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Public Statement

“Bring back the module on the integration of transgender or gender non-conforming students in schools”

Addressed to:

- (a). Director, NCERT;
- (b). Chairperson, National Commission for Protection of Child Rights;
- (c). Ministry of Social Justice and Empowerment;
- (d). Ministry of Education;
- (e). Ministry of Women and Child Development for necessary retrospection and actions.
- (f). The National Council for Transgender Persons (NCTP), India.

Dated: 11/11/2021

In the twenty-first century, the right of transgender and gender non-conforming persons to personal development and to physical and moral security in the full sense enjoyed by others in society cannot be regarded as a matter of controversy. Recognition of one’s gender identity lies at the heart of the fundamental right to life with dignity and is guaranteed under the Constitution of India.

- *Learnings from NALSA vs Union of India, 2014 judgement*

- 1) We condemn the transmisia and transphobia underlying the NCPCR’s (National Commission for Protection of Child Rights) sou moto cognizance of the teacher’s training manual titled, “Inclusion of Transgender Children in School Education” that was prepared by NCERT (National Council for Educational Research and Training) in collaboration with important stakeholders.

- 2) On the NCPCR's objection, NCERT redacted the teachers' training manual from its website on 6th November 2021. The aforementioned module on the integration of transgender or gender non-conforming students in schools, formulated by the Department of Gender Studies at NCERT, recommends the provision of gender-neutral toilets and uniforms, discontinuation of practices that segregate children for various school activities based on their gender, and suggests informed discussions on puberty blockers, among other gender-inclusive provisions.
- 3) The NCPCR has labelled the guide as a conspiracy/agenda of the "woke" to traumatise school children, while completely ignoring the existence, experience and rights of transgender and gender non-conforming students in India. The NCPCR's chairperson, Priyank Kanoongo overlooked a wide range of evidence and scholarship to term inclusive suggestions entailed in the manual as "anomalies". Bare minimum steps towards inclusion or equality become "woke agenda" when they attempt to address structural barriers like caste patriarchy or legal illegality that processes like (non-inclusive) education accord normative status to.
- 4) The NCPCR has referred to a complaint in its notice that argues "how gender-neutral toilets will expose children to unnecessary psychological trauma due to contradictory environments at home and in school"¹. The selective concern discounts the fact that a lot of schools in India, beyond the urban imagination and concern, do not have restrooms or toilets that eventually factors into a higher rate of girl child drop-outs in education. Therefore, if available research studies are accounted for, it is not the presence of additional toilets (gender-neutral and disability-friendly) but rather its absence that deters socially vulnerable groups (women, transgender persons, gender non-confirming persons, persons with disabilities and so on) from accessing educational spaces. Thus, choice is not a psychological trauma, absence of choice is.
- 5) The report by the "Expert Committee on issues related to transgender persons" constituted by the Ministry of Social Justice and Empowerment in 2013 underscored the need for a systematic

¹Times of India, 2021. [NCPCR seeks NCERT response over teachers' training manual](#)

overhaul in our education system to integrate gender non-conforming students in line with the vision of the Right to Education Act, 2009. It noted, “stigmatization of gender-nonconforming and transgender children and youth is amplified in the educational system, which mirrors the rest of society in reinforcing strictly binary and patriarchal gender norms”². A study³ done with a “50 queer-identified PAGFBs (Person Assigned Gender Female at Birth) in Mumbai reveals that school uniform, certain kinds of sports and a few school subjects, choice of which is gendered, for instance,, bakery or cooking for girls and carpentry for boys; are sources of immense stress for several Trans-PAGFBs. Classmates and teachers alike bully, taunt and harass gender-nonconforming children”. Similar extensive evidence suggests that gender-nonconforming children are at higher risk of sexual abuse. The report further notes how transgender and gender non-conforming students do not drop out of schools by choice but by force due to acute discrimination and abuse.

