



Education is an Essential Tool for Survivability: An Empirical Study of Transgender in Kandhamal District of Odisha

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Abstract: Education is the transmission of knowledge, skills, and character traits that transmit from generation to generation. There are many debates about its precise definition, for example, about which aims it tries to achieve. On the other hand “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 for transmission from one sex to another identify as transsexual, transgender often shortened as “Trans”. In addition, it includes those whose gender identity is the opposite of their assigned sex by birth considered as “Trans men and” Trans women” who are not exclusively masculine or feminine such as out of binary division or gender queer, including bi-gender, pan gender, gender fluid etc. Transgender people may be identified as heterosexual, homosexual, bio-sexual and sexual or may decline to the level their sexual orientation. In addition to that, prevalence of transgender person among 100000 general populations has been calculated as: in Uttarpradesh (28.18%) i.e. very high, Andhra Pradesh (8.97%), Bihar (8.37%), west Bengal (6.22%) and Tamil Nadu (4.58%). This number in Odisha is 0.01% as per the information of SSEPD (Social Security and Empowerment of Persons with Disability) but actually it is very highly prevailing in rural and remote areas but stringent social constraint induces the identity crisis. The main objective of the study is to observe the challenges faced by transgender at the time of formal study in the educational institutions.

Keywords: Transgender, Masculine, Trans, Rights, Bi-gender, *Hijra*

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Introduction

The term “education” is derived from the Latin words “educare”, meaning “bring up, rear, educate”, primarily related to the mind, and educere, meaning “bring out, lead forth”, and refers to the level of body. Some theorists provide precise definitions by identifying the specific features that are exclusive to all forms of education. R. S. Peters, for instance, outlines three essential features for education:

- It is concerned with the transmission of knowledge and understanding.
- This transmission is worthwhile.
- It is done in a morally appropriate manner in tune with the student’s interests.

Hence education is an essential part of human life. Education helps a person to get knowledge and improve confidence in life. It can help you improve your career and your personal growth. An educated person can become a great citizen in society. It helps you to take the right decisions in life. The modern, developed and industrialized world is running on the wheels of education. To be able to survive in the competitive world, we all need education as a tool that leads the way of life. So presently education in human life is inseparable part as, it plays important role for safety against Crime, provides empowerment to the weaker section of the society, catalyst to remove Poverty, prevents war and terrorism. As a whole every person in the society should have equal opportunities to access free and equal education. In Indian language the word “Transgender”/ “*Hijra*” is derived from the Persian word “*Hiz*” that refers to someone who is effeminate or in-effective or in-competent. Another word used for them is “*Kinner*”, where as “*Chhakka*” is also used in a disparaging context. As per “Transgender person”(protection act Right) Act-2016 of Lok Sabha Lower house of Indian Parliament section 2 (1),the word “Transgender define either “that “neither Whole neither female nor whole male, A combination of both, which refers to neither female normale (August-1, 2016). Hence it is clear that “Transgender” is a state of condition in which a person’s gender identity does not match with his/her physical sex” or Morphological sexual Characters (Behera; 2022). Transgender falls primarily under two categories:

- Someone who born male and live as female
- Someone who born female and live as male.

The 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” (Behera 2022).

Nomenclature

As per the Census data, India recorded over 487 thousand people as the “Third gender”, most of who belong to the northern state of Uttar Pradesh. Correspondingly, in other regional recognition assigned the term to this community are: *Hijras*, *Aravani*, *Jogtas/Jogappas*, and *Shiv-Shaktis*. Here “Transgender Person” means a person whose gender identity does not match that assigned to that person at birth and includes “Trans-man or “Trans-woman whether or not such person has undergone Sex Reassignment Surgery (SRS) or hormone therapy or laser therapy or such other therapies, as a result person with intersex variations, gender queer and person having different than bi-gender such socio-cultural identities are: *Kinner*, *Hijra*, *Aravani* and *Jogta*. India is a country proudly says that; “Indian is a welfare state”, where every person has equal rights to accesses to the health and education inside territory of India but in this banner Transgender (*Hijra*) are deprived. This community is also living under socially, educationally, economically, psycho-socially and sexually limitations. They are also fighting since last hundreds of years for their identity and rights. It is a matter of few relaxations that, Union of India (dated 15 April 2014, AIR2014SC1863, the ‘NALSA Judgment’), declared transgender individuals are distinct from binary genders, named as ‘Third Gender’ under the Indian constitution and for the purposes of laws enacted by the parliament and state legislatures. Despite the above Judgment and law, the people belong to ‘Third Gender’ deprived to access with equal opportunities in many social, economic and educational institutions.

Review Literature

There is very limited study conducted by the different scholars on different aspects of transgender of India and Odisha. Several studies on transgender populations from different parts of the world have shown real discrimination and stigma towards transgender people, which sometimes acts as a barrier to provision of the required care for them. Lack of access to required information, legal issues, lack of solutions to fertility problems, financial constraints, and psychological and emotional obstacles, together with risk of sexually transmitted infections, including human immunodeficiency virus (HIV), all make a contribution to making the life of transgender people difficult.

In scientific explanation “Transgender” is described as a clinically-significant distress due to a marked and persistent incongruity between the experienced gender

and assigned gender, and related to a continual and strong desire to be another gender and a robust preference to be every other gender. Therefore a transgender person carries a gender identity that differ from their assigned sex at birth I,e. Male or Female, it may be clinically says as “Gender Transition” non-binary(Enke, 2012; Meyer & Leonardi B., 2018; Stryker, 2008). The term non-binary is used to emphasize a gender identity that cannot be categorized as masculine or feminine, where they could be experienced it as a combination of male and female, neither male nor female, nor something completely independent of notions of conventional gender identities. Non-binary people may have diverse gender identities, such as pangender (two or more genders), bigender (female and male), a gender (without any gender), neutrois (neutral or genderless), and many others (Cruz& Tylor 2014; Meyer et al., 2016; Nicolazzo, 2016). According to the 2015 U.S. Transgender Survey (USTS), more than 35% of respondents were recognized as non-binary. Recently a Dutch study showed a high prevalence of non-binary populations (18.3%). According to the DSM-5 classification, gender dysphoria is described when a transgender person develops clinically-relevant bio-psychosocial suffering.

