

## Historical Evolution and Legal Battel for LGBT Community

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### ABSTRACT

The journey of LGBT rights in India has been profoundly influenced by colonial history, traditional cultural norms, legal developments, and changing societal perspectives. Analyzing this trajectory sheds light on the challenges faced by the LGBT community and the strides made toward equality. The fight for LGBT rights represents a significant facet of the broader human rights movement. Although remarkable progress has been achieved in recent years, many LGBT individuals continue to encounter systemic discrimination, social exclusion, and violence.

This study delves into the historical evolution, current situation, and prospects of LGBT rights on a global scale. Employing a qualitative methodology, the research includes an extensive literature review, case studies, and insights from LGBT individuals, activists, and policymakers. The major challenges such as legal disparities, deep-rooted social stigma, limited access to essential resources, and resistance to progressive policies are explored. The study aims to address these critical areas and propose actionable solutions to advance LGBT rights further.

The implementation of LGBT rights remains an ongoing global issue, characterized by both advancements and persistent hurdles. Despite increasing legal recognition, such as same-sex marriage legalization and anti-discrimination laws, complete equality remains elusive due to sociocultural resistance, legal voids, and political barriers in numerous regions.

This research examines the historical development of LGBT rights, focusing on legal reforms, social attitudes, and the contributions of international human rights organizations in fostering equality. It highlights key areas where inequalities persist, including employment, healthcare, education, and personal safety. The pivotal role of grassroots advocacy and community-based organizations in driving legal and social reforms is also discussed. Additionally, the study addresses challenges in countries with conservative norms and restrictive laws. Furthermore, it outlines significant government measures aimed at improving conditions for LGBT individuals.

### INTRODUCTION

A complex mix of colonial legacies, traditional cultural values, and key legal milestones has shaped the development of LGBT rights in India. The discrimination faced by LGBT individuals can be traced to the British colonial era, which imposed Victorian-era moral standards and laws. Among these, Section 377 introduced in 1861, criminalized consensual same-sex relationships. Even after India's independence in 1947, this law continued to marginalise LGBT individuals for many years.

In the latter part of the 20th century, LGBT advocacy began to grow in India. Organizations like the Humsafar Trust and the Naz Foundation, founded in the 1980s and 1990s, played a crucial role in pushing for LGBT rights, increasing awareness, and providing support to the community. A landmark moment came in 2009, when the Delhi High Court ruled that Section 377 violated the fundamental rights of individuals, effectively decriminalizing consensual same-sex relationships. However, Supreme Court reversed the decision in 2013, reinstating criminalization of homosexuality. So, this victory was short-term. The fight for equality reached a decisive moment in 2018 with Navtej Singh Johar case<sup>1</sup>, when Supreme Court partially decriminalized Section 377, marking a significant victory for the LGBT community.

This ruling underscored the significance of individual dignity, autonomy, and equality. Simultaneously, advancements were made for the transgender community. In a landmark 2014 judgment, the Supreme Court recognized transgender persons as a "third gender" and upheld their constitutional rights. To safeguard these rights, the Transgender (Protection of Rights) Act was introduced, though it received criticism for certain shortcomings.

While substantial progress has been made, challenges such as social stigma, discrimination, and the need for further legal protections remain. Continued advocacy and societal shifts are essential to achieving full equality and acceptance for the LGBT community in India.

## **HISTORICAL EVOLUTION**

India's cultural heritage is a blend of tradition and flexibility, and the LGBT community has always been part of this diverse history. Acknowledging this shared past not only honors their contributions but also emphasizes the need for equality and respect for all individuals.

The LGBT community in India, which constitutes around 8% of the population, is gradually becoming more visible and accepted. However, inclusivity has not been a modern phenomenon. Ancient Indian texts and art celebrated a wide range of love and relationships. For example, the Rigveda recognized that what may seem unnatural could also be natural. The Kama Sutra described same-sex relationships between women and emphasized their freedom to choose their partners. The Khajuraho temples, with their erotic sculptures, also depicted sexual fluidity and acceptance.

During the medieval period, there were instances of tolerance towards LGBT individuals, even within conservative circles. Notable figures like Mubarak, son of Alauddin Khalji, and Babur, the Mughal emperor, openly expressed affection for same-sex partners without facing significant societal condemnation.

