



Rainbow of Hope: LGBTQIA+

This editorial is based on [“Rainbow of hope: On Tamil Nadu’s glossary of terms to address LGBTQIA+ community”](#) which was published in The Hindu on 26/08/2022. It talks about recognition of LGBTQIA+ community that needs more than words to live with dignity.

For Prelims: LGBTQIA+, Section 377 of Indian Penal Code, Right to Privacy, Navtej Singh Johar Vs. Union of India, National Legal Services Authority Vs. Union of India (2014)

For Mains: History of Recognition of LGBTQIA+ In India , Problems Faced by LGBT Communities in India, Transgender Persons (Protection of Rights) Act, 2019

In recent years, several countries, including **India**, have **legally recognized third sex and homosexuals as equal citizens**, after a long struggle of several different movements and protests around the world.

The [Preamble of Indian Constitution](#) recognises its citizens impartially as **"We the people of India"** and ensures **justice - social, economic, and political**.

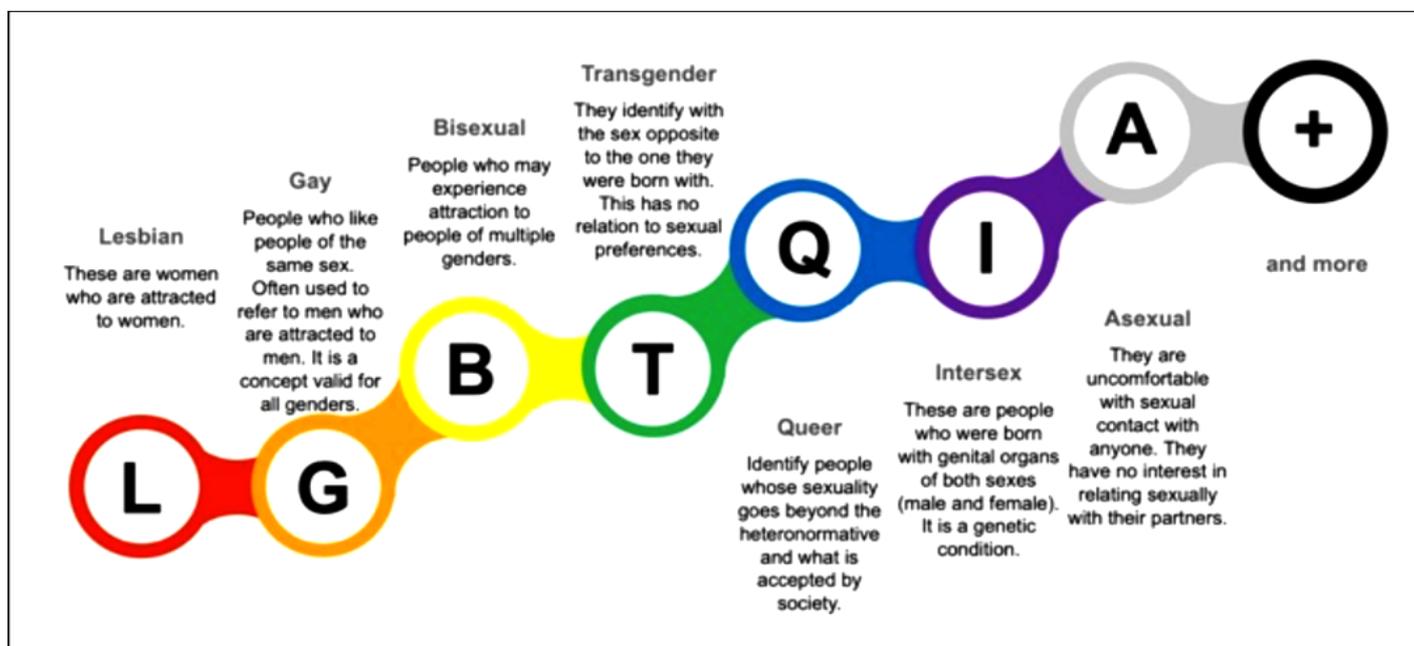
In **September 2018**, in the review of [Section 377 of Indian Penal Code](#), the [Supreme Court](#) gave the **judgment to decriminalize adult consensual same-sex marriages**. This decision is considered a landmark, both in terms of its **expansive interpretation of constitutional rights** and in terms of **empowering LGBTQIA+ community**.

While it was a big achievement, it **does not mean that LGBTQIA+ people in India are absolutely free or treated equally to their fellow citizens**. It undermines the amount of work that remains to be done in India and around the globe.

What does LGBTQIA + Stands For?

