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TRANSGENDERS IN INDIA: A STUDY OF EDUCATIONAL STATUS AND LEGAL RIGHTS

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Abstract:

Transgender is an umbrella term that is issued to describe people whose gender identity does not match with the sex they were born with. In other words, a transgendered person may have been born as a male but identifies as a female or vice versa. Some transgender people who desire medical assistance to transition from one sex to another identify as transsexual, transgender, often shortened as Trans. In addition, it includes whose gender identity is the opposite of their assigned sex considered as Tran's men and Trans women who are not exclusively masculine or feminine such as non-binary or gender queer, including bigender, pan gender, gender fluid or a gender. Transgender people may be identified as heterosexual, homosexual, bio-sexual, and sexual or may decline to the level their sexual orientation. Additionally, prevalence of transgender person among 100000 general population have been calculated. Transgender population is very high in the states like Uttar Pradesh (28.18%), Andhra Pradesh (8.97%), Bihar (8.37%), west Bengal (6.22%) and Tamil Nadu (4.58%). The main objective of the study is to observe the challenges face by transgender and literacy rate in India. Research Methodology constitutes the basic and an important component of every research project. It refers to a plan or strategy used to seek answers to research questions. (i) Study Design: The study was based on an explanatory cum descriptive research orientation (ii) Unit and universe: Present study is an analytical study based on secondary data source with taking some

primary data like phone interview. (iii) Investigation tools and techniques: The universe collected from different source like library, internet, www.google.com, Wikipedia, different books, journals, magazines, and different types of thesis related this topic.

I.INTRODUCTION

The "Hijra" used in the Indian language appear to be derived from the Parcian word "Hiz"- i.e. someone who is effeminate or in effectives or in competent. Another word used for them is Kinner, where as Chhakka is used in a derogatory context. Transgender person (protection act Right) Act-2016 of Lok Sabha-Lower house of Indian Parliament (August-1, 2016) in its section 2 (1) Transgender define- "Neither Whole female nor whole male, A combination of female or male, Neither female No male. Transgender is a state in which a person's gender identity does not match with his/her physical sex". Transgender falls primarily under two categories, first – they are someone who are born male and live as female; and the other – who are born female and live as male. Transgender people, often referred to as the Hijras in the Indian sub continent, are officially recognized as "third gender" in the country and consider themselves as "neither male nor female". As per the latest Census, India recorded over 487 thousand people who are identified as the third gender, most of whom came from the northern state of Uttar Pradesh. Similarly, other prominent regional and trans-regional identities representing this community are hijras, aravani, jogtas/jogappas, and shiv-shaktis.

"Transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, gender queer and person having such socio-cultural identities as kinner, hijra, aravani andjogta.

We Indians proudly say a very famous quote on brotherhood for supporting the peace and love around the earth - —Vasudhaiv Kutaumbkam. This —Vasudhaiv Kutaumbkam" could not be able to give suitable space, right, respect, love and affection for its own Divyang children for centuries not only Divyang Children but also a very well known Transgender (Hijra) also. This community is also living on margins socially, educationally, economically, psycho-socially and psycho-sexually. They are also fighting since hundreds years for their identity and rights. On 1st April 2014 Supreme Court of India gave "Third Gender" to Hijras in the judgment.

II. REVIEW LITERATURE

The researcher while writing this paper found out some past studies and article based on educational issues of transgender. They are as follows:

Jeyaseelan. M (2015): Jeyaseelan said that the role of the government and the community is to bring awareness among Transgender group of people on their rights. Government and NGO's can work together for the rehabilitation of the transgender involved in prostitution and provide education to the interested people for public awareness campaign to erase social stigma. Then, every transgender will have the right to know about their Rights.

Prof. Shilpa Khatri Babbar (2016): The road to the legal recognition of the transgenders as a third gender has been a long and difficult history of reverence but a reality of discrimination is almost unimaginable how it is taking the state and the society so long to legally recognize them as dignified alternate sexualities, so that they no longer have to resign to a life that forces them to identify themselves either as a male or female. There are cloud of ignorant stereotypes, who see transgenders merely as beggars, hecklers and sex workers. Unfortunately, it is this mass rejection of their individuality that render so many of them unfit for any kind of employment, turning them to a life of abuse.

