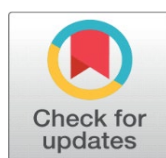
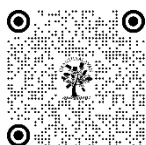


CRITICAL ANALYSIS OF NEW EDUCATION POLICY CONCERNING TRANSGENDER EDUCATION

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ABSTRACT

Transgender students remain highly marginalized and excluded despite education policies increasingly embracing diversity across the different education systems currently in place. Despite having provisions describing the protection of generally categorized marginalized sections in the NEP 2020, India, the matter of inclusion of the Transgender population is still insufficiently met. In this paper, an analysis is made of NEP 2020's ability to provide fairness of education for the transgender student population and where change is required. As a qualitative research approach, the study employs literature reviews, policy analysis, and thematic analysis on articles, policies, government and NGO reports and scholarly articles. Scrutinizes such provisions in the fields of education, infrastructure, anti-bullying policy, teacher training, and affirmative action as regards the trans community about NEP 2020 question of 'inclusiveness'. These include the absence of clear coding for gender-transitive accessibility, limited anti-bullying policies, and poor provisions for teachers conducting training and development for those students. It has no structural measures such as scholarships or quotas for trans-students as affirmative action. Despite NEP 2020 offering a structure to bring into being an inclusive education system, there is a large gap that impedes the progress nature can bring in the existence of the inclusion of Trans People.

Keywords: Transgender Inclusion, NEP 2020, Inclusive Education, Gender-Sensitive Facilities, Anti-Bullying Measures

1. INTRODUCTION

The belief that education is a great equalizer holds, yet a harsh reality exists within modern education systems Transgender individuals have had to endure almost insurmountable barriers and stigma making it nearly impossible to integrate. Many of these theoretical papers and reliable reports highlight these acts of injustice and discuss how these acts of injustice are an outcome of prejudice and difficulty (Kumar, 2021). The effects and repercussions of these barriers are not hard to come by when reviewing the existing literature. Research by Marx *et al.* (2021), for instance, showed that Transgender students were more often preyed upon to be bullied and harassed compared to Cisgender 'same gender' students. Consequently, their school experiences and the consequences to which they are tied are affected by this hostility. Trans youths also report other common concerns like changes in their legal name and gender, appearance expectations, and access to correct restrooms, and locker rooms that damage their performance and increase anxiety (Ingrey, 2023). Transgender people's lives are strewn with the likes of poor rates of depression and anxiety that only

intensify when they are dominated and smacked down in schools as found by Patterson *et al.* (2016). In addition, the 2014 Transgender Discrimination Survey showed that these challenges raise dropout levels among trans students, with ramifications for their futures as well as the ongoing problem of economic exclusion in the transgender community (Kosciw *et al.*, 2020). There is some progressive shift but the most recent uses National Education Policy 2020 in India, which mentions inclusion and nondiscrimination and extends equality rights to transgenders in education (Glick *et al.*, 2018). Such policies, and programs including gender-inclusive washrooms and gay, lesbian, bisexual, transsexual, questioning, intersex, and asexual (GLQIA) student associations are in some learning institutions and organizations (Oppenheimer, 2019). Trans children's situations in schools still present the following problems however, more effort is required to achieve full equality and citizenship for all the communities of trans children and make them have equal opportunities in society, nevertheless, there is a basis for changing this scenery shortly as the existing challenges of such children's education are recognized by the policies such as NEP 2020 and help the advocacy groups and supporting teachers.

2. OBJECTIVE OF THE STUDY

1. To evaluate how far NEP 2020 has gone in honoring its promise of equal access to schooling for disadvantaged groups including transgender.
2. Concerning inclusive NEP 2020 goals Research the difficulties of implementing policies toward the objective to inaugurate NEP 2020 for various marginalized communities, particularly for transgenders, to determine policy advancement and improvement possibilities.

3. METHOD AND METHODOLOGY

Following a literature review and policy analysis, which form the basis of this study, this research employs a qualitative method to comprehensively understand the effects of the NEP 2020 on the education of transgenders. The study uses quantitative data collected from published articles, journals, parliamentary papers, policy papers, and different reports. Observation is also an ongoing process that uses a systematic index and thematic analysis to explore the types of common themes and patterns relevant to NEP 2020 regarding the promises and problems of making education transgender-inclusive. Using such data, the policy effectiveness is explored and the gaps in both policy content and practice concerning transgender literacy are revealed.

