

PENDING CASE OF EQUALITY: RESPECTING HOMOSEXUALITY

M. Dalal Bachelor of Psychology Honors, Lovely Professional University, Punjab, India

R. Bhasin Bachelor of Political Science Honors, Lovely Professional University, Punjab, India

Abstract

Human sexuality is a complex issue that acknowledges the varying dimensions of behavior, desire, and identity. The complexity of these issues is evidenced by the fact that they may not always be congruent in people. Some of the factors that contribute to this include bisexuality, identity confusion, and the dual roles of gender and biological sex. Both psychiatry and medicine use terms such as heterosexuality, transsexuality, and homosexuality to refer to various issues. On the other hand, the current social usage of these terms focuses on the identities of individuals who are gay or lesbian. Many people believe that most people are only referring to homosexuals as stereotypes. The most widely held image of a homosexual is usually a man or a woman who is either effeminate or tomboyish. Unfortunately, the entertainment media has contributed to this misunderstanding by making these stereotypes into something that is always good to laugh about.

Keywords: Homosexuality, Heterosexuality, Marginalization, Homophobia, Bisexual, Transgender.

Introduction

Homosexuals are a hybrid of Latin and Greek terms that refer to people who are of the same sex. Those who identify as such are referred to as homosexuals, while those who are gay are called "gay". On the flip side, lesbians are called "lesbians." A gay marriage is a union between two people of the same sex.

It is common for people to believe that same-sex love and relationships are western imports. However, this is not the case, as these have existed in Indian culture and society for a long time. Homophobia was an import from the west, not from homosexuality. In Hinduism, various forms of sex and festivals that celebrate homosexual acts are commonly discussed. The sodomy Kama Sutra, the customs of Babar, the Ramayana and Mahabharata, and the Tantric initiation rites are also talked about. There is a wide range of religious activities that are related to the issue of homosexuality in India. He also discussed the various changes that have occurred in the meanings of gay sexuality in Indian history. It also includes some of the major landmarks that have been established in the country's cultural and historical context.

Homosexuality was generally accepted in pre-industrial societies, with some members of the upper classes finding it immoral. However, with the rise of nuclear families and urbanization, it became less tolerated. Most people find it very offensive that they would ever have intimate physical contact with someone of the same sex. However, according to statistical data, there are many people who have had homosexual experiences. These experiences can range from a dream to actual sexual contact. One of the most common myths about homosexuality is that it is a two-person race, with one group being heterosexuals and the other being homosexuals. This is untrue, as sexual interest in one's own sex does not equate to a similar interest in the opposite sex.

Review of literature

Parasar, Anuradha (2022) in her research paper titled "Homosexuality in India - The Invisible Conflict Article" wrote about the concept of homosexual marriages in India is considered to be an invisible conflict that can be kept under wraps. Her paper aims to explain and discuss various aspects of Homosexuality, such as its evolution, societal attitudes, and reactions. Drawing from the experiences of several countries where gay marriages have been legalized, the author explores the potential of this practice in India. She concludes that based on the evidence and empirical data, it is possible to make this practice legal.

Tiwari, Nityanand (2010) in his research paper titled “Homosexuality in India: Review of Literatures” talks about the same sex relationships that existed in the Indian culture and society, which was celebrated and acknowledged. In addition, the rituals of Tantric initiation are also discussed. Due to the existence of various religions in India, the debate over homosexuality is considered controversial. His paper aimed at reviewing some of the literature on this topic and discuss the current situation of same-sex relations in the country.

Parekh, Suresh (2008) in the research paper titled “Homosexuality in India: The Light at the End of the Tunnel”. The paper introduced the concept of sexuality and homosexuality in Hindu culture. It then explored the various changes that have occurred in the attitudes toward gay people in India. It also reviewed the theoretical models used in the study of homosexuality in India, taking into account the limited literature on the subject. It also interviewed clinical psychologists and psychiatrists to gain a deeper understanding of the issue. It presented various anecdotal accounts of gay individuals, including those who have been featured in gay magazines.

Sankhyan, Akhil and Hussain, Syed (2022) in their research paper titled “Rights of LGBTQ In India and The Struggle for Societal Acceptance” talks about how the rights of lesbian, gay, bisexual, and transgender has evolved over time in recent years in India. The challenges that the LGBTQ community faces, about how the criminalization of homosexuality was lifted by the Supreme court of India. It also explores the various factors that contribute to the discrimination faced by the LGBTQ community in the country.

Scope

The goal of this study is to look into the history of homosexuality in India. It also aims to analyze the various challenges faced by the gay community in the country. Therefore, the scope of this study is a concise overview of India’s history of homosexuality and a qualitative analysis of present-day homosexuality and its challenges.

➤ Objectives

- To overview the homosexuality in India over ages.
- To analyze the problems faced by homosexuals in India.
- To analyze the challenges still faced by this community after the decriminalization of Section 377.
- To know about the reaction of the mainstream people about the Homosexuality.
- To know about the laws that exists for the LGBTQ community.

Research methodology

The convenient sampling method is used for this research. This study considers the respondents in Jalandhar District. The LPU university and surrounded area are covered for data collection. The questionnaire consists of twenty-two questions. We have conducted the online survey through google forms. The survey consists of some basic questions on homosexuality. The concept of homosexuality is broad, and you would see the terms: Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, +, (LGBTQIA+).

Survey Introduction

We are a part of the world's largest democracy where everyone is guaranteed equal rights, freedom, liberty but there are certain issues which remain unheard, issues which aren't paid much heed to.