Sakshi Parashar (2016): Transgender person are continuously facing multiple forms of social discrimination and oppression like health care, employment, educationally backwardness challenges, social participation etc. The major challenges in inclusion of transgender within the ambit of the OBCs reservation in education and appointment. So for the social inclusion of awareness program and sensitization for transgender is a necessary step. This process definitely going to be a gradual process for state, society and individual

According to Akanksha Mishra (2016): Social and legal position of the Transgender community and judicial treatment are of the same, home is necessary not only to pen down laws but also bring them to action for the upbringing of transgender community.

Prem Kumar Agarwal(2016): The Supreme Court recommended the Government to implement the findings of this judgment, further directed to include transgender community as backward class and to take appropriate measures for affirmative action in favour of transgender. The Court also recommended for establishment of a commission to find out the actual status of the transgender population and the Supreme Court strongly argued for the rights of transgender community but the ground reality is different. The problem of the transgender people is deep rooted in the event of social exclusion and until and unless the guidelines of the Supreme Court are implemented and the transgender community is provided with the opportunity of social inclusion, their problem cannot be solved.

Dipayan Choudhury & Atmaja Tripathy (2016): There is lack of clarity under Hindu personal law. In addition, there is absence of legislation recognizing marriage and inheritance rights of third-sex people. Supreme Court has recognized right of equality under Article 14 of the Indian Constitution. The duty of

Indian legislators should be to amend the current legislation governing Hindu personal law so as to bring it into consonance with India's international obligations as well as with its duty to protect the fundamental rights of the third gender community.

Neena Sawant January 2017: The Government of India introduced several welfare policies and schemes for the transgender which would be a big step forward like documentation, issuing of the citizenship ID Cards, issuing passports along with social, economic, political transformation, housing, legal measures, police reforms, legal and constitutional safeguards to prevent human rights violations of the transgender community and institutional mechanisms to address specific concerns of transgender people.

Sourav Agarwal (**2017**): The author revealed that the transgender conferred the following rights, that is, right to equality, equality of opportunity, fundamental freedoms, right to life which includes right to live with human dignity and right against exploitation.

Dona John (2017): Efforts of individuals, corporate authorities and civil society activism are gradually changing the environment that transgender often find painful to traverse. The biggest challenge is the parochial attitude and societal resistance to include transgender as a normal part of daily lives.

Dr. Prosanajit Naskar et al. (2018): According to the author, government plans can conceptually improve the quality of life of transgender group by legislation, social awareness, and facilities.

Dr. Konduru&ChongneikimHangsing (2018): The author said that we need to understand and accept that human beings are diverse and they all have the right to be what they want to be and for this government support is very necessary. They are struggling for long times for social and cultural barriers apart from genetic factors, political and educational factor etc.

Sujita Sethi & Madhusmita Bharwa (2018): Indian authorities are working to implement the Supreme Court directives and to bring the transgender to the main stream community. There is also a need to spread larger awareness campaign in public for the acceptability of the Transgender community. They should be welcomed with open arms in educational institutions, health care systems, work place both public and private, should be treated equally under the law and by the police. They should be provided proper medical facilities which include health insurance and subsidized treatment. Transgender community has a right to live as others live as they are also human beings, and they should have right to express their feelings without any fear.

Akhand Sharma (2018): According to the author, there is need to improve their image so that they get respect and acceptance in the society.

Neetu naik: As many of transgender people who have not disclose their identity due to social stigmas and fear discrimination, employment rate is also too low because they are not appointed on any government or private job. Therefore, they earn their livelihood by dancing, singing and begging. Most of the Transgender come under SC/ST category which is declared as the backward class in India.

To implement the judgment it becomes necessary that the state shall take steps for nationwide awareness programs describing the rights of third gender, Centre and State Governments should also take steps for

framing various social welfare schemes for their betterment and also try to ensure their equal participation in every facet of social life.

Sayan Bhattacharya (2019): The author described that opportunities provided to transgender by law are not real (Asli) and not Fake (Nakli). Everyone is equal according to the Indian constitution. They can do any kind of work at any place without any fear and interference.

III. OBJECTIVE OF THE STUDY

The main objectives of the research paper are as follows:-

- To know the statistical and educational status of transgender
- To study the problems faced by transgender in society
- To observe the social acceptances of transgender in society
- To know the fundamental right of transgender people

IV. RESEARCH METHODOLOGY

Methodology constitutes the basic and an important component of every research project. It refers to a plan or strategy used to seek answers to research questions.

