

Status of Transgender Faculty at Higher Education Institutions in India: A Conceptual Study

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Abstract

Over the past decade, India has witnessed significant changes and progress concerning gender minorities, with specific reference to transgender persons. This conceptual paper aims to highlight the milestones achieved in the socio-legal ecosystem, as well as the challenges faced by gender minorities in higher education institutions in India. Transgender faculty members in higher education often encounter misgendering, mispronunciation of their names, and tokenization (being hired specifically because they are transgender). In addition, many endure harsh pressures, bullying, and hostile working conditions. The purpose of this paper is to provide deeper insights into the meaning of the umbrella term transgender and to develop an understanding of the challenges and discrimination faced by this group in higher education institutions, which manifest both as widespread transphobia and as subtle microaggressions.

Keywords: *Gender inclusion, SDG 5, transgender faculty, higher education institutions, HRD strategy.*

Introduction

Most of the research on queer issues in human resource development (HRD) has focused less on transgender identity and/or expression, which makes it relevant to understand the status of transgender faculty members in higher education institutions. People who identify as transgender are still undervalued in the human resource development (HRD) field. As HRD practitioners strive to establish diverse and inclusive organizations, transgender issues are particularly crucial because there is a lack of understanding about gender diverse people at workplaces. By situating the experience of transgender faculty in higher education institutions within

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a relevant and important framework of HRD, this research work aims to build a more inclusive and safe workplace for transgender individuals. In order to understand the experiences of transgender faculty in Indian higher education institutions, a secondary source approach based on the case study of transgender faculty was explored.

Gender, Gender Identity and Transgender Persons

According to World Health Organisation (WHO), gender is indicative of the characteristics of women and men which are socially constructed and is rooted more in culture and environment. It refers to the beliefs and roles associated with being a girl or a boy. In other words, a person may be born as a male or a female but they learn to be girls or boys who grow up into women and men.³ While gender identity refers to the internal sense of self, it may or may not align with the sex assigned at birth.⁴ It reflects a person's sense of being a man, a woman, both, neither, or anywhere along the gender continuum. Before discussing the status of transgender faculty members in India, it is important to understand the meaning of the term *transgender*, which serves as an umbrella term encompassing varied identities. Section 2(k) of *The Transgender Persons (Protection of Rights) Act* (2019) defines a transgender person as any individual whose gender does not correspond with the biological sex assigned at birth. This includes trans men or trans women, whether or not they have undergone surgery or hormone therapy, persons with intersex variations, genderqueer individuals, and those with socio-cultural identities such as hijra, kinnar, aravani, and jogta.⁵

Historical Background of Transgender Persons in India

Transgender persons have had an established presence in Indian mythology and folklore. The *Vedas*, *Puranas*, epics, and various other texts indicate the existence of people belonging to the third gender in pre-modern India (Michelraj, 2015). Transgender identities have long been a part of Indian culture and history, with diverse expressions across Asia, unlike the more rigid gender constructs in Western

³Gender and Health, World Health Organisation, retrieved on December 21, 2024 from https://www.who.int/health-topics/gender#tab=tab_1

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⁵The Transgender Persons (Protection of Rights) Act, 2019, Ministry of Law & Justice, The Gazette of India, available on <https://transgender.dosje.gov.in/docs/Transgender%20Act,%202019.pdf>, accessed on December 15,2024

nations. Socio-cultural identities such as Hijras, Kothis, Eunuchs, Aravanis, Jogappas, and Shiv Shakti have been integral to the transgender community in India. In the Indian subcontinent, Hijras developed as a distinct cultural group and have been mentioned for thousands of years, despite facing exclusion and discrimination. They have often been visible during festive occasions, yet remain largely invisible in mainstream domains such as healthcare, employment, and education. In pre-colonial times, Hijras enjoyed relative security and status. They served in wealthy households, guarded royal harems during the Mughal period, and held key positions as advisors, attendants, administrators, political counsellors, and security personnel. They also played crucial roles in guarding Islamic holy places such as Mecca and Medina, and were considered fiercely loyal to kings. During the Mughal era, they commanded both wealth and prestige, and Hijras continue to cite this period as a time of significant influence and recognition.

