



LGBTQI : RIGHTS AND REPRESENTATION

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ABSTRACT

This paper examines the evolving meanings, prevalence, and rights landscape of LGBTQ+ identities in India across three historical phases—ancient, colonial, and modern—while mapping persistent challenges and evidence-based strategies for inclusion. Based on the available evidence from history literature and art, the term has been described as a comprehensive term for different sexual orientation and sexual fluidity. Indian experiences mentioning ancient texts, temple iconographies, and vernacular literatures reveal plural understanding of gender variance and same-sex intimacy; colonial criminalization and pathologization institutionalized stigma; the modern period features decriminalization and incremental recognition, alongside ongoing social contestation. The paper synthesizes legal milestones (decriminalization, anti-discrimination directions, recognition of transgender rights), the current policy framework, and service access gaps in health, education, employment, and housing. Key challenges include layered stigma, family and community rejection, school and workplace exclusion, violence, mental-health burdens, and implementation deficits. This paper proposes multi-level strategies: rights-based policy harmonization and enforcement; affirmative action and inclusive welfare; comprehensive sexuality education and teacher training; sensitization of health, police, and judiciary; community-led mental-health and livelihood programs; media and cultural representation reforms; and robust data systems that protect privacy. The paper argues that durable inclusion requires combining legal reform with social norm change, institutional accountability, and sustained resource allocation.



KEYWORDS : LGBTQ+, decriminalization; transgender rights; stigma and discrimination; inclusion strategies; public policy; prevalence estimation.

INTRODUCTON

“Millions and millions of persons have been born and have died
But no two persons were identical
Billions and billions of persons will be born and will die
But no two persons will be identical
Trillions and trillions of leaves grow and fade away
But no two leaves are identical
Nature is perfectly imperfect

Universe is designed to coexist with imperfections and individual differences”

(Rita Malhotra,2002)

The above description of individual differences has been very beautifully given by Rita Malhotra, Director of a Guidance Centre in New Delhi in *Journal of Indian Education* (Vol.22, February 2002, No.4). Any deviation from heterosexuality (i.e., sexual attraction towards the opposite sex) signifies going against the norm. The acronym LGBTQI+ refers to persons identified as being lesbian, gay, bisexual, transgender, queer, intersex and others.(Libby Kelly & Victoria Juarej, 2018). The term *lesbian* refers to women attracted to women and it mostly refers to homosexuality in women.. Homosexuality in men refers to being *Gay*. *Bisexual* can have sexual attraction towards men and women or both genders. *Transgender*s feel that their gender identity is different from the sex identity they get at birth. If there is any discrepancy between external and internal genitals in any individual, this condition is known as *intersex*. The term *queer* means individuals who are odd and who assert their existence in society. Having low or lack of interest in sexual activity is termed as being *asexual*. (Siddesh Patil 2022)

JOURNEY FROM PAST TO PRESENT:

Ancient culture of India contains many references to diverse sexualities and gender identities beyond the traditional male- female framework (Vanita & Kidwai, 2000,cited by Menon,2007). Vanita discusses the concepts of *Tritiya Prakriti*, *Sawyamvara Sakhi* and *Chapti*. *Tritiya Prakriti* refers to the third gender, *Sawyamvara Sakhi* is the practice of women choosing women as their life partner. The practice of female to female sexual activity has been described as *Chapti*. These concepts have been described in *Kamasutra* and another 11 century Sanskrit text. These ideas reflect society norms of those periods.

Gender fluidity can be observed in our religious texts too. Lord Shiva is also known as *Ardhanarishwar*. King Bhagirath who brought river Ganga from heaven on Earth is also said to have been borne by two mothers. *Matsya Puran* narrates Lord Vishnu's female incarnation, Mohini Avatar, a divine gender transformation.

During this period, people had regard for *hijras* as they were honoured at events like weddings and childbirth to bestow blessings.However under British rule, transgender rights suffered as laws enforced strict moral codes that criminalised LGBTQ+ people. Section 377 criminalised *unnatural sex*.

The Indian colonial government treated *hijras* as abnormal and outlawed them collectively. During the post-independence era, the Criminal Tribes Act 1871 was repealed in 1952 thus abolishing the practice of considering transgender as an offender .

LEGAL REFORMS

Many activists fought against the imposition of section 377 citing its powerful impact on society. In 1994, a petition challenging the constitutionality of such a section was rejected on the grounds of protection of social and moral values of Indian society. The NAZ foundations' failed attempts at challenging it in 2001 and 2009 led to the Supreme Court of India issuing two significant rulings. In 2014, the court recognised the 'third gender' and affirmed the constitutional rights of transgender individuals in *NALSA vs Union of India*. In 2018, the court overruled Section 377 IPC due to constitutional violation.The Transgender Persons Protection of Rights Act 2019 passed by Parliament aims to protect their identity and prohibit discrimination in various sectors. In 2023, in *Supriyo versus Union of India* case, the Supreme Court decided that granting marriage and adoption rights to LGBTQ individuals are to be handled by law makers rather than by judges.