- (i) Study Design: The study was based on an explanatory cum descriptive research orientation
- (ii) Unit and universe: Present study is an analytical study based on secondary data source with taking some primary data like phone interview.
- (iii) Investigation tools and techniques: The universe collected from different source like, internet, www.google.com, pub met, census data, Annual report, gender profile, (State/ Country), different constitutional Bill, Wikipedia, different books, journals, magazines and different types of thesis related this topic.

V. RESULT AND DISCUSSION

Indian census has never recognized third gender i.e. transgender while collecting census data for years. But in 2011, data of transgender were collected with details related to their employment, literacy, and caste. In India, total population of transgender is around 4.88 lakh as per the 2011 census.

Table 5.1: Transgender in India: (Source: Census 2011)

Sl. No	STATE	Transgender	Child(0-6)	SC	ST	Literacy
	INDIA	487,803	54854	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
3.	Maharashtra	40,891	4,101	4,691	3,529	67.57
4.	Bihar	40,827	5,971	6295	506	44.35
5.	West Bengal	30,349	2,376	6,474	1,474	58.83
6.	Madhya Pradesh	29,597	3,409	4,361	5,260	53.01
7.	Tamil Nadu	22,364	1,289	4,203	180	57.78
8.	Odisha	20,332	2,125	3,236	4,553	54.35
9.	Karnataka	20,226	1,771	3,275	1,324	58.82
10.	Rajastan	16,517	2,012	2,961	1,805	48.34
11.	Jharkhand	13,463	1,593	1,499	3,735	47.58
12.	Gujarat	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	-	59.75
15.	Haryana	8,422	1,107	1,456	-	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	-	62.99
19.	Jammu & 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	-1	311	52.20
26.	Goa	398	34	9	33	73.90
27.	Nagaland	398	63	-	335	70.75
28.	Pondicherry	252	16	40	-	60.59
29.	Mizoram	166	26	1	146	87.14
30.	Chandigarh	142	16	22	-	72.22
31.	Sikkim	126	14	9	37	65.18
32.	Daman & Diu	59	10	1	2	75.51
33.	Andaman and Nikobar island	47	5	-	3	73.81
34.	Dadra and Nagar Haveli	43	5	-	22	73.68
35.	Lakshadweep	2	-	-	2	50.00

5.1 Status of Transgender Education:

The enrolment of transgender is significantly low and dropout rate at the primary and secondary level is still very high. They are hardly educated as they are not accepted by the society and therefore do not receive proper schooling. Even if they are enrolled in an educational institute, they face lots of harassment and are bullied every day and are asked to leave the school or they drop out their own. It is because of this that they opt for begging and sex work. The overall pass percentage of transgender candidates in CBSE class XII examination has increased by a record 83.3% in 2019. The central board of secondary education result for classes 10th and 12th were declared on July 13, 2020 and July 15, 2020 respectively. As per the CBSE press release, there were 1,889,878 candidates in class 10th and 1,206,893 candidates were in class 12. Among the students who registered for class 10th exam, 7,88,195 were girls, 11,01,664 were boys and 19were transgender persons. For class 12th, 5,22,819 were girls, 6,84,068 were boys, and six were transgender person. There has been a spike in the percentage of students from class 10th and 12th who have passed this year. The pass percentage of class 10th students has increased by 0.36% and that of class 12th students has increased by 5.38%. It has been considered a significant achievement by various education departments across India but the pass percentage of transgender persons has been widely ignored.



