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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

LGBTQ+ RIGHTS: LEGAL, SOCIAL, AND FUTURE PERSPECTIVES

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ABSTRACT-

LGBTQIA+ Rights: Legal, Social, and Future Perspectives

The global human rights movement contains LGBTQIA+ rights which concentrate on achieving both legal protection and policy improvements alongside societal understanding. The paper investigates the historical development of LGBTQIA+ rights in India through pre-colonial perspectives on gender and sexuality and British colonial laws that led to the decriminalization of Section 377 of the IPC. The legal actions and movements under the leadership of groups such as Naz Foundation together with activists including Navtej Singh Johar have dramatically shaped the LGBTQIA+ context of India. The research examines both the Transgender Persons (Protection of Rights) Act, 2019 together with its effects on transgender human rights protection in India.

The research examines LGBTQIA+ rights by comparing India's stance with other nations based on legal recognition status together with marriage equality provisions and anti-discrimination regulations and rights related to parenting. Many international countries accepted same-sex marriage alongside broad anti-discrimination protections but India continues to develop its legal framework in this area. This research examines India's alignment with international rights criteria together with cultural barriers that affect policy implementation protocols.

The analysis addresses the present ongoing battles between legal entities about same-sex marriage rights and workplace protection plans for sexual orientation and inheritance division. The research investigates how the judiciary plus the government combine with civil society organizations to guarantee equality. Yes education coupled with raising awareness stands vital in creating an inclusive society and minimizing stigma.

The research ends by recommending policy renewals which stress both increased legal safety measures along with extensive social assistance programs. The study presents India with a framework of international best practices to achieve total rights protection and social acceptance for LGBTQIA+ people which aims to create an equal society grounded in justice and dignity.

INTRODUCTION-

The basic human rights of LGBTQ+ rights are that nobody should discriminate on the grounds of their sexual orientation or gender identity. LGBTQ+ rights include discrimination protection but also encompasses all aspects of life and provide legal recognition of gender, forming families, political engagement, and privacy. Although remarkable progress has been done for the whole world, setbacks have been achieved worldwide and there remains ongoing advocacy and legal reforms to be made. LGBTQ+ Rights are the human rights of Lesbian, Gay, Bisexual, Transgender and many other people outside traditional sexuality.

Understanding LGBTQ+ Rights-

The global human rights cover LGBTQ+ rights and make individuals exempt from discrimination on the basis of their sexual orientation or gender identity. The rights cover protection against discrimination, the right to privacy, equality in marriage, recognition of gender identity, and freedom of expression. Though various nations have been made, while the world has seen recorded advancements in the acknowledgment of LGBTQ+ rights, issues continue across the world, advocacy and reforms in laws that are ongoing.

Scope of LGBTQ+ Rights-

1. Universal Human Rights

This has been embraced in the human rights category, the rights of LGBTQ+ individuals are inherent to all human beings.

This is also supported by international institutions like the United Nations (UN) and European Court of Human Rights (ECHR). ¹

2. Freedom from Discrimination

Employment, work, health care, housing and education should all be protected from discrimination against LGBTQ+ individuals. The majority of the countries have

¹ Universal Declaration of Human Rights G.A. Res. 217A, U.N Doc. A/810 (1948).

enacted anti discrimination legislation, as in the case of the Equality Act in the United Kingdom and the amendments to the Civil Rights Act in the United States.²

3. Right to Privacy

Under the privacy principle individuals possess the right to avoid disclosing their identity and gender orientation. The Lawrence v. Texas Supreme Court case along with other landmark cases defended privacy rights for citizens. Texas, 539 U.S. 558 (2003), uphold this doctrine.³

4. Right to Form Families

Marrying, adopting and building families are rights of LGBTQ+ people. Legalization of same-sex marriage in nations such as the United States advancement.⁴

5. Right to Legal Gender Recognition

Trans people are entitled to a change in their legal gender and to receive identity documents with their desired gender. Nations such as Argentina and Germany have advanced gender recognition legislation.⁵

6. Right to Self-Expression

Each member of the LGBTQ+ community needs the right to freely express their identity regardless of assault risks or discrimination they might face. The freedom of speech ensures this right according to National Institute of Family and Life Advocates v. Becerra (2018). Becerra, 138 S. Ct. 2361 (2018)

7. Protection from Harmful Practices

Conversion therapy and other dangerous practices are human rights abuses and are in Canada and Germany, for instance, it had been banned.⁶

8. Political Rights

LGBTQ+ people deserve to be politically and by activism represented in their own voice and their own community.⁷

Importance of LGBTQ+ Rights-

1. Equality and Dignity

The UN human rights body's LGBTQ+ rights recognition means people will be

² Equality Act 2010, c. 15 (U.K.); Bostock v. Clayton Cty., 590 U.S. ___ (2020).

³ Lawrence v. Texas, 539 U.S. 558 (2003).

⁴ Obergefell v. Hodges, 576 U.S. 644 (2015).

⁵ Gender Identity Law, Law No.26,743 (Arg.2012)

⁶ Bill C-4, 44th Parl., 1st Sess. (Can 2021); Bundesrat Bill, Drucksache 543/19 (Ger. 2020).