CHALLENGES AHEAD:

In spite of significant advancements made in the field of welfare schemes for transgenders and LGBTQ community, a lot remains to be done. As described in the foreword by Shri Rajesh Bhushan in *White Paper on Transgender Persons Health*, “transgender people not only experience mental, sexual and reproductive health issues but are at times also deprived of basic human rights and face discrimination”. Public makes fun of them and uses abusive language. Their physical features, appearance, gestures and body language becomes vulnerable to discrimination, violence and marginalisation. Just because of them being different from others, they are denied employment opportunities, admission to good institutes and thus forcing them to lead a miserable life. Many times they are forced to hide their gender. Children of this group face rejection by the family. If at all parents send them to schools, they are bullied and harassed by other students. All these factors push them to depression and anxiety and sometimes to suicide too!. Devoid of a life of respect, care, and dignity, rejection at every phase of their life right from infancy till death, they face a very high risk of health and mental issues. Following lines from a poem by Revathi (quoted by Arvind Narain and Alok Gupta in *Challenges relating to protection of sexual minorities* 2014) describe the pathetic condition of these people.

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 “Our world is a separate one.
 We are struggling people.
 Our family is a hijra family.
 Rowdy’s blackmail, police violence, call violence, people ridicule
 We beg, we do sex work, we go through torture on a daily basis
 We too love, We too feel
 All we want to do is live like humans with dignity”.
 (A Revathi, 2011)

(This is an excerpt from Revathi’s poem which appeared in *Law like Love*.)

Revathi, A. (2011). *The Truth About Me: A Hijra Life Story*. Translated by V. Geetha. New Delhi: Penguin Books India.

Strategies to Improve the Existing Condition of LGBTQ+

- **Awareness and Education**
- **Schools, colleges, workplaces, and communities must include LGBTQ+ issues in curricula and training to dispel myths and stereotypes.**
- Public campaigns can normalize conversations about gender identity and sexual orientation. Educating society fosters empathy and reduces prejudice.
- **Sensitization Programs in Schools and Colleges**
- Teachers and staff be trained to recognize bullying and harassment.
- Inclusive curricula with positive LGBTQ+ representation help LGBTQ students feel seen.
- Safe spaces, counseling, and peer support groups can empower LGBTQ+ youth.

Role Models

- LGBTQ people’s achievements should be brought forward to impress upon the public about their potential. Significant contributions made by this section can inspire the young generation.

Laws and Policies

- For legal protection and social welfare, policies must be all inclusive and gender neutral in all institutes- government and private both. Strict watch regarding the implementation of policy must be given priority.

Changing Public Attitude

- This is possible only when stakeholders of society put combined efforts to help the public realise that transgenders too are like any other normal human beings. Print and social media can play a very important role in this direction. Movies, podcasts and other types of platforms definitely transform the thought process of people in general.

Being a Better Parent

- As a parent of LGBTQ child, patient listening and an uninhibited environment of conversation at home can be helpful. Accepting the child and supporting him in his education, vocation and social adjustment saves the child from the life of drudgery.. Trust the child and boost his confidence by sharing the work done by LGBTQ role models.

Access to Health Care

- This section of people should have access to trained medical practitioners. Issues related to mental, physical and reproductive health must be addressed effectively.

Supporting Mental Health Services

- These are needed specially by such individuals who are on the brink of negative thoughts and at high risk of depression. Counselor and psychologist can provide immediate relief.

Learn About LGBTQ+ Issues

- General awareness in public regarding LGBTQ individuals must be raised.. Their struggle, hardships and precarious life along with contemporary issues must find a place in normal conversation. Individuals should **educate themselves** rather than relying only on LGBTQ+ people to explain.

Respect Their Identity

- Accepting and respecting such people acts as a motivating factor for such people to move ahead in life. This is a kind of assurance for them that they belong to the society and society supports them.

CONCLUSION

Improving the position of LGBTQ+ people in society requires structural changes (laws, policies, healthcare), social changes (attitude, representation, awareness), and personal changes (better parenting, active listening, compassion, and respect). LGBTQ identities have been part of India's social and cultural fabric for millennia. Ancient India's acceptance and integration of gender and sexual diversity contrast sharply with the colonial-era suppression that still influences present-day prejudices. Legal reforms in recent years mark significant progress, but social acceptance remains incomplete. Reviving India's pluralistic heritage offers a culturally rooted path toward equality, dignity, and full participation for LGBTQ individuals.

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