NEP 2020: LIFE EXPERIENCE OF TRANSGENDER STUDENTS AND THE POSSIBILITIES OF INCLUSION

Transgender Education is missing in NEP 2020 despite containing various components for the improvement of Education for marginalized groups. These let us see that the party wishes to provide different education and facilities that will be useful to the transgender person. However, these provisions offer no enhanced guarantees for transgender education and so possibly reveal failures in the adequate inclusion of the requirements of various categories of oppressed persons. The incorporated society of BME or Black Minority Ethnic peoples works for the poor communities and as per their needs, it has a kind of policy that focuses on different categories needing different policies for their opportunities for education and quality education. Some specific areas from NEP 2020 reflect the inclusion of marginalized groups in general:

1. **INCLUSIVE EDUCATION (SECTION 6.1):** Directs their attention to subjects of equal opportunities in education and aids students to a degree through the social, financial, gender identity, geographical, or other similar boundaries of activity.
2. **FLEXIBLE LEARNING (SECTION 3.5):** Inclusion of strategic approaches to educationally marginalized communities for Socio-Economically Disadvantaged Groups includes Open Distance Learning (ODL), National Institute of Open Schooling (NIOS), and State Open Schooling (SIOS) in their regional language.
3. **GIF - 'GENDER-INCLUSION FUND' (SECTION 6.8):** Supports gender-sensitive education for girls and transgender children by addressing conditions that deny or require essentials like sanitary washing facilities, bicycles, and community programs to eliminate gaps for underprivileged LCKK socioeconomic groups.

4. CURRICULUM REFORMS (SECTION 11.1): Revitalizing the Indian Parampara of learning in totality in arts, sciences, trades, professions, and soft skills, helping in breaking societal gender bias, and awareness of multiple matters among learners.

5. TEACHER TRAINING AND SENSITIZATION (SECTION 6.14): Focusing on the training of children with learning disabilities, gender mainstreaming, and diversity education.

These sections should ensure equal provision of education and, thereby, encourage socially and politically excluded groups of society.

NEP 2020

The current National Education Policy (NEP) 2020 touches on the basic Need for education in life implying that education is a basic need that should not be deprived of any human being on grounds of gender identity. However, the main emphasis of the policy is on the rights of the transgender population, which raises relevant questions about the compliance of the educational regime with the needs of this important group. Thus, despite its focus on inclusivity and equity in the provisions of NEP 2020, the set of identified priorities does not pay enough attention to the subject's specific issues and needs that contemporary transgender people experience. Through the study of the barriers to education of transgender people, the author concludes that while the NEP was meant to allow extra years of school to all children and promote equity, it fails to provide definite measures and coherent plans to support the needs of the concerned group. Some of these and their relation to the representation of Transgender education in the NEP 2020 include lack of anti-discrimination measures, lack of gender-sensitive curriculum, lack of clear guidelines for making facilities more Transgender friendly, lack of copious anti-bullying measures, lack of proper guidelines on training teachers, and lack of affirmative actions as follows.

INCLUSIVE FACILITIES

In the NEP 2020, gender-sensitive and accessible infrastructure is been implemented which prioritizes the provision of a supporting environment in educational institutions for learners no matter what gender they belong to. However, the lack of clear vision on how these facilities should be developed and maintained to accommodate Transgender kids is a problem and there is no clear set of steps on how Transgender kids can safely access restrooms and changing rooms without prejudice and harassment in a school setting.

ANTI-BULLYING MEASURES

An element that NEP appreciates is the requirement for a safe learning climate, but no plans or recommendations on how to address the problems of transgender learners, especially harassment, bullying, and discrimination are provided. The failure to include targeted anti-bullying strategies in the NEP belittles these issues and denies the transgender young people the assistance and shelter they need.

TEACHER TRAINING

One major component of NEP 2020's approach towards the education of the transgender is the requirement of extensive teacher training. NEP also emphasizes the inclusion of students with special needs environments where they learn and does not provide specific parameters or call for training educators to identify and support such potential. Lack of equipment in some institutions ensures that they have a mindset that creates prejudices and/or stereotypes which results in a hostile environment for the transgender students.