- 6) The position taken by NCPCR is in direct contravention of the Constitution of India, successive legislation and a set of internationally recognized guiding principles and conventions. For instance but not limited to,
 - i) Under Article 14 of the Consitution of India, “transgender and gender non-conformity persons are entitled to legal protection of laws in all spheres of State activity, including employment, healthcare, **education** as well as equal civil and citizenship rights, as enjoyed by any other citizen of this country. Therefore, discrimination on the ground of sexual orientation or gender identity, therefore, impairs equality before law and equal

² [The Report](#) by th Expert Committee on issues related to transgender persons, Ministry of Social Justice and Empowerment, Government of India, 2013.

³ Nevatia, S., Raj, Mahajan, S., Shah, C. (2012). Bound by Norms and Out of Bounds: Experiences of PAGFB within the formal education system, *Contemporary Education Dialogue*, 9 (2), 173-96.

- protection of law and violates Article 14 of the Constitution of India”⁴; (NALSA vs Union of India, 2014).
- ii) Article 15 of the Constitution of India, outlines how the State is required to take affirmative actions for the advancement of any socially and educationally backward classes of citizens. The manual was an important affirmative step towards making education more inclusive and accessible for transgender and gender non-conforming children in India.
 - iii) The Transgender Persons (Protection of Rights) Act, 2019 defines "inclusive education" as a “system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students”⁵. The actions of NCPCR impedes the efforts of NCERT on sensitizing teacher’s towards the needs and experiences of transgender and gender non-conforming children in school. Therefore, rendering educational avenues inaccessible and abusive for transgender and gender non-conforming children, whose fundamental rights do not matter to NCPCR.
 - iv) As a signatory to the Universal Declaration of Human Rights, India is obligated to – “undertake programmes of education and awareness to promote and enhance the full enjoyment of all human rights by all persons, irrespective of sexual orientation or gender identity”⁶;

⁴ [National Legal Services Authority v. Union of India and others](#), Writ Petition (Civil) No. 400 of 2012, India: Supreme Court, 15 April 2014.

⁵ The Transgender Persons (Protection of Rights) Act, 2019, Ministry of Social Justice and Empowerment, Government of India.

⁶ UN General Assembly, [Universal Declaration of Human Rights](#), 10 December 1948, 217 A (III).

- v) Principle 16 of Yogyakarta Principles urges states to “ensure inclusion of comprehensive, affirmative and accurate material on sexual, biological, physical and psychological diversity, and the human rights of people of diverse sexual orientations, gender identities, gender expressions and sex characteristics, in curricula, taking into consideration the evolving capacity of the child”⁷;
- 7) Beyond the language of human rights, the pedagogic orientation of our education system that essentializes children as infantilized, passive recipients of knowledge needs to be challenged. Curtailing of accessible information on diverse gender and sexual identities in a child’s formative age amounts to systematic “brainwashing” rather than an exposure to it.
- 8) The concerted “outrage” on social media platforms is symptomatic of the bullying and violence transgender and gender non-conforming children face in schools. For the “outraged”, the existence of transgender and gender non-conforming persons should remain a public secret and never become a public knowledge. Here, the NCPCR actively played the role of a complicit institution in knowing and furthering transmisia and transphobia. In a subsequent instance, their decision to question the screening of gender-inclusive films in West Bengal reeks of a similar moral gaze that couches all trans and queer lives as undesirable and forbidden. Our children need a diverse universe of media images and a narrative that represents rather than dominates.
- 9) We strongly condemn the brutal attacks and actions launched against the members of the manual drafting team.
- i) Vqueeram, an advisor on the NCERT committee, has faced brutal attacks, targeting their politics of body, sexuality, and gender. Articles are being floated in online platforms containing their images which were picked up without their consent. Further, there are comments with violent slurs that not only attack their bodily integrity but also reek of deep-seated transphobia. The online harassment of Vqueeram directly points at how the

⁷ International Commission of Jurists. 2007. [“Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity.”](#)

trans-figure has been historically essentialized, bullied, and criminalised by the Brahminical and carceral state. This backlash further reinstates the need for such a gender-inclusive and sensitive Module to be brought into the school curriculum on an urgent basis to tackle the misgendering, bullying, sexual harassment, and abuse faced by gender-nonconforming or trans children in childhood. The introduction of the Module thus, in some ways, aspires to challenge the extent of impunity with which violence is perpetrated against gender and sexual minorities by providing safe and free spaces for existence and expression without stigma. We denounce the moral gaze and policing of the NCPCR that mandates who should teach and who shouldn't and further condemn NCPCR's call for 'background checks' on the said individual for this qualifies as 'surveillance'. This act of surveillance has been historically used to police, discipline, and slut-shame the marginalized persons and restrict their representation,