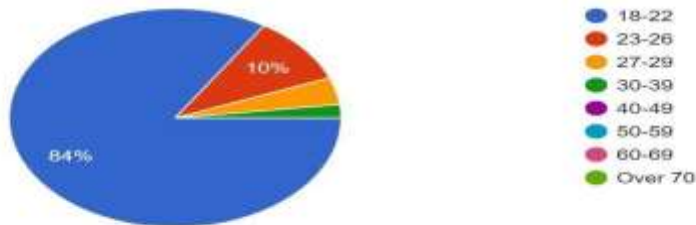
The concept of homosexuality is one among them which possess potential to ruffle the feathers of society. Homosexuality is as old as time, but still homosexual individuals are bound to suffer, their screams aren't heard, their love lasts in darkness and die away in open.

A survey was conducted on 50 individuals, aged 18 and above in Lovely Professional University. Most of the respondents were students. Survey has 22 questions. The survey was conducted to take into account the beliefs, attitude of people on homosexuality. The questions were framed to assess the notion that general population hold in their minds, their take on homosexuals, how well are they acquainted with the term LGBTQIA+ and how willingly will they accept if someone from their families or friends come out to be a homosexual.

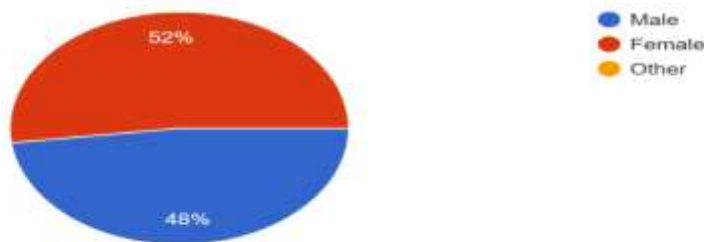
Survey findings

The findings of this survey are as follows:

How old are you ? (in years)
50 responses



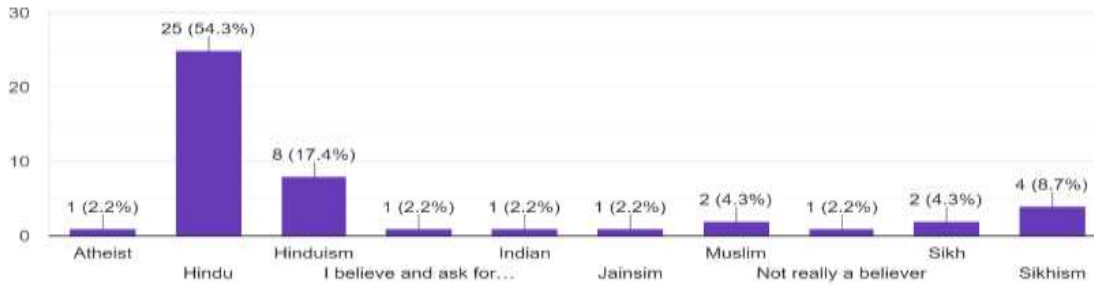
What is your gender identity ?
50 responses



What is your sexual orientation ?
50 responses



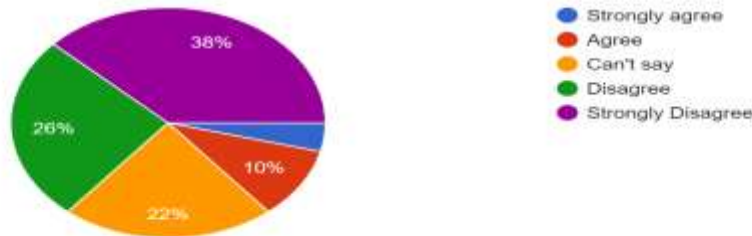
What is your religion or religious belief(s).
 46 responses



How well are you acquainted with the term LGBTQIA+
 50 responses



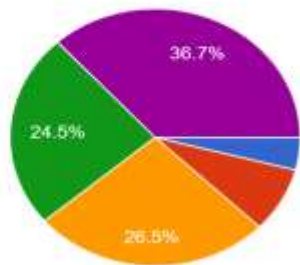
The concept of homosexuality is against the societal norms
 50 responses



LGBTQIA+ people are unnatural (not in terms with societal beliefs ,values)
 49 responses

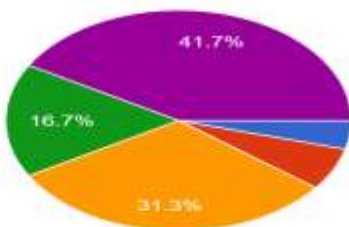


LGBTQIA+ people are deviant
49 responses



- Strongly agree
- Agree
- Can't say
- Disagree
- Strongly disagree

The concept of LGBTQIA+ is a result of too much freedom in a country that is losing traditional family values .
48 responses



- Strongly agree
- Agree
- Can't say
- Disagree
- Strongly disagree

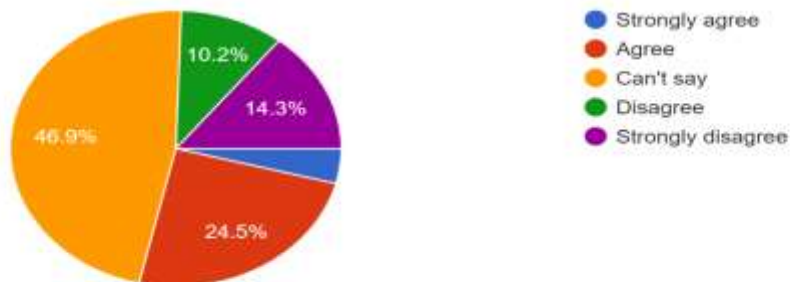
One is either heterosexual or homosexual by birth (Genetics , enviormental factors play a role in shaping sexual orientation ?)
49 responses