AFFIRMATIVE ACTIONS

While the NEP has adopted a principle of affirmative action and equality, those issues and barriers that have troubled transgender persons in pursuing educational opportunities have not been settled. In the past, minority students, especially lesbian, gay, bisexual, and transgender students. The NEP may not be able to legalize affirmative action quotas making way for these systemic limitations the NEP may not legitimate a transsexual individual to take up education and become it. The NEP should declare affirmative action criteria for transgender students including scholarships for transgender students, a quota system in admission, and scholarships for transgenders to augment their right to education.

4. RESULTS

DATA SOURCES ANALYZED

The sources of information comprised published articles, policy papers, reports, and parliamentary papers to analyze the NEP 2020's trans-inclusiveness for students. Published articles offered academic perspectives on both challenges and possibilities and policy documents, including NEP 2020, to measure the extent of equity promises. The NGO reports provided some practical issues, while the parliamentary papers provided information on the legal aspects of transgender rights in Table 1. An analysis of the sections of NEP 2020 for thematic content revealed the following equity in education access and opportunities through flexible learning provisions for gender-sensitive facilities under the Gender-Inclusion Fund.

Table 1: Types of Data Sources Analyzed

Data Source Type	Examples	Purpose in Study
Published Articles	Peer-reviewed journals on transgender issues	Provide scholarly insights into barriers and solutions
Policy Papers	NEP 2020, related government documents	Analyze official inclusivity commitments
Reports	NGO and educational reports	Highlight practical challenges and implementations
Parliamentary Papers	Debates, bills related to transgender rights	Understand legal and policy framework

THEMATIC ANALYSIS OF NEP 2020

NEP 2020's inclusiveness concerning marginalized communities, this study reviewed the policy document focusing on sections that have to do with the education of the transgender learner in Table 2. Section 6.1 also touched on accessibility and sought to ensure that persons with one form of disability or the other get the education they require without harassment from their socio-economic or gender status. Section 3.5 focused on flexible learning options offered through ODL and NIOS, particularly for disadvantaged learners. Section 6.8 Gender-Inclusion Fund (GIF) supported gender-sensitive facilities for instance water and sanitation, and physical access. Reforms of curriculum described in Section 11.1 aimed at eradicating gender stereotyping and enhancing consciousness by updating the content in arts, sciences, and trades. In the final section, section 6.14 highlighted the need to train teachers and sensitize them teachers to enable them to implement diverse measures and practices that promote diversity in classrooms.

Table 2: Thematic Analysis of NEP 2020 Sections Related to Marginalized Groups

NEP 2020 Section	Focus Area	Identified Theme
6.1	Inclusive Education	Equity in education access
3.5	Flexible Learning	Opportunities through ODL and NIOS
6.8	Gender-Inclusion Fund (GIF)	Resources for gender-sensitive facilities
11.1	Curriculum Reforms	Gender bias awareness and reform
6.14	Teacher Training and Sensitization	Addressing diversity in classrooms

GAPS IDENTIFIED IN NEP 2020 REGARDING TRANSGENDER INCLUSION

There were major deficits in NEP 2020 about the participation of transgender students. Even though the policy was intended to encourage equality, it failed to provide procedures for creating and sustaining equal environments in Table 3. Issues of restrooms and changing rooms for transgender students were not considered, and these learners are at the mercy of prejudice and harassment. There were also no particular steps for combating bullying, which revealed another weakness of the policy since policies focusing on the prevention of harassment and discrimination against transgender students were not stipulated. Perhaps the most significant gap identified in preparing teachers for culturally responsive education, particularly for the creation of gender-inclusive classrooms, was that teacher training was found to pay scant attention to issues of concern to trans students.

Table 3: Gaps Identified in NEP 2020 Regarding Transgender Inclusion

Policy Component	Identified Gap
Inclusive Facilities	Lack of guidelines for restrooms and changing rooms for transgender students

Anti-Bullying Measures	Absence of targeted strategies to prevent harassment and discrimination
Teacher Training	Limited focus on training specific to transgender issues and inclusion practices
Affirmative Actions	No provision for scholarships, quotas, or other support measures for transgender students