⁷ILGA, Sate-Sponsored Homophobia Report (2022).

respected and dignified.⁸

2. Social and Economic Benefits

Inclusion builds a fair society and helps promote economic growth, according to World Bank reports on economic participation of LGBTQ+ people.⁹

3. Tackling Discrimination and Violence

The protection of LGBTQ+ rights also decreases hate crimes and institutionalized discrimination, as indicated in reports by Amnesty International and Human Rights Watch (HRW).¹⁰

Examples of LGBTQ+ Rights in Action-

-Same-Sex Marriage: Legalized in the U.S. (Obergefell), Canada, and others.¹¹

-Anti-Discrimination Laws: U.K. Equality Act (2010) and U.S. civil rights amendments.¹²

-Gender Recognition Laws: Argentina's forward-thinking Gender Identity Law (2012).¹³

-Hate Crime Protections: Laws criminalizing violence against LGBTQ+ people in numerous jurisdictions.¹⁴

Challenges and Ongoing Efforts

The LGBTQ+ sector has seen three positive advancements yet many LGBTQ+ persons continue to face discrimination together with violence mainly within regions which maintain conservative laws. The International Lesbian Gay Bisexual Trans Intersex Association (ILGA) maintains its commitment to support growing LGBTQ+ protection rights through policy reform.¹⁵

Historical Perspective on LGBTQ+ Rights Globally

The global quest for LGBTQ+ rights have been diverse, intricately woven throughout history and culture distinct systems of law. LGBTQ+ identities received an array of responses in ancient societies. There is the suggestion same-sex relationships were celebrated in myth and religion in both Mesopotamia and Egypt, while in Rome gender-diverse people were

⁸ UN Human Rights Office, Born Free and Equal (2019).

⁹ World Bank, Economic Costs of Homophobia (2014).

¹⁰ HRW, Violence Against LGBT People (2021); Amnesty Int'l, LGBT Rights Report (2022).

¹¹ Obergefell v. Hodges, 576 U.S. 644 (2015)

¹² Equality Act 2010, c. 15 (U.K).

¹³ Gender Identity Law No. 26,743 (Arg. 2012).

¹⁴ Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, 18 U.S.C. § 249 (2009)

¹⁵ IILGA, Annual Global LGBT Report (2023).

acknowledged within the strict socio-military framework.¹⁶ The pederastic relationships were largely accepted in Ancient Greek civilization. Same relations were also widely practiced in Ancient Rome but under stringent socio-military framework.¹⁷ South Asia was no exception as Hindu scriptures like the Kama Sutra provided mention to same relations, while social hijras as a recognized third gender also existed.¹⁸ Two-Spirit people inclusive of masculine and feminine traits were worshipped in Indigenous cultures of Native American tribes.¹⁹ With the rise in tremendous socio-religious impact, laws forbidding homosexual intercourse became widespread.

Sodomy was included in the legalistic concept of crimes during the Christianization period of Europe, and would be treated under laws such as the Lex Visigothorum (7th century CE), which prescribed brutal sanctions, even death²⁰. Islamic legal tradition was rather heterogeneous in that it ranged from tolerance towards same-sex conduct, particularly by poets and scholars, to the imposition of harsh penalties²¹. The European colonial expansion further entrenched the banning: The Buggery Act 1533 (England) served as a model for anti-sodomy laws for all British colonies, many of which are still enforced today²²

The decriminalization drives initiated by Canada in 1969 became the start of a movement that saw Norway becoming anti-gay law-free in 1972 and New Zealand achieving the same in 1986. The 19th and 20th centuries saw the first signs of attempts towards the decriminalization: The French Penal Code of 1791 became the first legal code to allow homosexual relations.²³ In the case of Germany, Karl Heinrich Ulrichs became one of the first proponents of sexual inversion. In 1869, he demanded the repeal of sodomy laws.²⁴ The Scientific-Humanitarian Committee launched by Magnus Hirschfeld in 1897 became the first official important organization for LGBTQ+ people that worked to end the criminalization of homosexuality under Paragraph 175 of the Penal Code. During the middle part of the 20th century activists became more active.²⁵ During the middle part of the 20th century activists became more active. Activism started

¹⁶ Code of Hammurabi, c. 1754 BCE.

¹⁷ K.J Dover, Greek Homosexuality (1978).

¹⁸ Kama Sutra, trans Richard Burton (1883).

¹⁹ Will Roscoe, Changing Ones: Third and Fourth Genders in Native North America (1998)

²⁰ James Brundage, Law, Sex, and Christian Society in Medieval Europe (1990).

²¹ Khaled El-Rouayheb, Before Homosexuality in the Arab-Islamic World, 1500-1800 (2005)

²² Buggery Act 1533, 25 Hen, 8 c. 6 (Eng).

²³ French Penal Code of 1791, Art. 331.

²⁴ Hubert Kennedy, Karl Heinrich Ulrichs: First Theorist of Homosexuality (2002).

²⁵ Magnus Hirschfeld, The Homosexuality of Men and Women (1914).

forming during the middle of the twentieth century as the 1969 Stonewall Riots at New York City cemented itself as the foundational event for today's LGBTQ+ rights activism.²⁶ The decriminalization drives initiated by Canada in 1969 became the start of a movement that saw Norway becoming anti-gay law-free in 1972 and New Zealand achieving the same in 1986. The HIV/AIDS epidemic of the 1980s and 90s further emphasized the need for the 'right to healthcare' along with anti discrimination policies. Anti discrimination policies became important in the 80s and 90s as well.²⁷

Progress in legal reform became a major milestone during the 21st century. The Netherlands initiated same-sex marriage recognition in 2001 after which Canada joined in 2005 as did Argentina in 2010 until the United States adopted same-sex marriage through Obergefell v. Hodges (2015).²⁸ The Mexican parliament approved the Gender Identity Law (2012) which let people decide their gender identity without requiring medical procedures for confirmation²⁹ Many nations such as the UK through their Equality Act 2010 and the United States through Bostock v. Clayton County Supreme Court decision implemented anti-discrimination laws. Clayton County (2020), which extended workplace protections to LGBTQ+ individuals.³⁰

Despite this progress, challenges remain. Homosexuality remains illegal in more than 60 nations across the world and countries such as Uganda and Saudi Arabia impose harsh punishments for this offense.³¹ LGBTQ+ persons endure worldwide discrimination through violent assaults and face persistent social abuse throughout multiple nations³² Transgender rights experience extreme legal barriers on multiple fronts because most countries neither recognize bodies nor offer proper medical support.³³ Around the planet LGBTQ+ communities have fought for equality through a continuous historical process while cultural elements and religious beliefs and judiciary institutions shaped these movements. Extensive advocacy work still needs to be maintained because LGBTQ+ people worldwide need full legal protection and recognition.