The term “Trans-sexualism” was initially presented in the International Classification of Diseases (ICD)-9 in 1975 and in DSM-III (diagnostic and statistical manual of mental disorders, third edition) in 1980. DSM-III also mentioned a “gender identity disorder of Childhood” (GIDC). ICD 10 used the term trans-sexualism. Gradual evolution led to changing the DSM-IV terminology of gender identity disorder (GID) into the gender dysphoria (GD) that appeared in 2013 edition of the DSM-5, replacing the term “trans-sexualism”. The transgender population has evolved over many decades, and has finally come to a point where the world accepts that they are a multitalented group of people who have the ability to shine in the world. Currently, they have gained massive public awareness through social media and a considerable level of attention around the world. If we analyze the history of trans-sexualism, the terms transvestites and transsexuals were marked by Magnus Hirschfeld (1868–1935), a famous German sexologist, who developed the Institute for Sexual Science in 1919 in Berlin. This was later destroyed by the Nazis in 1933. Virginia Prince introduced the term “trans-genderism”. Harry Benjamin plays an important role in introducing transgender health and sex reassignment surgery, which was changed the name as International Gender Dyspharia Association after him. The phrase trans-sexualism became well known after Benjamin’s writing of “The Transsexual Phenomenon”, even though it was originally described by Hirschfeld in 1923; giving recognition to the group of people

who needed a life which is different from their designated gender. The American Psychiatric Association introduced the term gender dysphoria to define people who are not comfortable with their assigned gender. The World Health Organization's ICD-10 has the term trans-sexualism, while World Health Organization's ICD-11 used "gender incongruence". The Harry Benjamin International Gender Dysphoria Association (HBIGDA) was established in 1979. This is called the World Professional Association for Transgender Health (WPATH) in current practice. It is a multi-disciplinary organization involved in the study and treatment of gender identity disorders. In 1935, Hormonal based treatment has been a reality since the introduction of testosterone and diethylstilbestrol in 1938. Surgical approaches to gender reconstruction came into practice in the second half of the 20th century. The literature gives much evidence for using the term transgender in different ancient stories in different parts of the world. One such thrilling instance is the phrase cross-gender behavior used within the Mahabharata and Ramayana. In the year 2011, The Institute of Medicine (IOM) released a landmark assertion, on the health of lesbian, gay, bisexual, and transgender (LGBT) people, demonstrating the need for research related to transgender health. According to Jeyaseelan M (2015), the government and the community should bring the awareness among Transgender people on their rights. Government and NGO's can work collectively for the rehabilitation of the transgender who are involved in prostitution and provide education to the interested people for public awareness campaign which expunge social stigma. Then, every transgender will have the privileges to know about their Rights.

Shilpa Khatri Babbar (2016) opined that, The road to the legal recognition of the transgender 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, which seen transgender 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): said about the multiple social discriminations. According to S. Parasar. "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 of inclusion of transgender within the ambit of the OBCs reservation in education and appointment are now facing constraints. So for the social inclusion of awareness program and sensitization for

transgender is a necessary step. 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.

The Supreme Court endorse the Government to implement the findings of this verdict, further directed to include transgender community as backward class and to take appropriate measures for affirmative action in favour of transgender (S.C. Verdict 2014, [www. Google.com](http://www.Google.com)). 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 is implemented and the transgender community is provided with the opportunity of social inclusion, their problem cannot be solved. Dipayan Choudhury & Atmaja Tripathy (2016) states- 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 has 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) revealed that the transgender conferred the following rights, that is, right to equality, equal of opportunity, freedom of Speech and expression, right to life which includes right to live with human dignity and right against exploitation. According to Dona John (2017) the 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 provincial attitude and societal confrontation includes transgender as a normal part of daily lives. According to Dr. Prosanajit Naskar et al. (2018), government plans can conceptually improve the quality of life of transgender group by legislation, social awareness, and facilities.

Sujita Sethi & Madhusmita Bharwa (2018) opined that; Indian authorities are working to implement the Supreme Court directives and to bring the transgender to the main stream community. Therefore, it is the need of the hour to spread larger awareness campaign in public for the acceptability of the Transgender community in a society. Now Transgender community 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. As per requirement they should be provided proper medical facilities which include health insurance and subsidized treatment. Transgender community has a right to live as others' lives, and they should have right to express their feelings without any hindrance. Akhand Sharma (2018) said that, there is need to improve their image so that they get respect and acceptance in the society. It meant that some of the Transgender people speak filthy languages and shows behavior that remains out of social sanction publicly that fetches bad impression towards entire community which needs to be modified. Payal Kinner says that; "we hide our identity as many of transgender people who have not disclosed their identity due to social stigmas and fear of discrimination, employment rate is also too low because we are not appointed on any government or private job. Therefore, we earn our livelihood by dancing, singing, begging and on prostitution activities. Most of the Transgender come under SC/ST category in Kandhamal district of Odisha, as it is tribal dominated areas, and are declared as the backward class in India caste category. As the studies on Transgender community are numbered, it is difficult to get more literature in this regard. Basically, regarding education of Transgender, we hardly get the ground level study in different literature.

Area under Study

This District is located between 19°34 & 20°36 north latitude and 83°34 & 84°34 east longitude and covers an area of 7654 sq.km. Kandhamal experiences sub-tropical hot and dry climate in summer, dry and cold climate in winter. The maximum temperature recorded in the district is 45.5 degree C and minimum temperature is 2.0-degree C. The average annual rainfall recorded is 1522.95 mm. The Kandhamal district covering a geographical area of 7654 sq kms and is bounded by Boudh district in the North, by Rayagada & Gajapati districts in the South, by Ganjam and Nayagarh districts in the East and Kalahandi District in the west. Physiographically, the entire district lies in high altitude zone with inter spreading inaccessible terrain of hilly ranges and narrow valley tracts, which guides the socio-economic conditions of people and development of the district. Kandhamal District is very much famous

for handicrafts such as Dokra, Terra–Cotta, Cane and Bamboo works. The region is proud of its rich cultural heritage.

Kandhamal District	
Area	8,021 km ²
Altitude	300 to 1100 meter
Rainfall	1,597 millimetres (62.9 in)
Climate	Minimum temperature (December) 1 °C (34 °F); maximum temperature (May) 35 °C (95 °F)



The Kandhamal is bestowed with the beauty of nature. It has wild life, scenic beauty, healthy climate, and serpentine ghat roads for the tourists. It has attractions, like panoramic coffee gardens, pine jungles, Ghat roads, hills and waterfalls, virgin forest and typical tribal village life. Almost 66 percent of the land area of the district is covered with dense forests and towering mountains rich in green meadows at the attitude of 2000 feet to 3000 feet, the terraced valleys thronged with these colourful tribal in their natural heritage, dancing and sporting has its own appeal. The Study area Kandhamal district is popularly known as Phulbani district in the state of Odisha. Now Phulbani Town is the head quarter of Kandhamal district. Kandhamal is famous for its local turmeric renowned as '*Kandhamal Haldi*' which has earned the Geographical indication (GI) tag from Intellectual Property Rights of India, an organisation functioning under the auspices of the Ministry of Commerce and Industry (India). It is a district full with natural beauties includes wild animals and

birds. The Kandhamal district was established on January 1st, 1994, following the division of Phulbani District into Kandhamal and Boudh Districts in Odisha. The district derived its name from the prominent Kandha tribe, who claimed themselves as original and earliest inhabitants of this region. The other popular locations of the district are Baliguda, G. Udayagiri, Tikabali and Raikia. The territory is covered the hilly tract of eastern-ghat mountain range of India. It consists of rural, with a number of waterfalls, springs, hill stations, and the historical and archaeological places which attracts the thousands of people as tourists every year. A majority of the landed area of the district nearly 71% is covered with forests, and only 12% of the land is cultivable Agri-land. The road connectivity with other districts is poor. Kandhamal is one of the poorest districts in Orissa, ranking 29th out of 30 districts by the Human Development Index (HDI).