However, despite this revered presence in India's sociocultural fabric and their frequent mention in religious and historical texts, transgender persons were ridiculed and oppressed during British colonization. They were criminalized under the *Criminal Tribes Act* of 1871 (Dutta, 2012). Rellis (2007) also notes that colonial laws further marginalized the community and reinforced social stigma. In post-colonial times, transgender persons began to assert their identities through ancestral ties and demands for fundamental rights as a sexual minority. Contemporary developments have seen NGOs, community-based organizations, the media, and government agencies collaborate to raise awareness and develop welfare programs. In recent decades, Hijras have also become active in politics, with some holding both local and state public offices (Reddy, 2003). The LGBTQI rights movement in India gained momentum in the 1990s when community-based organizations and NGOs, initially mobilized around the AIDS epidemic, began to expand their advocacy from health concerns to broader issues of civil rights.

Legal Advancements in Contemporary India

Transgender persons were granted fundamental constitutional rights and the right to self-perceived gender identity as the third gender by the Supreme Court of India in the landmark *National Legal Services Authority (NALSA) v. Union of India and Others* case (Supreme Court of India, 2014). For many years, the citizenship rights of gender-variant communities were not regarded as a legitimate concern, in contrast to the recognition accorded to women and other minority groups. The 2014 judgement was celebrated as a historic breakthrough, though it also drew criticism for leaving Section 377 of the Indian Penal Code intact, which criminalized

homosexuality. While the transgender community welcomed legal recognition as the third gender, many expressed disappointment at the continued criminalization of same-sex relations. Section 377 was eventually read down in 2018, when then-Chief Justice Dipak Misra acknowledged that an apology was due to the LGBTQ community for the prolonged denial of justice (Chaturvedi, 2018). Since then, India's legal system has demonstrated gradual progress in safeguarding the rights of transgender persons in areas such as education, employment, and healthcare, although social inclusion remains a serious concern. The *Transgender Persons (Protection of Rights) Act, 2019* and the accompanying Rules of 2020 marked a further milestone, laying down specific provisions for the protection of transgender persons' rights and imposing penalties for violations.

According to Section 2(k) of the Act, a transgender person is defined as anyone whose gender does not correspond with the biological sex assigned at birth. This definition includes hijras, kinnars, aravanis, and jogtas, as well as trans men, trans women, persons with intersex variations, and genderqueer individuals.⁶ Further, Section 4(2) of the Act affirms the right of every transgender person to self-perceived gender identity. The Act explicitly prohibits discrimination. Section 3 of Chapter 2 stipulates that no establishment shall discriminate against a transgender person in employment or occupation. Section 3(c) prohibits denial or termination of employment based on gender identity. Section 9 of Chapter 5 further emphasizes non-discrimination in recruitment, promotion, and related employment matters. Additionally, Section 11 mandates that every establishment appoint a complaints officer to address grievances regarding violations of the Act.

The Rules of 2020 reinforce these provisions. Section 10(7) requires all establishments to conduct sensitization programs alongside appointing a complaints officer. Section 11 outlines measures for non-discrimination in both government and private institutions, while Section 12 specifies guidelines for equal opportunity in employment. These include:

- Ensuring a safe workplace free from gender-based discrimination in recruitment, promotion, incentives, and infrastructure adjustments (12[1]).
- Publishing and displaying an equal opportunity policy for transgender persons, including details of the complaints officer, in appropriate places and on the establishment's website (12[2], 12[3]).

⁶The Transgender Persons (Protection of Rights) Act, 2019, Ministry of Law & Justice, The Gazette of India, retrieved on December 15, 2024 from <https://transgender.dosje.gov.in/docs/Transgender%20Act,%202019.pdf>

- Sharing information about infrastructure, rules, terms of employment, and safeguards for gender identity privacy (12[4]).

Furthermore, Section 13 of the Rules requires every establishment to designate a complaints officer within 30 days of notification. Complaints must be investigated within 15 days of receipt, with the institutional head required to take action within another 15 days of receiving the report. At the systemic level, the Rules mandate that the appropriate government establish a grievance redressal mechanism-including outreach centers and helplines - within one year. This mechanism must ensure resolution of grievances within 30 days and impose penalties in line with Section 18 of the Act, which prescribes imprisonment of six months to two years and/or a fine.⁷ A summary of the Act's provisions is presented below in Table 1:

Table 1: Provisions of Transgender Persons (Protection of Rights) Act, 2019

Chapter	Subject	Section
Chapter 1	Preliminary	Section 1, 2
Chapter 2	Prohibition against discrimination	Section 3
Chapter 3	Recognition of identity of transgender persons	Section 4,5,6,7
Chapter 4	Welfare measures by government	Section 8
Chapter 5	Obligation of establishments and other persons	Section 9, 10,11,12
Chapter 6	Education, social security & health of transgender persons	Section 13, 14,15
Chapter 7	National Council for transgender persons	Section 16,17
Chapter 8	Offences & Penalties	Section 18
Chapter 9	Miscellaneous	Section 19, 20, 21,22,23