²⁶ Stonewall Riots, N.Y. Times, June 28, 1969.

²⁷ David France, *How to Survive a Plague: The Inside Story of How Citizens and Science Tamed AIDS* (2016).

²⁸ Act on the Opening Up of Marriage, Stb. 2000, 9 (Neth).

²⁹ Gender Identity Law, Law No. 26743 (Arg. 2012).

³⁰ Equality Act 2010, c. 15 (U.K.); Bostock v. Clayton Cty., 590 U.S. ___ (2020).

³¹ Human Rights Watch, *LGBTQ+ Criminalization Report* (2023).

³² ILGA, *Stare-Sponsored Homophobia Report* (2023).

³³ Amnesty International, *Trans Rights in Crisis* (2023).

Significance of the Study-

Understanding the legal and social and political issues facing LGBTQ+ populations worldwide becomes possible through research focused on LGBTQ+ rights. Modern progress has not eliminated the presence of discrimination along with violence and inequality. The analysis of LGBTQ+ rights developments through time requires thorough examination because of its importance. The research focuses on establishing legal rights and social approval and policy transformations to guarantee equality and human dignity for individuals regardless of their sexual orientation or gender identity³⁴

The research puts strong focus on legal development together with issues it involves. Homosexual acts and gay marriage no longer face legal consequences in most countries but particular nations continue to enforce strict punishments. This investigation combines systematic legal analyses of different LGBTQ+ rights models to discover better guidelines that nations with discriminatory laws can use for change.³⁵ The research study demonstrates the economic value which stems from protecting LGBTQ+ rights. Economic development occurs through inclusive policies because they provide equal employment access alongside workplace protection systems. The practice of LGBTQ+ discrimination creates breaches against human rights and forces economic damage through work performance declines and educational and health service restrictions. Economic advantages of LGBTQ+ inclusion serve as the foundation to support both anti-discrimination legislation and business diversity policies according to this research study.³⁶

This research commands a leading position in establishing social transformation and creating awareness. Communicating LGBTQ+ rights information to the public creates an environment that counters stereotypes and decreases prejudice toward improving social acceptance. Understanding public inclusivity requires studying the effects of media communication alongside activism and legal reforms within the population.

³⁴ United Nations Human Rights Council, Report on Discrimination and Violence Against Individuals Based on Sexual Orientation and Gender Identity (2023)

³⁵ ILGA, State Orientation Homophobia Report (2023)

³⁶ M.V. Lee Badgett, The Economic Case for LGBT Equality: Why Fair and Equal Treatment Benefits Us All (2020).

Evolution of LGBTQ+ Rights in India

LGBTQ+ rights in India show progress from early acceptance during pre-colonial times towards criminalization by colonizers and now obtain recognition through constitutional law. The pre-colonial Indian society displayed understanding through religious scriptural and cultural acceptance of different sexes and sexual orientations. Historically the Kama Sutra considered homosexuality without condemning it while the Hijra community maintained social as well as spiritual acknowledgment in society. Section 377 of the Indian Penal Code that British colonial rule enforced in 1860 specifically targeted homosexual relationships while introducing Victorian moral standards to Indian legal systems.³⁷ The colonial law survived post-independence until the Naz Foundation v. Government of NCT of Delhi court case in Delhi in 2009. The Government of NCT of Delhi (2009) issued a decision to validate adult mutual homosexual acts through fundamental constitutional freedoms regarding privacy and equality rights. The progressive step taken in Suresh Kumar Koushal v. Naz Foundation was short-lived. The Supreme Court approved Section 377 in Naz Foundation (2013) because it reasoned that LGBTQ+ individuals represented only a small group. The transformation received its last impetus from Navtej Singh Johar v. The Supreme Court established Section 377 unconstitutional through Navtej Singh Johar v. Union of India (2018) because they made it clear that constitutional morality needed to defeat social prejudice while affirming the fundamental rights of dignity autonomy and privacy under India's Articles 14, 15, and 21. The transgender community experienced rising social changes through the court order in NLSA v. The Supreme Court of India issued NLSA v. Union of India (2014) to establish transgender persons as a separate gender stance while safeguarding their fundamental rights. Subsequently the Transgender Persons (Protection of Rights) Act, 2019 was introduced however activists criticized the legislation since community consultations were absent and the text remained vague. All the recent legal achievements fail to secure full equality because same-sex marriage remains unrecognized in Indian law according to the 2023 Supriyo v. Union of India ruling. According to the Supreme Court through the Union of India verdict they recognized the right of union but reserved the power of legislative reform to Parliament. India must move beyond legislative transformation to create a national shift in perceptions which accepts LGBTQ+ people for their dignity and equality and inclusivity nationwide.

³⁷ Indian Penal Code § 377 (1860)

Pre-Colonial Understanding of Gender and Sexuality in India-

During pre-colonial times Indian society maintained flexible gender and sexual ideas that contrasted with the strict heterosexual norms developed in colonial periods and onward. Various Ancient Indian writings along with temple artwork together with customary practices describe multiple ways in which people express their sexuality and gender.