Objective of the Study

Observation and analysis of educational status of Transgender people of the study area is the essential part of the present piece of study, therefore some important objectives have been taken into consideration

- To know the statistical information on education and educational qualification of the Transgender.
- To understand problems, faced by transgender in their day-to-day life during study.
- To evaluate the social acceptances of transgender in and outside of the Educational Institution.
- To assess the application of fundamental rights, i.e. Educational Rights of transgender people.

Research Methodology

For the present piece of work, the empirical methods of Anthropological Study were adopted and extensively travelled (especially on Sunday and also all public Holy Day) to the different remote and rural areas of different blocks of Kandhamal district to collect the data from ground level. Intensive plan and strategy was adopted to seek important and basic information from the grass root for the study. In this process other methods of Anthropology like FGD, Interview and Observation were used for the purpose.

Study Design

- **Intensive:** The study was conducted on an explanatory-cum descriptive along with deep research-oriented plan.
- **Unit and Universe:** Present study is an analytical study based on Primary data source (Empirical Field work) with taking some secondary sources of data for generalization and draw abstract to reach the objectives.
- **Investigation Tools and Techniques:** The data collected from global available sources like; Wikipedia, Internet, census data, Annual report, gender profile, (State/ Country), different constitutional Bill, books, journals, magazines related to this topic.

Rituals and Festivals

The people of Kandhamal celebrate many religious festivals from their tribal culture along with many Odiya festivals. The *Danda Nacha* is celebrated in the district mainly by the Kondh tribals including following their traditional religion. They observe this for thirteen days in the month of 'Chaitra'. People go fasting for all the thirteen days who viewed for the particular boon or for grace from the goddess *Kaali*. The festival starts on the first of April and closes on the thirteenth day of the month. The closing ceremony is called "Meru". Kondhas consume the first mango of the season, only after it has been offered to the goddess 'Kaali' on the evening of "Meru". In the month of January, Kondhs perform thanking rituals of Gods, Goddess by worshiping after harvesting the new crops in the villages as per their own convenience. This puja is called *Sisaa Laka*. In the month of March, they perform puja to get blessings from *Darni Penu* (the Earth deity) and *Saru Penu* (the mountain god) for collecting the Mahula (Mohua) flower and green mangoes as well as the forest products. After offering to the deity, they collect the product to use as food etc. In the month of April/May they offer the mohua flower in the form of cakes to the village deity; this is ritual is called *Maranga Laka*. On special occasions *Kedu Laka* is done depending on the requirement of the mother earth, which is decided by the village priest, locally called *Kuta Gatanju*. *Kedu Laka* is one of the main occasions among the Kandha tribes in Raikia block; they do *Kedu Laka* to eat mangoes of the village. After the sowing the crops, a ritual is performed called *Jakera'* for mother earth goddess 'Dharanipenu' to appease the mother earth or earth goddesses, for good harvesting. Another ritual is called *Bora Laka*. Generally, this ritual is performed in the month of September or October or immediate before harvesting the crops.

In the month of November/December new crops started harvesting, out of which they prepare cake, fried rice (*Chuda*), porridge (*Khiri* - pudding), to first offer to the village deity called '*Dalkhai Parab*' (New Eating) ceremony, and then villagers eat the new harvest crops as food.

The major Hindu festivals like: *Holi*, *Diwali*, *Rakshabandhan*, *Shivratri*, *Ram-Navami* and *Janamastami* are celebrated by Kondhs and other Hindus in the district with equal fervor. The month of '*Kartik* (November and December)' is considered sacred month by tribal and other Hindu residents of the district; people observe fasting and refrain themselves from non-vegetarian food and alcohol. Nowadays people celebrate the *Savan* (*Shravan*) month by offering their prayers to Lord Shiva and carrying water to Shiva temples by walking barefoot called '*Bolbom*'. During *Rakshabandhan*, village children organize a game called ***Gambadiyan***, where a small earthen pedestal is created and a string containing toffees is hung over it. Children jump over the pedestal to pluck and win the goodies from the string. In late 19th Century many of the Kandh tribal people converted to Protestant Christian religion and celebrate Christmas and Easter as well. Some of the Kondhs follow Islam and Eid, Ramzan and Muharram are also celebrated. The Catholic Panos celebrate Christmas and Easter while the Hindu Panos celebrate all Hindu festivals. There are several Panos who have converted from Catholicism and Hinduism to Buddhism, especially people of Raikia and Balliguda, celebrate "*Bada Dina and Buddha Jayanti*" respectively as religious festivals.

Education Rights of Transgender

Now a day; as we know education is an essential and inseparable part of human life for peaceful and comfortable living on the earth. Few years back in 2017, the parents of an eight year old transgender girl, are suing their daughter's private school for refusing to recognize her preferred gender identity and to allow her to wear the designated girls' uniform and use the female toilets, and stop being addressed with male pronouns in the United States (August 7 2017 by J. Resmovits, www.google.com). We are seeing discrimination in education against transgender students challenged more and more, not only by transgender students themselves and their parents, but also by lawmakers and legislators in certain countries where this recognition of rights on the basis of gender identity is being supported by national level application of non-discrimination law. Every person born as human being should live freely on the earth. Hence Equality and non-discrimination are foundational principles of international human rights law where there is a

longstanding prohibition against discrimination on the basis of sex. This prohibition is applied specifically to the field of education by the UNESCO Convention against Discrimination in Education (1960, CADE), which lays down that any and all forms of discrimination in education are prohibited, including on the basis of sex. Increasingly, however, interpretation of non-discrimination law has recognized the unequal treatment of individuals on the basis of gender identity as well as biological sex.