Table 5.2: Number of Transgender in Odisha: (SECC, 2011)

1. Angul 351 195 - 2. Balasore 281 281 - 3. Bargarh 31 31 17 4. Bhadrak 60 60 - 5. Balangir 438 438 438 6. Boudh 3 11 - 7. Cuttack 63 183 4 8. Deogarh 7 5 - 9. Dhenkanal 136 20 - 10. Gajapati 22 20 - 11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur b	Sl. No.	District	Number of Transgender	No. of TGs Identified	No. of TGs Rehabilitated	
3. Bargarh 31 31 17 4. Bhadrak 60 60 - 5. Balangir 438 438 438 6. Boudh 3 11 - - 7. Cuttack 63 183 4 4 8. Deogarh 7 5 - - - 9. Dhenkanal 136 20 - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -	1.	Angul	351	195	-	
4. Bhadrak 60 60 - 5. Balangir 438 438 438 6. Boudh 3 11 - 7. Cuttack 63 183 4 8. Deogarh 7 5 - 9. Dhenkanal 136 20 - 10. Gajapati 22 20 - 11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 <	2.	Balasore	281	281	-	
5. Balangir 438 438 438 6. Boudh 3 11 - 7. Cuttack 63 183 4 8. Deogarh 7 5 - 9. Dhenkanal 136 20 - 10. Gajapati 22 20 - 11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bharj 352	3.	Bargarh	31	31	17	
6. Boudh 3 111 - 7. Cuttack 63 183 4 8. Deogarh 7 5 - 9. Dhenkanal 136 20 - 10. Gajapati 22 20 - 11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 4 17. Kendrapada 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	4.	Bhadrak	60	60	-	
7. Cuttack 63 183 4 8. Deogarh 7 5 - 9. Dhenkanal 136 20 - 10. Gajapati 22 20 - 11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23.	5.	Balangir	438	438	438	
8. Deogarh 7 5 - 9. Dhenkanal 136 20 - 10. Gajapati 22 20 - 11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 3	6.	Boudh	3	11	-	
9. Dhenkanal 136 20 - 10. Gajapati 22 20 - 11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 46 4 17. Kendrapada - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	7.	Cuttack	63	183	4	
10. Gajapati 22 20 - 11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 -	8.	Deogarh	7	5	-	
11. Ganjam 75 75 - 12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	9.	Dhenkanal	136	20	-	
12. Jagatsinghpur 0 5 - 13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	10.	Gajapati	22	20	-	
13. Jajpur 30 30 22 14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	11.	Ganjam	75	75	-	
14. Jharsuguda 48 44 44 15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	12.	Jagatsinghpur	0	5	-	
15. Kalahandi 96 96 - 16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	13.	Jajpur	30	30	22	
16. Kandhamal 46 46 4 17. Kendrapada - - - 18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	14.	Jharsuguda	48	44	44	
17. Kendrapada - <t< td=""><td>15.</td><td>Kalahandi</td><td>96</td><td>96</td><td>-</td></t<>	15.	Kalahandi	96	96	-	
18. Keonjhar 39 39 - 19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	16.	Kandhamal	46	46	4	
19. Khordha 362 362 - 20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	17.	Kendrapada			-	
20. Koraput 112 112 79 21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	18.		39	39	-	
21. Malkangiri 56 43 5 22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	19.	Khordha	362	362	A .	
22. Mayur bhanj 352 366 20 23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	20.	Koraput	112	112	79	
23. Nabarangpur 13 13 13 24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	21.	Malkangiri	56	43	5	
24. Nayagarh 37 36 - 25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	22.	Mayur bhanj	352	366	20	
25. Nuapada 35 38 21 26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	23.	Nabarangpur	13	13	13	
26. Puri 25 25 - 27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	24.	Nayagarh	37	36	//0	
27. Rayagada 182 182 30 28. Sambalpur 215 27 - 29. Sonepur 29 29 -	25.	Nuapada	35	38	21	
28. Sambalpur 215 27 - 29. Sonepur 29 29 -	26.	Puri	25	25	10	
29. Sonepur 29 -	27.	Rayagada	182	182	30	
	28.	Sambalpur	215	27	-	
30. Sundergarh 52 52 47	29.	Sonepur	29	29	-	
	30.	Sundergarh	52	52	47	

5.2 Ignored Percentage:

The percentage of transgender persons of class 10th has decreased by 15.79% and that of class 12th has decrease by 16.66%. According to the 2011 Census, the total population of transgender person is around 4, 87,803 with a literacy rate of 57.06% in India. In 2011, there were 54,854 transgender children below the age of six. The children who are not between the age of 10 and 16 and should currently be in school. There were only 19 transgender students in class 12th and six transgender students in class 10th who appeared for the Board exams.