Gender Fluidity and Third Genders

Throughout Indian society there exists a historical presence of a third gender identity which Indians call Hijras. The Mahabharata along with other ancient texts features the story of Shikhandi who transitioned from female biological identity to fulfill the role of warrior as a man.³⁸ Within religious systems there existed acceptance of gender nonbinary people for their roles in sacred rituals. Hijras received spiritual significance in society by participating regularly in religious rituals which included wedding and childbirth blessings.³⁹

Sexuality in Ancient Texts

Indian society in antiquity considered sexuality both normal and basic for human existence. The Kama Sutra remains the most famous text about love along with sexual conduct because Vatsyayana created this work. The text functions as a philosophical work instead of an erotic guide since it investigates different romantic connections including homosexual interactions.⁴⁰ Warnings against male-male and female-female sexual activities appear absent in classical works like Kama Sutra and Natyashastra because ancient India displayed an accepting attitude for diverse sexual practices.⁴¹

Temple Art and Iconography

Indian temple art provides numerous illustrations of erotic content which includes depictions of homosexual lovers. The religious structures at Khajuraho and Konark and Chennakesava demonstrate images showing heterosexual and homosexual connections to prove these types of sexual activities were accepted in society.⁴² The artworks served multiple functions beyond aesthetics because they followed a religious framework which embraced body-spirit union in multiple aspects.

³⁸ See WENDY DONIGER, *THE HINDUS: AN ALTERNATIVE HISTORY* 267-69 (2009)

³⁹ See Serena Nanda, *Neither Man nor Woman: The Hijras of India* 23 (2d ed. 1999)

⁴⁰ See VATSYAYANA, *KAMA SUTRA* (Alain Daniélou trans., Inner Traditions 1994) (c. 300 CE).

⁴¹ See Devdutt Pattanaik, *Shikhandi and Other Tales They Don't Tell You* 42-45 (2014)

⁴² See Vidya Dehejia, *Indian Art* 92-95 (Phaidon 1997)

Impact of Colonial Morality

The British colonial state applied Victorian morality while introducing Section 377 of the Indian Penal Code to criminalize "unnatural offenses" described vaguely as homosexual acts.

⁴³ Criminalization and marginalization of queer individual evolved from this radical departure of traditional practices that occurred before European colonization.

Colonial Era and Section 377 of IPC

During British colonial rule India adopted laws against same-sex relationships under British Victorian moral and sexual standards that were forced upon its Indian social institutions. The British government passed Section 377 of the Indian Penal Code in 1860 to outlaw conduct deemed contrary to natural sexual intercourse.⁴⁴ Thomas Babington Macaulay incorporated this section through the influence of Buggery Act of 1533 to criminalize homosexual activities while he viewed Indian sexual culture as degenerative during the colonial era. This law section under Section 377 criminalized non-procreative sexual activity which included homosexual relations by punishing the offenders through lifetime imprisonment or prisons terms from five to ten years while levying financial penalties.⁴⁵ The colonial laws chose to disregard traditional Indian social behaviors engraved in historical literature like the Kama Sutra by excluding them from pluralist and generally tolerant pre-colonial practices.⁴⁶ The establishment of Section 377 created more than 150 years of legal structures that treated queer individuals as sexual criminals. Through its broad and unspecified language Section 377 enabled LGBTQ+ populations to suffer intimidation and blackmail as well as social isolation even though independence arrived in 1947. The law was created to control specific acts but judges used it to police identities which led to widespread silence among community members because of total fear. Section 377 proved to be a lasting influence that remained active during the first two decades of the 21st century until *Navtej Singh Johar v. Union of India* (2018) partially invalidated it. The Supreme Court of India declared Section 377 unconstitutionally invalid through its decision in *Navtej Singh Johar v. Union of India* (2018) while recognizing the violation of dignified privacy and equality rights.

Landmark Cases and Movements (Naz Foundation, Naisa, Navtej Singh Johar, etc)

⁴³ See Indian Penal Code § 377 (1860); see also Ashley Tellis, *The Reinstatement of section 377:A Judicial Misadventure*, 48 *ECON. & POL. WKLY.* 14 (2013).

⁴⁴ Indian Penal Code § 377 (1860)

⁴⁵ Indian Penal Code 377 § (1860)

⁴⁶ See *VATSYANA, KAMA SUTA* (Alain Daniélou trans, Inner Traditions 1994) (c. 300 CE)

The Naz Verdict-

The Delhi High Court issued a court order on July 2, 2009 to provide consented homosexual intimacy outside public views with no criminal penalties under Section 377 of Indian Penal Code. Homosexual activity received its removal from Indian criminal law when the Naz Foundation v. Govt. of NCT of Delhi ⁴⁷, court made its 105-page ruling to affirm LGBTQ rights per the Indian Constitution. Through examining various Constitutional provisions in conjunction with global human rights perspectives as well as drawing insights from justice systems of the US, Fiji, Nepal, South Africa and Australia the Court guaranteed equality and liberty together with dignity and non-discrimination for all Indian members of the LGBTQ community. Under the public designation of The Naz ruling national LGBTQ advocates and communities understood this judicial decision to handle the main complaint Naz Foundation raised through its petition. Naz Foundation operates as an NGO dedicated to serving MSM health needs. During times of rising epidemic rates the NGO asserted that restricting access to healthcare services became impossible because Section 377 forced the MSM communities to hide underground. The reports using human rights documents submitted to authorities demonstrated how Section 377 enabled police harassment against nonstandard gender expressions including hijras and kothis.