In the society gender identity carries much importance. Hence on the ground of gender identity Transgender persons are facing discrimination in different places at diverse social interactions. The Committee on Economic, Social and Cultural Rights' General Comment 20 explicitly states that 'gender identity is recognized as among the prohibited grounds of discrimination', for example persons who are transgender, transexual or intersex often face serious human rights violations, such as harassment in schools' as well as in public place (General Comment 20, para. 32, www.google.com). The committee is formed by United Nations Human Rights Treaty Bodies i.e. "The Committee on the Elimination of Discrimination Against Women" (CEDAW), which recognized gender identity as grounds for discrimination in convention on the Elimination of All Forms of Discrimination Against Women. As per the General Recommendation 33; Para-8 of the committee makes out that 'discrimination against women is compounded by intersecting factors that affect some women in certain degrees that also differ from those affecting men or women. There are variety of grounds for decussate or compounded discrimination, like; identity as a lesbian, bisexual or transgender woman or intersex person.' The most recent General Endorsements of the Committee 'on gender-based violence against women' that states repeal all legislative measures that are 'discriminatory against women and thereby enshrine, encourage, facilitate, justify or tolerate any form of gender-based violence. In particular violence are mentioned that 'allowing of tolerance or condone forms of gender-based violence against women i.e. criminalize being lesbian, bisexual or transgender', which are brings up in General Recommendation 35; Para. 29 ([www. Google. Com](http://www.Google.Com)). The ability and rights of Transgender students in connection with the education highly affected in different way and different situations. We most commonly see that not only deliberate harassment and discrimination by teachers and fellow students leading transgender students to drop out of school, but also they excluded from education by being denied the opportunity to wear the school uniform or use the toilets congruent with their gender identity. mOver recent years an optimistic development occurs that a number of countries have demonstrated progress in translating the rights

for non-discrimination in education that connect to legislation, thereby ensuring transgender students are free to enjoy their 'Right to Education'. There has also been a spate cases in courts around the world that indicates the favourably progress towards the equal rights of transgender people. In 2016, a case was successfully taken to the Constitutional Court of Colombia. The matter of court is; 'Erika Comas Gómez, a transgender boy, argued that his right to education was being infringed as his school would not allow him to wear the male uniform nor would they address him according to the gender he identifies as, until he changed his name on his official student identification card. The Colombian Constitutional Court ruled that this requirement was an unnecessary impediment to his enjoyment of the right to education in a way which respected his gender identity' (Case law Summary, 2016, 'Right to Education', Judgment T-363/16, Fifth Chamber of the Constitutional Court of Appeals of Colombia; 2016). For Transgender Student using of Toilet is another important issue. In this regards I can sight an example of the study area. As Rinky Kinner(Fake Name) said that, she was brutally punished by the teacher when teacher saw her using the girl's toilet in 2016-17 because she was considered as male student from her admission in the school. After that situation, she never come back to the school any more.



T.G. Students in College, Phulbani, Kandhamal

Presently we can also see some Positive move in UK, Argentina, USA Chile, Pakistan and many other Country of the world. In UK schools to accommodate the legal rights of transgender children to express their gender identity. These include teachers' unions calling for more and better training on how to support

children who transition while at school, and the NASUWT union publication *Trans Equality in School*. Advance and guidance for teachers and Leaders to help schools and Colleges support not only pupils but also teachers who transition (Sally Weal Education;216, www.google.com). In 2012 Argentina brings forth following legislation which came in to force in this same year as; 'the right to gender identity based on personal expression', is a lawmaker. In the country's capital, Buenos Aires, is currently discussing draft legislation that specifically includes provision for transgender people that confers the Transgender people are to be free from discrimination in order that they may enjoy their right to free, compulsory and secular education. Currently most significant incidents occur in Chile and Pakistan that the bill was under process of approving a private members bill, which is known as: "the protection and welfare of the Transgender people". The Transgender Persons (Protection of Rights) Act 2017 was drafted by the Pakistan National Commission on Human Rights, following broad consultation including with NGOs and civil society organisations and is intended to reflect the legal interpretation of international legal mechanisms. Amongst other areas of life, the Act specifically targets discrimination in education with the aim of preventing transgender children from missing out on without completing their education. Moreover in 2017, "the Chilean Education Authority" of the Chile made their effort explicitly to address discrimination against Transgender and the Chilean education authority (Mineduc-in Spanish) sought to discrimination against transgender students in the national school system by sending out guidelines to schools (in Spanish) and other educational establishments promoting the rights of transgender students, their acceptance into and support by the national school system on an equal footing with all students. These guidelines expressly forbid schools from discriminating against students on the basis of gender identity, for example through tolerating any form of bullying and harassment, or by excluding them through not allowing students to wear the uniform or use the toilets that match their gender identity.

National Scenario

As per 2011 census report, the total number of Transgender in India is 4.88 lakh out of which the number in Odisha is 20,332. In this census period the census of India collected the data connected to employment, Literacy and the caste. It is the best way of approach a particular community. Hence Indian census transgender got the details information of the particular tribe. In view of the above I have collected the different of number of different states of India.

Sl. No.	State	No. of Transgender	Child(0-6 yrs)	SC	ST	Literacy
1	India	487,803	54854	78811	33,293	56.07%
2	Uttarpradesh	137465	18734	26,404	639	55.80%
3	Andhrapradesh	43769	4,082	6,226	3,225	53.33%
4	Maharasthra	40891	4101	4691	3529	67.57%
5	Bihar	40827	5,971	6,295	506	44.35%
6	West Bengal	30,349	2,376	6,474	1,474	58.83%
7	Madhyapradesh	29,597	3,409	4,361	5,260	53.01%
8	TamilNadu	22,364	1,289	4,203	180	57.78%
9	Odisha	20,332	2,125	3,236	4,553	54.35%
10	Karnataka	20,226	1,771	3,275	1,324	58.82%
11	Rajasthan	16,517	2,012	2,961	1,805	48.34%
12	Jharkhand	13,463	1,593	1,499	3,735	47.58%
13	Gujurat	11,544	1,028	664	1,238	62.82%
14	Assam	11,374	1,348	774	1,223	53.69%
15	Panjab	10,243	813	3,055	-	59.75%
16	Haryana	8,422	1,107	1,456	-	62.11%
17	Chhatishgarh	6,591	706	742	1,963	51.35%
18	Uttarskhand	4,555	512	731	95	62.65%
19	Delhi	4,213	311	490	-	62.99%
20	Jammu &Kashmir	4,137	487	207	385	49.29%
21	Kerala	3,902	295	337	51	84.61%
22	Himachal Pradesh	2,051	154	433	118	62.10%
23	Manipur	1,343	177	40	378	67.50%
24	Tripura	833	66	172	181	71.19%
25	Meghalaya	627	134	3	540	57.40%
26	Arunachal Pradesh	495	64	-	311	52.20%
27	Goa	398	34	9	33	73.90%
28	Nagaland	398	63	-	335	70.75%
29	Pondicherry	252	16	40	-	60.59%
30	Mizoram	166	26	1	146	87.14%
31	Sikkim	126	14	9	37	65.18%
32	Daman & Diu	59	10	1	2	75.51
33	Chandigarh	142	16	22	-	72.22%
34	Andaman and Nicobar Island	47	5	-	3	73.68%
35	Dadra & Nagar Haveli	43	5	-	22	73.68%
36	Lakshadweep	2	-	-	2	50.00%

