of transgender with other persons. However, there is a requirement to sensitize people about these reforms, rights and policies. The objective of this study focused on a trend towards acceptance and inclusion of transgender in higher education institutes.

2. Historical Background of Transgender

With the onset of colonial rule from the 18th century onwards, the situation of transgender had drastically changed. During the British rule, legislation was enacted for supervising the deeds of Hijras/Transgender community, called the Criminal Tribes Act, 1871. This Act deemed the entire community of Hijras as 'criminal' and 'addicted' to the commission of non-bailable offences'. The Act accommodated the enlistment, observation and control of certain criminal clans and had punished eunuchs, who were enlisted, furthermore, had all the appearance of being dressed or ornamented like a woman, on a public road or a spot, as well as those who danced or played music at a public spot. Such people additionally could be captured without warrant and condemned to detainment for as long as two years or on the other hand a fine or both (Criminal Tribes Act, 1871).

Under the Act, the nearby government needed to enlist the names and homes of all eunuchs as well as their properties as they were generally associated with kidnapping or mutilating youngsters, or of committing offences under section 377 of the IPC, or of abetting the commission of any of the said offences. Keeping a boy under 16 years in the charge of a registered eunuch was made a punishable offence, under the Act. The Act further prohibited eunuchs from serving as guardians to minors. The Act has, however, been repealed in August 1949.

3. Present Scenario of Transgender

The Supreme Court of India passed a unique judgment in April 2014 stating that one's sexual orientation is an integral part of personality, dignity and freedom. Transgender, as the third-gender was therefore identified. In the National Legal Services Authority (NLSA) versus Union of India case, the court provided a legal identity to the transgender (Hijras and Eunuchs). After this judgment; various other courts have passed orders for the transgender community in their favor and for their benefits (NLSA, 2014). In 2019, The Transgender Persons (Protection of Rights) Act, was passed by the Parliament. It defines a transgender person as somebody "whose gender does not match the gender assigned to that person at birth and includes trans-men or trans-women, persons with intersex variations, gender-queers, and persons having socio-cultural identities such as kinnar, hijras, aravani, and jogta" (Transgender Act, 2019). Further, the Act condemns discrimination against a transgender person in various sectors such as education, employment, and healthcare. There are provisions in the Act for persons to get punished for discriminating against a transgender and denying access to facilities and justice to them. It also directs the central and state governments to provide welfare schemes for transgender persons.

4. Methodology

A structured pre-designed self-administered questionnaire was used to collect the data for quantitative research purposes. The data was collected from 101 students who were selected at random. The respondents are across the age groups of 17 to 28 years, pursuing either an undergraduate or a postgraduate course. The respondents differed in terms of the gender they associated themselves with and were from different fields of study. In this research, age, gender, field of study and course pursued of the respondents were the independent variables. The dependent variables were awareness about transgender in general, the transgender act and respondents' willingness to include transgender in their classrooms/colleges.

The following data represents the general profile of the respondents.

Age of the Respondents

Figure 1 show the age of the respondents. 45% of the respondents belonged to the age group of 17-20. 34% respondents belonged to the age group of 21-24 and 21% of the respondents belonged to the age group of 25-28. All the respondents in the study are youth.

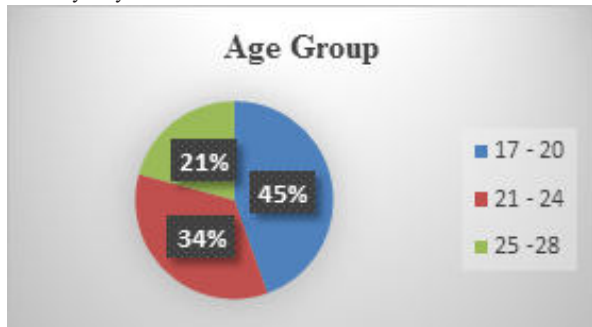


Figure 1: Age Distribution (In Years)

Gender of the Respondents

Figure 2 shows the gender distribution of the respondents. 47% of the respondents identified themselves with female gender, 47% of the respondents identified themselves with male gender and 6% of the respondents identified themselves with other gender.

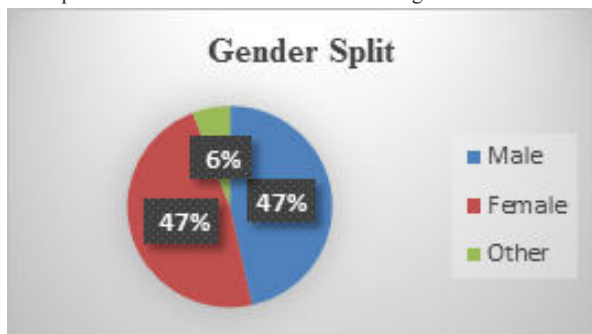


Figure 2: Gender Distribution

Education Level of the Respondents

Figure 3 shows the education level of the respondents, out of which 64% are undergraduate students and 36% are postgraduate students.