- Strongly agree
- Agree
- Can't say
- Disagree
- Strongly Disagree

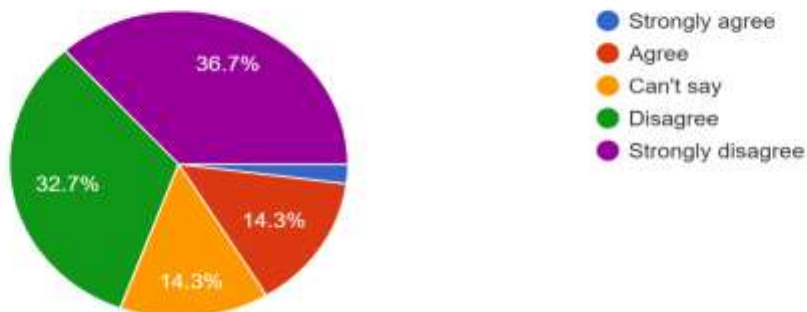
Sexual orientations can be changed (homosexual people can become heterosexual)

49 responses



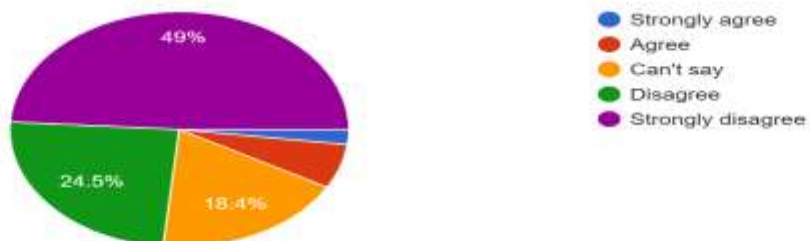
Marriage should only be between a man and a woman

49 responses

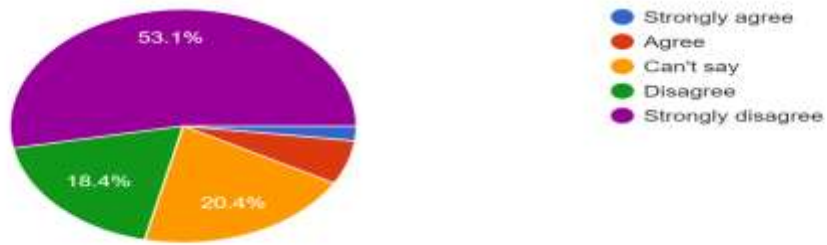


There are public areas or occupations where homosexual people should be excluded ? (E.g. not allowed to teach young children in schools)

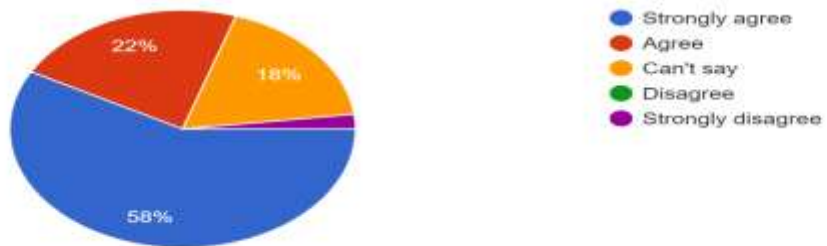
49 responses



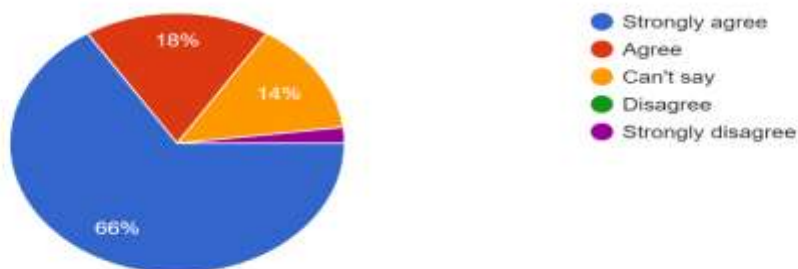
Homosexual people should not be allowed to service in administrative positions (politics, military)
49 responses



LGBTQIA+ people's relationship should be legally recognized , they should have the right to adopt children
50 responses



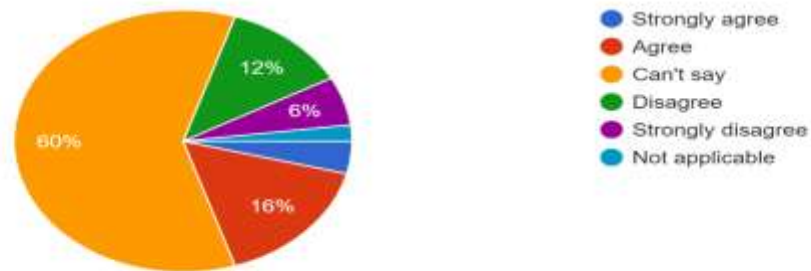
Student should be taught about acceptance of LGBTQIA+ people to reduce bullying and suicide among youth.
50 responses



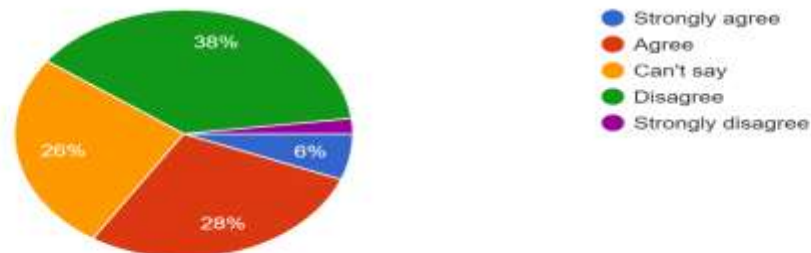
How comfortable are you interacting in person with homosexual people (Gay, lesbian, Bisexual, Transgender, Queer, Intersexual, Asexual +)
50 responses