Source: Census : 2011

The above table shows the number of Transgender found in different states of India. Total number of Transgender is: 4, 87,803. From them child 0-6 years is 54,854, SC -78,811, ST-33,293, and total literacy rate of the country is 56.07%. It is also observed that the very few people of this category go for higher Education. Highest percentage of Literacy is 87.14 i.e. Mizoram and the second highest is Kerala (84.61%) and the Lowest Literacy rate is Bihar I,e. 44.35%. The Transgender Literacy rate of Odisha is 54.35, which seems better than Bihar or other few states. But if we observe and analyze the literacy and standard of education, it will again bring us to boarder of disappointment.

Odisha Scenario

An Umbrella Scheme formulated by the Government of Odisha called '*Sweekruti*' to secure the rights of transgender persons and ensure equitable justice. This Scheme realizes and recognizes that transgender persons remain in discrimination and hardships in society. The main focuses of the scheme are; to make an enabling environment for transgender persons, to assurance their participation and social integration, and strengthen the implementation for various schemes and facilities, and promote measures for employment and socio-educational services for the transgender persons. The main strategies are to execute the scheme and make the services accessible to the transgender persons are:

- Survey and identify all transgender persons in the State, and issue certificates and multipurpose smart cards.
- Assist the parents of transgender children and provide pre and post-matric scholarship.
- Upgrade skills and entrepreneurship development training by strengthening self-help groups.
- Provide support for critical health care and group insurance support for transgender persons.
- Provide legal aid, counselling and guidance services for transgender persons.
- Organize awareness and sensitization campaigns on rights of transgender persons and provide training to staff and volunteers.

The scheme observes that there is no definitive data on the number of transgender persons in the State. So here it proposes that the State should carry out regular surveys of the number of transgender persons with the assistance of transgender



T. G. Student of Study Area

associations. This will ensure that transgender persons enroll themselves in the schemes and programmes instituted for their benefit. A Multipurpose SMART Card should be provided to all transgender persons. This will enable enrolment in schemes and provision of services. It will also assist in monitoring the benefits utilized and which services are required by transgender persons. In this connection government of Odisha collected the information on Transgender people district wise for implementation the different Schemes and programmes provided by the government of Odisha time to time. So, the following table is showing the data of Transgender population which are identify by the government of Odisha as per norms, and from them how much are availing the benefits in the process of rehabilitated activities. In this table I have tried my best to collect the composition of Transgender in Odisha district wise and concentrated in tabular form to present in this analysis part of the paper. Here I presented 3527 number of Transgender people, from which 2857 were identified and total number of Transgender populations are rehabilitated is 712. As per the information the highest number of Transgenders were living in Balangir district of Odisha and all of them were identified by the SSEPD norms. Lowest number of transgenders are living in Debagarh and confined with single digit 7 and 5 are identified where nobody was rehabilitated. All of them are depending on begging and gigged jobs for their livelihood, as all of them are not

educated enough to get any clean job. The details data district-wise is given below in tabular form:

Number of Transgender in Odisha: (SECC, 2011)

<i>Sl. No.</i>	<i>District</i>	<i>Number of Transgender</i>	<i>No. of TGs Identified</i>	<i>No. of TGs Rehabilitated</i> <i>1</i>
1	Angul	351	195	-
2	Balasore	281	281	-
3	Bargarh	31	31	17
4	Bhadrak	60	60	-
5	Balangir	438	438	438
6	Boudh	11	11	-
7	Cuttack	183	183	4
8	Deogarh	7	5	-
9	Dhenkanal	136	20	-
10	Gajapati	22	20	-
11	Ganjam	75	75	-
12	Jagatsinghpur	0	0	-
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	Myurbhanj	366	366	20
23	Nabrangpur	13	13	24
24	Nayagarh	37	36	-
25	Nuapada	38	38	21
26	Puri	25	25	-
27	Rayagada	182	182	30
28	Smbalpur	215	27	-
29	Sonepur	215	27	-
30	Sundargarh	52	52	4
Total		3527	2857	712

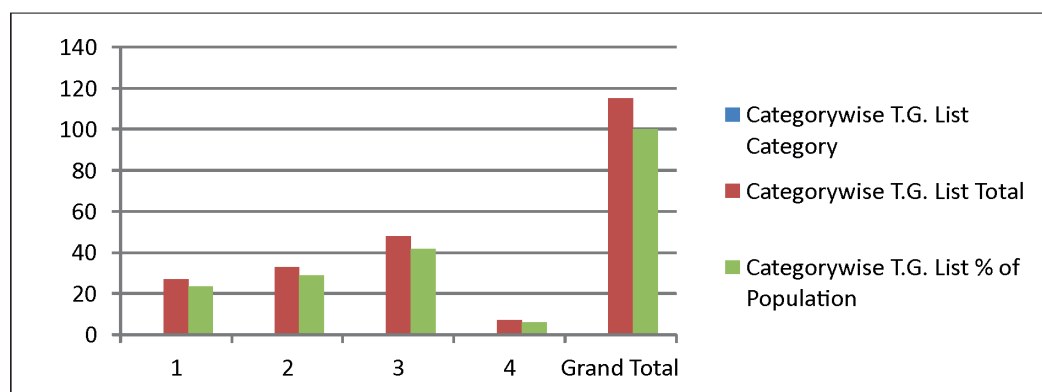
Demography Profile of Transgender in Study Area

Kandhamal has 2 subdivisions viz. Phulbani, and Balliguda; with 12 tehsils, 12 blocks and 153 Gram Panchayats. As per 2011 census, its population was 7, 33,110 comprising 3, 59,945 Male and 3, 73,165 Female population. As present study, the total number of transgender populations of the district is 115 (identified by the study) but in government record it is 50 (Identified by SSEPD). Because most of the Transgender are hiding themselves from the society, as we reached directly to the people, we could find out different number as prescribed earlier. Still now some more are living in the society, due some social barriers they don't want to come to the front.