However, the arrival of the British in the 19th century brought a shift in societal attitudes. Victorian moral values led to the criminalization of same-sex relationships through Section 377, which labeled such acts as unnatural and against the moral order.

The movement for LGBT rights began to gain momentum in the late 20th century. Shakuntala Devi's book *The World of Homosexuals* was one of the first works advocating for LGBT acceptance. The All-India Hijra Conference in 1981 brought together thousands from the

community, marking a milestone in LGBT advocacy. In 1994, Hijras were granted voting rights as a third gender, a major step towards recognition.

In the legal sphere, the Naz Foundation's 2001 Public Interest Litigation marked the first significant challenge to Section 377. The Delhi High Court's 2009 judgment decriminalizing homosexuality was a major victory but was overturned by Supreme Court in 2013, igniting a new wave of activism. In 2018, Supreme Court's ruling finally decriminalized consensual same-sex relationships, marking turning point moment for LGBT rights in India.

The transgender community also made strides with the Supreme Court's 2014 recognition of transgender individuals as a third gender. The Transgender Persons (Protection of Rights) Act in 2019 aimed to safeguard their rights, though it was criticized for being overly prescriptive. In 2020, revised rules improved access to sex reassignment surgeries and provided educational support for transgender individuals.

Although significant advancements have been made, the struggle for full equality continues. Achieving social acceptance, legal reforms, and widespread education remains critical to ensuring dignity, respect, and identical rights for everyone, regardless of their sexual preference or gender expression.

## REVIEW OF LITERATURE:

India, as democratic nation, upholds rights of its residents through the provisions of the Indian Constitution. The Constitution ensures equality, prohibits discrimination based on religion, race, caste, gender, or place of birth, and guarantees freedom of speech, expression, and personal liberty. However, Indian Penal Code (IPC) Section 377 historically criminalized consensual same-sex relationships, a stance overturned by Supreme Court in the landmark 2018 Navtej Singh Joha case, (Dr. Pankaj Choudhury et al., 2021) as narrated by Dr. Pankaj Choudhury et.al (2021),

Article 14 enshrines the fundamental right to equality, while Articles 15 and 16 explicitly prohibit discrimination based on sex. The decriminalization of Section 377 was a judicial acknowledgment of the rights of transgender individuals, recognizing them as a third gender. Furthermore, India enacted the Transgender Persons to safeguard the rights of transgender individuals (Khanna Purnima ,2022) .The amendments made to “..Transgender Persons (Protection of Rights) Act 2009”, emphasizing its focus on constitutional rights, gender identity, and anti-discrimination provisions in areas such as family, employment, education, and healthcare. Despite addressing legal rights, the Act falls short in establishing substantive mechanisms for accessing these rights, reducing its impact to mere legislative changes. The article highlights both the successes and shortcomings of the Act from the perspective of the transgender community (Bhattacharya Shamayeta ,2022) .The significance of 2014, judgment, which marked a pivotal moment for the LGBT community. This ruling laid the foundation for the Transgender Persons (Protection of Rights)<sup>i</sup> compelling legislative action to protect transgender rights (Banerjee Shankar ,2022)The examination of the difficulties encountered by the LGBT community in Ahmedabad, particularly in terms of identity formation, societal attitudes, and contemporary struggles. His study highlights the necessity of increased awareness and support to help the community overcome these unique barriers. (Jajal (2015)To