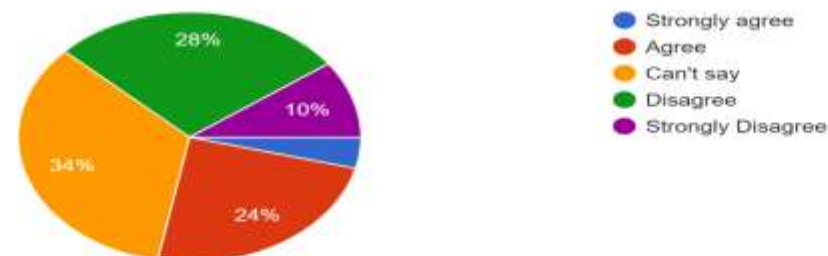
My religion/ spirituality accepts and supports homosexuality.
50 responses



My family , friends do not speak about Homosexuality
50 responses

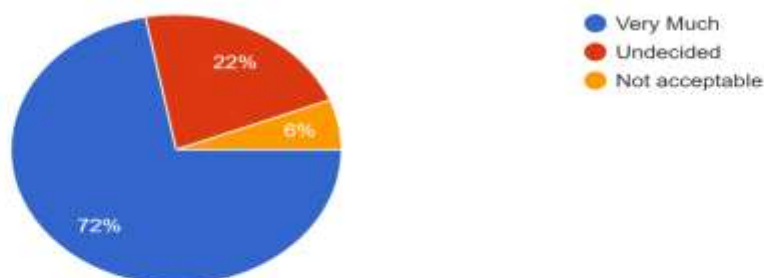


My family, friends do not consider homosexuality as natural
50 responses



If someone from your family members , friends come out to be a homosexual, how likely are you able to accept and support them

50 responses



We also asked the participants for their comments on Homosexuality, some of the responses were:

- I have no problem with persons sexuality it's just that they are people of the world, and no one has the right to treat anyone differently.
- People need to understand homosexuality is not a sin, it's a birthright. They are normal like people who are straight. They should be allowed to be who they are and express however they want to. They should be given equal rights and should be treated like how we treat a Straight people.
- I have seen many prejudices happening with LGBTQIA+ community and they don't seem to get much help because of bystander effect.
- People should start accepting & treating these people as humans.
- The only choice I made was to be myself. So be yourself.
- Homosexuality is natural and the sooner we will accept it the better will be our future as a society.
- If someone prefer being homosexual it is completely fine. Homosexual individuals deserve all the respect, care, love as heterosexuals is getting. Our society should accept and appreciate all the form of love.
- Love is love
- They are also human being, and they are entitled with equal dignity and respect.
- People need to learn acceptance. Love is love.
- At the end we are human beings... Nothing matters whether you are lesbian/ gay/ heterosexual/ bisexual.... Stigma of society is making this boundary... But we should all evolve above these stupid believes ... Created by the uneducated ancestors of ours. who created this belief 1st in our society. about someone sexual preference
- I would like LGBTQ people to have a better representation in media and cinema as they are so that it can become acceptable in society
- Homosexuality is as natural as Heterosexuality. Anyone who says otherwise needs to re-educate themselves.
- Homosexuality is a personal choice/preference on which nobody else should judge that person and let that person decide about themselves.
- Let them express themselves freely. Let them love freely
- All I can say is it's not a sin, being a girl and being attracted to men is natural somewhat being attracted to my same gender is kind of a nightmare for me which is again normal as I'm straight, again it's not a sin it's just about preference which the society should accept.

Discussion

We found that most of the participants were between the ages of 18 to 22. The male and female both participated equally and most of the participants sexual orientation was heterosexual. They were very much aware about the term "LGBTQIA+". Some were of the opinion that the concept of homosexuality is against the societal norms whether most of them disagree with this. Some believed that the LGBTQ people are unnatural whereas others totally disagreed with this. Most of the participants disagreed that this concept is not the result of too much freedom in a country that is losing traditional family values. They were not sure about the change in sexual orientations. They also agreed that a marriage can happen between same sex. About 75% participants agreed in including LGBTQ people in public spheres. Around 80% participants agreed upon making these relationships legalized. They also believed that the concept of LGBTQ should be taught early to the children.

Survey conclusion

To conclude majority of the respondents view homosexuality as natural and do not consider it against societal norms. The respondents believe that society should accept and appreciate all the forms of love. People are of the opinion that homosexual individuals should not be treated differently and must have equal rights, opportunities as others. Majority of the respondents are comfortable in interacting with homosexual individuals and they are willing to accept and support if someone from their families or friends come out to be a homosexual.

Historical overview of homosexuality in India

India has been fascinated by same-sex relationships for a long time. Various ancient texts, such as the Rig Veda, provide insight into the feminine world wherein pleasure and fertility are the basis of sexuality. Historical examples include the descriptions of male and female homosexuality in the Muslim Aristocrats' book of the same name and in the Kamasutra.

The ancient Indian text known as the "KamaSutra" states that lesbians were regarded as "Swarinis," which means they were accepted by both the third and fourth gender communities. These women were typically married to other women, and in the Manusmriti, they were punished for their behavior. Among the punishments handed down to gay and lesbian behavior were heavy fines and the loss of caste. In 1974, the practice of homosexuality was no longer considered to be an abnormal behavior.