Source: Compiled by authors

Despite significant legal advancements in contemporary India, the social inclusion of transgender persons remains a matter of serious concern. The 2011 Census recorded their population at approximately 4,90,000 (Nagarajan, 2014), yet their representation in organizations continues to be minuscule. Transgender employees

⁷The Transgender Persons (Protection of Rights) Rules, 2020, The Gazette of India, retrieved on December 16, 2024 from <https://transgender.dosje.gov.in/docs/TG%20RULES,%202020.pdf>

and their workplace challenges have become a pressing subject in current debates and research (Kanamori et al., 2017; Pitcher, 2017). However, the experiences of transgender faculty members in both schools and higher education institutions have not been encouraging (Pitcher, 2017). Faculty members who identify as transgender often face discrimination and barriers at multiple levels, highlighting the urgent need to raise awareness about their rights and foster acceptance (Mizock et al., 2018). Their workplaces are frequently hostile and unwelcoming (Garvey & Rankin, 2018), with common experiences including misgendering and mispronunciation (Pitcher, 2017). While substantial research exists on other minority groups such as women, there remains a clear gap in academic literature exploring the challenges faced by transgender persons (Garvey & Rankin, 2018).

According to the International Labour Organization (2017), transgender persons experience some of the highest levels of workplace discrimination. Meyer's (2015) minority stress model further illustrates that stigmatized groups face disproportionately high stressors compared to non-stigmatized groups, and that workplace discrimination often results in both mental and physical distress. Transgender employees also encounter microaggressions, which can leave them emotionally drained and anxious (Garcia Johnson & Otto, 2019). Yet, their experiences remain underexplored in academic research. Wells (2018) underscores the need to examine transgender employees' experiences within the higher education discourse, while DeSouza et al. (2017) similarly stress the importance of analyzing the marginalization and challenges faced by transgender persons in contemporary workplaces. This paper adopts a case study methodology, which is particularly effective for exploring phenomena in real-life, holistic contexts (Alpi & Evans, 2019). As a conceptual paper, it builds upon documented experiences in secondary sources to provide a nuanced understanding of the challenges faced by transgender faculty members in higher education.

Methodology

This conceptual paper is based on the secondary sources. It also builds upon case studies based on the lived experiences of gender diverse faculty members in India.

Case Studies

The first transgender person to hold a college principal position was Manabi Bandyopadhyay, who was appointed by Krishnagar Women's College in 2015. The

community was hopeful because it was a positive example that would empower other transgender people in academia. However, Bandyopadhyay's forced resignation in 2016 dampened this optimism. In an interview with multiple news outlets, Bandyopadhyay's revealed that she had experienced a great deal of discrimination in her career because of her gender identity. She had joined the college with hope but was left disappointed and in constant mental turmoil because of uncooperative teachers and students. She eventually resigned after numerous accusations and gheraos against her (Poddari, 2016). More than her merit, her gender identity became the criterion for assessing her work. The teachers at the college demanded a cease-work, citing Bandyopadhyay's autocratic work style as the reason for the serious breakdown of the college's functioning. Constant gheraos and non-cooperation from both students and teachers left Manabi with no choice but to resign. This clearly exemplifies that recruitment or hiring alone is not sufficient if people are not sensitised and made aware of the importance of including those who may be different from us. India is a progressive country, yet its people continue to hold on to certain stereotypes. The transgender community may have gained legal recognition, but social acceptance still remains limited. There is inadequate awareness about gender identity, and society is often unwilling to accept any incongruence with expected behaviour related to gender binaries.

In another case study, Dr. Aqsa Shaikh, who identifies as a transgender woman and is an Associate Professor at a leading medical institution in Delhi, shared her ordeal about the bitter experiences and challenges she had to face because of her gender identity. She recounted that her journey as a medical student was marked by unpleasant experiences, including internalised self-doubt, depression, and various forms of hostility from her peers. She even considered dropping out of college due to bullying and discrimination, yet the hope of escaping poverty kept her going.⁸ She further highlighted that medical science often views gender-diverse people through a pathological and disorderly lens. In her opinion, there is a need for more affirmative steps, including reservation in educational institutions, to ensure the inclusion of transgender persons in a society that has historically marginalised and criminalised them.⁹ Although the medical profession is considered one of the most sacrosanct, Aqsa shared that, despite being a faculty member at the same medical college, she was subjected to medical negligence due to a lack of awareness in dealing with transgender persons. She was misdiagnosed and given unnecessary antibiotics.