- ii) Dr Mona Yadav, the head of the Department of Gender Studies (NCERT) and Dr Poonam Agrawal, the previous head of the Gender Studies Department (NCERT) have been abruptly transferred. Another team member, Dr Mily Roy Anand, who worked on the manual was deferred from being appointed as the head of the same department. Such retributive actions indicate how various human rights and education oversight institutions are forsaking their responsibility towards the most vulnerable among us.

10) We demand

- i) NCERT retrieves the teacher's training manual and makes it available on its website.
- ii) NCPCR redacts its notice to NCERT and tender a public apology for actively participating in transmisia.

11) In our society, personhood, dignity and fundamental rights are entrapped in gendered bodies and when these bodies are systematically repressed and recognised in heteronormative binaries,

the state evidently alienates transgender and gender non-conforming persons from constitutional goals of justice, liberty, equality and fraternity.

Note:

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- Any suggestion for addition or modification to the Public Statement can be mailed at dasvaivab1@gmail.com, abzabha@gmail.com

Signatories: (last updated on 19/11/2021 08:09 hrs)

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2. Hasratein: A Queer Collective, New Delhi
3. Yes, We Exist! - India
4. Queer Collective, TISS Mumbai
5. Queer Collective, TISS Hyderabad
6. AUD Queer Collective
7. Vibgyor - SSN Queer Collective
8. Orinam collective, Chennai
9. Saathi- The LGBTQ+ Resource group at IIT Bombay
10. Ambar, the official LGBTQIA+ Support and Resource Group of IIT Kharagpur
11. Aruvi, Trans Community Kitchen
12. Dakini Rainbow, Backyard Skate Collective
13. Queerala, an LGBTIQ+ organization
14. Indian Asexuals, an initiative working for the Asexual community of India.
15. NALSAR Queer Collective
16. Ashoka University Queer Collective
17. Queer-Feminist Collective Shaheed Bhagat Singh College
18. The White Rose Club Queer collective, Gargi College
19. Sri Guru Gobind Singh College Of Commerce, LGBTQIA+ affirmative
20. Rainbow Hills Welfare Association of Sikkim

21. Anchor Gender and Sexuality Cell, BITS Pilani
22. Jamia Queer Collective, Jamia Millia Islamia New Delhi
23. NALSAR Queer Collective, NALSAR University of Law Hyderabad.
24. Anchor - Gender & Sexuality Cell, BITS Pilani University
25. Odisha Rainbow Collective
26. ILS Queer Alliance, ILS Law College, Pune
27. Rainbow Dot, LGBTQ+support group of NIT Rourkela
28. Unmukt, Gender and Sexual Diversity Forum of IIT Kanpur
29. Khemaya, Odisha Rainbow Collective
30. Pride and Prejudice Collective for South Asian Queer Feminist Studies
31. All Manipur Nupi Maanbi Association (AMANA)
32. Queer Students Hoshiarpur
33. KEPS INDIA LGBTQ+
34. Queer Nilayam, Hyderabad
35. SocioQueers- Upcoming NPO in Hyderabad
36. Queer Collective, Vellore
37. Vikalp (Women's Group), An LGBTQIA+ Organization, Vadodara
38. Dalit Camera
39. Sex Education India, youth-led initiative
40. Thozhan, an Initiative for Queer youngsters, Tamil Nadu
41. Mobbera Foundation
42. Kaur Solidarity
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218. Tanvika Gulyani, Vikalp (Women's Group)
219. Vasudha, Lawyer
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238. Neni, PSG college of technology
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244. Shivangi Agrawal, Activist
245. Anoop Kumar, Forbidden verses
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275. Devyam Seal, student
276. Nilanjan Dey, student
277. Gitanjali R, student
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279. Sudipto Ghosh
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285. Shruya Joshi, concerned citizen
286. Priyansh Sharma: A Grade 12 Student
287. Neel, Individual
288. Nazmi Shaikh
289. Mahika Solanki
290. Sujata Patel
291. Krisha
292. Tiya Tejpal
293. Payal Ghogre
294. Anjali Ghogare
295. Fatema Rangwala
296. Pragati Kulkarni, concerned citizen
297. Priya Joseph
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300. Satheesh J Hiremath (Sidharrha Maadhyamika)
301. Shilpa Menon
302. Shreosi Ray
303. Vandana Kulkarni
304. Moon
305. Drashti Parmar
306. Kranthi
307. Sanika Tandel
308. Shruti Deka
309. Shahana
310. Sabah Khan
311. Anubhuti Banerjee
312. Priyanka
313. Nitika
314. Raman Narayanan
315. Vaishnavi KR
316. Hitakshi Ghosh
317. Niharika Banerjea