5. DISCUSSION

The NEP 2020 has been lauded as a progressive document that brought in major changes to ensure inclusion in the Indian education system. However, for all its laudable efforts to address the needs of minorities, it has been accused of not doing enough for the transgender population. This discussion analyses the extent to which NEP 2020 has met the educational needs of transgender persons, the areas of shortcomings, and the possibility of enhancement in the future. Thus, our approach is to examine the sections of the policy, as well as the thematic content and the gaps that are revealed to determine the effects of the policy on the inclusion of transgenders and the existing issues. The NEP 2020 was formulated to meet the requirements of different learners and offer education for all learners, especially those from deprived and low socio-economic status. The policy also cares about equity and inclusion and therefore, it aims at students from different gender identities, low-income, and students from rural areas (Jenness & Rowland, 2024). More on Participatory Learning (Section 3.5) and Inclusive Education (Section 6.1) shows the plan to include marginalized groups like transgender students through the Gender-Inclusion Fund (GIF) (Section 6.8).

In theory, the provisions seek to eliminate discrimination in matters related to the provision of education. For example, Section 6.1 of NEP 2020 is on Inclusive Education to cater to the education needs of disadvantaged groups (Simenson, 2024). Further, the Flexible Learning scheme provides opportunities for students from disadvantaged backgrounds to learn through Open Distance Learning (ODL), and the National Institute of Open Schooling (NIOS) in case they are geographically or economically challenged (NEP 2020, Section 3.5). In the same way, the GIF was created to ensure that education is gender sensitive for girls and other children in their sexual self-identification, and the gaps like the absence of gender-sensitive washrooms, and sanitation facilities (NEP 2020, Section 6.8).

Despite these measures, the policy has been criticized for having no clear direction on how it will address the needs of transgender students, especially in the areas of infrastructure, teacher training, and anti-bullying measures as will be discussed below by Nagvanshi *et al.* (2022). Though the policy aims at being progressive, its formulation has moderate and occasional gaps which underdevelop it as a protective policy based on the needs of the transgender learners. While offering the general conceptualization of the approach to INEP 2020, deficits are observed in several aspects concerning the education of transgender students (Marques, 2021). There is no policy on the provision of inclusive washrooms and changers, which are essential to the mental and sexual orientation of the transfixed students. The NEP 2020 has mentioned the gender-sensitive infrastructure but there is no provision for the transgender students' right to access safe and non-discriminatory facilities (Sharma & Aggarwal, 2023). This failure contributes to the hostile climate for Trans students for they can't conduct themselves in a way that would allow them access to the gendered spaces like restrooms and shower facilities (McClain *et al.* 2024). Studying the state of feelings of being safe at school it was found that the absence of safe spaces negatively affects the psychological well-being and achievement-related outcomes of trans-students (Durmus *et al.*, 2023). One of the other over-sights in NEP 2020, which have been raising concerns for quite some time is the absence of an anti-bullying policy for transgender students. Although the policy established that learning should take place in a safe and supportive environment it lacks particular measures of handling harassment and bullying grounded on gender identity (Dey *et al.*, 2024). Among others, this group is most sensitive to bullying and this exposes the kid to anxiety, depression, and poor performance. NEP 2020 has not effectively taken steps to cater to the needs of persecuted sexual minorities in school by having a clear policy on an anti-bullying this makes the NEP's goal of protection of equality and inclusion an illusion to the transgender students.

Furthermore, there continues to be a problem regarding teacher training. Even though NEP 2020 enshrines the need for preparing teachers on diversity and inclusion, the concern for transgender is negligible (Tyler *et al.*, 2023). Transgender students can easily be discriminated against or receive little or no attention from teachers because these teachers have little knowledge of how to handle these students. There is no particular guidance on how to develop a gender-sensitive learning environment or help a trans student in their learning process (Sharma & Cheruvalath, 2024). Due to this, many teachers lack the training that can end prejudice and discriminatory perceptions of transgender students. It also fails to have provisions that would guarantee scholarships, quotas, or legal rights for transgender students to be as good as those of the other common students (Arora *et al.*, 2024). For this reason, these measures are still not taken and transgender