Cases-

1. Naz Foundation v. Government of NCT of Delhi (2009)

Facts:

The non-governmental Naz Foundation presented legal arguments to the court questioning the constitutional right of Section 377 IPC to protect LGBTQ+ citizen rights from private consenting adult sexual acts.

Legal Principle:

Using Articles 14 (equality), 15 (non-discrimination) and 21 (life and personal liberty) the High Court of Delhi ruled out moral disapproval alone as an acceptable reason to outlaw private conduct.

Held:

Through the reading down process Section 377 became inoperable for adult consenting individuals performing same-sex sexual acts behind closed doors. This determination placed constitutional moral standards as superior to the standards of public decency.

⁴⁷ Naz Foundation v. Govt. of Delhi, 160 Delhi Law Times 277 (Delhi High Court 2009)

2. Suresh Kumar Koushal v. Naz Foundation (2013)

Facts:

Private parties took their opposition against the Naz Foundation ruling to the Supreme Court by claiming that the Delhi High Court had invalidated a section of the law beyond its jurisdiction.

Legal Principle:

According to the Supreme Court judgment there existed no need for judicial intervention for such a minimal segment within India's total population thereby affirming political authority.

Held:

After the reversal of the Naz Foundation ruling Section 377 was brought back into force. The Supreme Court decision received strong criticism because it seemed like a step backward.

3. National Legal Services Authority (NALSA) v. Union of India (2014)

Facts:

Two transgenders and a rights group moved petitions for legal acceptance of transgender identity and rights under the Constitution.

Legal Principle:

The Court held that gender identity finds protection in Articles 14, 15, 19, and 21. Discrimination on the basis of gender identity was declared unconstitutional.

Held:

Transgender individuals were declared the "third gender", and the right of self-identification of gender was reaffirmed. The Court directed affirmative action and inclusion steps.

4. Justice K.S. Puttaswamy v. Union of India (2017)

Facts:

The case also questioned the constitutionality of the Aadhaar biometric system, but in the course of the judgment, the right to privacy was ruled to be a fundamental right.

Legal Principle:

The Court indicated that sexual orientation is a necessary component of privacy, associating it with the more general rights to dignity and liberty under Article 21.

Held:

The Court recognized privacy rights as being absolutely fundamental. The Court established preconditions that later contributed to the landmark Navtej Singh Johar v. Union of India decision although this case did not specifically address LGBTQ+ rights.

5. Navtej Singh Johar v. Union of India (2018)

Facts:

Noted public figures alongside five other LGBTQ+ individuals filed a challenge against Section 377 before the court by arguing that current constitutional traditions needed modification.

Legal Principle:

The Supreme Court defended LGBTQ+ rights through an application of Articles 14, 15 and 19 and 21. The Supreme Court emphasized personal freedom while emphasizing equal dignity and privacy rights and equality devoid of discrimination.

Held:

Section 377 lost its validity because it made criminal acts out of consensual sex between adult individuals. The courtroom declared that LGBTQ+ individuals possess entire constitutional protections.

6. Supriyo @ Supriya Chakraborty v. Union of India (2023)

Facts:

Same-sex couples presented petitions to lawfully marry same-sex people under different personal and secular legislations in India.

Legal Principle:

The Court formed freedom to associate under Article 21 and again emphasized non-discrimination and equal treatment but did not recognize marriage in light of the legislature.

Held:

The Court did not legalize gay marriage, but ruled that it was a Parliamentary issue. Nevertheless, it accepted queer relationships as marriages that needed dignity and protection under the law.

7. Queer Movements and Pride Marches

Overview:

Victories in courts have been preceded by grassroots queer activism, including Delhi Queer Pride (since 2008), Mumbai Pride, and online campaigns like #377QuitIndia.

Activists, NGOs (such as Naz Foundation, Humsafar Trust, and Sangama), and others were most responsible for informing the public.

Significance:

Through their work the organization helped modify public beliefs while seeking legal changes

and operated as a source of community resources.

Transgender Rights and the Transgender Persons (Protection of Rights) Act, 2019

Introduction

Transgender individuals throughout India have endured prejudice along with social rejection and attacks for many years. The early 21st century marked the first time India began protecting transgender people despite constitutional promises for individual rights and equality. The National Legal Services Authority v. Union of India (2014) Supreme Court Case alongside the Transgender Persons (Protection of Rights) Act, 2019 represented two essential achievements in securing transgender rights throughout India.

Historical Background

Hijras together with their counterparts aravanis and jogappas as well as multiple other local names have been central members of Indian subcontinent culture and society during countless centuries.⁴⁸ The British colonial legislation of 1871 through the Criminal Tribes Act negatively affected the presence of transgender individuals. The discrimination and social exclusion they faced got worse with each passing year since India gained its independence.

Judicial Recognition: The NALSA Judgment

The Supreme Court of India in NALSA v. Union of India (2014) 5 SCC 438 judgment documented the constitutional entitlements of transgendered persons to decide their gender identity between male, female and third gender categories.⁴⁹ Under Article 21 of the Constitution the Supreme Court asserted that gender self-identification stands as a basic component of personal freedom and dignity.

The Transgender Persons (Protection of Rights) Act, 2019

India received its first inclusive transgender rights protection legislation through the Transgender Persons (Protection of Rights) Act, 2019 which Parliament approved and Parliament notified on January 10, 2020.⁵⁰

⁴⁸ See generally The Criminal Tribes Act, 1871, Act XXVII of 1871 (Ind.), repealed by the Criminal Tribes Act, 1949.

⁴⁹ Nat'l Legal Servs. Auth. v. Union of India, (2014) 5 S.C.C. 438 (India).