Due to the growing acceptance of gay unions, various civil authorities have different positions. At times, they support legal recognition of such unions, while at other times, they avoid discriminating against individuals who are in such relationships. In some cases, they believe that granting legal recognition to same-sex unions is appropriate. Also, they support allowing children to be adopted by their biological parents. Due to the increasing number of jurisdictions decriminalizing homosexual acts, many states have still maintained their bans on such behavior.

In the last century, the concept of homosexuality has changed significantly. In 1974, it was no longer regarded as an abnormal behavior, and it was removed from the list of mental disorders. Due to the decriminalization of homosexuality, various countries have enacted laws and policies aimed at protecting the rights of lesbian and gay individuals.

It is commonly argued that prior to the modern era, homosexuality was different from the more egalitarian form of the sexual orientation that we are currently experiencing. The underlying concept of this phenomenon has existed and is not an invention of our society. While the social factors that affect the development and maintenance of this lifestyle may vary, the fact remains that it is still constant.

Homosexuality in reference to Indian society

In India, there have been no significant changes in the way society and the gay community have been treated. Despite being acknowledged by the state and society, homosexuals are still victims of violence. There are currently around ten crore individuals in the country who are gay.

Due to the increasing number of people coming out as gay, the gay community is now weaving its way from metros to semiurban areas. While Delhi and Mumbai are the main hubs of the gay movement in the country, other smaller towns such as Bihar, Gujarat, and Maharashtra are also seeing a growing number of individuals coming out.

Although it is not uncommon for people in India to have homosexual relationships, it is typically seen in larger cities where people are more open about their sexuality. Some of these include Delhi, Mumbai, Bangalore, Hyderabad, Kolkata, Akola, and Gulbarga. There are also various resources for lesbian, gay, bisexual, and transgender communities, such as drop-in centers, newsletters, and helplines. In recent years, various cities in India, including Bangalore, Calcutta, and Mumbai, have hosted gay pride marches. These shows that the gay community is becoming more vocal about its demands.

In India, the concept of reproduction has been greatly emphasized, and it is regarded as a requirement to carry on the family lineage, which makes same-sex relationships taboo. Section 377 of India's penal code makes it illegal for adults to engage in consensual sexual acts. It is often stated that certain societies with strong links to the global cultural order are more inclined to decriminalize homosexuality.

In India, gay rights are not regarded as a human right. Although the demand for same-sex marriage has been raised in the context of lesbian women, it was not considered a major issue during the country's political campaigns. There have been a few instances of lesbian marriages.

The primary focus of gender studies in India has been on men who have sex with men. This led to the development of various studies on gender variance in the country until 2001. These studies also focused on the prevention of the spread of HIV/AIDS.

Due to the prevalence of discrimination, violence, and persecution against gay people all around the world, they are considered to be a vulnerable group. This includes cases of murder and torture.

Love shattered: What it feels like being a homosexual in India

From ancient India where homosexuality existed to modern India with its decriminalization, the LGBTQIA+ community still face stiff opposition in every sphere of life. From 1947 to 2022 we left no stone unturned in achieving development. As India elates at 75 years of Independence, there's something lagging. The crowd was ecstatic on decriminalization of section 377 and the decision was celebrated across the nation but the reality screams aloud that there's a long way to go, an unfinished battle exists where modern India is still homophobic.

The concept of homosexuality could say to be acceptable by "youth" in India, but we know our onions when it comes to family, society, workplace. Homosexual individuals are faced with questions of being disowned by their families for coming out who they are. Far away from pride parades, heated arguments on big platforms, families in India have their own way of dealing with homosexuality. Owing to their sexual orientation LGBTQIA+ community are largely subjected to violence, hate, discrimination than those who identify themselves as heterosexual.

Liberal by law - Bigoted by Society

With decriminalization of section 377 Indian Judiciary embraced the LGBTQIA + community. Rachana who took up various project work on sex education, HIV and violence against women through her postgraduate and M.Phil. between 2004 and 2008 made her conversant with female and male gay communities.

Rachana tells Outlook magazine that in 2016 she shared very close bond with Nandani where they started to explore their physical relationships deeply. In a historic step India's top court decriminalized section 377 in 2018 which opened the door of acceptance of LGBTQIA+ community. The then CJI Deepak Mishra on his judgement quoted German philosopher and poet Arthur Schopenhauer's phrase " I am what I am, so take me as I am "But she was flummoxed on whether it will be accepted by her mother or will this come to her as a horror. This prompts us to throw light on challenges faced by LGBTQIA+

community when they come out to be who they are. The writing focus on the concept of corrective rapes and conversion therapy. The fact that India is homophobic is reflected in the ways being adopted by families to deal with homosexuality.

One such barbarous actions are the "corrective rapes" where a homosexual individual is raped by a heterosexual to "cure" or "correct" their homosexuality. Often the perpetrators are the victim's family members or relatives who want to make them come to terms with what they consider as natural I.e. to put them into the path of heterosexuality. The term corrective rape traces its origin from South Africa where such crimes were frequent.

The LGBTQ collective's crisis intervention team in Telangana stated that there were 15 cases of corrective rape that were reported in the previous years. One of the team members, Vyjayanti Mogli, said that there must be more unreported cases as the victims often sought help to escape their homes. Most victims of sexual abuse choose not to file a complaint against their attackers due to the trauma they feel. They also find it hard to talk about their brothers and cousins who were rapists.

The horror of "conversion therapy"

Reparative or conversion therapy is a type of therapy that aims to change an individual's sexual orientation by using various methods such as drugs, exorcism, and psychiatric treatments. These therapies are often carried out by quacks and can even involve subjects being subjected to anxiety, depression, and stress.