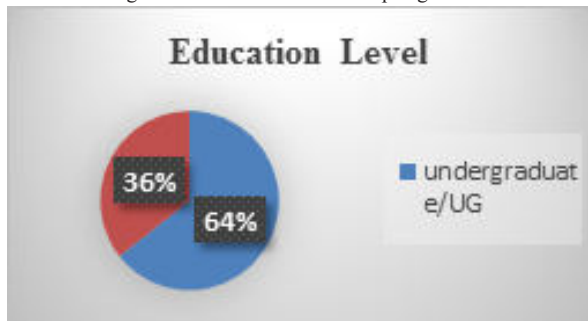


Figure 3: Education Level

Education Stream of the Respondents

Figure 4 shows the education stream of the respondents. 41% of the respondents belonged to Arts/Humanities/Social Sciences field. 29% of the respondents belonged to the Science/Medical/Engineering stream. 22% of the respondents belonged to the Commerce stream and 8% of the respondents belonged to others category of stream.

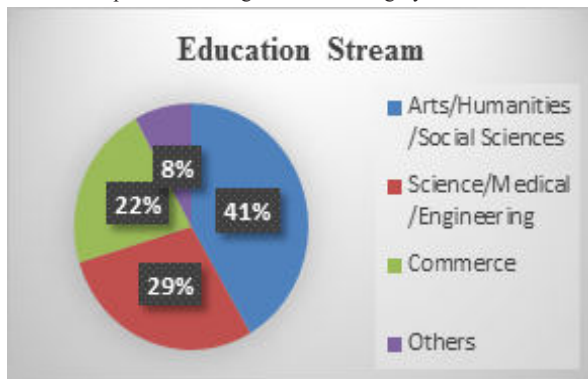


Figure 4: Education Stream of Study

5. RESULTS & DISCUSSION

The following data represents the overall result of the respondents. The respondents were asked to answer the questionnaire in their own classrooms. It was take care that individual responses are filled without any consultation with each other.

Transgender Awareness

Figure 5 shows the general awareness of all the respondents on transgender persons. 88% of the respondents were aware about transgender persons. 5% of the respondents were not aware about transgender persons. 7% of the respondents were not sure about who a transgender person is.

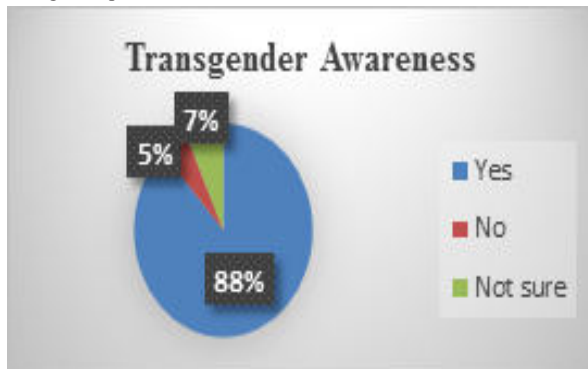


Figure 5: Awareness on Transgender Persons

NLSAAwareness

Figure 6 shows the general awareness of all the respondents on NLSA judgment pertaining to transgender persons. 31% of the respondents were aware of the judgment, whereas 69% of the respondents were not aware of the NLSA judgment.

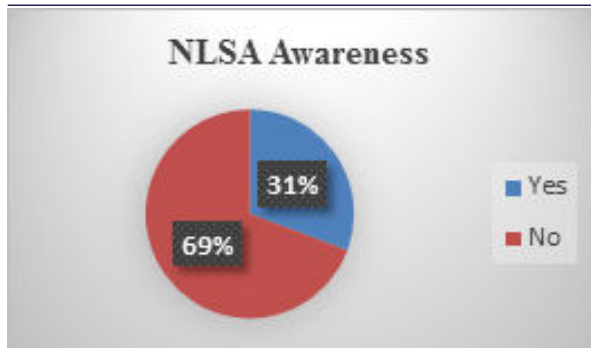


Figure 6: NLSA Judgement Awareness

Transgender Act 2019 Awareness

Figure 7 shows the general awareness of all the respondents on Transgender Persons (Protection of Rights) Act, 2019 and its provisions. 34% of the respondents were aware of the provisions. 49% of the respondents were not aware of the provisions. 17% of the respondents were not sure of the Act and its provisions.

