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Challenges Faced by Transgender People to Access Progress towards SDG 4: A Critical Analysis of Transgender Persons Bill 2019

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Abstract
The bill prohibits discrimination against a transgender person, including denial of service or unfair treatment. Occurrences of bias against trans people feature the absence of sensibility and mindfulness in our educational institutions. There is a need for sensitization of the students and making them aware of the problems faced by transgender people. This will remove transphobia from the root levels of the country. However, this act does not include any penalty against a person who discriminates against a transgender person. Despite its success in upholding transgender persons rights in some instances, this Act still suffers from various shortcomings. It shows a poor understanding of gender and sexual identity. In the education and employment sector, there is still no provision for reservations. Target 4.5 under Sustainable Development Goal 4 insists that by 2030, all discrimination in education will be eliminated. The present paper attempts to critically analyze the Transgender Persons Bill 2019 in line with SDG 4 targets and indicators.

Keywords: *Quality Education, Transgender Person, Discrimination, Sensitization, Sustainable Development Goal 4*

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I. Introduction

In this contemporary society, ensuring equal access to education for all individuals is a fundamental goal that governments around the world strive to achieve. The Sustainable Development Goal 4 (SDG 4), set by the United Nations, specifically aims to promote inclusive and equitable education for all. However, for marginalized groups such as transgender people accessing quality education can be a significant challenge due to discrimination, stigma, and lack of supportive policies. One such initiative aimed at addressing the rights and protections of transgender persons is the Transgender Persons Bill 2019. The Exigency to recognize their rights and provisions to ameliorate their plight is pivotal. In 2014, the Supreme Court of India delivered a judgment following a written petition filed by the National Legal Services Authority (NALSA). This judgment, popularly known as the NALSA judgment, was supported by prominent transgender activists like Lakshmi Narayan Tripathi. The judgment included directives for the legal recognition of people with non-binary gender identities and developed social welfare schemes such as reservations in State educational institutions and the public employment sector. A new version of the bill was tabled in the Lok Sabha on 17 December 2018. The bill was amended with 27 changes, including a new definition of transgender person. The Bill was declared an Act in 2019 with 9 Clauses and 23 Subclauses. This act is essential for the development of an open, inclusive and diverse India, but it is a small step in the right direction, as it is widely known that despite the existence of robust laws, the reality on the ground is very different and it takes time to change. It also emphasized to making public awareness about the transgender person so that the prejudice against them is extirpated. This legislative piece has sparked both support and criticism from various stakeholders, particularly in its impact on education for transgender individuals. By critically analyzing the provisions of the bill in relation to SDG 4 targets and indicators, we can gain insight into how it may influence educational opportunities for this marginalized community (Shanmayeta B., et al., 2022).

II. Research Methodology

The study involves a qualitative approach with literature review of the existing literature on Transgender Persons bill 2019 and SDG 4. It also analyses data and statistics related to status of Transgender persons Education and reviews the highlights of Transgender person bill 2019 and SDG4 target 4.5 to understand the strategies and objectives concerning inclusive choice in education.

Objectives of the Study

- To evaluate the drawbacks of the bill 2019 related to education.
- To address the challenges faced by Transgender people in Accessing education.
- To examine the Transgender person bill 2019 on SDG4 Targets and indicators.

Key Highlights of Transgender Person Bill 2019

- It defines transgender persons as one who does not match the gender assigned to them at birth. It includes persons with an intersex variation, gender queers, trans - men, trans - women and persons with intersex variations.
- The district magistrate is empowered to give a certificate of identification to identify the person as transgender person.
- Prohibits discrimination against transgender and unfair treatment in institutions like healthcare, employment, education and access to public facilities; Recognizes the right to residence of a transgender person.
- Provides for the formulation of schemes by the government like vocational training programs and self - employment for their social welfare.
- It also recognizes offences such as bonded labour, physical and sexual abuse and provides for a minimum penalty of six months imprisonment and a maximum of two years with a fine.
- The Act also provides for the establishment of the National Council for Transgender person to monitor the impact of policies and legislation for transgender people (Aishwarya Bhimalli, 2023).