The American Academy of Child & Adolescent Psychiatry claims that conversion therapy is only offered under the false premise that diverse gender identities and homosexuality are pathological. The absence of pathology means that there is no need for conversion or other such procedures.

Swabhava, an NGO run by Vinay Chandran, and lawyer and human rights activist, Arvind Narrain, collaborated to create a book about the medicalization of gender identity and sexual orientation. The book was released after they carried out a project that analyzed how the medical system viewed these two concepts.

"Conversion therapy can involve multiple things. In psychiatry, they offer aversion therapy, using electroshock to 'treat' people," says Vinay, adding that some practitioners even try orgasmic reconditioning where clients are instructed to masturbate to a same-sex fantasy and change to a heterosexual fantasy before reaching orgasm. Hormone injections and medication, exorcism and religion-based therapy are other methods.

Many people are also subject to violence. Queer women are forced into marriage. "Shock therapy and invasive scans of various parts of your anatomy are often done and 'corrective rape' is common," says Namithaa, a queer feminist activist.

Sarah (name changed), a young woman in Kerala, went to a meditational retreat where she told a preacher she was lesbian. He said he will do a test and asked her whether she is attracted to him? She said no. Then he locked the door, undid his pant zipper, gripped her tightly and pulled her towards him. She managed to shake him off and ran, she was reported saying to a leading daily in India.

The decision by the National Medical Commission of India to ban conversion therapy, which is considered to be a form of discrimination against the LGBTQIA+ community, has been regarded as a victory for the entire community. In a letter to the state medical councils, the commission said that it would take disciplinary action against those who practice this practice. According to the letter, the medical commission had followed the Madras High Court's order to issue a notification stating that conversion therapy is against the ethical and professional standards of the profession.

Problems faced by lgbtqia+ community

Being gay or lesbian can be very challenging for people in the LGBT community. In society, only heterosexuality is considered acceptable. They continue to be discriminated against and excluded in all aspects of life. In addition to discriminating against LGBT individuals, the discrimination also

marginalizes them in society, making them more vulnerable to being excluded. Some of the key social goods that they would not be able to access include housing, employment, and health care. Some of the key problems faced by the LGBTQ people:

- I. **Marginalization and Social exclusion:** Marginalization is the exclusion of a particular community from the mainstream livelihood. The concept of marginalization is a core component of social exclusion that prevents people from fully participating in their social lives. It can be caused by various factors such as lack of control over one's own resources and the negative attitudes toward marginalized individuals. In terms of social exclusion, the impacts of marginalization are similar regardless of their origins or processes. These include the prevalence of discrimination and segregation, as well as the closure of workplaces and the lack of affordable housing.
- II. Due to the stigma attached to their expressions and identities, people who are transgender, gay, bisexual, and lesbian experience various forms of discrimination and marginalization. This contributes to their mental health issues. Being excluded from various support structures can lead to discrimination and exclusion for LGBT individuals. This can leave them with little access to the services that other people take for granted, such as education, legal services, and medical care.
- III. **Problem of Homophobia:** People who are gay, lesbian, bisexual, or transgender are more prone to experiencing discrimination, violence, and intolerance than those who identify as heterosexual. This is because of homophobia, which is a reaction to one's sexual orientation. Some of the factors that can reinforce this type of discrimination are political, religious, and moral beliefs. Being in a homophobic environment can make it hard for people to come out. This is why many homosexual individuals hide their sexuality.
- IV. **Harassment at School:** Being gay, lesbian, bisexual, and transgender is not easy, especially when you live in a place where you feel safe. In schools all across the country, students are harassed daily. Those who may be perceived as being just like them are also targets of the harassment. Due to how ingrained sexual orientation and gender identity discrimination is in our culture, many homosexual students are reluctant to talk about how they are being harassed.
- V. **Discrimination at Workplace:** In addition to being discriminated against based on one's sexual orientation, individuals who are transgender, gay, bisexual, and lesbian are also affected by other forms of discrimination. These include racism and poverty. Being denied employment can lead to high turnover and job instability, which can result in higher unemployment and poverty rates for these individuals.
- VI. **Drug Addiction:** Compared to the general population, lesbian, gay, bisexual, and transgender (LGBT) individuals are more prone to experimenting with drugs and alcohol. They are also more prone to experiencing substance abuse problems and are more likely to drink heavily into their later years. Although their use of illicit substances is similar to that of other people, the likelihood of them doing so is heightened due to cultural and personal factors. The prevalence of discrimination and the negative effects of alcohol and tobacco advertising on the LGBT community are believed to have contributed to the increasing pressures that individuals face when it comes to substance abuse.

Victims of Hate crimes and violence: Being perceived to be gay, lesbian, bisexual, or transgender is often regarded as a victim of violence and hate crimes. These individuals are also subjected to discrimination and sexual and physical assault. Various factors can affect the well-being and mental health of LGBT individuals. Some of these include the coming out' process, which involves sharing one's LGBTQ identity with others, internalized oppression, loss of social support, and HIV and AIDS.

Different experiences exist for transgender, gay, bisexual, and lesbian individuals. They can be affected due to various factors such as their race, gender, and immigration. For instance, immigrants are prone to experiencing violence because of their sexual identity.

Some of the cases and their sentences

From 1860 to 1992, the Supreme Court and High Courts only recorded 30 cases. Out of these, 18 were non-consensual. Four of these were consensual, while eight were unspecified. Fifteen of the 30 cases that were registered were assault cases. In a case involving a man and a boy, the court had considered the issue of whether the boy had consented to having sexual relations with him.

