



05

THE RIGHTS OF LGBTQ AND THE ONGOING STRUGGLE FOR SOCIETAL ACCEPTANCE

Dr. Vinay Bhogle

Associate Professor,
Department of English,
Degloor College, Degloor,
Dist. Nanded, MS, India

Abstract:

The rights of those who identify as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) in India have undergone significant changes in recent years. Nevertheless, individuals who identify as LGBTQ continue to encounter certain social and legal challenges in contrast to others who are not part of this community. The court has the responsibility to issue fair and rational judgements, the government is obligated to guarantee that the verdict is disseminated to the general public, and it is the obligation of the people to embrace the court's decision wholeheartedly. Regarding the rights of LGBTQ+ individuals, the Supreme Court of India made a significant advancement in 2018 by striking down the portion of Section 377 of the Indian Penal Code that criminalized homosexuality in the case of Navtej Singh Johar vs Union of India. However, both the government and the public have not fully utilized this judgement to bring about substantial improvements for the LGBTQ community, even after almost 30 months since the landmark ruling. The Central and State Government neglected to implement any targeted measures for the advancement of LGBTQ individuals, and the Community also encountered a lack of societal acceptability from the country's residents. This article examines the enduring battle of the LGBTQ community to secure fundamental rights and the discrimination they encounter in various aspects of life, with a particular focus on transgender individuals and legal rulings. The study examines the future prospects for the LGBT Community and the additional legal and social reforms required for LGBT individuals to achieve complete acceptance and equality within the traditional Indian culture.

Keywords: LGBTQ+Homosexuality, Unnatural, Societal Acceptance, Transgender and Cisgender, etc.

Introduction:

Shakespeare asks, "What's in a name?" via one of his protagonists in a play. No matter what we call it, a rose will always have the same aroma. The underlying attributes and traits of an object or person, rather than their name, are what are most important, according to this expression. Similarly, one's sexual orientation is not a valid reason to treat someone differently or to deny them basic human rights. That every person has inherent worth is foundational to the concept of human rights. This proves that every person is worthy of respect and dignity.



Because it goes against the idea of equality and opens the door to prejudice, anything that diminishes such dignity is wrong. Furthermore, the beginning of the Indian Constitution, which guarantees equality and equal treatment of status for all in all social, economic, and political domains, is fundamentally violated by such discrimination. On July 29, 2008, gay pride parades were held in Delhi, Kolkata, and Bangalore. This shows that more and younger Indians are accepting of LGBT and Queer identities. However, LGBTQ people still face challenges in expressing their gender choices openly and being accepted by their families, friends, and schools, particularly in a multicultural nation like India.

History of LGBTQ in Indian Scene:

When a person has sexual attraction towards members of the same gender as themselves, we say that they are homosexual. This desire or behaviour is aimed towards others of the same sex or gender as themselves. This idea has been around for a long time in India; it is not novel. Relics from a feminine world, where pleasure and fertility were the foundation of sexuality, are depicted in ancient books and sculptures, such as the Rig Veda, which dates back to roughly 1500 BC. Some historical shreds of evidence proofs of same-sex relationships include the depiction of homosexual practices in this scripture, the harems of young boys held by Muslim Nawabs and Hindu aristocrats, and male homosexuality in mediaeval Muslim history, such as Malik Kafur.

The author, Amara Das Wilhelm, conducted years of study into Sanskrit writings from ancient and mediaeval India for her book. The results showed that homosexuality and the 'third gender' were not only recognized but also existed in ancient Indian society. The term 'Swarinis' is used to describe lesbians in the ancient Indian Hindu scripture known as the Kama Sutra, which dates back to the second century. It was common for these ladies to marry and have children with other women. People of the "third gender" and the general public welcomed them with open arms. The third but when Vedic Brahmanism and British colonialism came along, these experiences began to lose some of their luster. According to academic Giti Thadani, the rise of patriarchy in the wake of the Aryan invasion around 1500 B. C. stifled homosexuality.

The Manusmriti makes mention to severe penalties for homosexual and lesbian behaviour, including caste exclusion, hefty fines, and whippings. The imposition of such punishments makes it very evident that homosexuality was prevalent at that period. In 1974, homosexuality was no longer classified as a mental disease because it was no longer seen as abnormal. This demonstrates how homosexuality has evolved from a perfectly natural behaviour to one that goes against the natural order of things.

Problems faced by homosexuals:

It is truly disheartening to witness the injustices endured by individuals in the LGBTQ community in various locations and settings, despite considering ourselves an advanced and modern generation. Here are some of the common issues they encounter: 1. As per the 2018 UNESCO Report, LGBTQ children often experience significant bullying and discrimination in educational institutions. This act of bullying and discrimination can have a lasting impact on their life, often taking them years to recover from.