⁵⁰ The Transgender Persons (Protection of Rights) Act, No. 40 of 2019, INDIA CODE (2020), <https://www.indiacode.nic.in/handle/123456789/12228>.

Key Provisions of the Act

1. The Act defines transgender as people whose born sex identity differs from their felt gender identity regardless of their surgical status including trans-men and trans-women together with individuals who have intersex variations or gender-queers.⁵¹
2. Under the Act discrimination becomes illegal when applied to education and employment in addition to health care services and public establishments and residential properties.⁵²
3. Through this law transgender individuals can obtain recognition of self-perceived identity and acquire identity certificates although the application process requires approval from district magistrates with medical verification for male-to-female or female-to-male identity changes.⁵³
4. The state must create welfare systems together with rehabilitation centers and it needs to provide medical care and inclusive education to transgender people.⁵⁴
5. Under this legislation multiple abuses which include forced labor and public space exclusion and physical and sexual mistreatment qualify as punishable offenses with prison terms extending from six months to two years.⁵⁵

Criticisms and Concerns

Multiple organizations point out various weaknesses in the constitution despite its improved status:

The requirement of a district magistrate certificate together with medical records stands in contradiction to the Supreme Court decision on self-identification as outlined in NALSA since it restricts transgender rights.⁵⁶ The Act received criticism because transgender community members felt excluded from proper participation in its development. Since penalties for crimes involving transgender individuals remain below those for cisgender women such offenses the Act could create both doubts about fairness and reduced deterrent effects.⁵⁷

⁵¹ Id. § 2(k).

⁵² Id. § 3.

⁵³ Id. §§ 4-7.

⁵⁴ Id. §§ 8-14.

⁵⁵ Id. § 18.

⁵⁶ Arvind Narrain, The Transgender Persons (Protection of Rights) Act, 2019: A Half-Hearted Attempt, 55(1) ECON. & POL. WKLY. 20 (2020).

⁵⁷ Id.

Conclusion

The Transgender Persons (Protection of Rights) Act, 2019 serves as a landmark law which aims to defend rights of historically oppressed transgender individuals. To achieve its purpose as an empowering framework the Transgender Persons (Protection of Rights) Act requires inclusive application and provisions that align with constitutional principles from NALSA. Modifications to the Act need to align with public security expectations about identity disclosure and social participation along with access to equal justice before this law can serve as an effective transgender rights instrument within India.

LGBTQ+ Rights in Other Countries

Legal Recognition of LGBTQ+ Rights Globally-

Legal provisions regarding LGBTQ+ rights show significant diversity across international jurisdictions thus creating wide ranges of legal structures together with social acceptance levels. The legal acceptance of LGBTQ+ rights has shown important advancements during the past few decades but these developments do not follow a standard pattern between jurisdictions. Western liberal democratic states have substantially recognized LGBTQ+ rights through regulations and judicial decisions throughout their jurisdictions. Western European nations along with North American nations have progressed through their policy adoption. The legalization of gay marriage alongside fierce anti-discrimination legislation exists in Canada, Germany and the Netherlands. The Supreme Court decision in *Obergefell v. Hodges* succeeded in making gay marriage legal throughout the entire United States in 2015. The Supreme Court decided in *Obergefell v. Hodges* that gay marriage should be legal in 2015 while states maintain different regulations regarding protection of the LGBTQ+ population specifically concerning transgender rights and medical services.⁵⁸

Different Latin American nations have taken major steps forward to establish equality for LGBTQ+ communities. Gay marriage became lawful in Argentina before any other country in the continent and Mexico implemented national marriage equality in 2022. Federal governments of Uruguay and Chile along with Colombia implement innovative LGBTQ+ legislation. LGBTQ+ individuals face severe violence in Brazilian society even though country

⁵⁸ *Obergefell v. Hodges*, 576 U.S. 644 (2015); Human Rights Campaign, State Equality Index 2023, <https://www.hrc.org/resources/state-equality-index>.

laws protect them.⁵⁹

New freedoms for LGBTQ+ citizens rarely exist in most communities throughout Middle Eastern and North African nations. The practice of homosexuality carries criminal consequences in Saudi Arabia, Iran and Qatar that may result in aggressive imprisonment with potential execution.⁶⁰ New freedoms for LGBTQ+ citizens rarely exist in most communities throughout Middle Eastern and North African nations. The practice of homosexuality carries criminal.⁶¹

Different conditions prevail across Asia. The nation of Taiwan made history as the initial Asian country to approve same-sex marriage during 2019. The *Navtej Singh Johar v. Union of India* ruling provided India with its first path towards same-sex relationship decriminalization in 2018. India legalized homosexual relationships due to the *Navtej Singh Johar v. Union of India* ruling yet LGBTQ+ people still face limited legal protections.⁶² LGBTQ+ persons who live in Malaysia and specific regions of Indonesia face both stigma along with discriminatory practices that receive official state sanction.⁶³

The protection of LGBTQ+ Australians and New Zealanders takes place under extensive anti-discrimination legislation and via the approval of same-sex marriage throughout Oceania. The notable popularity of LGBTQ+ rights throughout the two nations exists along with open legal structures which protect these rights.⁶⁴

The majority of African countries bound LGBTQ+ rights while no country allows same-sex marriage in the continent. More than 30 African countries enforce laws that criminalize homosexual relations while Uganda stands as one of multiple nations which have implemented stringent new restrictive legislation. The new anti-LGBTQ+ legislation in Uganda from 2023

⁵⁹ Human Rights Watch, Brazil: New Government Should Protect LGBTQ Rights, <https://www.hrw.org/news/2023/01/04/brazil-new-government-should-protect-lgbtq-rights> (Jan. 4, 2023).