In 1983, the Supreme Court ruled that the act of intercourse between a boy and a man is considered a non-consensual act under Section 377 of the IPC. Due to the boy's consent, the court reduced the sentence to six months imprisonment. Section 377 was also used to intimidate women, especially those who have already run away.

In 1987, Tarulata/Tarun Kumar underwent a male-to-female sex change operation. He then married his wife, named Laila, in 1989. Her father then approached the Gujarat High Court, stating that their relationship was a lesbian one. The petition claimed that Tarun doesn't have a male organ and doesn't have a natural mechanism for cohabitation, procreation, and sexual intercourse.

A petition was filed in 1992 against Tarun Kumar, stating that he was not a male and that he was adopting an unnatural mechanism. He and 18 other men were apprehended in a park in Delhi, and they were later released after filing a case against them. Human rights groups and gays protested against their arrests.

They were not mentioned in the penal code, and they were referred to as a public nuisance under Delhi's police act. This was a similar situation in 1994, when authorities cited Section 377 as the reason behind their refusal to provide inmates with condoms.

A case challenging Section 377 of the Indian Penal Code was filed in 2001. It stated that the law criminalizes same-sex acts between adults, and it hinders the work of AIDS activists.

Activists' movement regarding LGBTQ

Over the course of the past decade, gay rights activists in India have been fighting against the country's controversial 377 penal code. In 1994, a group of activists approached Delhi's High Court to challenge the law, which makes it illegal for people to engage in homosexual acts. In 1996, a case study about domestic partnership laws was presented by members of Stree Sangam.

The second national LGBT conference was held in February 99. Following the attacks on the movies "Fire" and "Girlfriend," several organizations have been formed to campaign for the rights of lesbians in India. One of these is a voluntary organization that filed a petition stating that it is wrong for people to commit acts of homosexuality in the 21st century.

The Naaz Foundation Trust, New Delhi, has challenged Section 377 of the Indian Penal Code. In December 2001, the organization filed a writ petition in the Delhi High Court. The petition argues that the provision of the law is unconstitutional. It stated that:

“Section 377 violates the right to life and personal liberty, the right to equality and the right to freedom guaranteed to all citizens as Fundamental Rights under Chapter III of our Constitution.”

Other gay and lesbian groups such as Hamsafar of Mumbai and Sahayathrika of Kerala are also raising awareness about their issues.

Reaction of the mainstream people on homosexuality

In India, where Hindus dominate, marriage is a traditional heterosexual institution. Other Indian communities also believe that it is a heterosexual institution. The president of a Hindu political party claims that this type of behavior is against the culture and nature of Hindus.

The reaction of society has been very strong against the sexual minorities in India. Many people in the country deny the existence of these groups and view them as Western concepts. Some also believe that

it is a disease that can be cured or a crime that can be committed. Despite the lack of organized hate groups in the country, the persecution of these groups is still very severe.

Due to the lack of acceptance in Indian society, many gay men have been forced to live in seclusion. In the last few years, the gay community in the country has started to flourish due to the Internet. They have started establishing various organizations to help them fight against the discrimination they face. In addition to staying in secluded locations, gay men also enjoy a variety of activities, such as attending lavish parties in the homes of prominent individuals.

According to psychiatrist and activist, Ashok Row Kavihe, sexual minorities in India are often considered to be economically, culturally, politically, and socially disempowered. Due to the country's criminalization of homosexuality, many adolescents are forced to live in isolation. This feeling of isolation can also be caused by the fact that Section 377 of the Criminal Code allows authorities to prosecute and criminalize individuals for the actions of homosexuals.

According to activist and Naaz Foundation member, Rakesh Shaleen, homosexuals in India are often beaten and threatened under the guise of a law. Two years ago, some individuals in the country were forced to undergo various procedures to "cure" themselves of their sexual orientation. The National Human Rights Commission of India denied the petition of the organization.

Due to the increasing number of cases of violence against the sexual minorities in the country, the activists and members of the gay community have started calling for the recognition of homosexuality in the country. They believe that legal protection is the only way to ensure that the rights of the gay community are protected.

Decriminalization of Section 377

Britishers left India in 1947 but criminalized sexual activities against the order of the nature. The first comprehensive criminal law in the British Empire was created through the IPC. It was drafted to protect Christians from sodomy, as well as correct and Christianize "native" custom. The British Empire was afraid that this type of behavior would happen to its colonial administrators and soldiers. In 1861, British officials banned consensual homosexual conduct in India by introducing Section 377 of the penal code. However, this ruling reflected European morality, which was more based on Christian beliefs than Indian sensibilities.

The journey to liberty has been very challenging for members of the LGBTQ+ community. A unanimous judgment was issued in response to a fundamental rights violation. It ended centuries-old ideas that prevented people from being able to live their lives without discrimination. The five-judge bench that delivered the landmark judgment was headed by Dipak Misra, R.F. Nariman, A.M. Khanwilkar, and D.Y. Chandrachud. In 1994, ABVA filed a legal petition in Delhi High Court to decriminalize homosexuality. In 2001, the Naz Foundation also approached the court to challenge the ruling.

The attitudes toward the LGBT community are becoming more tolerant, and there has been a push to decriminalize homosexuality in India. In July 2009, a court ruled that the act of homosexual conduct should not be regarded as a criminal offense. This marked the end of a century-long ban on the practice in the country. In 2013, the Supreme Court reversed a ruling that had said that it was up to parliament to enact legislation regarding the issue.

In September 2018, India's Supreme Court ruled that Section 377 of the country's penal code, which banned people from engaging in same-sex relationships was unconstitutional. The court stated that the law was arbitrary and irrational.