Below the table presents the total number of studied Transgender population of Kandhamal district in category wise are 115, which are presented in the table below:

<i>Category-Wise</i>			
<i>Sl. No</i>	<i>Category</i>	<i>Total</i>	<i>% of Population</i>
1	ST	27	23.4782609
2	SC	33	28.6956522
3	OBC	48	41.7391304
4	Gen	7	6.08695652
Grand Total		115	100

Here the above table shows the composition of transgender population of the district that; the total number of Transgender people is 115, from them ST-27, (23.47%), SC-33(28.69%), OBC-48 (41.73%) and Gen: 07(6.08%). Most of them are now involved in giggered jobs, very few Transgender people are earning their livelihood though clean jobs.

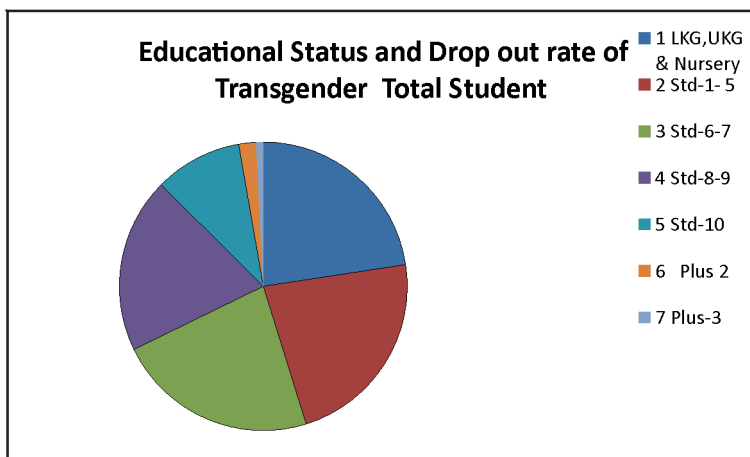


Education is not only securing personal life but collectively contributes to the development of a more reliable nation and the world. It can yield a better surrounding in which people can differentiate between right and wrong, know the importance of voting, adhere to laws, and reduce crimes. On the view of the above circumstances my study focuses on the status of education among the Transgender communities in my study area, which are shown in above graph. The above graph presents categorically to clear the picture of the study.

Status of Transgender Education

Educational Status and Dropout rate of Transgender Students				
<i>Sl. No.</i>	<i>Standard</i>	<i>Total Student</i>	<i>Drop out</i>	<i>% of Drop out</i>
1	LKG,UKG& Nursery	115	0	0
2	Std-1- 5	115	0	0
3	Std-6-7	115	15	13.04347826
4	Std-8-9	100	50	43.47826087
5	Std-10	50	40	34.7826087
6	Plus 2	10	6	5.217391304
7	Plus-3	4	2	1.739130435

In the present study area Kandhamal district of Odisha the educational status of the Transgender people is miserable even literacy rate is better than other. The enrolment of transgender is significantly low and dropout rate at the primary and secondary level is still very high. They are hardly go to the higher classes for better or higher education as they are not accepted by the society and therefore unable to 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. As a they opt for begging and sex work. The overall pass percentage of transgender candidates in CBSE class XII examination has increased by a record very less 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, from them 7,88,195 were girls, 11,01,664 were boys and 19 were transgender persons. For class 12th, 5, 22,819 were girls, 6,84,068 were boys, and six were transgender person.



The table shows that, total numbers of transgender students are 115 and all of them are admitted in Primary School, who continued till standard 5. There is no any dropout in this stage. If we see the table, we could see that from LKG to standard 5 the rate of drop out is 0, and it was stated in 6 to 7 standards of the education system. Total 15 students were dropped out from school in standard 6-7. Further 50 students stopped their study in standard 8 to 9, which again brings to the great disappointment. In standard 10, 40 Students were dropped out from the school. In plus 2 levels very few people were pursuing the higher study where 10 were admitted and 6 people were again dropped out, and finally 4 people were continued till completion of the course. After that in Degreelevee 4 students were admitted and nearly 50% from admission i.e. only two people continued till completion of the course. No Post Graduation is found on this Study. The above table it indicates that the Transgender education is vehemently affected in higher level when they attained puberty or close to it. There has been a spike in the percentage of students from class 10th and 12th who have passed in 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. The percentage of drop out of transgender person in class 6 to Class 7 is 13%, but in Class 8- class 9 is 43.47% which almost highest in this study. Again, in Higher education level is nearly more that 5% from their rate of admission, which is miserable. In India 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 (media information, www.google.com).



T.G. Student with others at College

As per the above table, it was a matter of misfortune that Transgender students were remaining out of the school. In this regard following important reasons are responsible:

- (a) Social exclusion or not included in general social interaction.
- (b) Use of disrespectful names and pronoun
- (c) Lack of access of appropriate restroom facilities
- (d) Confidentiality
- (e) Lack of ideal personality
- (a) **Social exclusion or not included in general social interactions:** In the society, people are not accepting to entertain Transgender people in many social interactions, so they are excluded in general social interactions.
- (b) **Use of disrespectful names and pronoun:** In many cases people use the disrespectful terms to call the Transgender people like: *Hinzra, Nani, Chhaka, Maichia etc.*

- (c) **Lack of access of appropriate Common room facilities:** In educational institutions, there is no separate room as common room or separate wash room for the Transgender students, which put them in mental agony and traumatize situation.
- (d) **Confidentiality:** When they grow bigger, slowly loose their confidentiality due to problem faced at the interaction with different people, class mate and teachers. Sometimes it aggravates when they face misbehavior activities from their counterpart.
- (e) **Lack of ideal personality:** They never get ideal personality, and if any, hardly take in their confidence. Therefore, never rely on any one as they frequently face social psychological and physical harassment.

Rights of Transgender

In 2019 Government of India was established “The National Council for Transgender Persons” under section 17. As per Article 14&21 of Indian Constitution, “Right of equality before law” is providing equal protection to every citizen of India. Article 21 says the Right of choosing one’s gender identity is an essential part that induces every citizen of India including Transgender people to lead the life with dignity. As per provision of Article 14, 15 &16 of Indian constitution: 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 regarding gender expression and there is no restriction on one’s personal appearance and also the choice of dressing.

Protection of Rights

The Protection of Right act has been passed by the Rajya sabha on 24th April 2015 for Transgender persons named as “Protection of Rights-Act- 2014, under this act the rights of transgender mention in different sections, which are bringing up as below:

1. Section-2 (t) the term “Transgender person” means a person like another human.
2. Section-2 (i) In Define inclusive education section, it says that on systems of education where in all students learn together all time.
3. Section-2 (q): It clearly referred to attain and maintain the maximum independence, full physical, social, sensory intellectual, psychiatric, inclusion and participation in every aspect of life.