⁸Dr Aqsa Shaikh, egomonk insights, retrieved on December 22, 2024 from <https://insights.egomonk.com/dr-aqsa-shaikh-22/>

⁹SC takes up case of transgender teacher's workplace discrimination, The law advice, accessed retrieved on December 22, 2024 from <https://www.thelawadvice.com/news/sc-takes-up-case-of-transgender-teacher-s-workplace-discrimination>

In yet another case, a transgender person was embroiled in a legal battle after being terminated from two schools in Uttar Pradesh and Gujarat once their gender identity came to light. The petitioner stated that she had been issued appointment letters from both schools, only to be dismissed immediately after her gender identity was revealed. All three cases of transgender persons in educational institutions - ranging from schools to higher education - showcase the persistent lack of awareness and the prevalence of harassment even in the education sector, which has the potential to pave the way toward a dignified life.

Recommendations

The paper also builds upon the Sustainable Development Goal (SDG) Agenda - 5 on gender equality and critically appraises the value-addition for transgender and gender-diverse persons in context of building an inclusive and sustainable future for all at the workplace irrespective of gender. The present work argues persuasively that gender diversity in gender identities and expressions is a necessary component of an authentic gender equality that aims to free people from gender-based oppression. It follows that if the SDGs are only applied to gender binary thinking and restrictive cis-normative ideals, it will be difficult to realise their full potential. The negative effects of marginalizing gender diversity and transgender issues in relation to SDG 5 necessitates a quick exploration of the realities faced by this population. The oppressive and stifling influence of patriarchy is felt by transgender and gender non-conforming people everywhere, and they are unable to benefit from the potentially transformative power of trans-inclusive gender equality discourses.

A few suggestions are enumerated below for the inclusion of a diverse workforce:

Scanning the Workplace

Besides scanning the external environment, the internal workplace environment should also be taken into consideration in the inclusion process. With the knowledge gained from the case studies, one may perceive previously unconsidered elements within the workplace as a potential issue or challenge to employees from marginalised groups. The case study of the transgender principal Manabi Bandopadhyay demonstrates how, despite an organization's best efforts at hiring diversely, internal resistance may lead to its failure.

Infrastructural Facilitie

There is a need for proper infrastructural facilities at workplace to enable the gender diverse people in carrying out their work in an efficient manner. Gender-

neutral washrooms, locker rooms, facilities in hostels as mentioned in the ACT can go a long way in having inclusive workplaces.

Sensitisation

There is a need for sensitisation and awareness in institutions and organisations across various stakeholders to better understand the challenges faced by minority groups and to understand their concerns.

Make Changes

The diversity and inclusion practitioner should be aware of the localised issues affecting the minority employee group and make changes in the employment policies and medical insurance policies to cover all groups.

Support of Top Leadership

Any progressive change is possible only when the leaders and mentors support the minority groups and champion a culture of openness, inclusion and encourage people irrespective of gender, colour, region on an ongoing basis. A culture that fosters open communication and non-discrimination can go a long way in getting the best out of every employee.

Fostering Inclusion vis-à-vis Data Diversity

It is significant to note that having a diverse workforce on papers vis-à-vis including them in processes can only create desired outcomes. Measuring the number of diverse people in organisations vis-à-vis creating processes which are inclusive such as parity in pay packages, promotions based on merit, medical insurance for transitioning and sex reassignment surgery can create positive outcomes.

Conclusion

The wide variety of transgender concepts and issues may be confusing to many, and discussions of transgender issues in human resource development (HRD) remain limited. This paper offers recommendations that HRD scholars and practitioners can use in their research and practice to better understand transgender identity, address related challenges, and establish safe spaces for individuals whose gender identity and expression do not align with normative expectations. It also emphasizes the need for the HRD community to examine organizations that have successfully - or unsuccessfully - implemented inclusive practices, in order to gain a deeper understanding of how such efforts can drive meaningful change. The suggestions outlined here can be applied to create safer and more supportive workplaces for all

employees. However, social and organizational change are inherently complex and non-linear processes. For stakeholders, discussions about transgender issues can quickly become both challenging and personal. Therefore, it is critical for HRD practitioners and scholars to acquire and retain knowledge that enables them to contribute effectively, creatively, and constructively to these discussions. There is a pressing need to develop models within HRD discourse that expand understanding of the unfair treatment faced by transgender people in the workplace. We urge the field of HRD to remain sensitive to the concerns and requirements of transgender employees, to embrace transgender perspectives, and to make a sustained commitment to improving workplace environments for everyone, including transgender individuals.

