



LGBTQIA+ Rights and Acceptance in India

This editorial is based on [“Sangh’s views on LGBTQ+ rights signal a shifting tide”](#) which was published in Hindustan Times on 13/01/2023. It talks about LGBTQIA+ community in India, issues and needs for their empowerment.

For Prelims: LGBTQIA+, Supreme Court, Section 377 of the Indian Penal Code, Voting rights, Right to Privacy, Transgender Persons (Protection of Rights) Act, Drug abuse, Pride Month, Homosexuality.

For Mains: History of Recognition of LGBTQIA+ In India, Challenges Faced by LGBTQIA+ Community in India, From Special Treatment to Equal Treatment.

Until recent years, **same-sex relationships were considered a criminal offence in India under [Section 377 of the Indian Penal Code](#)**, which criminalised **“carnal intercourse against the order of nature.”**

In 2018, the **Indian [Supreme Court](#)** overturned this law in a landmark decision, recognizing the rights of **LGBTQIA+ individuals** and striking down this discriminatory law.

However, despite this progress, discrimination and marginalisation of the **LGBTQIA+** community remains prevalent in India. **Transgender individuals, in particular, face significant challenges in accessing healthcare, education, and employment opportunities**, and are often denied basic rights and dignity.

Therefore, it is **crucial to reimagine the rights of LGBTQIA+ communities** as well as look at their challenges from a detached perspective and **move towards inclusivity**.

What is the History of Recognition of LGBTQIA+ In India?

- In **1861**, Britishers considered sexual activities **“against the order of nature”** including all homosexual activities to be criminalised under **Section 377 of the Indian Penal Code**.
- In **1977**, **Shakuntala Devi** published the first study of homosexuality in India, called **“The World of Homosexuals”**.
- In **1994**, they were **legally granted [voting rights](#)** as a third sex.
- In **2014**, the **Supreme Court of India** ruled that transgender people should be treated as the third category of gender.
- In **2017**, the Supreme Court gave the country’s **LGBTQIA+ community the freedom to safely express their sexual orientation**.
 - An individual’s sexual orientation was protected by the **[Right to Privacy](#)**.
- On **6 September 2018**, the Supreme Court struck down the part of **Section 377 which criminalised consensual homosexual activities**.
- In **2019**, Parliament enacted **[Transgender Persons \(Protection of Rights\) Act](#)** with an

objective to provide for protection of rights of transgender people, their welfare, and other related matters

What are the Challenges Faced by LGBTQIA+ Community in India?

- **Social Discrimination:** LGBTQIA+ individuals often face discrimination in various aspects of their lives, such as in the **workplace, housing, and healthcare**.
 - This can **make it difficult for them to live openly and safely**. Discrimination can also lead to less **job opportunities**, and can lead to poverty, and lack of basic necessities.
- **Lack of Representation:** LGBTQIA+ individuals are often **underrepresented in media, politics and governance** and are not included in mainstream society.
 - This can make it **difficult for them to have their voices heard and for their needs to be addressed**. This lack of representation can lead to lack of understanding and acceptance of the community as well.
- **In Bracket of Mental Health Issues:** LGBTQIA+ individuals are often victims of hate **crimes, including physical and verbal abuse, bullying, and harassment**. This can lead to **fear and insecurity in the community** and can affect physical and mental well-being.
- **Unheard Voices of Rural LGBTQIA+:** The voices of **urban LGBTQIA+ people are heard through several online** and real-world platforms.
 - But due to a **lack of exposure, comfort, and internet connectivity**, rural LGBTQIA+ people often suppress their feelings because refusing to marry leads to further abuse.
- **Homelessness:** The **majority of homeless LGBTQIA+ youth** are thrown out of their homes because they are **queer**, or they ran away in order to escape abuse.
 - They **miss out on education and social support** during critical formative years. In the absence of economic support, they often resort to **drug abuse and risky sexual behaviour**.

What Should be the Way Forward?

- **Supportive Policies and Laws:** The **government can create supportive policies and laws that protect LGBTQIA+ individuals from discrimination, hate crimes, and violence**.
 - This can include laws that **protect the rights of transgender individuals** and policies that ensure access to healthcare that is sensitive to the needs of the LGBTQIA+ community.
- **Aiming for Better Parenting:** Human society is just a sphere around us, our parents are at closest vicinity, they must be **open to accepting their children's identity** so that society as a large can **embrace diversity and accept each child's uniqueness**.
- **Our Diversity, Our Pride:** It is important to create an **open and accessible forum for LGBTQIA+ youth to interact**, share, and collaborate. Platforms like **Gaysi and Galaxy** have helped create these spaces.
 - The **Pride Month** and **Pride Parade Initiative should be promoted at all levels through these platforms**.
- **From Special Treatment to Equal Treatment:** **There is a need to understand that people with LGBTQIA+ identities aren't aliens**, they're not sick, and their sexual preference is innate. **Homosexuality is a normal phenomenon, not a disability**.
 - They **deserve to be treated equally, not specially** and once they are included in Indian society as **equals**, they will get fully blended in collective development.

Drishti Mains Question

Analyse the progress and shortcomings of the Indian legal system in protecting the rights of LGBTQIA+ individuals and suggest measures to address discrimination and marginalisation faced by the community in the Indian society.

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