2. In some cases, when someone identifies as LGBTQ, there is a risk of violence and harm being directed towards them. Recently, there has been a disturbing rise in the number of people who have fallen victim to honor killings.

3. Women face significant challenges within the LGBTQ community. Unfortunately, when a woman openly identifies as a lesbian or bisexual, some families may recommend a disturbing practice known as sanctioned corrective rapes. These acts involve non-consensual sexual intercourse with a man, with the misguided intention of "treating" homosexuality. Discrimination against LGBTQ individuals persists beyond their educational years, extending into the job market. Many employers are reluctant to hire individuals with different sexual preferences due to societal norms and the potential for scrutiny from other employees. Therefore, they find themselves unable to secure higher-paying employment and become trapped in a relentless cycle of poverty.

5. The lack of acceptance for LGBTQ individuals is unfortunately not limited to rural areas, but can also be found within urban families. In urban areas, families may prioritize their social standing over their responsibilities towards their children, leading them to disown their child upon discovering their LGBTQ identity.

6. LGBTQ individuals frequently find themselves in correctional facilities where they are subjected to the administration of psychiatric medications as a form of "corrective therapy" for their sexual orientation. Many individuals become deeply dependent on these drugs, even after leaving correction centres. They seek comfort in drugs and other psychotropic substances, leading to further addiction.

7. Individuals who identify as LGBTQ often experience social isolation, which can contribute to feelings of depression.

Constitutional rights of Transgenders:

The transgender community was the driving force behind the mainstream LGBT movement in India, where its members have historically endured the most discrimination and oppression because to their lower socioeconomic level. For as long as anybody can remember, these people have been on the receiving end of society's and power structures' exploitation, ostracization (i.e., exclusion), humiliation, and violence. Because they are constantly turned away and have nowhere to turn, these people often turn to prostitution or beggary, which leaves them open to prejudice, sexually transmitted diseases, and crimes like human trafficking. However, new hope and joy were bestowed upon these transgender persons with the 2014 Supreme Court judgement in *NALSA V. Union of India*, 2014, which recognized them as the third gender for the first time in history.

Conclusion:

Regarding the fact that all of the decisions that pertain to LGBT people will have a significant impact on the future of the LGBT rights movement in India, there is not the slightest bit of uncertainty there. When it comes to the relevance of the *NALSA* ruling and the *Navtej Singh Johar* judgment, it is not confined to the acceptance of third gender identification and the



decriminalization of homosexuality. However, these decisions are also considered to be progressive because, in addition to deciding on the matter at hand, they have also established the fundamental groundwork for the conferral of a multitude of other civil rights that were previously unavailable to the LGBT community but are typically enjoyed by heterosexual individuals and cisgender individuals. Rights such as the right to marriage, the right to adoption, the right to surrogacy, the right to be free from sexual assault, and the right to be free from discrimination are included in these civil rights.

On the other hand, despite the numerous advancements that have taken place, LGBT people continue to struggle to obtain the recognition of society. Even though a resolution can be passed by a Supreme Court decision, it is the responsibility of society to ensure that LGBT people are not discriminated against and they are made to feel part of the community. Simply permitting sexual acts between people of the same gender will not put them in the same danger as other citizens. This is because the future of same-sex marriage, the legal sanctity of adoption by same-sex couples, the right against oppression, and other issues are still up in the air, and the community is still battling for these rights. Therefore, it is quite evident that the war has not yet been won, and there is a considerable distance to travel before India can be considered an inclusive nation in the truest sense of the word.

References

- Amara, Das, Wilhelm. (2013) *Tritiya-Prakriti: People of the Third Sex: Understanding Homosexuality, Transgender Identity and Intersex Conditions through Hinduism* 24 (Xilbris Corporation,). Print.
- Arvind, Narrain, *The Articulation of Rights Around Sexuality and Health: Subaltern Queer*
- Gupta, A. *Section 377 and the Dignity of Indian Homosexuals*. Economic and Political Weekly. Print.
- R. A. Nelson. (2003) *Indian Penal Code 3738* (S.K. Sarvaria Ed., 9th ed.). Print.
- Ruth, Vanita. (2002) *Queering India* 15. Print.
- Siddharth Narrain, (2021) The Queer Case of Section 377 (http://www.sarai.net/publications/readers/05-bare-acts/06_siddharth.pdf; last accessed on 27th March,). Web.
- The Quint, <https://www.thequint.com/voices/opinion/homosexuality-rss-ancient-indian-culture-section-377#read-more> (Last Visited March 19, 2021). Web.
- WP(C) No.7455/2001, Delhi High Court; Decision on 2nd July, 2009. Print.



This is an Open Access e-Journal Published Under A Creative Commons Attribution 4.0 International License

To Cite the Article: Bhogle, Vinay. "The Rights of LGBTQ and The Ongoing Struggle for Societal Acceptance." *Literary Cognizance*, V - 2 (September, 2024): 39-39. Web.