- While no term can fully capture the spectrums of genders and sexual identities in the world. LGBTQIA+ mainly stands for:

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

- **Ancient India was about acceptance and celebration of all forms of love** and neutrality to the idea of homosexuality.
 - Visual example is the [Khajuraho Temple of Madhya Pradesh](#), showcasing the existence of **sexual fluidity between homosexuals**.
- In **1861**, Britishers considered sexual activities “**against the order of nature**” including all **homosexual activities were criminalized 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**”.
 - It called for “full and complete acceptance and not just tolerance and sympathy”.
- 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 LGBTQ 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 criminalized 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.

Which Cases have Helped the LGBTQIA+ Community Get Their Rights Acknowledged?

- **Navtej Singh Johar Vs. Union of India**: The SC held that [Article 14 of the Constitution](#) guarantees equality before law and this applies to all classes of citizens.
 - It restores ‘inclusiveness’ of LGBTQ Community and **homosexuality was decriminalised**.
- **Shafin Jahan Vs. Asokan K.M. and Others (2018)**: In this case, the SC observed that **choice of a partner is a person’s fundamental right**, and it can be a same-sex partner.
- **National Legal Services Authority Vs. Union of India (2014)**: The SC observed that “**recognition of transgenders as a third gender is not a social or medical issue, but a [human rights](#) issue**”.

What are the Problems Faced by LGBTQIA+ Communities in India?

- **Marginalisation:** LGBTQIA+ individuals may experience multiple forms of marginalisation-such as [racism](#), [sexism](#), [poverty](#) or other factors – alongside [homophobia](#) or [transphobia](#) that negatively impact their mental health.
 - Often, such marginalisation leaves LGBTQIA+ people **without access to the basic services such as medical care, justice and legal services, and education.**
- **Impact of Family Reactions on LGBT Children:** Rejection and serious negative reactions kept many LGBTQIA+ youngsters from telling their parents about their feelings.
 - In a society **bound by a rigid set of social and cultural norms** that dictate the **terms and conditions of education, career and marriage**, the lack of family support can prove to be a big blow to the **mental and physical health of LGBTQIA+ people.**
- **Unheard Rural Voices:** The **voices of urban LGBTQIA+ people are heard through several online and real-world platforms.**
 - Whereas rural LGBTQIA+ people often suppress their feelings due to a **lack of exposure, comfort and [internet connectivity](#)** in their area because their **refusal to marry brings more physical abuse.**
- **Homelessness:** Most of the homeless LGBTQIA+ youth are **thrown out of their homes** for being queer, or they **ran away to escape an abusive situation.**
 - They **miss out on education and social support during critical formative years.**
 - And without any economic support, they often engage in [drug use](#) and risky sexual behaviors.
- **Problems of Terminology:** LGBTQIA+ people are **labelled with negative stereotypes** and made fun of, thereby **robbing them of their goal of getting recognition** and making them feel socially excluded.
- **Socially Unrecognised:** School uniforms, dress code and appearance, access points for travel (including ticket booking forms, security screening and toilets) are often gendered.
 - Frequently, LGBTQIA+ individuals are **forced to negotiate their gender identity** in public while on public transportation.
- **Lack of Employment Opportunities:** Difficulties in obtaining accurate gender identity documents, including school records, adversely affect employment prospects.
 - **Discriminatory eligibility requirements** place [gender restrictions](#) on some jobs, which effectively exclude transgender and gender non-binary persons from getting the job.

What Should be the Way Forward?

- **Changing Social Attitude Toward LGBTQIA+ People:** As TV and movies are accessible to rural populations where social media has not yet penetrated, they are likely to be the **best tools for redefining family roles and attitudes through programs and stories that educate and enlighten**, as well as relay LGBTQIA+ experiences in authentic and diverse ways
 - Movies like **Badhaai Do, Shubh Mangal Zyada Saavdhan, Aligarh** can play a big role in changing the negative attitude of society towards LGBTQIA+ Community.
- **From Special Treatment to Equal Treatment: LGBTQIA + people don't seem to be aliens**, they're **not sick** and **their sexual preference is innate** and **being homosexual is a normal phenomenon and not a disease.**
 - **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.
- **Gender Neutrality:** There is a need to [treat all genders as equal](#) with none discrimination.
 - It conjointly means **policies, language, associated social behaviour** should avoid characteristic roles per an individual's gender.
- **Towards Better Parenting:** Fundamental responsibility of any parent to accept their children's identity.
 - It is by accepting the child that they will transform society into one that values diversity and **accepts the uniqueness of each individual.**
- **Awareing and Empowering LGBTQIA+ Youth:** An open and accessible forum is needed so they feel recognized and comfortable sharing their feelings.
 - Platforms like **Gaysi and Gaylaxy** have helped carve out spaces for LGBT people to interact, share and collaborate.
 - **The Pride Month and [Pride Parade Initiative](#)** is also a good step in this direction.

Drishti Mains Question

Discuss the status of LGBTQIA+ community in India in light of cases that helped them to get their rights acknowledged.

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