Drawbacks of the Bill 2019 Related to Education

'Every educational institution shall provide inclusive education and opportunities for sports, recreation, and leisure activities to transgender persons without discrimination on an equal basis with others', according to subclause 13 of clause 6 of the Trans Act. The reality is though it is reflected that even after several years had passed since this Act was formulated in 2014, the schools did not include sex education regarding non-heterosexual identities in their curriculum nor were there provisions for the introduction of transgender characters as role models in primary or secondary schools. There is a lack of proper information and knowledge, minors struggle to understand and accept their non-binary sexualities and gender identities. Schools not only failed to make them aware of their own sexual identities but created a situation for stigmatization, psychological issues, and barriers to growth and development. Sexual abuse and harassment at schools, which was their primary reason for leaving education at an early stage. In most cases, the lack of awareness of diverse gender identities and sensitivity among peers and teachers made school a bad experience leading to high dropout rates. The Act very vaguely addressed discrimination in school, with no mention of protection against sexual abuse and violence, which students faced constantly. The role of educators would be crucial to implementing the non-discriminatory laws and mediating the mechanisms of legal rights to substantive access and practice of rights for creating an inclusive environment at educational institutions.

Subclause 14 of clause 6 of the Trans Act mentions the necessity to 'formulate welfare schemes and programs to facilitate and support livelihood for transgender persons including their vocational training and self-employment', but the current situation is they do not want vocational training such as designing and tailoring clothes, rather there is a need for education such as that provided to cisgender individuals, which could allow them to obtain jobs of their preference (Shanmayeta B., et al., 2022).

Issues Faced by Transgender People to Access Education in India

As we delve into the Transgender Persons Bill 2019, it is essential to consider how its provisions may directly impact transgender individuals access to education. One key aspect of the bill is the recognition of transgender persons right to education without discrimination. This provision aligns with SDG 4, which emphasizes the importance of providing equal opportunities for all individuals to receive a quality education.

However, critics argue that the bill falls short in addressing the specific needs of transgender students, such as providing access to inclusive educational environments and support services. Without comprehensive measures to tackle discrimination and promote inclusion in educational settings, the bill may not fully meet the educational goals set forth by SDG 4. Transgender individuals often face numerous barriers when attempting to access quality education. Discrimination, bullying, and lack of understanding from peers and educators can lead to high dropout rates among transgender students. According to recent studies, transgender youth are more likely to experience mental health issues and academic struggles due to these challenges.

Moreover, the lack of inclusive curriculum and supportive policies in schools further exacerbates the difficulties faced by transgender students. Without proper guidance and resources tailored to their needs, transgender individuals may struggle to reach their full academic potential and engage effectively in the learning process.

School is the first public space encountered by children, and therefore plays a significant role in identity formation. For many transpersons, school is the place of deep discrimination, where they face abuse from fellow students and admonishment from the teachers: this, alongside other factors, results in them discontinuing their education around the time they enter high school. Their classmates often ostracize and discriminate against them and sometimes abuse them physically and sexually. However, because of poverty or needing to work at home to support the family, most transpersons had either never been to school, or dropped out at the primary school level. Everyone wants social and economic progress; this can be possible only when equal opportunities for education are made available to him. Transgender people have been a part of every culture, race, and class since the beginning of human existence. They have never been a part of an educational institution; they are not even part of the units. The number of transgenders in education is very low in comparison to other genders (Vikas Kumar, et al., 2022).

Indian universities have started providing transgender students with a free college education. In all ten of its campuses, Manonmaniam Sundaranar University (MSU) in the Southern Indian state of Tamil Nadu waived tuition for transgender students. However, this policy is not followed everywhere, and most transgender people are unaware of it.

Inclusive education should not only be confined to liberating transgender people but also to ensure that basics of gender and sexuality along with transgender people history is included in the curriculum.

Impact of the Transgender Persons Bill 2019 on SDG 4 Targets and Indicators

By examining the potential impact of the Transgender Persons Bill 2019 on SDG 4 targets and indicators, we can assess its effectiveness in promoting inclusive and equitable education for transgender individuals. While the bill's recognition of transgender persons right to education is a positive step towards achieving SDG 4 goals, more concrete measures are needed to address the specific challenges faced by this marginalized community. Almost 2% high school students identify as transgender, 27% feel unsafe at or going to or from school, 35% are bullied at school, 35% attempted suicide.

Enhancing teacher training on LGBTQ+ issues, implementing anti-discrimination policies in schools, and providing access to gender-affirming facilities are just a few examples of measures that can help improve educational outcomes for transgender students. By aligning the provisions of the bill with the principles of SDG 4, policymakers can create a more inclusive and supportive educational environment for transgender individuals.

To Enable Inclusive and Supportive learning environment there should be a Formulation of a national anti-bullying and harassment policy. Establishing support and grievance-redressal mechanisms in schools and colleges. Training and sensitizing teachers about challenges faced by gender-diverse children and children with intersex variations. Development of curricula that is inclusive of gender diversity, in different disciplines. Targeted sensitization programmes for students in schools and colleges on gender, sexuality, challenges faced by gender-diverse students and people with intersex variations and recent legislations concerning transgender persons. Setting up all-gender-inclusive infrastructure in educational institutions, allowing for exercising one's choice according to their preferred gender expression in dress code, uniforms, hairstyles, accommodation, and sports (UNDP, 2021).

