

EMPOWERING LGBTQIA2S+ COMMUNITY THROUGH EDUCATION

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Abstract

Education is crucial for growth, empowerment and meaningful life. In India, there's a fundamental right to education for everyone, regardless of people's religious beliefs, social background, ethnic identity, gender, or economic standing. The LGBTQIA2S+ community, too, can benefit from education, gaining support and empowerment. However, despite the presence of an educated modern society, there remains a lack of acceptance towards different genders. Individuals often shy away from discussing and accepting sexual minorities as part of the natural human population, keeping them isolated and detached from mainstream societies, communities, and groups. This community encompasses everyone who identifies as gay, bisexual, lesbian transgender, queer or questioning, asexual, intersex and two-spirit. This paper focuses on the relevance of education in establishment, growth and empower LGBTQIA2S+ community in India. This paper also highlights the recommendations suggested by New Education Policy 2020 for educating the LGBTQIA2S+ communities over the time. Moreover, it suggests methods by which education can help them become more powerful, improving both their standing in society and their personal growth.

Keywords: LGBTQIA2S+ community, NEP 2020, Empowerment, Inclusion

Introduction

Education determines advancement of any democratic nation. The essence and spirit of the Indian Constitution ensures every citizen the opportunity to flourish and achieve their full potential, regardless of their caste, religion, or gender identity. Gender uniqueness is a fundamental aspect of every individual. Three genders are acknowledged in India: male, female, and transgender. The Supreme Court of India granted hijras and transgender people the status of "third gender" in a landmark decision in April 2014. The 2011 census estimates that 4.9 lakh people who identify as third gender experience harassment and discrimination from society (Khatun, H., 2018).

Transgender individuals were once respected in ancient Indian culture but now encounter discrimination and mistreatment in many ways. Nonetheless, with the required assistance, they are now able to get enrollment in schools and universities, with their admission being accepted under the Right to Education Act of 2009's definition of a "disadvantaged group" (RTE).

Transgender individuals are eligible for a 25% reservation under the economically weaker section (EWS) and the category of disadvantaged students for admission. Transgender individuals will be admitted to educational institutions and employed based on their status as third gender. The Supreme Court has ruled that the lack of lawful recognition for hijras as third gender cannot be used as a reason to deny them equal opportunities in education and employment (Sarmah, B., 2022) The High Court has declared that members of the LGBTQ+ community will be granted special provisions for schooling and job opportunities as Other Backward Classes (OBCs). Transgender people are pushed to the fringes of society and endure being left out of cultural and social events, facing disapproval from their families, and facing societal criticism. This piece of study is a sincere effort to highlight the recommendations given by New Education Policy 2020 to encourage literacy and the integration of transgender individuals into the core of education, covering everything from higher education to professional training to job opportunities. Furthermore, it proposes ways in which education can be instrumental in empowering them, thereby enhancing their position within society and their individual development.

LGBTQIA2S+ Community

Sexual orientation and gender identity are complex terms. The sexual minority includes everyone who identifies as transgender, gay, queer/questioning, lesbian, bisexual, intersex, asexual, and two-spirit. A complex and broad concept, sexuality is defined by the interplay of social, emotional, physical, historical, and even political factors.

Since the 1990s, acronyms like LGB (lesbian, gay, and bisexual) and, more recently, LGBT (lesbian, gay, bisexual, and transgender) have emerged as the most frequently employed terms to refer to people whose sexual orientation and/or gender identity diverge from heterosexuality or cisgender identity. LGBTQIA2S+ (lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual, and Two-Spirit) refers to a diverse group of individuals with sexual orientations, gender identities, and expressions beyond mainstream categories. These individuals exhibit flexibility in both masculine and feminine traits, and some countries allow for the expression of multiple genders.

Historical background of LGBTQIA2S+ community

Way back in history same sex relationships were considered a severe crime. Virginia (1610) embraced the English “sodomy laws,” which made having sex with another man a capital offense. Elizabeth Johnson was the first woman to be punished for breaking this law, having done so in 1642. Gotthold Enslin was the first American to be released from the Army for promiscuity in 1778. For centuries, the idea has also been connected to poetry, specifically Sappho, the well-known Greek poet from Lesbos who wrote on the subject of same-gender attraction. The term “Urning” was first used in 1862 by German author and legal scholar Karl Heinrich Ulrichs to describe men who were attracted to other men as belonging to a distinct gender category. The term "homosexual" was coined by Hungarian psychologist Karoly Maria Benkert in 1869 to refer to individuals who are drawn to the same sex. The terms "bisexual" and "heterosexual" were coined by the Austro-Hungarian journalist Karoly Maria Kertbeny (1869) to characterize people who are

attracted to both men and women. She also anonymously criticized the proposed legislation. During the late 1960s, the offensive slang “gay” was reintroduced, using a negative connotation to describe LGBTQ. The word “gay” was initially used by men who openly shared their attraction to the same gender. Moreover, the term “queer” became well-known in the 1990s as a part of the LGBTQ rights movement. It has both derogatory and polite meanings, and some academics see it as a way for people to claim their identities. Furthermore, “questioning” is included in the term to acknowledge individuals who are still figuring out their gender identity or sexual orientation. The ongoing discussion about one’s own identity and the appropriateness of labels like LGBTQ is highlighted by this nuanced interpretation.

