
COMPARATIVE LEGAL ANALYSIS OF TRANSGENDER EDUCATIONAL RIGHTS IN UTTAR PRADESH VERSUS OTHER INDIAN STATES

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ABSTRACT

This research compares the legal rights of transgender students in Uttar Pradesh (UP) with those in other Indian states. The study explores key issues like equal access to education, protection from discrimination, reserved seats, and school-level support for transgender students. It draws on national laws, such as the Transgender Persons Act of 2019, and landmark court rulings like the 2014 NALSA judgment to highlight how different states approach these matters¹. In Uttar Pradesh (UP), efforts primarily adhere to national guidelines, with few state-specific initiatives. In contrast, states like Tamil Nadu², Kerala³, Maharashtra⁴ Delhi⁵ and other cities have taken stronger steps—setting up dedicated support boards, introducing gender-inclusive curricula, and reserving seats in educational institutions. The study also points out ongoing challenges, including bias, high dropout rates, and poor enforcement of existing rules. It concludes that UP needs to take more proactive measures at the state level to ensure real educational equity.

Keywords: Transgenders, education, discrimination, laws, and states.

¹NALSA v. Union of India (2014) judgment is documented in AIR 2014 SC 1863.

² Tamil Nadu Transgender Welfare Board, 2008

³ Kerala Transgender Policy, 2015

⁴ Maharashtra fee waivers, 2023, Indian Express, Dec 8, 2023.

⁵ Delhi policy, University of Delhi.

1. Introduction

In India, transgender people have historically been excluded from education because of social stigma, discrimination, and an absence of legal recognition. The Indian Constitution, in Article 21A, states that education is a basic right, requiring free and mandatory education for children aged 6-14. Still, transgender students often face problems, like bullying, being denied entrance to schools, and a shortage of appropriate resources⁶⁷.

The Supreme Court's NALSA decision in 2014 was a key moment, since it officially recognized transgender people as a third gender⁸. The court affirmed their rights to equality, dignity, and education under Articles 14, 15, 19, and 21. This ruling was formalized in the Transgender Persons (Protection of Rights) Act, 2019. This law outlaws discrimination in education and demands inclusive facilities.

The application of this act differs from state to state. For example, Uttar Pradesh has few specific programs aimed at transgender students, unlike states that are actively working to support them. This comparison shows that there is a need for local policies to fix these differences. Successful execution needs culturally sensitive curricula, teacher training, and safe school environments. States should appoint ombudspersons to resolve grievances, while schools can implement anti-bullying measures and gender-neutral restrooms. Community collaboration and resource allocation are vital for real progress, making sure that transgender students can get quality education without discrimination.

2. National Legal Framework Governing Transgender Educational Rights

In India, the Transgender Persons (Protection of Rights) Act of 2019 is very important for transgender rights and applies to all states, including Uttar Pradesh (UP). There are important rules about education in this law:

- **Section 3:** This ensures that educational institutions cannot discriminate against transgender individuals—they must treat them with fairness and respect, and cannot deny them admission

⁶ Higher Education of Transgenders in India: Opportunities and Challenges," International Journal of Research in Engineering, Science and Management, February 2019

⁷ Challenges to Transgenders in India," Drishti IAS, April 8, 2025

⁸ National Legal Services Authority v. Union of India, (2014) 5 SCC 438, Supreme Court of India

or subject them to mistreatment.

- **Section 8:** The government must make sure that transgender people can get inclusive education, job training, and chances to work for themselves.

- **Section 13:** This says that transgender people should have welfare support, like education, without facing prejudice.

This law was influenced by the *NALSA v. Union of India* case in 2014. The Supreme Court said that states should save spots in schools and jobs for transgender people, and they should be seen as socially and educationally disadvantaged. The National Education Policy (NEP) 2020 also introduced the Gender Inclusion Fund (GIF) to support girls and transgender students by promoting equal access to education and reducing dropout rates. However, despite these progressive measures, putting them into practice remains a challenge. A significant number of transgender students—up to 25%—still drop out of higher education due to feelings of isolation and a lack of adequate support⁹¹⁰.

Relevant court cases reinforcing these rights:

In 2014, the Supreme Court of India, in the case of *National Legal Services Authority (NALSA) versus Union of India*, made a judgment acknowledging the right of transgender people to self-identify their gender. The court directed both the central and state governments to take affirmative action by providing quotas for transgender people in education and employment opportunities. This ruling was a turning point for transgender rights in India, affirming their constitutional rights and protections.