explore the socio-legal obstacles faced by the LGBT population in India, pointing out ongoing inequalities in employment, education, healthcare, and housing. Their research emphasizes that despite legislative advancements, discrimination remains a significant challenge to achieving an inclusive society (Choudhary and Sanjaya (2022)). Greene and Herek's book, *Lesbian and Gay Psychology: Theory, Research, and Clinical Applications*, serves as a key resource for mental health practitioners by offering an in-depth understanding of LGBT psychological experiences. The book stresses the importance of fostering safe and affirming spaces for therapy (Greene & Herek, 1994). Herek's *Stigma and Sexual Orientation: Understanding Prejudice Against Lesbians, Gay Men, and Bisexuals* investigates the root causes of anti-LGBT biases and discusses strategies to counteract such discrimination (Herek, 1998). It presents an insightful discussion on sexuality and relationships, addressing complex topics with sensitivity and humor. Her work is recognized for its candid depiction of struggles related to sexual identity and its approachable style. Davies (2019). The commission advocated for the repeal of Section 377 of the IPC, arguing that it negatively affected public health and infringed upon the fundamental rights of homosexual individuals. Similarly, Ray (2006) noted that a significant portion—between 20% and 40%—of homeless youth belong to the LGBT community, often forced into homelessness due to familial and societal rejection of their sexual orientation. The Law Commission of India (2000). LGBT individuals should be granted equal voting rights, aligning with Dr. B.R. Ambedkar's principle of "one person, one vote." Revathy and Pandiaraj (2018). For legal recognition of same-sex marriages, calling for expanded protections for LGBT relationships under the law also advocated (Chowdhary (2017)). Johar (2019) emphasized the urgency of addressing violence against LGBT individuals through legal, social, and political reforms, including sensitizing law enforcement personnel. Similarly, Kaur (2019) expressed hope for a future in which society fully embraces LGBT rights while acknowledging the challenges that must still be overcome to achieve true equality. Narrain and Gupta, in their book *Law Like Love: Queer Perspectives on Law*, assert that democracy should ensure protection against discrimination based on gender identity and sexual orientation. They argue that LGBT activism extends beyond individual rights, seeking to dismantle systemic barriers that limit human potential (Narrain & Gupta, 2004). In an earlier work, Narrain (2004) critiques the legal system's historical role in oppressing LGBT individuals and raises questions about the effectiveness of legal reforms in securing true liberation. Rao's *The Framing of India's Constitution: Select Documents, Vol. II* (2015) provides a detailed examination of the Constitution's drafting process. Gandhi (2018), in *Indian Penal Code*, discusses the legal treatment of lesbian relationships in India, contrasting them with legal developments in the United Kingdom. Basu's *Introduction to the Constitution of India* (2018) references the Universal Declaration of Human Rights, underlining its stance against discrimination based on sexual orientation. Bhatia (2019) critiques the continued existence of colonial-era laws that contradict constitutional values, highlighting significant court cases that have contested governmental policies. Agarwal (2017) and Davis (2003) emphasize the role of human rights in safeguarding personal autonomy, particularly regarding sexuality. The UN Human Rights Office of the High Commissioner (2012) stresses that LGBT individuals must be protected from degrading and inhumane treatment, reinforcing the global commitment to ensuring dignity and equality for all individuals, regardless of sexual preference or gender expression. Kirpal, in *Who Is Equal: The Equality Code of the Constitution*, explores the constitutional

principles of equality and their implications for marginalized communities, including LGBT individuals. As an openly gay advocate for LGBTQ+ rights, he provides valuable insights into how the Indian Constitution addresses equality and the legal challenges faced by LGBT individuals (Kirpal, 2022).

### Articles:

Alok Gupta examines the harsh penalties associated with sodomy in India. He clarifies that Section 377 encompasses more than just anal intercourse and argues that the decriminalization of sodomy is crucial for the restoration of dignity among homosexuals, while also illuminating the wider LGBT movement within the country. Puspesh Kumar, in his work “contends that the field of Indian sociology has inadequately addressed matters related to caste, class, ethnicity, and LGBT issues. He emphasizes the necessity for sociologists in India to evaluate whether heterosexual norms threaten non-majority sexual orientations. Danish Sheikh, underscores the significance of the Puttaswamy ruling as a pivotal step forward in providing legal safeguards for LGBT individuals, serving as a critical resource for advocates of gay rights. Douglas Sanders, argues that contemporary efforts to decriminalize homosexuality are largely rooted in human rights ideals, in alignment with the principles set forth in the Universal Declaration of Human Rights (UDHR).

Janet E. Halley advocates for the legal safeguarding of gay individuals and their practices, reinforcing the movement for LGBT rights. John A. Robertson addresses the historical barriers encountered by the LGBT community, such as discriminatory laws and workplace injustices, in He champions equal access for gay and lesbian parents to reproductive technologies and parenting rights. Jose Gabilondo, refers to Chief Justice Kaye’s findings regarding the critical importance of the marriage rights for homosexuals, arguing that denying these rights constitutes a form of discrimination based on sex. M.P. Singh, analyzes how human rights principles prompted the judiciary to scrutinize the enforcement of laws concerning consensual adult relationships under the IPC 1860. Michael O’Flaherty and John Fisher, argue for the obligation of states to safeguard the rights of their citizens. Their work provides an essential analysis of these matters, contributing significantly to the ongoing global struggle for LGBT equality. Nancy J. Knauer focuses on the specific challenges encountered by aging LGBT individuals, who frequently lack traditional support networks and even broader community resources, despite the growing acceptance and legal protections for LGBT rights. Pushpesh Kumar contends that the sexual and intimate dimensions of human existence are among the most personal topics that Indian society struggles to address effectively.

