



Government Measures for LGBTQIA+ Community

[Source: PIB](#)

Why in News?

Recently, the [Department of Social Justice and Empowerment \(DoSJE\)](#) has sought inputs from the stakeholders and public at large to **enhance inclusivity in policies for the LGBTQIA+ community**.

- This effort follows key actions by the Government of India in response to the [Supreme Court\(SC\) directives given in 2023](#), to protect [queer rights](#) and clarify their entitlements.

Note: LGBTQIA+ is an acronym that represents **lesbian, gay, bisexual, transgender, queer, intersex, and asexual**. The "+" represents the many other identities that are still being explored and understood.

What was the Supreme Court's Directives Regarding LGBTQIA+ Rights?

- The SC's directives, issued in its judgement regarding the [recognition of same-sex marriages\(Supriyo@Supriya vs. Union, 2023\)](#), focused on **expanding entitlements and rights for LGBTQIA+ individuals**, particularly in areas where they faced discrimination.
 - The **Supreme Court refused to recognize same-sex marriages** but noted the government's plan to form a committee to examine entitlements for LGBTQIA+ people and couples in Queer relationships.
- In response to the Supreme Court's directives, the government formed a **committee chaired by the Cabinet Secretary in April 2024 to tackle discrimination in social welfare, healthcare, public services, and policing**.
 - A sub-committee under the Home Secretary was also established to oversee and implement these measures.

What Interim Measures Has the Government Taken Regarding LGBTQIA+ Rights?

- **Ration Card Advisory:** The **Department of Food and Public Distribution** advised States/UTs to **treat partners in queer relationships as part of the same household for [ration card purposes](#)**.
 - Further, States/UTs have been asked to take necessary measures to ensure that partners in queer relationships are **not subject to any discrimination in the issuance of ration cards**.
- **Banking Rights:** The **Department of Financial Services** confirmed that there are **no restrictions for persons of the queer community to open a joint bank account** and also to nominate a person in queer relationship as a nominee to receive the balance in the account, in the event of the death of the account holder.
- **Healthcare Initiatives:** The **Ministry of Health and Family Welfare** has rolled out multiple initiatives, including the **prohibition of conversion therapy, planning of awareness**

activities, ensuring the availability of **sex reassignment surgery**, and revising medical curricula to include queer-related health issues.

- The **Directorate General of Health Services** has issued letters to State Health Departments to **reduce discrimination and ensure accessible healthcare** for the LGBTQI+ community.
- Guidelines have been framed for medical intervention in **infants/children with intersex conditions to ensure a medically normal life**.
 - Additionally, the Ministry is working on guidelines to address [mental health](#) and well-being specific to the queer community.
- **Prison Visitation and Law & Order Advisory:** The Ministry of Home Affairs issued advisories to all states/UTs regarding prison visitation rights for the queer community and on law and order measures to ensure their safety from violence, harassment, or coercion.

What Other Measures Taken Regarding LGBTQIA+ Community?

- [National Portal for Transgender Persons](#)
- [Garima Greh](#)
- [Transgender Persons \(Protection of Rights\) Rules, 2020](#)
- [Support for Marginalised Individuals for Livelihood and Enterprise \(SMILE\) scheme](#)
- [National Council for Transgender Persons](#)
- [Swachh Bharat Mission\(Urban\)](#): It has included dedicated toilets for transgender persons in their policy guidelines.
- Ayushman Bharat TG Plus Card: It provides the transgender community access to over 50 free health facilities by linking the SMILE scheme with the [Ayushman Bharat Scheme](#).

Note: Supreme Court Decriminalizes Homosexuality: The five-judge Bench of SC in the case of *Navtej Singh Johar & Ors vs Union of India case, 2018* partially struck down Section 377 of the Indian Penal Code, [decriminalising same-sex relations between consenting adults](#). LGBT individuals are now legally allowed to engage in consensual intercourse.

LGBTQI+

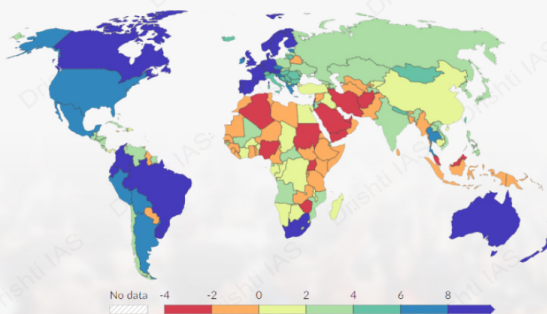
LGBTQI+ refers to a broad category of people, including those who identify as lesbian, gay, bisexual, transgender, intersex, and queer. The terminology used varies widely depending on historical, cultural, and societal contexts.

Discrimination Against LGBTQI+ based on

- Sexual orientation
- Gender expression
- Gender identity
- Sex characteristics

State of LGBTQI+ Rights Globally

- LGBTI+ rights index, 2019: The index captures to which extent lesbians, gay, bisexual, transgender and other people outside traditional sexuality and gender categories have the same rights as straight and cisgender people. It combines 18 individual policies, such as the legality of same-sex sexual acts, marriage, and gender marker changes. Higher values indicate more rights, negative values regressive policies.



SINCE 1982...



TODAY...



- Pride Month: June
- 11th October: National Coming Out Day

History of LGBTQI+ Rights in India

- 1992: First-ever protests demanding rights for gay individuals
- 1994: An NGO challenged the constitutional validity of Section 377 of IPC. Dismissed in 2001
- 1999: India's first pride parade (Also South Asia's first)
- 2009: Naz Foundation vs. Govt. of NCT Delhi Case (In Delhi HC) - Treating gay sex between consenting adults as a crime gross violation of the fundamental right to privacy
- 2013: Suresh Kumar Koushal vs. Naz Foundation- SC overturned Delhi HC ruling
- 2015: A private member's bill in Lok Sabha seeking decriminalizing homosexuality was introduced
- 2017: Justice K. S. Puttaswamy vs. Union of India (UoI)- SC ruled privacy a fundamental right
- 2018: Navtej Singh Johar vs. UoI- SC ruled Section 377 unconstitutional
- 2019: Transgender Persons (Protection of Rights) Act- To provide protection of rights of transgender persons and their welfare.

Present status of Same-Sex Marriage

- 2023: Supriyo vs. UoI- SC refused to grant legal status to same-sex marriage and denied same-sex marriage as a fundamental right



Read more: [Recognition of LGBTQIA+ Rights in India](#)

Drishti Mains Question:

Q. What measures have been implemented by the Government of India to support the LGBTQI+ community? Analyze their impact.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains:

Q. Explain the constitutional perspectives of Gender Justice with the help of relevant Constitutional Provisions and case laws. **(2023)**

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