4. Section-7 (1), The Act 2014 give rights to all transgender have the rights to live in the community with choice equal to other.
5. Section-11 (1); mentioned 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 court.
6. Section-11 (2) Here it is properly defined 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) In this section it is mentioned that; 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) they also provided monitor participation progress in school attainments in education for every transgender student.
8. Section-16 (1) The Section-16 is relating to employment requirement, promotion & other issues.
9. Section-16 (2) The Transgender peoples are also eligible for any post for any field and shall have selected to past.
10. Section-21, in this section 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 says that, government shall reserve not less than 20% vacancy meant to fill by direct requirement.
12. Section-26 (1) the central government of India 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 held that; purpose of speedy disposal of suit of a civil nature.

Lower house of Lok-Sabha passed an act on August -1, 2016 as “Transgender person protection Act 2016” stated the rights in the following two sections, such as:

1. Section 2 (1) defines the Transgender as “Neither Whole female or whole male, or neither female nor male I.e. a combination of both female and 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 says the discriminatory against the transgender person, clarified that the judgment 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 illegalizes a set of fact-in prohibiting the most basic expression of one is sexuality, it also criminalizes sexuality and thereby, identify itself. Section-377 of Indian penal code stated the “rights and freedom”; apart from that the election commission also passed a provision which helps to identify 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 as well as government jobs and 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 apprehended 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 (Chowdhury, 2016). 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 (www.google.com)”. The supreme court of India passed a unique judgment in April 2014-statingthat, “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 directions (Mishra; 2016).

The Twin Bills

In April 2015, MP Tiruchi Siva introduced a private member’s Bill in Rajyasabha i.e. “the right of transgender Person Bill in Rajya Sabha, which in the same year it has been published in MSJE in the same year provides the OBC status 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 (Rajkumar Nov.16). 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 (Das; 2019).

Discrimination and Transgender Community

The word ‘discrimination’ is often used on a day-to-day basis to describe being treated unfairly for a particular reason; but unlawful discrimination happens when less favourable or unfair treatment relates to specific characteristics, known legally as ‘Protected Characteristics’. The UK has nine protected Characteristics, which are set out in four categories and framed under the “Equality Act 2010” those four categories are:

- (1) Direct Discrimination
 - (2) Indirect Discrimination
 - (3) Harassment
 - (4) Victimization
1. **Direct Discrimination:** Someone Treating with a protected characteristic less favourable than others;
 2. **Indirect Discrimination:** Put someone in a protected characteristic at an unfair disadvantage. It is a behaviour that apply indirectly like teaching, comments or in radicle.
 3. **Harassment:** Offensive behavior; Unwanted behaviour linked to a protected characteristic that violates someone’s dignity or creates an offensive environment for them;
 4. **Victimization:** 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 Third Gender Community

1. The Supreme Court of India directs the government to legally recognize a “third gender” on April 15, 2014 and extend to them reservations in education and employment including other necessary benefits.

2. Rajya Sabha passes the Rights of Transgender Persons Bill in 24/04/2015, as private member's bill. The Bill defines being "transgender as a psychological phenomenon" and provides reservations for transgender people.
3. In 2nd August 2016, the government dispenses with the Rajya Sabha bill and introduced its own Transgender Persons (Protection of Rights) Bill. Here it defines 'Transgender' as a biological phenomenon and does not provide reservations.
4. The standing committee on social justice and empowerment issues a report on the government bill in 22nd July 2017.
5. A bill was passed in 17/12 2018 to provide the protection of rights of transgender persons and their welfare and for matters connected herewith and incidental thereto, it also comes as a change in Equality and dignity perpetuated in nation.

Major Observations

Right and Identification

The Transgender Persons (Protection of Rights) Bill, 2018 describes "to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto". This description is given in the 'light of the lapse of the Transgender Persons' (Protection of Rights Bill: 2018; Bill No. 210-C of 2016). The president assent to it on 5th December 2019, subsequently, the act was published in the Gazette of India. This act has been in force since 10 January 2020 following a notification of the same in the Gazette on the same day.

Taboo, Discrimination and Transgender

There are socio-cultural groups of transgenders found in different corner including: *Hijras, Jogtas, Jogappas, Sakhis and Aradhis* in our country. As we know they all face severe discrimination, sexual harassment in every part of this country on a daily basis. These communities are not existing recently or in recent century, if we look back to the history; they have a record of almost 4000 years. Including mythological times, they were recognized in terms of 'Napunsaka' in our Vedic literature as well. In Jain literature they are named as 'Psychological Sex'. In this regards a question arises in our mind that, how did this concept of inequality arise in our country? It was under British rule that they passed an act called the 'Criminals Tribes act' in

1871 according to which they were treated as criminals and after which the whole situation in the nation has been changed. Even though the law was repealed in 1949 but the discrimination continued for the transgender communities still very long. Transgender people face a lot of problems in this country including physical abuse, mental abuse, verbal abuse, as they are not enjoying the equal rights as other genders. India is a country that celebrates diversity in culture, creed, and religions, and vibrantly whole world talks about our concept of 'Unity in Diversity', but the ugliest part of our society is not accepting all the genders equally, even though legally every gender should be treated in equally respectful manner. When it comes to the matter of 'transgender' there is still a taboo in our society. Unfortunately, we are in a society where gender plays a major role in judging people. Although the 'third gender' name is given to the transgender as per order of apex court of India (15th April 2014), they don't get opportunities at par with other to live in peace and harmony.

The survival Challenges started from very early day of a Transgender people. Generally, it starts from their childhood. In early stage, they try their best to adjust in different situations. The major challenges faced by the transgender community in India are:

1. Discrimination in Educational set up and Workplace
2. Social Exclusion and Homelessness
3. Dealing with Transphobia and Psychological Stress
4. Lack of Legal Protection and victim to set crime.

(1) Discrimination in the Educational Institutions and Workplace: The majorities of the people in this community are either illiterates or have less educational qualification, as a result, they are not able to get involved in the educated section of the society. According to a census data of 2011, the population of transgender was 4.9 lakhs, from them only 46% were literate which is extremely less compared to the normal population I, e. 74%. According to education rights act (right to education act), they are categorized as a 'disadvantage group' which means they are under 25% reservation category as an economically weaker section of India. The reasons of less education status among them can be listed as poverty, exclusion from own family and friends, mental health issues etc. The transgender populations are not well educated, as a result they are not finding any better employment opportunities and even for those who pursue their education with full of struggles, they are also not given the same respect and value in the workplace in compare to other.

(2) Social Exclusion Leads to Homelessness: Since the transgender communities lack education and employment opportunities, they are looked upon

as a lower class by society resulting social exclusion. Their self-esteem and self-confidence hit really hard because of this exclusion and they are compelled to embrace undesirable gigged jobs. They are thrown out from their homes and not accepted even by their own families or they flew away from their houses due to abusive relationships, so that they hardly get a shelter or a place to live in the town which is situated many kilometers away from their home and come to clutch of other bigger Transgender group.