### Landmark Cases:

In one of the landmark judgement by Supreme Court ruled that Section 377, which criminalized all sexual acts between consenting adults, was unconstitutional. It involves a writ petition from 2012 that sought equal rights and recognition for transgender individuals as a distinct third gender. The petition aimed to ensure that transgender individuals could access the same benefits as cisgender individuals, particularly in terms of official documentation.

In the case of Suresh Kumar Koushal v. Naz Foundation Supreme Court overturned Delhi High Court’s ruling, reinstating the constitutionality of Section 377 of the Indian Penal Code. In



Suprio's case that contributed to the ongoing dialogue around LGBT rights in India, specifically in the context of Section 377 and the right to privacy. It echoed similar demands seen in other legal battles, reinforcing the constitutional protections of equality and autonomy. While it did not have the same level of immediate impact as some other cases, it played a role in pushing the agenda for full recognition of the rights of sexual minorities and was part of the larger wave of legal activism that led to the decriminalisation of same-sex relations in India

### **Conventions and Legislation:**

The Yogyakarta Principles highlight that all individuals have the right to receive equal treatment and legal protection without any distinction based on their sexual orientation or gender identity. It emphasizes that laws must prevent discrimination and ensure that everyone is treated equally under the law. Article 12 states that no one should face arbitrary interference with their privacy, family, home, or correspondence, and everyone has the right to protection from such interferences. Article 17 states that no one shall be subjected to arbitrary or unlawful interference with their privacy and everyone has the right to protection of the law against such interference. Articles 1, 2, and 8 obligate member states to uphold human rights, ensuring the right to life, privacy, and freedom from discrimination for all individuals. Article 51 emphasizes the fundamental principles (DPSP) underlying the document. Implementing these principles fully, particularly for LGBT individuals, remains a challenge. If international obligations require these principles, amendments to laws and the constitution may be necessary. Articles 37, 38, and 39, emphasize the protection of rights for minorities and marginalized groups to ensure their complete human dignity. It is the duty of the state to implement these principles, which are essential for the effective governance of the country. The Transgender Bill, presented by DMK representative Tiruchi Shiva, aims to provide transgender individuals with the same legal protections and quotas afforded to other marginalized groups. Furthermore, the Supreme Court has broadened the interpretation of 'sex' in Articles 15 and 16 to encompass 'gender identity,' thereby reinforcing safeguards against discrimination. Again The Rights of Transgender Persons bill was introduced by Mr. Thaawarchand Gehlot, is aligned with the Yogyakarta Principles. This legislation recognizes and defines various identities, including trans men, trans women, individuals with intersex variations, gender-queer persons, and those with socio-cultural identities like kinnar and hijra, aiming to safeguard their rights and ensure their protection.

### **LEGAL JOURNET TO GET RECOGNITITON**

The AIDS Bhedbhav Virodhi Andolan (ABVA) case stands as a key chapter in fight for LGBT rights in India, particularly in challenging Section 377 which criminalized consensual same-sex relationships. Emerging in the early 1990s, ABVA, a group of activists, aimed to address the stigma and discrimination faced by individuals living with HIV/AIDS, alongside other marginalized communities, including LGBT individuals. Their advocacy laid the foundation for future efforts to repeal Section 377, a colonial-era law from 1861 criminalizing "unnatural offences. In 1994, a Public Interest Litigation (PIL) was filed by ABVA in the Delhi High Court, challenging the constitutionality of Section 377. It was argued that this provision violated fundamental rights protected under the Indian Constitution, including the right to

equality (Article 14), freedom of expression (Article 19), and protection of life and liberty (Article 21).