318. Mami, Assam
319. Navan Shetty
320. Smriti Anand
321. Justey Alex
322. Vahida Nainar
323. Harsha Nanduri
324. Chaitanya Suri
325. Bhargav Oza
326. Kirthana Magavi
327. Ashutosh Pradhan
328. Teesha, GGSIPU
329. Mangala Dilip
330. Shajahan
331. Shaikh Saadiya, CCGS
332. Sajul Singh
333. Subhodip Mukherjee
334. Fiza Mishra, student
335. Sagar Basnate
336. Md Altamash
337. Naman Singh, Medical college
338. Sukirti, NIFT
339. Himangshu Kalita
340. Tanushree
341. Ayushi, a queer individual
342. Srishti, Queer student
343. Riya Ramnani, queer student
344. Aditi Verma, Queer, School Student
345. Mekha College, student
346. Lasya Digvijay
347. Smriti Girish
348. John Jacob K
349. Shivam Sharma
350. Ritambhara Singh
351. Dr. Merin Reji
352. Surupa Kar
353. Khushi Dhiman
354. Shraddha Chatterjee
355. Sarthak Sethi
356. Purvi Dixit

357. Zen George Jacob
358. Shashank Maheshwari
359. Devananda Devakumar
360. Aniket Sonawane Rao -
361. Anis Raychaudhuri
362. Anis Raychaudhuri
363. Sai Garv Harjai
364. Abhishek Koli
365. Lipi Haladi
366. Mayank Rawal
367. Swati
368. Ridhvik
369. Harsha, Student
370. Kashish
371. Akash R
372. Riya Saikia
373. Bhumika Khatri
374. Meenakshi P S
375. Samita Sri CJ
376. Chandramohan M
377. Riya Saikia
378. Aditi Joshi
379. Ishan Chaturvedi
380. Dev Gala
381. Pruthviraj Deshmukh
382. Maira Sinha
383. Nandita Kochar
384. Tanvi
385. Sucharita Sengupta
386. Rhea Pramith Palliyath
387. Akshata bhav
388. Nilotpal Das
389. Aaruni Arora
390. Sambhram
391. Anagha .S
392. Darshayata Deka, Student
393. Ujwal
394. Aravindan E
395. Rajeswari Swain

396. Gaurav
397. Prasil M
398. Mahima Shri Gosai
399. Maria
400. Radhika
401. Karuna G
402. Aanyat
403. Dr Aryan Wadehra
404. Sarath VS
405. Nirjara Mahanta
406. Aditi Iyer
407. YSK Prerana
408. Parth Arora
409. Vaishnavi Suresh
410. Aparna U
411. Neha Negi
412. Subhankar Chakraborty
413. Sehej
414. Meghna Singh
415. Deepankar
416. Shivakumar L
417. Parvathy jeejilal
418. Jahnvi, M. A. Student
419. Anju Gupta, concerned citizen
420. Manoj srivatsn
421. Shivendra Rawat
422. Heerak Singh Kaushal PU
423. Shambhawi
424. Keerthiraj Navil Raju .BEngg
425. Shravanthi Venkatesh
426. Shivani jain
427. Laxmi Choudhary
428. Raghav
429. Manju
430. Sameer
431. Mehar Malhotra
432. Faaheem (F.R)
433. Priya Saraff, Bangalore
434. Skandle Fernandes, student