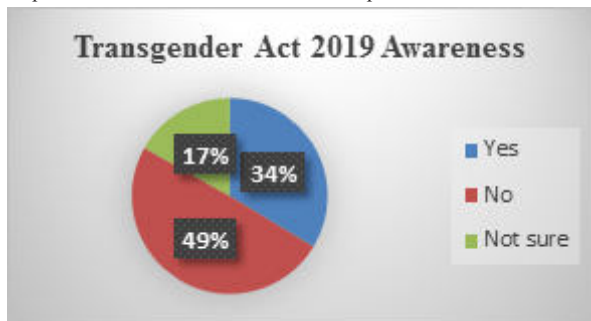


Figure 7: Transgender Act 2019 Awareness

Social Acceptance in Higher Education

Figure 8 shows the acceptance of youth in general with respect to the presence of transgender persons in their college/higher education institutes. 75% of the respondents were comfortable in accepting a transgender to be part of their college/classroom. 15% of the respondents were not comfortable in accepting a transgender to be part of their college/classroom. 10% of the respondents were not sure if they would be comfortable accepting a transgender to be part of their college/classrooms.

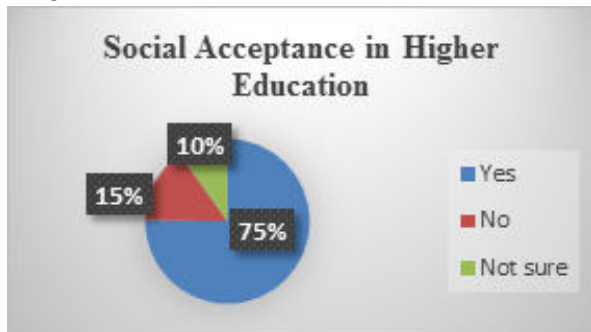


Figure 8: Social Acceptance in Higher Education

NLSA Awareness by Gender & at Education Level

Figure 9 shows awareness of NLSA judgment by gender. The graph indicates that 21% of the male gender is aware of the judgment whereas 79% of them are not aware. 31% of the female gender is aware of the NLSA judgment and 69% of them are not aware of the judgment. 100% of the other gender is aware of the NLSA judgment.

Figure 10 shows awareness of NLSA judgment at education level. The given graph indicates that 20% of the undergraduate students are aware of the NLSA judgment whereas 45% are unaware. Within the postgraduate batch, 11% are aware of the judgment, whereas 25% are unaware of the NLSA judgment.

The given graphs indicate the following findings:

- The female gender is better aware of the NLSA judgment as

compared to the male gender (10% more aware than the male gender).

- The 'other' gender is completely aware of the NLSA judgment.
- The undergraduate students are better informed about the NLSA judgment as compared to the postgraduate students by 9%.

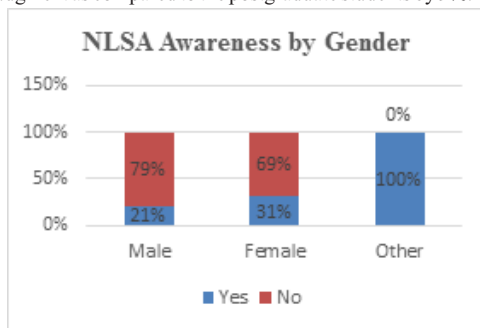


Figure 9: NLSA Awareness by Gender

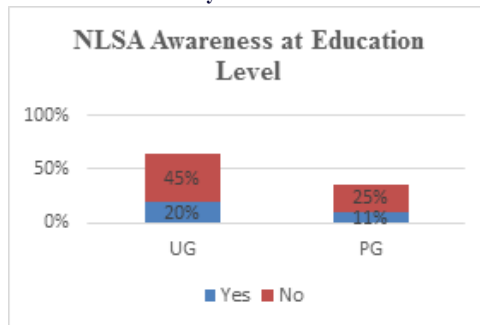


Figure 10: NLSA Awareness at Education Level

Transgender Persons Act, 2019 Awareness by Gender & at Education Level

Figure 11 shows the awareness on Transgender Persons (Protection of Rights) Act, 2019 and its provisions by gender. The graph indicates that 40% of the female gender is aware of the Act and its provisions. 44% of the female gender is not aware of the Act and its provisions. 17% of the female gender is not sure of the provisions in the Act.

19% of the male gender is aware of the Act and its provisions. 62% of the male gender is not aware of the Act and its provisions. 19% of them are not sure of the exact provisions in the Act. 100% of the 'other' gender is aware of the provisions in the Act.

Figure 12 shows the awareness on Transgender Persons (Protection of Rights) Act, 2019 and its provisions at education level. The given graph shows that within the undergraduate batch, 22% of them are aware of the Act and its provisions, 30% are not aware and 13% of them are unsure of the exact provisions of the Act. In the postgraduate batch, 12% of them are aware of the Act and its provisions, 20% of them are unaware and 4% are not sure of the exact provisions of the Act.

The given graphs indicate the following findings:

- The 'other' gender is completely aware of the Transgender Persons (Protection of Rights) Act, 2019 and its provisions.
- Females are better aware of the Transgender Persons (Protection of Rights) Act, 2019 and its provisions as compared to the male gender by 21%.
- The undergraduate students are better informed about the Transgender Persons (Protection of Rights) Act, 2019 and its provisions as compared to the postgraduate students by 10%.