LGBTQ+ community in India

In India, the LGBTQ+ community has a rich and complex past, shaped by cultural, religious, and social factors. The Kama Sutra and other ancient Hindu writings discuss same-sex relationships and desires. The Khajuraho sculptures depict a range of sexual expressions, including those between people of the same gender. Hinduism and its related faiths were not repugnant to homosexuality, and there is proof that it was widely accepted in ancient India until the Middle Ages. Hinduism recognizes a third gender that is considered equal to the other genders, and there are records of this third gender in ancient Hindu and Buddhist medical writings. The phrase “third gender” is occasionally seen as a term unique to South Asia, but this concept of a third gender is also present in South Asia and East Asia (Srinivasan, Prakash S., Chandrasekaran, Sruti., 2020). Moreover, the Arthashastra, an ancient Indian manual on governance from the 2nd century BCE, discusses numerous sexual behaviors, regardless of whether they involved men or women, that were to be fined at the lowest level. Although homosexual relations were not approved, they were considered a minor infraction, and various forms of heterosexual relations received harsher penalties (Vanita, Ruth; Kidwai, Saleem. 2001).

Sexual variety has been a fundamental aspect of human history, with individuals identifying as homosexual (attracted to the same sex), bisexual (attracted to both same and opposite sex), and having diverse gender identities (including transgender and cross-dressers). In ancient India, there was a favorable view towards these diverse sexual orientations, as evidenced by numerous sculptures and texts that highlight this aspect of their culture. India was a place where various sexual identities were accepted, as seen in examples from ancient Indian traditions like Shiva, who is depicted as having both male and female characteristics in one of his most famous forms, Ardhanariswara. The Mahabharata also mentions a eunuch or third gender figure, Shikhandi. The Vedas and the Kamasutra describe three types of human nature: Pums Prakriti (male nature), Stri Prakriti (female nature), and Tritiya Prakriti (third nature). For instance, the Rig Veda mentions dual female deities in its creation myth, and there are depictions of lesbian sexual practices in temples like Khajuraho and Konark. The Panchatantra by Vishnu Sharma and the Kamasutra by Vatsyana also explore themes of queerness. However, due to certain social and cultural factors, heterosexuality became the societal norm, leading to discrimination and violence against those who did not fit into this mold. The LGBT movement seeks to secure equal rights for individuals who face discrimination based on their gender identity and sexual orientation.

The British colonial government introduced Section 377 into the Indian Penal Code in 1861, making it illegal to engage in sexual acts against nature. In 1861, the British Empire, which directly controlled its territories in India, replaced the criminal laws and penalties from the Mughal Fatawa 'Alamgiri with those from the 1862 Indian Penal Code. This included section 377 of the code, which dealt with homosexuality. The law was phrased as follows- *“Anyone who willingly engages in sexual acts that go against natural order with another person, whether male, female, or animal, will face punishment. This can be imprisonment for life, or a prison term of any kind that could last up to ten years, and they will also have to pay a fine”*. This law remained in effect for over 150 years, leading to the exclusion and shaming of LGBTQIA2S+ individuals. Despite these challenges, there have always been members of the LGBTQIA2S+ community in India who have found ways to express their identities and form communities.

The LGBTQIA2S+ community began to organize and fight for their rights in the latter half of the 20th century. In India, The Humsafar Trust, established in 1977 by Ashok Row Kavi to support and advocate for LGBTQIA2S+ individuals, was one of the earliest examples of LGBTQ+ community activism. Moreover, In 2009, the Delhi High Court legalized same-sex relationships, but the Supreme Court overturned this in 2013, making homosexuality illegal once more. However, in 2018, the Supreme Court struck down Section 377, making homosexuality legal once again. This was a significant moment in the battle for LGBTQ rights in India. Even with legal advancements, LGBTQ individuals in India are still stigmatized, face discrimination and various obstacles to being fully included in normal society. Nevertheless, efforts continue to promote awareness and acceptance of the LGBTQIA2S+ community.

Recommendations in New Education Policy 2020 for LGBTQIA2S+ community

The Indian Education System was primarily created to maintain the country's cultural heritage, history, values, and traditions. The Gurukul, a form of residential education and the earliest educational system in India, was exclusively for the elite members of society. In the 1830s, Lord Thomas Babington Macaulay introduced the modern school system in India. New educational policies were implemented in India with the goal of ensuring equal access to education for every child, regardless of their social background, which led to a more inclusive education system. Although the objective of providing equal education has evolved with legal changes, education in modern India has shifted more towards competitive exams and grades, rather than focusing on the moral and ethical development of students.