⁶⁰ Human Dignity Trust, Criminalisation of Homosexuality, <https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/> (2024).

⁶¹ ILGA World, State-Sponsored Homophobia Report 2023, https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_2023.pdf.

⁶² *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India); Human Rights Watch, <https://www.hrw.org/news/2018/09/06/india-historic-ruling-decriminalizes-homosexuality>.

⁶³ Amnesty International, Malaysia: End Persecution of LGBTI People, <https://www.amnesty.org/en/latest/news/2022/08/malaysia-end-persecution-of-lgbti-people/> (Aug. 10, 2022).

⁶⁴ Australian Government, Marriage Equality Act 2017 (Cth); New Zealand Parliament, Marriage (Definition of Marriage) Amendment Act 2013.

requires life imprisonment and death penalty sentences for specific homosexual behaviors which caused global condemnation.⁶⁵ South Africa stands as an exception on the continent because it passed laws recognizing same-sex marriage as well as discriminating on sexual orientation within its national constitution first.⁶⁶

Although substantial LGBTQ+ rights progress has been achieved across the Americas and Western Europe and Oceania various nations still maintain laws with anti-LGBTQ+ positions which prevent equal rights recognition. Further global backing for policies along with cultural changes are required to establish universal human rights protection for LGBTQ+ communities worldwide.

Marriage Equality: A Global Perspective-

The growing acceptance of same-sex marriage equality as legal partnerships carries similar rights to opposite-sex marriage has been observed worldwide but shows different levels of speed and approval across countries. Same-sex marriage legalization reached more than 35 countries by 2024 starting with the Netherlands which became the first nation worldwide to approve this law in 2001.⁶⁷ In North America, Canada passed the Civil Marriage Act in 2005 to grant equal marriage rights to same-sex partners in the country. Nationwide marriage equality started up after the United States Supreme Court issued the Obergefell v. Hodges decision.⁶⁸ According to Obergefell v. Hodges the Supreme Court established same-sex couples possess the right to marriage protection under the Equal Protection and Due Process provisions of the Fourteenth Amendment.⁶⁹ European nations like Germany, France and Spain together with all Scandinavian states now allow same-sex marriage because the European Court of Human Rights confirmed same-sex rights.⁷⁰

In Latin America, Argentina became the first Latin American country to enact Law No. 26.618 in 2010 thus making Argentina the first Latin American nation to legalize same-sex marriage

⁶⁵ BBC News, Uganda Passes Anti-LGBTQ Bill with Death Penalty Provisions, <https://www.bbc.com/news/world-africa-65034343> (Mar. 21, 2023).

⁶⁶ Constitution of the Republic of South Africa, 1996, § 9; *Minister of Home Affairs v. Fourie*, 2005 (1) SA 524 (CC).

⁶⁷ See Netherlands Ministry of Justice, *Same-Sex Marriage Legalized*, Stb. 2001, 9 (Neth.).

⁶⁸ Civil Marriage Act, S.C. 2005, c. 33 (Can.).

⁶⁹ Obergefell v. Hodges, 576 U.S. 644 (2015).

⁷⁰ *Oliari and Others v. Italy*, App. Nos. 18766/11 & 36030/11, Eur. Ct. H.R. (2015); see also ILGA-Europe, *Annual Review 2023*, <https://www.ilga-europe.org/annual-review/2023>.

throughout the country.⁷¹ The same-sex marriage legislation or judicial decisions have spread across Uruguay while Brazil joined along with Colombia and Chile became the latest to approve this type of marriage.⁷² Every Mexican state legalized same-sex marriage in 2022 either through passing their own laws or by having their prohibitions invalidated by the Supreme Court.⁷³ Asian progress regarding same-sex marriage remains restricted however Taiwan became the first country in its region to legalize such unions through Constitutional Court decisions in 2019.⁷⁴ The nations of India and Japan continue to reject same-sex marriage although their citizens increasingly support such rights as legal battles persist.⁷⁵

On the continent of Africa, marriage equality is essentially non-existent, despite the fact that South Africa stands alone as having legalized same-sex marriage, achieving this in 2006 with a decision from its Constitutional Court and passage of the Civil Union Act.⁷⁶

Despite this international trend toward equality, many countries—both in the Middle East, Eastern Europe, and some areas of Africa and Asia—either wholly prohibit same-sex marriage or entrench marriage as between a man and a woman within their constitutions.⁷⁷ In other instances, the legal environment is inhospitable, with homosexual relationships outlawed and punished severely. But international human rights organizations, such as the United Nations Human Rights Committee and the Inter-American Court of Human Rights, have increasingly considered marriage equality within the general right to family life and freedom from discrimination.⁷⁸ Global trends indicate an ongoing, though uneven, extension of the marriage rights under pressure from litigation, legislative change, and changing popular attitudes.

⁷¹ Ley No. 26.618, 22 de Julio de 2010 (Law No. 26,618) (Arg).

⁷² Human Rights Watch, *Chile Legalizes Same-Sex Marriage*, <https://www.hrw.org/news/2022/03/10/chile-legalizes-same-sex-marriage>.

⁷³ Human Rights Watch, *Mexico: Same-Sex Marriage Legal Nationwide*, <https://www.hrw.org/news/2022/11/01/mexico-same-sex-marriage-legal-nationwide>.

⁷⁴ Judicial Yuan Interpretation No. 748 (Taiwan), May 24, 2017; BBC News, *Taiwan Legalises Same-Sex Marriage*, <https://www.bbc.com/news/world-asia-48305708> (May 17, 2019).