References

- Alpi, K. M., & Evans, J. J. (2019). Distinguishing case study as a research method from case reports as a publication type. *Journal of the Medical Library Association: JMLA*, 107(1), 1.
- Chaturvedi, A. (2018, December 18). Section 377 verdict: History owes an apology to the LGBT community, says Supreme Court. *Bloomberg*. Retrieved from <https://www.ndtvprofit.com/law-and-policy/section-377-verdict-history-owes-an-apology-to-the-lgbt-community-says-supreme-court#gs.44LwX4UR>
- DeSouza, E. R., Wesselmann, E. D., & Ispas, D. (2017). Workplace discrimination against sexual minorities: Subtle and not so subtle. *Canadian Journal of Administrative Sciences*, 34(2), 121–132.
- Dutta, A. (2012). An epistemology of collusion: Hijras, kothis and the historical (dis)continuity of gender/sexual identities in Eastern India. *Gender & History*, 24(3), 825–849.
- García Johnson, C. P., & Otto, K. (2019). Better together: A model for women and LGBTQ equality in the workplace. *Frontiers in Psychology*, 10, 272.
- Garvey, J. C., & Rankin, S. S. (2018). The influence of campus climate and urbanization on queer-spectrum and trans-spectrum faculty intent to leave. *Journal of Diversity in Higher Education*, 11(1), 67.
- International Labour Office. (2017). *Discrimination at work on the basis of sexual orientation and gender identity: Results of the ILO's PRIDE Project*. Geneva: ILO. Retrieved December 22, 2024, from https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@gender/documents/briefingnote/wcms_368962.pdf
- Kanamori, Y., Pegors, T. K., Hulgus, J. F., & Cornelius-White, J. H. (2017). A comparison between self-identified evangelical Christians' and nonreligious persons' attitudes toward transgender persons. *Psychology of Sexual Orientation and Gender Diversity*, 4(1), 75.
- Michelraj, M. (2015). Historical evolution of transgender community in India. *Asian Review of Social Sciences*, 4(1), 17–19.
- Meyer, I. H. (2015). Resilience in the study of minority stress and health of sexual and gender minorities. *Psychology of Sexual Orientation and Gender Diversity*, 2(3), 209–213.

- Mizock, L., Riley, J., Yuen, N., Woodrum, T. D., Sotilleo, E. A., & Ormerod, A. J. (2018). Transphobia in the workplace: A qualitative study of employment stigma. *Stigma and Health, 3*(3), 275.
- Nagarajan, R. (2014, May 30). First count of third gender in census: 4.9 lakh. *The Times of India*. Retrieved December 22, 2024, from <https://timesofindia.indiatimes.com/india/first-count-of-third-gender-in-census-4-9-lakh/articleshow/35741613.cms>
- Pitcher, E. N. (2017). There's stuff that comes with being an unexpected guest: Experiences of trans* academics with microaggressions. *International Journal of Qualitative Studies in Education, 30*(7), 688–703.
- Poddari, A. (2016, January 1). Transgender college principal quits, says faculty uncooperative. *The Times of India*. Retrieved December 14, 2024, from <https://timesofindia.indiatimes.com/city/kolkata/transgender-college-principal-quits-says-faculty-uncooperative/articleshow/56247180.cms>
- Reddy, G. (2003). Men who would be kings: Celibacy, emasculation and the reproduction of hijras in contemporary Indian politics. *Social Research, 70*(1), 163–200.
- Rellis, J. (2007). Please write E in this box toward self-identification and recognition of a third gender: Approaches in the United States and India. *Michigan Journal of Gender & Law, 14*, 223–258.
- Supreme Court of India. (2014). *National Legal Services Authority vs. Union of India and Others*. Retrieved December 14, 2024, from <https://main.sci.gov.in/jonew/judis/41411.pdf>
- The Transgender Persons (Protection of Rights) Act, 2019. (2019). *The Gazette of India, Ministry of Law & Justice*. Retrieved December 22, 2024, from <https://transgender.dosje.gov.in/docs/Transgender%20Act,%202019.pdf>
- Wells, K. (2018). Transgender teachers: The personal, pedagogical, and political. *Journal of Homosexuality, 65*(12), 1543–1581.