The 2011 Indian Census highlighted the literacy rate among individuals identifying as other or transgender, which accounted for 56.10 % of the population. However, the data also reveals a concerning high attrition rate among this group of learners. Several factors contribute to this high attrition and low academic success, with one of the key issues being the lack of inclusive learning environments in educational institutions (Nikarthil, D. S. & Kejriwal, S., 2022). In certain states such as Maharashtra, Karnataka, Kerala, Goa, and Mizoram, transgender individuals who do not conform to traditional gender identities have literacy rates that are either on par or exceed the statewide averages. On the other hand, transgender individuals identified as third gender in states

like Madhya Pradesh, Rajasthan, Meghalaya, Jammu and Kashmir, Bihar, and Jharkhand have significantly lower literacy rates than the national average. Yet, in places like Chhattisgarh, Jharkhand, West Bengal, Assam, and Nagaland, there's a notable disparity in the literacy rates between people living in rural versus urban settings. These areas show that urban populations have literacy rates that are 23-25 % higher than those in rural regions, underscoring a gap between the general populace and educational facilities that should be serving them.

The 2020 National Education Policy (NEP) emphasizes the educational needs of children and young people belonging to less privileged social and economic backgrounds and overlooked communities. ***“Education is the single greatest tool for achieving social justice and equality. Inclusive and equitable education - while indeed an essential goal in its own right - is also critical to achieving an inclusive and equitable society in which every citizen has the opportunity to dream, thrive, and contribute to the nation. The education system must aim to benefit India’s children so that no child loses any opportunity to learn and excel because of circumstances of birth or background. This Policy reaffirms that bridging the social category gaps in access, participation, and learning outcomes in school education [NEP 2020, 6.1]”***

This policy supports the creation of a Gender Inclusion Fund (GIF) with the goal of improving the educational standards for girls and transgender students. It suggests that educational institutions are required to assist transgender students under the Transgender Persons (Protection of Rights) Act 2019. By 2020, it was mandated that transgender, non-binary, and intersex students should be welcomed into schools (Langmuir, M., 2013). The NEP-2020 highlights the importance of incorporating transgender students into educational environments, from elementary to higher education levels. ***“Socio-Economically Disadvantaged Groups (SEDGs) can be broadly categorized based on gender identities (particularly female and transgender individuals), sociocultural identities (such as Scheduled Castes, Scheduled Tribes, OBCs, and minorities), geographical identities (such as students from villages, small towns, and aspirational districts), disabilities (including learning disabilities), and socio-economic conditions (such as migrant communities, low income households, children in vulnerable situations, victims of or children of victims of trafficking, orphans including child beggars in urban areas, and the urban poor) [NEP 2020, 6.2]”***

UNESCO points out that this approach (Inclusion) helps remove barriers to education and boosts the learning success of students. This strategy is applied not only to migrants and transgender people but also to those from the countryside and marginalized groups, aligning with the Sustainable Development Goals in education policy. Nonetheless, the 2020 National Education Policy of India, which is mainly managed by the Ministry of Human Resource Development, emphasizes the educational requirements and methods for LGBTQIA2S+ youth.

Therefore, the policy's main recommendations can aid in raising awareness of the importance of education and how it can empower people to advance socially, economically, and personally as well as help them gain in life. On the basis of recommendations the following efforts were taken as:

- The National Commission for Persons with Disabilities has requested changes to the guidelines of the National Centre for School Education regarding the integration of students with various genders.
- The guide “Transgender Children in School Education: Concerns and Roadmap” offers advice to teachers on creating a friendly atmosphere for transgender students.
- It recommends that students from all genders and backgrounds should learn together, which promotes a more inclusive educational environment and will facilitate learning.
- This method helps remove discrimination based on gender, social status, and caste.
- The NEP 2020 aims to uphold the educational rights of transgender individuals as required by the Transgender Persons (Protection of Rights) Act.

Conclusion

The policy promotes the inclusion and education of transgender students in schools as well as in higher education. Being educated, the LGBTQIA2S+ individuals would be able to develop skill-sets and qualifications essential for acquiring occupations. Employability, in turn, would lead to better opportunities for growth along with a stable income. Financial security and independence go hand in hand, therefore opening newer paths to self-discovery and contribution to society. Education, skill and employability help achieve respect and recognition in one’s community, face and break restrictive stereotypes, paving a path for future individuals of the same community. The LGBTQIA2S+ community's historical judgment and information can be included in primary and secondary books to support child development and self-concept growth. An automatic exposure to presence and interaction in the workplace, efficiency will reflect an elevated (relative to present) social standing. Education would refine LGBTQIA2S+ individuals from within, increase awareness of one’s legal rights, fight discrimination, foster equality thereby empowering them. Hence, education can play an important role in promoting the inclusion of LGBTQIA2S+ people, education, empowerment, community development, reducing stigma, normalizing a broad spectrum of gender and sexual identity, leading to acceptance, belonging, and promoting mental health and well-being.

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