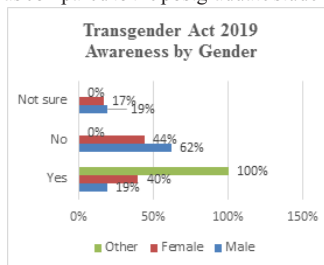


Figure 11: Transgender Act Awareness by Gender

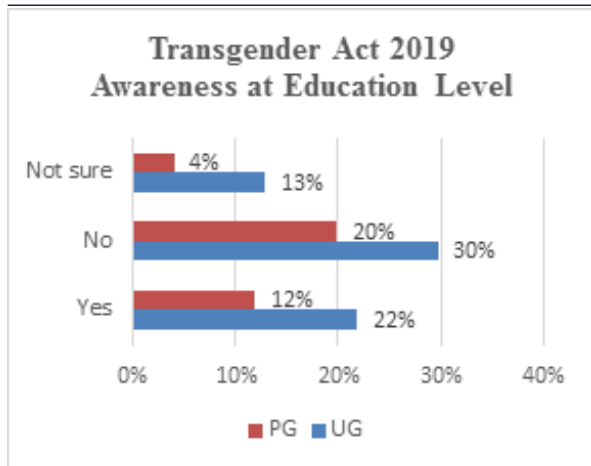


Figure 12: Transgender Act Awareness at Education Level

Social Acceptance of Transgender Persons by Gender & at Education Level

Figure 13 and 14 show the social acceptance of transgender persons by gender and social acceptance of transgender persons at education level respectively. Figure 13 indicates that 77% of the female gender is comfortable with the presence of a transgender peer in their college/classrooms, whereas 70% of the male gender is comfortable with the presence of a transgender peer in their college/classrooms. Figure 14 indicates that 80% of the undergraduate students are comfortable with the presence of a transgender peer in their college/classrooms, whereas 67% of the postgraduate students are comfortable with the presence of a transgender peer in their college/classrooms. This means that undergraduate students are 13% more comfortable than the postgraduate students in terms of socially accepting the presence of a transgender in their college/classrooms.

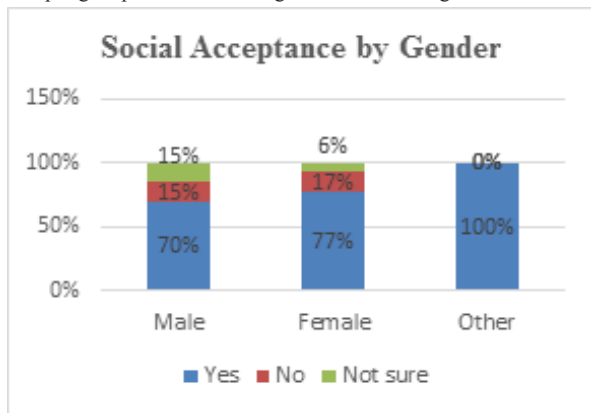


Figure 13: Social Acceptance by Gender

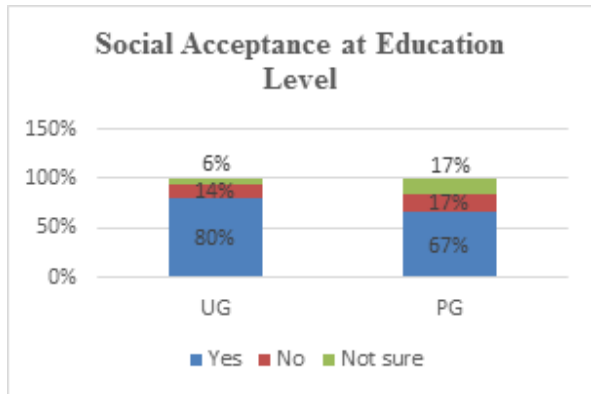


Figure 14: Social Acceptance at Education Level

forward in ensuring that due right and benefits are extended to the transgender community. A positive development can be seen wherein majority of the respondents were aware about transgender persons in general. However, the society needs to be sensitized and made aware of the specific provisions that the NLSA judgment and the Transgender Persons (Protection of Rights) Act, 2019 guarantees. This is pertinent in order to ensure that a conducive environment for a transgender is present so that the welfare schemes can be availed with ease and proper inclusion in the society. There is a need to bridge the gap and fill the lacuna by ensuring that each state and the central government plan public awareness campaigns to erase social stigma and enable easier transition for transgender persons.

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6. CONCLUSION

The constitution of India guarantees rights and other benefits to each citizen of India. With the latest Transgender Persons (Protection of Rights) Act, 2019 being passed by the Indian government, it is a step