



UNIVERSITY OF DELHI
POLICY FOR TRANSGENDER STUDENTS

Transgender Resource center

Department of Adult continuing Education and Extension

UNIVERSITY OF DELHI
NEW DELHI

Policy for transgender students to safeguard their rights

“Education is the most powerful weapon which you can use to change the world.” Said by Noble prize winner and former president of south Africa - Nelson Mandela.

“Seldom, our society realizes or cares to realize the trauma, agony and pain which the members of transgender community undergo, nor appreciates the innate feelings of the members of the Transgender community, especially of those whose mind and body disown their biological sex. Our society often ridicules and abuses the Transgender community and in public places like railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, they are side lined and treated as untouchables, forgetting the fact that the moral failure lies in the society’s unwillingness to contain or embrace different gender identities and expressions, a mindset which we have to change.” (*Judgement of the Hon’ble Supreme Court of India on 15 April 2014*) To cater the need of third gender community ‘it is important to give them their identity as per their preferred gender role and choice of identity. With the view to heal the pain of transgender community it was decided by the honorable Supreme Court of India to give them identity i.e., third gender, it was done to mainstream the community in society and to include them among us. It was NALSA Judgement which gave the transgender people a new hope of life, the judgement was given by the honorable supreme court of India on 15th April 2014.

This historic judgment of the Hon’ble Supreme Court of India on 15 April 2014 upheld the Constitutional rights of transgender persons (TGs) by emphasizing the fact that they ought to be treated as equal citizens. The judgment has also directed the Central and State governments to extend all help to the transgender persons by considering them as OBCs for the purposes of education and employment in order to lead a life with dignity in society. The UN High Commissioner, **Michelle Bachelet**, said in her message to *“Stand up against hate’ towards LGBTI people”*, UN human rights chief urges ‘to all.’¹

Who is a Transgender?

Transgender is an umbrella term for persons whose gender identity, gender expression or behavior does not conform to that typically associated with the sex to which they were

¹ <https://news.un.org/en/story/2021/05/1091992>

assigned at birth. Gender identity refers to a person’s internal sense of being male, female or something else; gender expression refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, voice or body characteristics. “Trans” is sometimes used as shorthand for “transgender.” While transgender is generally a good term to use, not everyone whose appearance or behavior is gender-nonconforming will identify as a transgender person. The ways that transgender people are talked about in popular culture, academia and science are constantly changing, particularly as individuals’ awareness, knowledge and openness about transgender people and their experiences grow.

Rationale

This community needs attention and care to overcome from the miseries of exclusion, and inequality persist in the society. Exclusion on the basis of their identities compels them to stay in the loneliness. Due to discrimination and violence they even can’t dare to come out in the society and make them competent enough to face the day to day challenges of life. One of the reason of lower literacy rate of trans community in higher education is fear of discrimination and lack of proper awareness. Indian Census has never recognized third gender i.e. transgender while collecting census data for years. But in 2011, data of transgender's were collected with details related to their employment, literacy and caste. In India, total population of transgender people is around 4.9 Lakh as per 2011 census.

Table below depicts the population of transgender persons in India

Source:- Census of India (2011)²

TransGender/Others - Census 2011 India

States	Transgender	Child0-6	SC	ST	Literacy %
India	487,803	54,854	78,811	33,293	56.07%
1. Uttar Pradesh	137,465	18,734	26,404	639	55.80%
2. Andhra pradesh	43,769	4,082	6,226	3,225	53.33%

² [Transgender/Others - Census 2011 India](#)

3. Maharastra	40,891	4,101	4,691	3,529	67.57%
4. Bihar	40,827	5,971	6,295	506	44.35%
5. West Bengal	30,349	2,376	6,474	1,474	58.83%
6. Maharasra	29,597	3,409	4,361	5,260	53.01%
7. Tamil Nadu	22,364	1,289	4,203	180	57.78%
8. Orissa	20,332	2,125	3,236	4,553	54.35%
9. Karnataka	20,266	1,771	3,275	1,324	58.82%
10. Rajsthan	16,517	2,012	2,961	1,805	48.34%
11. Jharkhand	13,463	1,593	1,499	3,735	47.58%
12. Gujrat	11,544	1,028	664	1,238	62.82%
13. Assam	11,374	1,348	774	1,223	53.69%
14. Punjab	10,243	813	3,055	0	59.75%
15. Haryana	8,422	1,107	1,456	0	62.11%