Additionally, ABVA highlighted the public health challenges posed by this law, particularly during the HIV/AIDS crisis. By criminalizing consensual same-sex relationships, the law forced the LGBT community into the shadows, hindering access to crucial healthcare services and HIV prevention measures. Unfortunately, ABVA's PIL never reached a formal hearing and was eventually dismissed on procedural grounds. Despite this, their effort played a foundational role in catalyzing future legal challenges. Although immediate success was not achieved, the issues raised by ABVA became central to subsequent cases, such as the Naz Foundation's landmark litigation, which led to a breakthrough, when Delhi High Court ruled Section 377 unconstitutional, in 2009. Although this decision was temporarily overturned in 2013, it set the stage for the final decriminalization of homosexuality in 2018 through the Navtej Singh Johar case. ABVA's activism continues to be recognized as an instrumental step in India's LGBT rights movement, spotlighting the interplay of public health and human rights.

The 2009 Naz Foundation case marked a landmark moment in the advancement of LGBT rights in India, with the Delhi High Court declaring Section 377 of the Indian Penal Code unconstitutional to the extent that it criminalized consensual homosexual acts between adults. The Naz Foundation, as the petitioner, argued that Section 377 violated fundamental rights under Articles 14, 15, and 21 of the Constitution, emphasizing that the law discriminated against LGBT individuals and undermined their rights to equality, dignity, and privacy. Additionally, it was highlighted that the provision adversely affected public health initiatives, particularly in combating HIV/AIDS, by perpetuating stigma and discouraging members of the LGBT community from seeking medical assistance. The petitioner also challenged the colonial-era law on grounds of constitutional morality, asserting its incompatibility with modern democratic values. In contrast, the respondents defended the law by claiming it addressed unnatural offences and upheld public morality, suggesting that any change should come through legislative reform. The Court, however, found Section 377 to be in violation of constitutional rights, recognizing its discriminatory impact and negative public health implications. By decriminalizing consensual same-sex relations among adults, the judgment reaffirmed the principles of privacy, equality, and dignity, establishing a crucial legal foundation for the protection of LGBT rights in India.

In the Suresh Kumar Koushal v. Naz Foundation case, the Supreme Court of India overturned the progressive 2009 Delhi High Court judgment, reinstating Section 377 of the Indian Penal Code. The Court held that the power to amend or repeal laws such as Section 377 lay with the legislature, not the judiciary. The petitioners argued that Section 377 preserved public morality and that the legislative intent behind the provision should be upheld. They also relied on judicial precedents that had historically sustained the constitutionality of the law, asserting that the judiciary should refrain from encroaching upon legislative functions. In its analysis, the Supreme Court reasoned that the relatively low number of prosecutions under Section 377 did not justify declaring it unconstitutional. Furthermore, the fundamental rights concerns raised by the respondents were considered inadequate grounds to invalidate the law. As a result, the judgment was widely criticized for failing to protect the rights and dignity of the LGBT

community and marked a significant setback in the struggle for equality and constitutional justice. The Supreme Court's 2013 Suresh Kumar Koushal judgment faced widespread criticism for halting progress on LGBT rights and failing to uphold the principles of privacy and dignity.

This backlash intensified calls for legislative and judicial redress, ultimately leading to the landmark 2018 judgment in *Navtej Singh Johar v. Union of India*. In this case, the Supreme Court unanimously struck down Section 377 to the extent that it criminalized consensual sexual acts between adults of the same sex, deeming it unconstitutional. The petitioners argued that the provision violated fundamental rights guaranteed under Articles 14, 15, and 21, by perpetuating stigma, discrimination, and psychological harm to LGBT individuals. The Court affirmed that every citizen, regardless of sexual orientation, is entitled to dignity, privacy, and autonomy, emphasizing the need for laws to evolve in line with contemporary constitutional morality. This historic decision marked a major victory for India's LGBT rights movement. In its aftermath, petitions seeking legal recognition of same-sex marriages were filed, arguing that denial of such recognition infringes on constitutional guarantees. However, the Supreme Court, while reaffirming the right to choose one's partner under Articles 19 and 21, held that the right to marry was not a fundamental right and that recognition of same-sex unions required legislative action. Although the Court stopped short of legalizing same-sex marriage, it upheld the right of LGBT individuals to form relationships and cohabit, and reinforced the urgent need for comprehensive legislative reforms to ensure true equality and eliminate discrimination.