435. Vridhi jain
436. Gopika M
437. Vaishnavi
438. Shubhasis Bhadury
439. Hemangi Chakravarty
440. Manasi
441. Natasha Saikia
442. Alok Kumar Singh
443. Kasina Jyothi Swaroop
444. Yash Tomar
445. Nymisha
446. Tavnoor
447. Vansh
448. Ashwin, Undergraduate Student
449. Mehak
450. Swayam Nath, South Point School, Guwahati
451. Chandana. S
452. Sanidhay Hooda
453. Krushnaa Chousalkar
454. Saurabh Kamboj
455. Shivaraman G
456. Renuka Devi K
457. Nymisha
458. Abhilasha
459. Abhiram Tandon
460. Avinash
461. Prasfutura Basak, Student
462. Vishal Gayatri Kumar
463. Vansha Jain
464. Soumyajeet Addya
465. Rujula
466. Anjana
467. Deepak
468. Amit Prasad Bisoi
469. Mayur Bhandari
470. Priyansh Priyadarshi
471. Sujana Bora
472. Rammanohar Gupta
473. Sankeerthana

474. Avisekh Panigrahy
475. Sheeba
476. Atryee Dhar
477. Samaksh Malhotra
478. Anugya
479. Sneha Verma
480. Siddharth Kumar
481. Karan Thakur
482. Saksham Harjani
483. Amrita
484. Krish
485. Pinaki Jha
486. Mohak Aurangabadkar
487. Anshita Verma
488. Smriti Nevatia
489. Shivani
490. Krish Vishwanath
491. Ashish Tyagi
492. Kshitij Verma
493. Nirmaan
494. Lokesh
495. Pia Kaul
496. Sharon
497. Garvit Chawla
498. Sandeep Kattamuri
499. Vidisha Saini
500. Shatakshi Awasthi
501. Rathan
502. Sumit Ghosh
503. Gouri Misra
504. Sonika Singh
505. Sonika Singh
506. Gagandeep Singh
507. Soham Gupte, BK Birla Public School
508. Jay
509. Chethana V
510. Samyuktha Suresh
511. Mouli. R
512. Arunima Rajeev, Pathways School

513. Imamul Hassan
514. Anamika Datta
515. Arjun Upadhyay
516. Manoj
517. Rima Marathe
518. Rajendra Meena
519. Abinaya R
520. Gowri Balah
521. Bipin Kumar
522. Deeksha Singh
523. Shreniraj Amin
524. Virashri Maruti Naikare
525. Nakshathraa Nagalingam
526. Arabind
527. Athul Das
528. Sai Veena S Kuttoth
529. Muskaan Hossain, queer individual
530. Vikram
531. Manisha Ghosh
532. Abhimanyu Dey
533. Aneri Patel
534. Uma Maheswaran
535. Mihir Dev Choudhary
536. Tanushka, Little Flower Convent School, Panchkula
537. Anaswar
538. Saransh Chadha
539. Ramaa
540. Asmita Dutta
541. Joseph Monis
542. Himank Garg
543. Mekha Elizabeth
544. Ananya Jain
545. Anukathir Surya
546. Deshna
547. Nayana Raj
548. Shesha Deb
549. Anuj Sah
550. Asmita
551. Rashi

552. Vikas Motwani
553. Rupkatha Datta
554. Vasudha Rai
555. Varsha S Pillai
556. Harsh, Kelkar College
557. Salini
558. Shreemayi Kurup
559. Samiksha Sonone
560. Neerja Y
561. Shals Mahajan
562. Anshuman Sathe
563. Jayesh Talreja, ICAI
564. Anand Mendoza
565. Abhishek Pareek
566. Sayantica Chakraborty
567. Bhartendu Vimal Dubey
568. Rahul Jain
569. Ananya
570. Garima Mazumdar
571. Elio Psalms
572. Abhirami G
573. Hardik Sharma
574. Madhumita Patil
575. Vishal S
576. Kanhaiya Dhanuka
577. Akanksha Singh
578. Papiha Zylith
579. Sheetal
580. Adi Bagde
581. Aditya Ranjan
582. Ankita Govind
583. Rajib Chakrabarti
584. Ashwin
585. Akash Chowdhury
586. Lavanya Raghunathan
587. Anshu Kaura
588. Vishek Dutta
589. Barshana
590. Hari