16. Chhattisgarh	6,591	706	742	1,963	51.35%
17. Uttarakhand	4,555	512	731	95	62.65%
18. Delhi	4,213	311	490	0	62.99%
19. Jammu and Kashmir	4,137	487	207	385	49.29%
20. Kerala	3,902	295	337	51	84.61%
21. Himachal Pradesh	2,051	154	433	118	62.10%
22. Manipur	1,343	177	40	378	67.50%
23. Tripura	833	66	172	181	71.19%
24. Meghalaya	627	134	3	540	57.40
25. Arunachal Pradesh	495	64	0	311	52.20%
26. Goa	398	34	9	33	73.90%
27. Nagaland	398	63	0	335	70.75%
28. Puducherry	252	16	40	0	60.59%

29. Mizoram	166	26	1	146	87.14%
30. Chandigarh	142	16	22	0	72.22%
31. Sikkim	126	14	9	37	65.18%
32. Daman and Diu	59	10	1	2	75.51%
33. Andaman and Nicobar Islands	47	5	0	3	73.81%
34. Dadra and Nagar Haveli	43	5	0	22	73.68%
35. Lakshadweep	2	0	0	2	50.00%
36.					

Data of transgender persons has been cubbed inside "Males" in the primary data released by Census Department. For educational purpose, separate data of transgender has been curved out from that. It was clear from the data that literacy rate was low among transgenders and it also clears that trans children also exists in our Society .It's need of an hour that apex institute of India like University of Delhi should take to take steps for the welfare of this vulnerable population. We should take example from the Kerela University and Rajsthan University as they have already adopted special measures to help this community in learning.

Ensuring that all students have access to safe and inclusive learning environments is a priority for UNESCO, hence its work towards eliminating school violence and bullying, including bullying based on sexual orientation and gender identity (SOGI). In this context, the

UNESCO New Delhi Office conducted a community-based study on SOGI-based bullying, in 2017 in schools in Tamil Nadu, India.³

Findings of the study was as follows-:

1. Prevalance of bullying

- Bullying level was varied according to the levels of education.
- 60% and 50% of respondents replied that they were mostly sufferers of physical bullying when they were respectively in middle/high school and higher secondary school.
- 43% of respondents held that they were sexually harassed when they were in primary school.

2. Consequences of sexual orientation based bullying

- About three fourth of respondents said that they had minimize their social interactions with peers (73%),
- About 70% reported that they suffered from anxiety and depression and lost concentration in their studies.
- Around 63% of participants reported lower academic performance, while more than half (53%) reported having skipped classes.
- About one-third (33.2%) reported that bullying played a key role in discontinuing school.

3. Action taken by School Authorities

- Only 18% of contributors said that they had reported incidents of SOGI-based bullying to school authorities
- Only 53% of children who reported being bullied replied that authorities took some action against the persons who bullied them.

The best way to improve their condition is to educate them , education can only empower them and make them capable to overcome their weaknesses. Getting proper education is the birth rights of everyone restricting which is the crime. Education is the ultimate way to get victory over all the personal and social problems.

A World Health Organization expert said it: now understands transgender is "not actually a mental health condition". Transgender no longer recognized as 'disorder' by WHO⁴

³ [New study on bullying based on sexual orientation and gender identity in schools in Tamil Nadu, India \(unesco.org\)](https://www.unesco.org/en/news/2017/11/new-study-on-bullying-based-on-sexual-orientation-and-gender-identity-in-schools-in-tamil-nadu-india)

⁴ [Transgender no longer recognised as 'disorder' by WHO - BBC News](https://www.bbc.com/news/health-41484444)

Despite guaranteeing affirmative actions to the citizens i.e., reservation policies, the right to education disparities still exist among transgender community in India. poverty, discriminatory behaviour, exclusion from society, bullying is the main cause behind the poor participation of the transgender children in education. The low level of literacy rates among transgenders induces trans community to indulge themselves in unsafe sex as a result they exposed to HIV and various sexually transmitted diseases (Rajesh et al.).⁵

Rajesh et al. in their another research titled ‘A study of challenges and opportunities of mainstreaming transgender students in higher education institutions in India’ lay emphasis on the steps taken by educational institutions in Delhi to facilitates the transgender student’s admission in the institutions. The author focuses on the ways to mainstream the Transgender community in the educational institutions. During the study, it was discovered that college and universities lack facilities for trans students. The study also reveals that there was not any anti-discrimination cell or gender resource centre to address the problems of gender non-conforming students. Institutions were lacking any committee to address the grievances of the transgender community.⁶