### **HIGH COURTS PRONCEMENT:**

The Delhi High Court ruled in *Naz Foundation* case that Section 377 of the Penal Code, 1860, insofar as it criminalizes consensual sexual acts between adults in private, violates Articles 21, 14, and 15 of the Constitution. Ajit Prakash Shah, C.J., and S. Muralidhar, J., narrowed the scope of Section 377 to apply only in cases involving non-consensual acts or minors. The court emphasized the importance of inclusivity, stating that society should ensure dignity and non-discrimination for all individuals. However, this decision was overturned by the Supreme Court in *Suresh Kumar Koushal* case which upheld the constitutionality of Section 377. Later, in 2018, the Supreme Court's Constitution Bench in *Navtej Singh Johar* case reversed this position, affirming Delhi High Court's stance and effectually decriminalizing consensual Same-gender relationships.

The Madras High Court, in *Arunkumar* case held that a marriage between a Hindu man and a transwoman is legally recognized under Section 5 of the Hindu Marriage Act, 1955, and is required to be registered.

G.R. Swaminathan, J., remarked that recognizing such marriages is not groundbreaking but merely acknowledging the obvious, requiring both understanding and compassion. In another case<sup>ii</sup>, N. Anand Venkatesh, J., criticized delays in finalizing transgender policies and directed the Tamil Nadu government to prioritize LGBT rights. The same judge in *S. Sushma* case issued interim measures for the safety and recognition of LGBT individuals, underscoring the need for empathy and understanding of societal prejudices. In *S. Tamilselvi* case R. Suresh Kumar, J., directed authorities to place transgender applicants in a special category for



educational admissions, emphasizing their rights under the Constitution. The Karnataka High Court, in Christina Lobo case<sup>iii</sup> reiterated the importance of self-identification of gender as part of personal liberty, aligning with Nalsa case. The court clarified that transgender individuals who changed their gender before the Transgender Persons Act of 2019 remain entitled to rights under the Act without requiring additional certification. In Queerala case Kerala High Court, directed the government to establish guidelines against forced conversion therapy for LGBT individuals. Similarly, in Anamika v. State of Kerala, V.G. Arun, J., upheld the right of a transgender woman to compete in sports within her self-identified gender. In Hina Haneefa v. State of Kerala, Anu Sivaraman, J., allowed a transwoman to join the National Cadet Corps' female wing, highlighting the need to update outdated provisions. Additionally, in Sreeja S. v. Commissioner of Police, it was ruled by the court that live-in relationships between same-sex partners are not in violation of the law.

The Orissa High Court, in Kantaro Kondagari case upheld the right of a transgender woman to choose her gender and access family pension benefits. Andhra Pradesh High Court, in Matam Gangabhavani v. State of Andhra Pradesh encouraged state to assess representation of transgender individuals in public employment and provide reservations where necessary, although it did not mandate reservations in the absence of specific provisions. The Madhya Pradesh High Court, in Noori case directed state authorities to assist transgender individuals in obtaining identity cards and accessing government benefits. Patna High Court, in LAW Foundation case mandated the state to enforce guidelines for protecting transgender individuals in conflict with the law, including ensuring appropriate accommodations in jails. In the Madhu Bala case, Uttarakhand High Court recognized that right of same-sex couples to live together is protected, emphasizing that consensual cohabitation falls under protection of Article 21 of Indian Constitution. Ultimately, Punjab and Haryana High Court, in Paramjit Kaur v. State of Punjab granted protection to a same-sex couple facing threats from their families, recognizing their right to safety and liberty irrespective of societal disapproval.

The judiciary has played a crucial role in shaping the legal landscape for LGBT rights, balancing constitutional principles with evolving societal values. Courts worldwide have increasingly recognized the rights of LGBT individuals, emphasizing equality, dignity, and non-discrimination. Landmark rulings have decriminalized same-sex relationships, upheld anti-discrimination protections, and granted legal recognition to same-sex unions. Judicial interpretations of fundamental rights have expanded to include gender identity and sexual orientation, challenging outdated laws and prejudices. However, legal progress often faces resistance, necessitating continuous advocacy and judicial scrutiny. By interpreting laws through a human rights lens, the judiciary remains a key force in advancing LGBT equality and justice.