students remain marginalized in education, particularly in tertiary education and vocational training (Sobti & Sobti, 2023). This is so because affirmative action has not been implemented, therefore, no support will ensure that the barriers that transgender students experience when it comes to education will be overcome. Table 2 below shows that NEP 2020 has several areas that address marginalized communities, though with different levels of effectiveness (Dai *et al.*, 2023). For example, Section 6 of the policy known as Inclusive Education makes equity in the education system the key policy agenda as a starting point for addressing the issues faced by transgender students. Nonetheless, the policy has a serious drawback – it does not contain clear recommendations on how to introduce the principles of inclusive education for transgender students (Agarwal *et al.*, 2023). Flexible learning discussed in section 3.5 highlights the problem faced by marginalized groups, but the discussion mainly draws on socio-economically challenged students and does not fully capture the challenge of the transgendered (NEP 2020). The Gender-Inclusion Fund (GIF), explained in section 6.8 is a positive policy that seeks to redress gender gaps in education. However, it is still not clear how the fund will be utilized for transgender students since the policy does not enumerate how the fund will be used to meet the needs of transgender students including the provision of washrooms for transgender students or inclusion of gender-sensitive teaching and learning materials (Aithal & Aithal, 2020). Other provisions in the policy implicated by Curriculum Reforms (Section 11.1) are meant to address this policy's goal of countering gender stereotypes and raising gender awareness however, these reforms primarily address gender neutrality or even generic gender sensitivity more broadly while remaining relatively silent on the experience of transsexual individuals (Barton & Ho, 2021). Likewise, Teacher Training and Sensitization (Section 6.14) again emphasizes diversity in the classroom, but the training does not include transgender concerns, which are generally excluded from most diversity training (Ashraf *et al.*, 2019). Based on the analysis of the gaps that were pointed out in NEP 2020, the following suggestions can be made. First, the policy has to give specific direction on how organizations should ensure that facilities are accessible for all groups, including construction of the gender-sensitive washrooms and changing rooms in schools and universities (Sahu, 2023). This would make schools safe for the talents and requirements of appreciation of the TG students by removing barriers inhibiting them from exercising their rights in activities of their education without fear of denial of service, discrimination, or prejudice. Second, it is suggested that NEP 2020 should incorporate elaborate anti-bullying policies for transgender students (Lekha *et al.*, 2024). These measures should include capacity building of teachers in how to prevent and respond to bullying due to gender identity and, the development of procedures for addressing the complaints of harassment (Sobti, & Sobti, 2023). Some of the recommendations include that schools should undertake to offer counsel and support in the next phase for Transgender students after being bullied. Third, training exercises for teachers should incorporate sections on how to address and incorporate transgender and gender-diverse learners into their classes. Teachers have to know how to design an equitable learning environment for and facilitate the development of female-to-male and male-to-female students (Gass, 2021). Also, teachers should be trained on the difficulties that affiliates in the transgender group undergo through, namely wrong gendering, and discriminating against them, and must be taught how to encourage students to be sensitive to gender variation. Fourth, affirmative action policies which should provide a compass for equal access to education for students who are transgender should be implemented. This could include scholarships, setting transgender students' quotas in admissions, and not discriminating against any student in an institution. Thus, NEP 2020 could ensure education equity for all students regardless of gender identity, if these measures were adopted.

6. CONCLUSION

The NEP of 2020 has generalized the education policy to include marginalized groups like the transgender community. Even though the policy contains several provisions for gender-sensitive education, its commitment to including transgender people remains weak. The strategies including inclusive education, flexible learning, and Gender-Inclusion Fund (GIF) offer an understanding of enhancing access and equity for transgender students. Nevertheless, certain significant gaps remain in these areas. The policy is also silent on how to develop policies that are friendly to the transgender, especially in issues to do with restrooms and changing rooms which is a sensitive issue among transgender students. However, there are no strong anti-bullying policies or programs and no particular teacher training concerning transsexual students to make the situation worse. Second, as with NEP 2020, there is no transparent policy on affirmative action like scholarships for transgender candidates or a quota system that will give them better chances in the academic arena to get job placements. It is therefore apparent that there is a need for a package of sweeping policy changes beyond simple policy statements that will result in safe, supportive, and equitable learning contexts for the youth, particularly transgender students. However, much more needs to be done to achieve proper non-discrimination in education and proper support for the needs of the transgender population. For the ideal equality of education to be attained, there is a

need for more enhancement and application of measures in definite areas such as Teacher training, school facilities, and anti-discrimination policies. Finally, NEP 2020 sets the foundation that will enable us to bring education for transgender learners closer to the vision of equity, but the process of integration and equity remains a work in progress, which means that it will require constant campaigning, developmental changes, and action on the ground.

CONFLICT OF INTERESTS

None.

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