In 2025, the High Court of Andhra Pradesh made a ruling that expanded legal protections for transgender women¹¹. The court decided that transgender women should be recognized as women under the law¹². This decision has implications for educational quotas, ensuring transgender women have access to the same educational opportunities and protections as other women. It set a legal precedent for inclusivity and equal rights within the educational framework in Andhra Pradesh, and potentially for other states in India. This ruling supports the

⁹ Kerala Boosts Transgender Rights With Education Scholarship," *New Indian Express*, September 21, 2015

¹⁰ An In-Depth Analysis of the Education Sector in India," June 29, 2022

¹¹ *Viswanathan Krishna Murthy v. Andhra Pradesh*, Andhra Pradesh High Court, June 16, 2025.

¹² Defining 'Woman' in Law? Contextualising the Indian High Court Judgment," *Oxford Human Rights Hub*, July 24, 2025

NALSA judgment by extending the scope of legal recognition and protection for transgender individuals.

3. Transgender Educational Rights in Uttar Pradesh

Uttar Pradesh, the most populous state in India, follows the national guidelines for transgender education. But it does not have its own complete state policy. Unlike some southern states, Uttar Pradesh has not created a Transgender Welfare Board or set aside specific places in schools for transgender students¹³.

Here are some things to note:

- **Following the National Law:** According to the 2019 law, schools in Uttar Pradesh should offer inclusive education. Yet, there are stories of ongoing bias, such as students being turned away from hostels or not being allowed to wear suitable uniforms.
- **Actions by Private Groups:** Some schools, like Galgotias University, have put in place rules against discrimination for transgender students¹⁴. These rules make sure they are treated fairly when applying and using school resources. But these actions are specific to each school and do not cover the entire state.
- **Problems Faced:** Transgender students in Uttar Pradesh often drop out of school because of stigma and a lack of support¹⁵. The government offers few programs for scholarships or job training. There are not many court cases in Uttar Pradesh about transgender students' rights in education, which means the state depends on national legal decisions.

In short, Uttar Pradesh tends to react to situations rather than taking charge. It focuses on following central laws but does not take steps to raise awareness or create special support groups.

¹³ Education of Transgenders in India: Status and Challenges," ResearchGate, February 3, 2025.

¹⁴ Galgotias University, "Non-Discrimination Policy For Transgende."

¹⁵ Transgender Educational Rights in Uttar Pradesh India Challenges," and "Transgender Community in India, Their Challenges and Opportunities," Study IQ, April 7, 2025.

4. Transgender Educational Rights in Other Indian States

Many states have moved past the federal standard by creating their own specific rules. The following is a comparison of four states: Tamil Nadu, Kerala, Maharashtra, and Delhi, examining how their methods vary.

Tamil Nadu has historically shown social justice and welfare dedication. The state's policies often focus on inclusive growth, education, and healthcare. For example, Tamil Nadu's noon meal scheme, started decades ago, has greatly improved school enrollment and nutrition among children from low-income backgrounds. The state has also invested heavily in healthcare infrastructure, making medical services more accessible to people in rural areas. Tamil Nadu's strategy usually involves direct interventions and welfare programs aimed at reducing inequality and promoting social mobility.

Kerala, known for its high literacy rate and strong social indicators, takes a different route. The state prioritizes human development, with an emphasis on education, healthcare, and social welfare. Kerala's land reforms in the past have helped redistribute wealth and empower marginalized communities. The state's healthcare system is known for its accessibility and affordability, with a network of public health centers providing basic medical services to even the most remote areas. Kerala's approach emphasizes decentralized planning and community participation, enabling local communities to shape their own development priorities.

Maharashtra, India's wealthiest state, has a mixed approach, combining economic growth with social development initiatives. The state has made strides in industrialization and urbanization, attracting investment and creating jobs. The government has launched programs to support farmers, promote rural development, and improve infrastructure. Maharashtra has also focused on skill development and education to enhance the employability of its youth. While economic growth remains a priority, the state also recognizes the need to address social inequalities and promote inclusive development.

Delhi, as the national capital territory, faces unique challenges and opportunities. With a large and diverse population, Delhi has to offer services to both urban and rural residents. The government has invested in infrastructure, including transportation, power, and water supply, to accommodate the city's growing needs. Delhi has also focused on education and healthcare, building new schools and hospitals to improve access for all residents. The city's policies often

reflect the need to balance economic growth with environmental sustainability and social harmony.