The Sustainable Development Goals (SDGs), also known as the Global Goals, are a global initiative to end poverty, protect the environment, reduce economic inequality and ensure peace and justice for all. **Goal 4, talks about to ensure that all girls and boys complete free, equitable and quality primary and secondary education by 2030. Goal 5 says to achieve gender equality and empower all women and girls. Goal 16 directs to promote peaceful and inclusive societies for sustainable development; provide access to justice for all.**

Transgender persons are also part of this society by keeping in view we must take steps to build an environment where transgender community can learn and develop their potential. All educational institutions can play important role in sensitizing the society towards gender variant people, Institutions should also adopt measures to create an environment where transgenders can feel comfortable and can attain education without facing any discrimination. University of Delhi understands its duty towards the most vulnerable section of society i.e., transgender people so its duty of concern authorities to formulate policies to safeguard the

⁵ Ministry of social justice and empowerment expert committee report November 2014, “Exploring education and employment opportunities for Transgender in India”

⁶ Rajesh, Aslam, Geeta, ‘A study of challenges and opportunities of mainstreaming transgender students in higher education institutions in India’, (New Delhi, Indian Adult Education Journal)

rights of trans students in university premises, which will help the trans students in completing their education without facing any hurdles, stigma, violence, discrimination etc.

[Recent Initiatives taken by Government of India for transgender community](#)

Transgender Persons (Protection of Rights) Rules (2020)⁷

According to the Transgender Persons (Protection of Rights) Rules 2020, issued by the Union Ministry of Social Justice and Empowerment transgender persons who have officially recorded their change in gender, whether as male, female or transgender, prior to these Rules coming into force will not be required to submit an application for certificate of identity. In the new Rules, state governments have also been directed to constitute welfare boards for transgender persons to protect their rights and interests, and facilitate access to schemes and welfare measures framed by the Centre.

According to the Rules, all educational institutions are to have a committee which transgender persons can approach in case of any harassment or discrimination. The “appropriate government” is also required to take adequate steps to “prohibit discrimination in any government or private organisation or establishment, including in the areas of education, employment, healthcare, public transportation, participation in public life, sports, leisure and recreation and opportunity to hold public or private office,” as per the rules.

It also calls for a review of all existing educational, social security, health schemes, welfare measures, vocational training and self-employment schemes to include transgender persons. State governments are also required to take steps to prohibit discrimination of transgender persons in any government or private organisation, or private and public educational institution under their purview, “and ensure equitable access to social and public spaces, including burial grounds. The Centre has further mandated that transgender-sensitive infrastructure such as separate wards in hospitals and washrooms be constructed within two years of the rules being notified.

[Transgender Persons \(Protection of Rights\) Act, 2019](#)⁸

⁷ [drafrule1604.pdf \(socialjustice.nic.in\)](#)

⁸ [4115GI.p65 \(socialjustice.nic.in\)](#)

Transgender Act 2019 provides provision to establish a **National Council for Transgender** which will take care of the welfare policies related to the trans community. In exercise of the powers conferred by section 16 of the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019), the Central Government has constituted a National Council for Transgender Persons vide notification dated 21st August, 2020. The Union Minister of Social Justice & Empowerment will be Chairperson (ex-officio) and Union Minister of State for Social Justice & Empowerment will be Vice-Chairperson (ex-officio).

The National Council shall perform the following functions, namely: —

- (a) to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;
- (b) to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;
- (c) to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;
- (d) to redress the grievances of transgender persons; and
- (e) to perform such other functions as may be prescribed by the Central Government.

The other members of the Council include representatives of various Ministries/Departments, five representatives of transgender community, representatives of NHRC and NCW, representatives of State Governments and UTs and experts representing NGOs.

National Education Policy (2020)⁹

Education is the single greatest tool for achieving social justice and equality. Inclusive and equitable education - while indeed an essential goal in its own right - is also critical to achieving an inclusive and equitable society in which every citizen has the opportunity to dream, thrive, and contribute to the nation. The education system must aim to benefit India 's children so that no child loses any opportunity to learn and excel because of circumstances of birth or background. This Policy reaffirms that bridging the social category gaps in access, participation, and learning outcomes in school education will continue to be one of the major

⁹ https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English.pdf

goals of all education sector development programmes. It also talks about inclusion of transgender students in higher education

Entry into quality higher education can open a vast array of possibilities that can lift both individuals as well as communities out of the cycles of disadvantage. For this reason, making quality higher education opportunities available to all individuals must be among the highest priorities. This Policy envisions ensuring equitable access to quality education to all students, with a special emphasis on SEDGs. It also talks about gender inclusion fund to girls and trans students to support their requirements for completion of education.