(3) Dealing with Transphobia and Psychological Stress: After long and intensive observation to Transgender community of Khurdha and Kandhamal district of Odisha, It was observed that as compared to the people who identify themselves as heterosexuals, the transgender community faces a lot of harassment, discrimination, and intolerance from society. Due to the moral, religious, and societal beliefs few individuals turn out to be transphobic which results in attacks, negativity, workplace harassment, etc. Because of all the above-mentioned reasons the community faces a lot of mental health-related issues and that might actually lead them to take negative decisions such as self-harming, suicidal thoughts, etc. They go through loneliness, anxiety, and insecurities because of society.

(4) Lack of Legal Protection and Victims to Hate Crimes: The Transgender community is not legally protected as much as any other community and because of this, they are easily victimized for the crimes that they didn't even commit. They undergo a lot of violence and become victims of hate crimes. As per PhulaKirnnar of Khandagiri area of Bhubaneswar; Police department is insensitive when they come to the community and do not even register the complaints they come with. They are oppressed by the police officers, which show how suppressed we are as citizen.

In this study two important districts of Odisha namely: Khurdha and Kandhamal where most of the Transgenders are migrated from different rural and tribal area of Odisha as well as other part of india. As Khurdha is one of the important places for communication and to survive for the socially excluded Transgender people. After careful observation of many facts, it was concluded that; all the discrimination faced by the Transgender communities may be summed up in following nine points:

1. There is very few or no equality in Public- People looked down them as degraded and unworthy to live.
2. People hardly accept of their entry directly or indirectly at some places like: Hospitals, hotels, Malls, Restaurants, Dance Flores, Theaters, Shopping Complexes etc.

3. They suppressed by hetero sexuality, usually raped and abused orally and physically.
4. Transgender forced to leave parental home if they are identified as a transgender.
5. In many public places 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 like: market places, shopping malls and even road sides as: *Nani, Chhaka, maichia* etc.
8. Associating them with child nabbing.
9. Associating them with prostitution.

Major Findings of the Study

After observation and analysis of the fact, it was found following important points, which are listed here with some suggestions:

1. Sex is the 'classification of people as male, female or intersex, assigned at birth, based on primarily anatomy and biology', while 'gender' is 'the social attributes and opportunities associated with being male and female and the relationships between women and men, girls and boys, between women and between men. These attributes, and learned through the process of socialization'.
2. Gender identity is 'a person's deeply feelings of internal and individual experience of gender, which may or may not correspond with the sex assigned to them at birth.
3. It is seen that not only deliberate harassment and discrimination made by some teachers and fellow students, but also the exclusion from education, and denied the opportunity to wear the school uniform or use the toilets congruent with their gender identity lead the transgender students to drop out from the school.
4. It is a positive development that recently, Odisha trying to progress in translating the rights to non-discrimination in education into legislation, thereby ensuring transgender students are free to enjoy their right to education through the Department of SSEPD (Social Security and Empowerment of persons with Disability Departments), Odisha.

5. The transgender group consists of: *Hijras, Jogtas, Jogappas, Sakhis, and Aradhis* as their sub-communities, and all of these people go through a lot of challenges on an everyday life.
6. The socio-economic exclusion of the transgender occurs along with Verbal abuse, Sexual Harassment that put in mental depression due to Lack of education and employment opportunities, which clutch them in extreme poverty, violence, victim of hate crimes etc.
7. In India, Supreme Court ruling (Rights of Transgender Person 2014) created the official 'third gender' status for transgender people who were also afforded the classification of 'protected statuses as an economically weaker category of the population, under the 2009 Right to Education Act.
8. As per the above ruling, it is clear that, the transgender students cannot be excluded from school on the basis of their gender identity; they also enjoy special measures including the guarantee that private schools will reserve a minimum 25% of places in each class from children of the disadvantaged groups.
9. Recently Government of India has passed an act (Transgender protection act: 2016 and 2019) that aims at protecting their rights and they are not subjected to any kind of discrimination in healthcare, education, and employment.
10. Our responsibility as citizen of India is to treat them equally and give them equal respect like any other gender under the Indian constitution and inside the territory. 2017 to 2021 triumph

Recently the issue of transgender is creating a space in the society; the impression towards transgender makes big gap that ditches one part of the population in a major problem. As observed here education is one of the important devices to pull them out from this unpleasant situation. Substantial progress is being made in different regions of the world to translate the rights of transgender students to non-discrimination in education. However, such freedoms are being opposed by many Conservative Indian people. Lately steps are also being taken by government of different states in the world to reduce the gap between Transgender community and general population in a society. Now people are getting conscious on transgender community and many instantiable activities are being included to upgrade that disadvantage community. If we discuss about 'Spain' the Catholic

group HazteOir has used 'Freedom Bus'(Madrid bans Catholic group's anti-transgender bus in 1st March 2017 in Spain), in which they tried to disseminate the view of transphobic messages openly throughout Spain and the United States, and Latin American countries including Chile(*www. Google.com*). In February 2017, the Trump administration in the United States withdrew guidance issued by the Obama administration relating to the Title in IX education amendments to the 1964 Civil Rights Act, which extended protections afforded by Title IX on the basis of sex extended to include gender identity. The Trump administration, in withdrawing the guidance, stated that the Department of Education needed to 'more completely consider the legal issues involved'. In India lot of steps are also being taken for development and streamline the transgender people and upbringing them into equal foot of other community in the society but it is realizing that the steps should be more and diverse with stringent goal oriented.

Conclusion

Despite significant progress, particularly in the legal recognition, at both the national and regional levels on gender identity in the ground of discrimination, there is still a long way to go until the right of transgender students to education on the basis of non-discrimination is universally respected. We all should realize that 'Transgender' are also human beings and they also have right to live with dignity without fear and embarrassment of the society. They are struggling for their rights and equal position with other population socially and economically since long. They are not given proper treatment at public places. Transgender population are not provided proper education and not specially focused for employment and job guarantee. Recently in 2014, Transgender are now considered as "Third Gender"(recognized by Supreme Court of India)and given fundamental rights as per constitutional provision. The Indian government needs to implement the policies and laws specially made for them. Otherwise, their status will always remain deplorable. At the same time government has to take necessary steps for restoration of their rights, furthermore government has to take the special measures to solve their Social, Economic as well as educational problem and create the opportunities for their employment, which will help to keep the transgender community in better space in the society. We all should feel that; Every child born on this planet is beautiful and precious. In many ways, every child is unique with their own quirks and trademarks. Those features manifest during their growing years, which only shape though 'Proper Education' we must make efforts to provide them an environment and

adequate education facilities wherein all of them feel loved, nourished and important like other.

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