Transgender students were out of the school because of the following points:

- (a) Inclusion in school/college and university
- (b) Use of disrespectful names and pronoun
- (c) Lack of access of appropriate restroom facilities
- (d) Confidentiality
- (e) Lack of ideal personality

Table 5.3: Transgenders status by Age, Social Groups and Education

Sl. No.	STATE	TRANSGENDERS	CHILD (0-6)	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	43,369	4,082	6,226	3,225	53.33%
3.	Maharashtra	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.	Madhya Pradesh	29,597	3,409	4,361	5,260	53.01%
7.	Tamil Nadu	22,364	1,289	4,203	180	57.87%
8.	Odisha	20,332	2,125	3,236	4,553	54.83%
9.	Karnataka	20,226	1,771	3,275	1,324	58.82%
10.	Rajashtan	16,517	2,012	2,961	1,805	48.34%

(Source: Census-2011)

5.3 Rights of Transgender:

The National Council for Transgender Persons was established under section 17.

Article 14&21: Right of equality before law and equal protection of is in under article 14 & 21 of the constitution.

Article21: Right of choose one gender's identity is an essential part to lead a life with dignity which again falls under the ambit of Article-21.

Article 14, 15 & 16: Transgender cannot be discriminated against on the ground of gender as it is violation of Article 14, 15, 16.

Article 19 (1) & 19 (2) provides right to every individual regarding gender expression and there is no restriction on one's personal appearance or choice of dressing.

Transgender persons (Protection of Rights) Act, 2014 has been passed by Rajya Sabha on 24th April 2015 which mentions the rights of transgender under the following sections:

- 1. **Section-2** (t) Transgender person means a person like other human.
- 2. **Section-2** (i) define inclusive education as a system of education where in all students learn together all time.
- 3. **Section-2** (**q**): clearly referred to attain and maintain maximum independence, full physical, social, sensory intellectual, psychiatric, inclusion and participation in every aspect of life.
- 4. **Section-7** (1), Act 2014 give rights to all transgender have the right live in the community with choice equal to other.
- 5. **Section-11 (1)**; say that no child who is transgender shall be separate born from his/her parents ground of being a transgender except on a order of competent count.
- 6. **Section-11** (2) define that where the immediate family is not able to care for transgender child, the competent court to place child with in his/her extended family or within community.
- 7. **Section-13** (i) transgender students without discrimination provide equal of opportunity for sport, education, recreation leisure activities and on equal an equal basis. (ii) Provide appropriate conformity of the individual needs. (iii) The legal of inclusion provide necessary support in environment that augments academic and social development & (iv) also provided monitor participation progress in school attainments in education for every transgender students.
- 8. Section-16 (1) its relating to employment requirement, promotion & other issues.
- 9. Section-16 (2) they are eligible for any post for any field and shall have selected to selected past.
- 10. **Section-21** all govt institution of primary, secondary & higher education shall reserve to 2% of the total seat in each class & course for transgender.
- 11. **Section-22** government shall reserved not less than 20% vacancy meant to filled by direct requirement.
- 12. **Section-26** (1) central government shall which is well known as the National commission for transgender to exercise the powers conferred upon and to perform the function assigned to it. State level section 38% is same with section 26 (1).
- 13. **Section-46** said that purpose of speedy disposal of suit of a civil nature.

Transgender person (protection act Right) Act-2016 of Lok Sabha- Lower house of Indian Parliament (August-1, 2016) mentions the following rights for transgenders:

1. Section 2 (1) Transgender define- Neither Whole female or whole male, A combination of female or male, neither female nor male.

2. Section-3 deals with discrimination against Transgender person which include in the denial of unfair treatment in educational establishment, employment or occupation, termination from employment and occupation, health care service, facility, benefit, privilege or opportunity and right of movement.

Section-377 is discriminatory against the transgender person, clarified that the judgement leave the Koushal case interrupted and thus single-handedly focusing on the legal recognition of the trans-sexual community. It prohibited homosexual form engaging in same—sex intercourse, not only it illegalize a set of fact-in prohibiting the most basic expression of one is sexuality, it also criminalize sexuality and thereby, identify itself. Section-377 of Indian penal code is right and freedom; apart from that the election commission also passed a provision which helps to identity them as a transgender. Indian parliament to ensure that transgender people get same benefits like ST/STs and with this, step has been taken to make sure that they get enrolment in school government jobs &also protection from sexual harassment at schools, work places and public places. (NALSA v/s U.O.I case, 2014). In 2009, the fundamentals behind the Fundamental Rights seemed to accomplish a triumph for the alternate sexualities when the Delhi High Court held section 377 of IPC, which categorized any penile non-vaginal activity as an unnatural offence, in violation of the Fundamental Rights enshrined in the Constitution of India, insofar as criminalizing consensual sexual acts of adults in private. It was further stated that, "Where society can display inclusiveness and understanding, such persons can be assured of a life of dignity and non-discrimination."

