**PLUTUS IAS**

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**Date –19 April 2024**

# RIGHTS OF LGBTQIA AND QUEER COMMUNITY

**THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS "LGBTQIA RIGHTS". THIS TOPIC IS RELEVANT IN THE " SOCIAL JUSTICE" SECTION OF GS2 IN THE UPSC CSE EXAM.**

**WHY IN THE NEWS?**

Issues related to Queer community in India are a matter of great debate. Conservative outlook has prevailed in th discourse which was visible in dealing with matters like opposition to the legalisation of same sex marriage.

Recently, the Centre has released a notification of a committee to examine various issues related to queer community.



**EVOLUTION OF LGBTQIA+ RIGHTS**

In 1861, the British colonial administration introduced Section 377 of the Indian Penal Code, criminalizing any sexual activity deemed "against the order of nature," effectively outlawing all forms of homosexual behavior.

Shakuntala Devi's groundbreaking study, "The World of Homosexuals," was published in 1977, offering one of the earliest explorations of homosexuality in India.

In a significant milestone for LGBTQIA+ rights, 1994 saw the legal recognition of transgender individuals, granting them voting rights as a distinct third sex.

In 2014, the Supreme Court of India delivered a landmark judgment, recognizing transgender people as a third gender and affirming their right to equal treatment under the law.

2017 marked a pivotal moment when the Supreme Court affirmed the right of India's LGBTQIA+ community to freely express their sexual orientation, a significant step toward greater societal acceptance and inclusivity.

The Right to Privacy, enshrined in law, began to serve as a shield protecting individuals' sexual orientation from unwarranted intrusion or discrimination.

On September 6, 2018, the Supreme Court delivered a historic verdict, striking down the portion of Section 377 that criminalized consensual homosexual activities, marking a major victory for LGBTQIA+ rights in India.

The year 2019 saw the enactment of the Transgender Persons (Protection of Rights) Act by Parliament, aimed at safeguarding the rights and welfare of transgender people, along with addressing related matters pertaining to their well-being and inclusion.

In 2023, SC court by 3:2 judgment stopped short of granting Constitutional validity to same sex marriage. Through this judgment SC shifted the onus on the legislature to decide this socially controversial issue.

## CHALLENGES FACED BY LGBTQIA

1. **Legal Status**: Section 377 of the Indian Penal Code, which criminalized homosexuality, was struck down in 2018, decriminalizing consensual same-sex relations. However, legal recognition of same-sex relationships and marriage remains absent, leaving queer individuals without legal protection and recognition.
2. **Social Stigma and Discrimination**: Despite legal progress, queer individuals still face significant social stigma and discrimination, including ostracization from families, workplace discrimination, and verbal or physical harassment. This stigma can lead to mental health issues such as depression and anxiety.
3. **Access to Healthcare**: Queer individuals often encounter difficulties accessing healthcare services that are sensitive to their needs. Many healthcare providers lack awareness and training on LGBTQ+ issues, leading to inadequate or discriminatory care.
4. **Family Rejection and Homelessness**: Coming out can result in rejection from family members, leaving queer individuals at risk of homelessness and isolation. There are limited shelters and support systems tailored to the specific needs of homeless LGBTQ+ individuals.
5. **Education and Employment Discrimination**: LGBTQ+ youth frequently face discrimination and bullying in educational institutions, which can negatively impact their academic performance and mental well-being. In the workplace, queer individuals may encounter discrimination in hiring, promotions, and workplace culture.

6. **Intersectional Challenges**: Queer individuals belonging to marginalized communities, such as Dalits, Muslims, or those with disabilities, face compounded discrimination due to their intersecting identities.
7. **Lack of Legal Protections**: Beyond marriage rights, there's a lack of legal protection against discrimination based on sexual orientation and gender identity in areas such as employment, housing, and public accommodations. This leaves queer individuals vulnerable to discrimination and harassment.
8. **Limited Representation:** The mainstream media often lacks accurate and positive representation of LGBTQ+ individuals, perpetuating stereotypes and misconceptions. This lack of representation can contribute to societal ignorance and prejudice.

## WHAT CAN BE DONE?

- **Legal Reforms:**
- Push for comprehensive anti-discrimination laws that explicitly protect individuals based on sexual orientation and gender identity.
- Advocate for legal recognition of same-sex relationships, including marriage equality.
- Ensure the effective implementation of existing laws and policies that protect LGBTQIA+ rights.
- **Education and Awareness:**
- Introduce LGBTQIA+ inclusive education in schools and universities to foster understanding, empathy, and acceptance from a young age.
- Conduct sensitization programs for healthcare providers, law enforcement agencies, and other service providers to ensure they are equipped to provide non-discriminatory services.
- Promote positive and accurate representation of LGBTQIA+ individuals in media and popular culture to combat stereotypes and prejudices.
- **Healthcare Reforms:**
- Ensure access to LGBTQIA+ friendly healthcare services, including mental health support, hormone therapy, and gender-affirming surgeries.
- Train healthcare professionals to provide culturally competent care to LGBTQIA+ patients, addressing their unique health needs and concerns.
- **Social Support and Community Building:**
- Establish support networks, community centers, and helplines for LGBTQIA+ individuals, particularly those facing family rejection or homelessness.
- Create safe spaces and inclusive environments where queer individuals can socialize, access resources, and receive support without fear of discrimination or harassment.
- **Employment and Economic Empowerment:**
- Enforce anti-discrimination policies in the workplace to prevent discrimination based on sexual orientation and gender identity.
- Provide vocational training and job placement programs specifically targeted at LGBTQIA+ individuals to enhance their economic independence and stability.
- **Political Advocacy:**
- Mobilize political support for LGBTQIA+ rights through advocacy campaigns, lobbying efforts, and engagement with policymakers.
- Support the formation and strengthening of LGBTQIA+ rights organizations and activist groups to amplify voices and push for policy reforms.
- **Intersectional Approaches:**
- Recognize and address the intersecting forms of discrimination faced by LGBTQIA+ individuals belonging to marginalized communities, such as Dalits, Muslims, or those with disabilities.

- Ensure that policy interventions and support services are inclusive and accessible to all members of the queer community, regardless of their intersecting identities.

<div align="right">**Ankit Kumar**</div>

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