TRANSGENDER PERSONS (PROTECTION OF RIGHTS) BILL, 2019

The goal of the 2019 Act is to protect transgender individuals' rights to education, employment, healthcare, and public accommodations. It prohibits discrimination based in on one's sexual orientation or gender identity in various private and public sectors.

- The Bill provides transgender individuals with various rights, such as healthcare, education, and employment. It does not prohibit discrimination based on one's gender identity or sexual orientation. Some of these include the right to reside, work, and rent.
- Transgender individuals have the right to reside and be included in their household. If the family cannot care for them, they can be placed in a rehabilitation center. A competent court can order the placement of such individuals in such facilities.
- No organization or government agency can discriminate against transgender individuals in the recruitment or promotion of employees. Every establishment is required to have a complaint officer who can handle these types of complaints.
- All public schools and recreational facilities that are funded by the government should provide facilities that are inclusive of transgender individuals.
- Different facilities for transgender individuals, such as sex reassignment surgeries and HIV surveillance centers, must be provided by the government. It should also review the curriculum of medical schools to address the health issues of transgender individuals.
- A transgender individual can legally change their name and gender on their identity documents. They can do so by making an application to the district magistrate, who will then issue a revised certificate if they undergo surgery to change their sex.
- The Bill provides that the government should take various measures to ensure that transgender individuals are included in society. These include establishing programs that are geared toward their rehabilitation and employment, as well as developing regulations that allow them to participate in cultural activities.
- The bill defines various forms of abuse that transgender individuals can experience. These include physical and emotional abuse, sexual and verbal abuse, and forced labor. The penalties for these offenses are up to two years in jail.
- The National Council for Transgender Persons will be headed by a Union Minister for Social Justice. It also has a Vice-Chairman and a Secretary from the Ministry of Social Justice. Other members include representatives from various other ministries.
- Members of the Council include representatives of various organizations, such as the NITI Ayog and the Human Rights Commission. It will also have experts from different fields.
- The Council will advise the government on the implementation of policies and legislation related to transgender issues. It will also look into the complaints received by transgender individuals.

Battle unfinished: rising above the boundaries

There is no single solution that can address the various issues faced by members of the LGBT community. Instead, recommendations can be made to help individuals and institutions take on more effective roles in addressing these issues. Among the recommendations are supporting the most vulnerable members of the LGBT community, such as people of color, elderlies, and transgender individuals. Cross-issue work should include projects that deal with the issues faced by people of color and the LGBT community. Foundation staff should be engaged in teaching and learning about issues that affect members of the LGBT community, especially when it comes to transgender issues. These projects should be held at schools and teacher education programs.

To promote the safety and well-being of LGBT students, schools should implement policies and practices that are designed to help them feel valued and included. These include: 1) Believing that all students should be treated with respect and dignity; 2) Fostering safe spaces for LGBTQ students; and 3) Educating teachers and administrators about how to support these individuals.

Support clubs that are designed to create a welcoming and safe environment for all students, such as gay-straight alliances. These clubs should also be regularly updated with the latest information about HIV, pregnancy prevention, and other sexually transmitted diseases. Ensure that educational materials and health curricula are equipped with inclusive language. To create a supportive and safe environment for all students, school officials should regularly promote and develop trainings that are designed to help them create effective and safe environments. They should also encourage staff members to attend these trainings. Access to health services from community-based providers can be made possible by connecting LGBTQ youth with these individuals.

Access to psychological and social services can be made possible by connecting LGBTQ youth with community-based providers. They should also consider the LGBT community as a central theme in all racial and economic justice work. To change society's attitude toward minorities, the media should play a leading role in reporting on the issues affecting them. Various legal funds should be established to handle Public Interest Litigation regarding the LGBT community. Health professionals should also be taught how to recognize the signs of depression and suicide among the members of the LGBT community. Authorities should ensure that all social, mental, and health services are made accessible to all individuals.

Various state and national governments should also work together to make the workplace and culture more inclusive of the LGBT community. They should support programs that help employers create a more welcoming environment for their employees. Domestic violence should also be expanded to include attacks that are carried out in the home and in the public sphere. At the police force level, officers should be taught about the LGBT community and the principles of human rights. They should also avoid using terms such as "sexual deviate" and "sexual invert."

Authorities, schools, families, and policymakers need to be taught about the importance of accepting transgender children. They should also treat people of all sexual and gender identities equally. Doing so would help prevent discrimination and prejudice.

Conclusion

Understanding the historical context of an issue is very important in order to formulate effective arguments. Having a deeper understanding of the gay community in India will help improve the identity of the individuals who are members of it. It will also remove some of the stigmatization that society has imposed on them. Despite the widespread belief that it goes against our traditions and cultural values, gay and lesbian individuals are still welcomed in India. Despite the various arguments supporting and contradicting the concept of homosexuality, Indian society still has reservations about it. Even though it is legal in many countries, including India, some people still find it offensive and criminal to engage in homosexual relations.

In India, the demand for the legalization of same-sex marriages is not acknowledged. However, it is possible that this practice could be carried out in the future. The love between partners could be more important than the gender in such arrangements. If the family and society are not acknowledged properly, it will lead to more harm. Even though it's too early to tell if same-sex marriages will be legalized, the demand for this has created a conflict between the family and the law.

Although there are various advantages to having social and legal recognition, it is still hard for people in this traditional society to recognize same-sex couples. Failure to address this issue could have detrimental effects. It is time for the judiciary, legislative, and executive branches of the country to acknowledge the existence of individuals with the same desires and stop demeaning them. If laws are designed to represent certain social standards, then a new mindset is required. This is because people will continue to be exploited due to their need for being different.

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