Objectives of the Policy

1. To recognize transgender students in the colleges under University of Delhi.
2. To protect the identity and self-respect of Transgender students.
To Provide abundant opportunities for their education and employment.
3. Offer transgender students with proper friendly educational atmosphere and thus, help them to gain self-respect, confidence, acceptance, and identity in society.
4. Provide them with support systems to bring them into the mainstream of societal framework and to provide suitable platforms for their inclusive development.
5. Guarantee strict action against persons who discriminate, bother, deny or violate the special rights given to the TGs.
6. Adopting proper mechanism and its effective enactment to address the issues of viciousness and harassment faced by transgender students.
7. Sensitize the teaching, non-teaching staff and student community in all educational institutions so that there is no discrimination and that the TGs are treated as normal citizens with self-esteem and dignity.

Measures to be adopted to tackle the problems faced by Transgender students

Recognizing the trans student

- All educational institutions affiliated to the University of Delhi to take steps to identify TG students in their institution.

- Transgender student should be asked to submit an affidavit that She /He/They is a Transgender along with a Certificate duly issued by an authorized person entrusted by the State Government stating that she/he/TG is a transgender.
- While dealing with the TG students, the institution should be extremely careful in managing their special needs and create an academic ambience congenial to them.
- Appoint a Contact Person, who shall keep the details of the TG students secretly.
- Mental health is an integral part of the youth/adolescent so the Counsellors of the educational institutes need to be trained and sensitise to help the transgender or gender non-conforming students and also to sensitise others (including staff, parents of the students) in terms promoting acceptance for the transgender and other gender non-conforming students.

Equal Opportunities

- To include the term transgender in application form and in all the certificates
- To respect their choice of adopting binary identities like ‘male’ or ‘female’.
- Reservation should be provided and special Seats should be reserved for transgender students in all courses of university/colleges.
- A special team should be appointed to help transgender students regarding admission queries.
- Transgenders should be given special attention in university premises, Libraries, if they need any cooperation university should sensitize the students and staffs to cooperate with them.
- Transgenders should be provided access in libraries, canteen and gender-neutral washroom.
- There should be a cell which takes care of their rights and where Trans students can report their complain.
- Bullying and abusive languages should not be used for them if anyone is doing then administration should ensure strict action against them.

- National Transgender Day, Transgender Remembrance Day etc. needs to be observed by such cell involving the students, teachers and the staff.

Safety

- To create anti ragging cell in every college and department of the university.
- To provide counseling to the vulnerable group to help them in healing their problems
- A Special Transgender resource center at the University level should coordinate and supervise the activities of the Equal Opportunity Cell and Counseling Centers at the College level.

Scholarships

- Transgenders should be provided special fellowship to complete their education as they belong to most vulnerable community.
- There should be concessions in hostel fees and college fees for them. Even higher authorities should think to provide free admission to trans students.

Syllabus

Include contents on Transgender in the syllabi of the Degree/PG Program to help students to know the different dimensions biological, sociological, psychological, political, and constitutional - of transgender issues.

- To introduce gender and sexuality curriculum which is very important for the holistic development of the community.
- Research Centers to include the issues of Transgenders in their studies and research projects and take initiatives to sensitize the community about the problems of Transgenders. Address the issues and solutions to the problems of trans people.

Awareness programs

- A special cell of university (Transgender Resource center, Department of Adult Continuing Education and Extension) who is dealing with the transgender issues takes charge and do the needful to sensitize the university / colleges staffs and students.
- Authorities should take proper measures to protect the dignity of trans students.

- University should take the initiative to give direction to the teaching and non-teaching community regarding the issues of transgenders.

Infrastructure

- Gender neutral restroom' should be made for transgenders to ensure trans student safety. Funds should be provided for this from govt.
- Health care facilities should be provided to TG students to ensure their good health.
- Hostel facility should also be provided to trans students.
- To establish **Transgender Resource Center** like structure in every University to monitor the wellbeing of trans students across the nation.

Note: kindly give us your input, you may contact us at the given below Gmail Id

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Document used in preparation of policy

1. Report of the Expert Committee on the issues relating to the transgenders of India, Ministry of Social Justice and Empowerment, Government of India, New Delhi (Details are available in <http://socialjustice.nic.in/transgenderpersons.php>)
2. Judgment of Supreme Court of India. Transgender, on 14 April 2014. (Details are available in <http://supremecourtindia.nic.in/outtoday/wc40012.pdf>)
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6. New Education policy, [NEP Final English 0.pdf](#) (education.gov.in)
7. Transgender Protection of Rights Act 2019, [4115GI.p65](#) (socialjustice.nic.in)

Acknowledgement

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