## CHALLENGES

### a. Social Acceptance

The acceptance of LGBT individuals remains a significant challenge, not just in rural areas but also within urban families. In urban contexts, the emphasis on societal status often overshadows familial responsibilities, leading to instances where parents reject or disown their children upon

learning about their LGBT identity. This fear of societal judgment can escalate into severe actions, including violence against LGBT members, which has tragically resulted in cases of honor killings. For LGBT women, the challenges are often more pronounced. Women who identify as lesbian or bisexual may face coercive interventions from their families aimed at "correcting" their sexual orientation. These harmful practices reflect deeply entrenched cultural beliefs, underscoring the need for widespread awareness, acceptance, and support to safeguard the dignity and rights of LGBT individuals.

#### **b. Economic Independence**

LGBT individuals frequently encounter discrimination in the job market, from biased hiring practices to workplace harassment, which hinders their ability to secure stable employment. Such barriers often result in higher unemployment rates and lower earnings compared to heterosexual peers. Furthermore, LGBT employees may face wage disparities even when their qualifications and experience are comparable.

Legal safeguards against workplace discrimination are absent in many areas, leaving LGBT individuals vulnerable without mechanisms for redress. Additionally, the lack of recognition for same-sex partnerships often prevents access to critical employee benefits, such as healthcare, family leave, and retirement plans, further limiting their financial security and independence.

#### **c. Discrimination in Educational Institutions**

Discrimination against LGBT individuals often begins during their formative years in schools and colleges, manifesting as bullying, exclusion, and bias. According to the 2018 UNESCO report, such experiences profoundly impact their mental and emotional well-being, leaving scars that can take years to heal.

Even after completing their education, LGBT individuals face continued prejudice in the workforce. Many employers are reluctant to hire individuals from the LGBT community due to societal pressures, perpetuating cycles of poverty and limited opportunities.

### **Health-Related Challenges**

The trauma faced by LGBT individuals often drives them toward harmful coping mechanisms, including substance abuse. Conversion therapy and societal rejection can exacerbate these tendencies, leading to addiction and further mental health struggles. Isolation and a lack of social support often intensify feelings of loneliness and depression, leaving many individuals without access to necessary mental health resources.

## **SUGGESTIONS**

### **1. Strengthening Legal Protections**

Anti-discrimination laws should be introduced and enforced to protect LGBT individuals in all areas of life, including employment, education, housing, healthcare, and public services. The legal recognition of same-sex marriages and adoption rights should also be prioritized to ensure equality.

## **2. Education and Awareness Campaigns**

Develop educational programs that incorporate LGBT issues, histories, and perspectives. Public awareness initiatives should challenge stereotypes, dispel myths, and foster a more accepting society.

## **3. Improved Healthcare Services**

Ensure access to inclusive healthcare for LGBT individuals, including gender-affirming treatments, mental health counseling, and preventive care for HIV/AIDS. Provide training for healthcare professionals to enhance their understanding of LGBT needs.

## **4. Mental Health Support**

Establish dedicated mental health services designed specifically for LGBT individuals, offering therapy, counseling, and peer support tailored to their unique challenges.

## **5. Safe Community Spaces**

Encourage the creation of LGBT community centers and support networks where individuals can find resources, share experiences, and connect with others facing similar challenges.

## **6. Positive Representation**

Promote greater visibility of LGBT individuals in media, literature, and public platforms. Authentic representation helps break stereotypes and fosters societal acceptance.

## **7. Empowerment and Capacity Building**

Offer training programs and leadership opportunities to strengthen the advocacy efforts of LGBT individuals and organizations. Providing resources can empower them to drive meaningful change.

## **8. Collaboration and Allyship**

Encourage active support from allies—whether individuals, institutions, or organizations—to champion LGBT rights. Collaborative efforts can lead to a more inclusive and equitable society.

## **CONCLUSION**

Although significant progress has been made with milestones like the decriminalization of homosexuality in 2018, LGBT individuals in India continue to face widespread challenges. Discrimination, societal stigma, and marginalization persist in areas such as education, employment, healthcare, and housing. Family rejection and societal pressure to conform to traditional gender roles further compound their struggles. To build an inclusive society, comprehensive anti-discrimination laws must be implemented, and equal rights—including marriage and adoption rights—should be granted. Beyond legal reforms, addressing societal attitudes through education and advocacy is essential.

India has the potential to evolve into a nation that celebrates diversity and guarantees equality for all its citizens. Embracing acceptance, challenging prejudice, and fostering a culture of

respect can pave the way for a future where LGBT individuals are treated with the dignity and equity they deserve.

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