591. Vishrut Maheshwari
592. Aman Roy
593. Shivangi Sharma
594. Somya Khare
595. Niranjana Varma S
596. Kalaswana Mukherjee
597. Johan Dax
598. Swapnil Singh
599. Vasavdatta Chakraborty
600. Thutan Drema
601. DIVYA
602. Chaitanya N
603. Tenzin
604. Shivani
605. Ananay Koushal
606. Varun S
607. Sangey Dolma
608. Shraddha Bajpai
609. Joe P Bijo
610. Vaijyanthi K
611. KP/ Ketki Ranade
612. Anjani
613. Nehan Sulthana
614. Abhiyan Elachola
615. Aishwarya p
616. P Neethu
617. Aroma
618. Renee Chandaiya
619. Sai Sahithi A
620. Subhashree Mondal
621. Jyothi, Project Manager - Pharmaceuticals
622. Malavika B
623. Sayani Das
624. Debarghya Mitra
625. Navitha Nandakumar
626. Nandana Nataraj
627. Mayoora
628. Sini Simon
629. Siddharth Jha

630. Sumaiya Zakir
631. Shreya Barua
632. Rafiya Mohammed
633. Shirin Raman
634. Rishika Arya
635. Vidya
636. Adiya
637. Shivangi
638. Ekta Choudhary
639. Radhika Goel, Delhi, India, Ally
640. R Tinanda Sonwal
641. Komal
642. Nisha Kumari
643. Praneetha P
644. Aditi Srivastava
645. aditi
646. Nikhil Ramesh
647. Divya Joseph
648. Aayushi Senapati
649. Khushboo Khatri, Krishna Public school
650. Shinas Rasheed
651. Surbhi
652. Anukruti
653. Sahil Anas
654. Sahil Yadav
655. Sudarshana Bhattacharjee
656. Rishita Acharya
657. Riya
658. Bhagya Nandakumar
659. Shivani Sudheer
660. Aditya Ashish Rauniar
661. Manasa Vishwanath
662. Megha Salethur
663. Vidal Dcosta
664. Muskan Agarwal
665. Aditi awasthi
666. Nitin Karani
667. Catherine Vincent
668. Sukanya Gupta

669. Navleen Bagga
670. Robom Tako
671. Manpreet Singh
672. Mugdha Cheemakurthy
673. Tia Peter
674. Priya Singh
675. Priyanshi Bhaumik
676. Sristi Dutta
677. Ishanika Deb
678. Shreyus Sukhija
679. Arathy T A
680. Radhika Desai
681. Sarah Naqvi
682. Salony Gupta
683. Betsy Babu
684. Saanvi T
685. Neel Deshmukh
686. Neha Tiwari
687. Snigdha Rudra Pal
688. Chaahna Chandiramani
689. Aditya T
690. Akhilesh Godi
691. Aashish Kumar
692. Shriyam
693. Dovelyn Figueredo
694. Richi Jain
695. Adv Mishika Singh
696. Sukraat Singh
697. Atmadip Mukherjee
698. Tithi Karmakar
699. Chinmoy Mahanta
700. Jayanth, Transgender/GNC Ally
701. Jessie J Novartis
702. Agastya Katiyar
703. Advocate Chinmay Sharma
704. Surbhi S.
705. Mahathi Poornima
706. Suravi Patnaik
707. Shilpi

708. Sreemoyee Chatterjee
709. Sheisha
710. Rumela
711. Rumela(she/her)
712. Sejal
713. Komal Sinha
714. Rishika
715. Smita Saroya
716. Sneha
717. Shantanu (he/him)
718. Abhijeet Singh
719. Vani
720. Meghna Menon (they/she)
721. Hemakshi Motwani
722. Jenson
723. Mrinal
724. Parinita
725. Prayashi Goswami
726. Tisya Tanmay
727. Debdutta
728. Rudrakshi Ghosh
729. Nandini
730. Priyanshi Gajbhiye