4.1 Tamil Nadu

Tamil Nadu is at the forefront of transgender rights in India, thanks to forward-thinking policies. In 2008, it took the lead by creating a Transgender Welfare Board¹⁶. Chief Minister M.K. Stalin introduced the State Policy for Transgender Persons 2025, which includes specific measures for education¹⁷:

- **Education Initiatives:** This policy provides free education, scholarships, and reserved spots for transgender students in higher education. It also pushes for curricula that are inclusive of transgender issues and calls for educators to receive training on how to prevent discrimination.
- **New Actions:** In 2025, the Madras High Court instructed the state government to decide whether to implement a 1% horizontal reservation for transgender people in both education and employment¹⁸.
- **Results:** These actions have led to fewer students dropping out of school and higher numbers enrolling, helped by tuition waivers at state colleges.

4.2 Kerala

In 2015, Kerala became the first state in India to introduce a comprehensive Transgender Policy, with a strong emphasis on improving access to education for transgender individuals¹⁹.

- **Main Points:** The policy includes reserved spots in higher education (announced in 2018), school curricula and uniforms that are the same for all genders, and programs such as Samanwaya to help students continue their education²⁰.

¹⁶ Tamil Nadu Social Welfare Department, "Tamil Nadu Transgender Welfare Board," April 15, 2008

¹⁷ "TN Policy for Trans Persons Assures Inheritance Rights, Access to Education and Jobs," New Indian Express, August 1, 2025.

¹⁸ Madras High Court directive, August 5, 2025; "Madras HC Directs TN Govt to Decide on Horizontal Reservation for Transpersons in Education, Employment," New Indian Express, August 5, 2025.

¹⁹ "State Policy for Transgenders in Kerala, 2015," Centre for Law and Policy Research.

²⁰ "Kerala Govt Grants Additional Seats for Transgender Students in Higher Education," Indian Express, July 3, 2018

- **Groundbreaking Ideas:** The state has also introduced programs to empower transgender students, including skill-building to fight stigma.
- **Dealing with Problems:** The policies aim to reduce the number of students who drop out by creating schools that welcome everyone. This has set an example for other states.

4.3 Maharashtra

Since 2023, Maharashtra has worked to make higher education more accessible²¹.

- **Government Actions:** Transgender students can attend public universities without paying tuition²². Colleges are required to have transgender cells to prevent prejudice and provide support.
- **Following National Guidelines:** These policies follow the NEP 2020 by using coordinators and processes for handling complaints to promote inclusivity.
- **What's Happened:** More students are enrolling, but some in the community are still unsure about how well the policies are being carried out.

4.4 Delhi

Delhi's policies emphasized support from institutions.

- **University Regulations:** The University of Delhi has a Policy for Transgender Students to ensure they are not stigmatized, including the use of affidavits for recognizing their identity.
- **State Laws:** The Delhi Transgender Persons (Protection of Rights) Rules, 2025, encourage inclusive education and getting transgender people involved in society²³.
- **Key Issues:** Training for teachers and providing facilities that support gender diversity are priorities.

²¹"Fee Waiver for Transgenders in Higher Education Extended to Diploma Courses," Indian Express, December 8, 2023.

²²"Maharashtra Universities to Offer Free Education to Transgender Students," Times of India, December 6, 2023

²³"Delhi Transgender Persons (Protection of Rights) Rules, 2025," Government of NCT of Delhi, July 10, 2025

5. Comparative Analysis

Aspect	Uttar Pradesh	Tamil Nadu	Kerala	Maharashtra	Delhi
State Policy	Non-specific; relies on the national Act	Comprehensive 2025 Policy with an education focus	2015 Policy with gender-neutral elements	Guidelines for transgender cells (2024)	2025 Rules for inclusion
Reservations/Quotas	No explicit general backward class	1% horizontal under consideration	Reservations in higher education	Free education in public unis	Affidavit-based recognition
Institutional Support	Limited; private initiatives only	Welfare Board, scholarships	Continuing education programs	Mandatory cells, coordinators	University-specific policies
Anti-Discrimination Measures	National-level enforcement	Training for educators	Gender-neutral uniforms/curricula	Inclusivity under NEP	Sensitization training
Challenges ²⁴	High stigma, dropouts	Enforcement gaps	Limited geo-tagged data	Community trust issues	Identification hurdles

UP lags in proactive measures, leading to higher exclusion rates compared to states with dedicated policies. Progressive states demonstrate that localized interventions enhance access and reduce discrimination.