The supreme court of India passed a unique judgement in April 2014-stating, "one's sexual orientation as an integral part of personality, dignity, and freedom" and identified transgender as a "Third gender". In the National Legal Service Authority versus Union of India case, the apex court provided the transgender a legal identity along with seven other direction.

The twin Bills: MP Tiruchi Siva introduced a private member's Bill-the right of transgender Person Bill in Rajya Sabha in April 2015. In 2015, MSJE published a draft bill. Even though the bill gives OBC status to the Transgender people, there is a huge question mark surrounding affirmative action. It brought confusing and problematic changes.

Rajya Sabha passed the "Right of Transgender Bill 2014". When government passed another Bill in 2015 modifying 2014 by removing the provisions relating transgender as well as National and State commission 2015 changes and another bill was introduced in the Lok Sabha in 2016 for the Transgender People.

The Equality Act 2010 Sets Out Four Main Categories of Discrimination:

- 1. **Direct discrimination** Treating someone with a protected characteristic less favourably than others;
- 2. **Indirect discrimination** Putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage;

- 3. **Harassment** Unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them;
- 4. **Victimisation** Treating someone unfairly because they've complained about discrimination or harassment.

This also covers those who are perceived as having a certain protected characteristic and those who are associated with a person with a protected characteristic.

Rights of Transgender Persons Bills:

- 1. **April 15, 2014:** The Supreme Court directs the government to legally recognise a "third gender" and give those who qualify new protections and benefits, including reservations in education and employment.
- 2. **April 24, 2015:** RajyaSabha passes the Rights of Transgender Persons Bill, a private member's bill. Bill defines being transgender as a psychological phenomenon and provides reservations for transgender people.
- 3. August 2, 2016: The government dispenses with the RajyaSabha bill and introduces its own Transgender Persons (Protection of Rights) Bill. It defines being transgender as a biological phenomenon and does not provide reservations.
- 4. **July 22, 2017:** The standing committee on social justice and empowerment issues a report on the government bill.
- 5. **December 17, 2018:** BILL to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto it also Come s as a change in the nation of Equality and dignity perpetuated in nation. Right of self identification. The Transgender Persons (Protection of Rights) Bill, 2018 describes "to provide for protection of rights of transgender persons and their welfare and formatters connected therewith and incidental thereto." In the light of the lapse of the Transgender Persons (Protection of Rights) Bill, 2018 (Bill No. 210-C of 2016). The president assented to it on 5 December 2019, upon which the act was published in the *Gazette of India*. It has been in effect since 10 January 2020 following a notification of the same in the *Gazette* on the same day.
- 6. **July 19, 2019:** An Act to provide for protection of rights of transgender persons and their welfare and for matters connected there with and incidental there to.

5.4 Common Problems Faced by Transgenders:

- 1. There is no equality in Public. People looked down them as degraded and unworthy to live.
- 2. There is rejection of their entry directly or indirectly at some places like Hospitals, hotels, Malls, Restaurants, Dance Flores, Theaters, Shopping Complexes.
- 3. They are usually raped and abused orally and physically.
- 4. They are forced to leave parental home if they are identified as a transgender.
- 5. Unwanted attention is given to their presence.

- 6. People do not behave or act normal in presence or with them.
- 7. Calling them name loudly in public places.
- 8. Associating them with child nabbing.
- 9. Associating with them prostitution.

VI. CONCLUSION

Transgenders are also human beings and they also have right to live with dignity without fear and embarrassment in society. They are struggling for their rights since hundreds of years in India. They are not given proper treatment at public places. They are not provided with proper education. In India, they are now considered as "third gender" and given fundamental rights by law. But for their upliftment, the Indian government needs to implement the policies and laws made for them. Otherwise, their status will always remain deplorable.

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