



## LGBTQ+ RIGHTS - GS II MAINS

Q. India is entering into a sold phase of rainbow revolution by enabling the rights of LGBTQIA+. Analyse the challenges faced by them along with measures taken by India. (15 marks, 250 words)

**News:** *Don't use counselling to turn LGBTQ+ persons against their own identity, says Supreme Court*

### What's in the news?

- The Supreme Court (SC) has cautioned judges against employing court-ordered counseling as a means to coerce LGBTQ+ individuals into renouncing their identity and sexual orientation, particularly in cases where they face distress or separation from their partners due to family pressure.

### LGBTQIA+ Rights and Recognition in India:

#### Backdrop:

- Introduction of Section 377 in the colonial era, hindering LGBTQIA+ rights.
- Emergence of activism and landmark legal battles since the 1990s.

#### Key Milestones:

- Recognition of transgender individuals as a “third gender” by the Supreme Court in 2014.
- Decriminalization of same-sex relationships by striking down Section 377 in 2018.
- Passage of Transgender Persons (Protection of Rights) Act in 2019.
- Legal acknowledgment of live-in relationships for same-sex couples in 2020.
- Expansion of family definition to include same-sex couples by the Supreme Court in 2022.

#### Recent Legal Challenges:

- Supreme Court's rejection of petitions to legalize same-sex marriage in 2023.
- Ruling that modification of the Special Marriage Act falls under the legislature's jurisdiction.

### Major Challenges Faced by LGBTQIA+:

#### 1. Social Stigma:

- Persistent societal prejudice leading to harassment and violence.

#### 2. Family Rejection:

- Experience of discrimination and homelessness within families.

#### 3. Healthcare Access:

- Barriers to LGBTQIA+-friendly healthcare services.



#### 4. Inadequate Legal Recognition:

- Lack of protections for non-binary individuals and legal challenges related to civil rights.

#### 5. Intersectional Challenges:

- Compounded discrimination faced by LGBTQIA+ individuals belonging to marginalized communities.

#### 6. Manipulative Counseling:

- Harmful practices like conversion therapy exacerbate challenges.

### Way Forward

#### 1. Push for Legal Reforms:

- Legislative action to recognize LGBTQIA+ rights through separate laws or amendments.

#### 2. Entrepreneurship and Economic Empowerment:

- Support for LGBTQIA+ entrepreneurship and promotion of LGBTQIA+-friendly workplaces.

#### 3. Healthcare Access:

- Ensuring access to LGBTQIA+-friendly healthcare services and training for healthcare providers.

#### 4. Sports as a Game Changer:

- Utilizing sports to break stereotypes and foster community bonding among LGBTQIA+ individuals.