6. Challenges and Recommendations

Societal prejudices, scarce understanding, and difficult self-identification processes create

²⁴ "Transgender Community in India, Their Challenges," Study IQ, April 7, 2025.

shared difficulties that people continue to face shared struggles due to deep-rooted societal prejudices, limited public understanding, and the personal challenges of self-identification²⁵. In a state like Uttar Pradesh, there's a real opportunity to make a difference. The government could take the lead by creating a dedicated welfare board, introducing a clear state-level policy, and implementing a reservation system to ensure equal opportunities.

At the national level, stronger support for the Gender Inclusion Fund (GIF) and regular oversight by the courts could help ensure that rules are followed and justice is upheld. These steps would not only protect the rights of marginalized communities but also build a more inclusive and fair society for everyone.

Discrimination that runs deep in society, combined with a lack of awareness and complicated self-identification processes, often stands in the way of real progress. These barriers don't just create frustration—they make daily life harder and keep inequality firmly in place. In a state like Uttar Pradesh, addressing these challenges calls for a thoughtful and multi-layered approach. A meaningful first step would be to introduce a clear state-level policy that reflects a genuine commitment to justice and equal opportunity. Creating a dedicated welfare board could offer much-needed structure—helping to manage support programs, address complaints, and ensure that assistance reaches those who need it most. At the same time, thoughtful affirmative action policies—such as a fair and balanced reservation system—can help address historical injustices and create a more equal opportunity for everyone in education and employment.

But the effort to build a fairer, more inclusive society shouldn't stop at the state level. Nationwide action is just as crucial. The Gender Inclusion Fund (GIF), designed to support gender equity and social inclusion, needs greater attention and investment. With increased funding and clearly defined authority, the GIF could initiate transformative programs—ranging from educational support and skill development to awareness campaigns and healthcare access. Strengthening its capacity would enable it to reach marginalized communities more effectively and consistently across the country, not just in isolated pockets.

Equally important is the presence of independent oversight. This is where the judiciary can play a key role. Courts have the power to ensure that rules and policies are not only passed but

²⁵ "Comprehending Health of the Transgender Population in India: Challenges and Opportunities," PMC, April 11, 2024.

also actively enforced. Through regular monitoring, review of implementation efforts, and timely interventions when disparities arise, the judicial system can act as a safeguard for fairness and accountability.

Addressing deeply rooted inequality requires more than isolated reforms—it calls for a coordinated and sustained effort. A cooperative strategy that blends progressive legislation, strong institutions like the GIF, and vigilant judicial oversight can provide the structure and support needed to bring lasting change. Only through such a united approach can we begin to dismantle systemic barriers and work toward a society where every individual—regardless of gender or background—has an equal chance to thrive.

Conclusion

While a national framework exists as a starting point, different states have different approaches. Uttar Pradesh (UP) needs to study the methods used in Tamil Nadu, Kerala, Maharashtra, and Delhi. These states have made progress in protecting the educational rights of transgender people, and UP can learn from their successes and failures.

To truly support transgender students, UP must go beyond broad guidelines and implement specific changes. These changes should address the particular gaps and difficulties that transgender students experience within the UP education system. A detailed plan is needed that includes:

- 1. Policy Changes:** UP should create clear, state-specific policies that protect transgender students from discrimination in schools. These policies should address issues like bullying, harassment, and the right to express their gender identity.
- 2. Curriculum Development:** The curriculum should be changed to include positive portrayals of transgender people and issues. This can help create a more accepting and inclusive learning environment for all students.
- 3. Teacher Training:** Teachers and school staff need training on transgender issues. This training should help them understand the challenges that transgender students face and how to support them. It should also cover legal obligations and best practices for creating an inclusive classroom.

4. Access to Resources: Transgender students need access to resources like counseling, support groups, and safe spaces. Schools should partner with community organizations to provide these resources.

5. Data Collection: UP should collect data on the experiences of transgender students in schools. This data can be used to identify problems and track the success of interventions.

6. Community Engagement: It is important to involve the transgender community in the process of creating and implementing these changes. Their input can help ensure that the changes are effective and meet the needs of transgender students.

By learning from other states and putting these changes in place, UP can create a more inclusive and supportive education system for transgender students. This will not only improve their educational outcomes but also help create a more just and equal society for all. The state shouldn't ignore regional variations in culture, resources, and administrative structures. They should carefully adjust the successful strategies of other states to be appropriate and relevant within the context of Uttar Pradesh. Support from families and the community is very important for transgender students' education and overall well-being. UP needs to start conversations and programs that promote understanding and acceptance of transgender people. Continuous supervision and evaluation are essential to ensure the success of such reforms.

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