In India, the National Human Rights Commission Survey in 2018, finds that a staggering 96 percent of transgender individuals face employment discrimination they are often relegated to low-paying or exploitative occupations, such as sex work and panhandling, where 92 percent are denied employment opportunities. This is owed to the non-inclusive nature of schools, towards gender-deviant children. The "other" category exhibits high dropout rates, and low pass percentages, indicating a significant educational disparity, with a literacy rate of 56.1 percent, notably lower than the national average of 74.04 percent. To improve the social and economic well-being of the community, Odisha has led the way in developing a transgender-specific policy. Karnataka created history in 2021 when it revised recruiting regulations to provide a one percent reservation for transgender people. The state has also put welfare measures into place, offering scholarships and addressing problems like the 58 percent dropout rate. Furthermore, by adding transgender people to the Most Backward Classes (MBC) category and

bringing them into line with OBC, Tamil Nadu has made a huge advancement that addresses their social and economic requirements (Sharon Sara, 2023).

One such way to bring the much-needed change is by increasing the awareness and sensitivity towards Transgender community. Recently, the Madras High Court suggested changes in school and university syllabus to incorporate education on LGBTQ for students. For example, one of the suggestions by the Hon. Court was to include LGBTQIA+ affirming counsellors (India Today, 2021). Some of the key recommendations that Madras High Court suggested are:

- Ensure availability of gender-neutral restrooms for the gender-nonconforming student.
- Change of name and gender on academic records for transgender persons.
- Inclusion of 'transgender' in addition to M and F gender columns in application forms for admission, competitive entrance exams, etc.

Way Forward

As we look towards the future, it is crucial to consider policy recommendations and measures that can further support transgender individuals in accessing quality education. Advocating for inclusive and LGBTQ+-friendly educational environments, promoting diversity and acceptance in school curriculum, and fostering partnerships with LGBTQ+ organizations are just a few strategies that can help create a more inclusive educational landscape. By working collaboratively with educators, policymakers, and community stakeholders, we can create a more supportive and inclusive educational system that benefits all individuals, regardless of their gender identity. Through these efforts, we can move closer towards achieving the educational goals outlined in SDG 4 and ensure that transgender individuals have equal access to quality education.

The Department of School Education and Literacy under the Ministry of Education needs to formulate a comprehensive national policy to address bullying and harassment in schools like anti-ragging regulations by the University Grants Commission, All India Council for Technical Education (AICTE) and the Medical Council of India. Such a policy needs to be formulated in consultation with educators, child rights bodies and CBOs working with sexual and gender minorities and take cognizance of bullying, harassment and discrimination in both physical and virtual spaces. The government ought to offer transsexual people fee waivers, scholarships, free textbooks, free hostel housing, and other subsidized services. To become independent, transgender people should receive occupational and skill training. Teachers need to be made aware of issues related to transgender students, including their life and culture, psychosocial and emotional conditions, and cognitive aspects. Additionally, there should be a transgender anti-discrimination cell in schools, colleges, or other educational settings to support transpersons facing harassment. To support the growth of transgender people, a national commission for transgender persons ought to be constituted. Introduction of specific schemes to support education of gender-diverse children, ensuring that the current and new schemes to support education are made inclusive of gender-diverse children and transgender persons, Educating and supporting families to facilitate access to education for gender diverse children.

III. Conclusion

In conclusion, the Transgender Persons Bill 2019 presents an opportunity to address the rights and protections of transgender individuals in the realm of education. By critically analyzing the provisions of the bill in relation to SDG 4 targets and indicators, we can better understand its potential impact on educational opportunities for this marginalized community. Moving forward, it is essential for policymakers to prioritize inclusive and equitable education for all individuals, including transgender students, to achieve the goals set forth by SDG 4.

To achieve Agenda 2030, the State needs to include Transgender individuals in decision-making capacities. Given an enabling environment that empowers queer and trans individuals to make policies and systems inclusive for the community, will ensure true inclusion on all levels.

We urge the Indian state to repeal discriminatory laws, adopt protective legislation, reform institutions and implement policies to combat discrimination and ensure the effective inclusion of Transgender people. If the State does not fulfil its responsibility towards the community, it will continue to struggle for years to come. It will be one of the biggest stains on the Right to freedom and life, which is guaranteed by the Constitution.

Authors' Biography

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