⁷⁵ Indian Supreme Court, *Supriyo v. Union of India*, W.P. (C) No. 1011/2022 (pending); Human Rights Watch, *Japan: Courts Split on Same-Sex Marriage Ban*, <https://www.hrw.org/news/2022/06/20/japan-courts-split-same-sex-marriage-ban>.

⁷⁶ *Minister of Home Affairs v. Fourie*, 2005 (1) SA 524 (CC) (S. Afr.); Civil Union Act 17 of 2006 (S. Afr.).

⁷⁷ ILGA World, *State-Sponsored Homophobia Report 2023*, https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_2023.pdf.

⁷⁸ U.N. Human Rights Comm., *Toonen v. Australia*, Comm'n No. 488/1992, U.N. Doc. CCPR/C/50/D/488/1992 (1994); Advisory Opinion OC-24/17, Inter-Am. Ct. H.R. (ser. A) No. 24 (Nov. 24, 2017).

Comparison Between India and Other Countries-

Legal Status of LGBTQ+ Community in India vs. Global Standards

India

Recent legal developments have brought substantial changes in LGBTQ+ rights in India yet the country has not yet reached full equality for this community.

-The Supreme Court through *Navtej Singh Johar v. Union of India* used its power to read down Section 377 of the Indian Penal Code which decriminalized homosexual behaviors between consenting adults. Section 377 of the Indian Penal Code¹ received legislative revision through the *Navtej Singh Johar v. Union of India* decision made by the Supreme Court in 2018.⁷⁹

-Transgender Rights: The Supreme Court in *National Legal Services Authority (NALSA) v. Union of India*⁸⁰. The Indian government accepted transgender individuals as a separate third gender in its legal framework and granted them basic Constitutional rights in *National Legal Services Authority v. Union of India*⁸⁰. The Transgender Persons (Protection of Rights) Act, 2019 was implemented after the Supreme Court passed these protections⁸¹, but multiple critics criticized the District Magistrate system of verifying gender identity.⁸²

- Under Indian law same-sex marriages are not legally recognized during the year 2025. In *Supriyo v. The State of Karnataka* the Supreme Court through its *Supriyo v. Union of India* (2023) verdict acknowledged the lack of power to approve same-sex marriage intending for the legislature to establish this right.⁸³

- Due to the Indian constitutional doctrine regarding Article 14 and 21 together with Article 15 all individuals gain protection against discrimination based on sexual orientation and their gender identity.⁸⁴ A complete federal anti-discrimination act which protects LGBTQ+ individuals does not yet exist for employment, housing and healthcare settings.

Global Standards

- Full Legal Equality Countries (e.g., Canada, Netherlands, Germany)

-Marriage & Adoption: the countries Canada⁸⁵, the Netherlands⁸⁶, and Germany⁸⁷ offer same-

⁷⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

⁸⁰ *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 (India).

⁸¹ The Transgender Persons (Protection of Rights) Act, No. 40 of 2019, Acts of Parliament, 2019 (India).

⁸² *Id.* § 5-7.

⁸³ *Supriyo v. Union of India*, Writ Petition (Civil) No. 1011 of 2022 (India).

⁸⁴ *Navtej Singh Johar*, supra note 1, at ¶ 494.

⁸⁵ Civil Marriage Act, S.C. 2005, c. 33 (Can.).

⁸⁶ Burgerlijk Wetboek [BW] [Civil Code] bk 1, art. 30(1) (Neth.).

⁸⁷ Bürgerliches Gesetzbuch [BGB] [Civil Code], § 1353(1) (Ger.).

sex partners marriage rights as well as adoption opportunities for children.

- No discrimination exists because these states enforce detailed anti-discrimination statutes across employment domains and educational centers and housing units and public places including sexual orientation and gender identification features.

- The contemporary approach to gender recognition allows numerous states to enable people to change their gender through self-identification without depending on medical procedures. A self-declaration system of gender recognition was established when Ireland passed its Gender Recognition Act in 2015.⁸⁸

- Countries with Limited or No Rights (e.g., Saudi Arabia, Uganda)

-Criminalization: Similar-sex relationships face criminal sanction along with other punishments including imprisonment and corporal punishment and death penalty throughout Saudi Arabia⁸⁹ and Uganda⁹⁰ and various other jurisdictions.

- The residents of these areas have no legal protection or recognition since their region refuses to acknowledge their LGBTQ+ community

Comparison Summary-

Legal Domain	India	Progressive Countries	Conservative Countries
Homosexuality	Decriminalized (2018)	Legal	Criminalized
Same-Sex Marriage	Not Legal	Legal	Not Recognized
Gender Identity	Recognized (third gender)	Self-ID legal	Often not recognized
Anti-Discrimination Laws	Constitutional but limited	Comprehensive laws	Absent
Adoption Rights	Not available to same-sex couples	Available to all couples	Denied

Same-Sex Marriage and Civil Unions: Where Does India Stand?-

I. Introduction

The fight for LGBTQ+ equality in India remains unfinished because of the continued

⁸⁸ Gender Recognition Act 2015 (Act No. 25/2015) (Ir.).

⁸⁹ Saudi Arabia Penal Law, Royal Decree No. M/2 (1979) (Saudi Arabia).

⁹⁰ The Anti-Homosexuality Act, 2023, Acts Supplement No. 5 to the Uganda Gazette No. 28 Vol. CXVI (Uganda).

unattained progress on same-sex marriage. Although the Supreme Court ruling in *Navtej Singh Johar v. Union of India*⁹¹ After declaring same-sex intimacy lawful through *Navtej Singh Johar v. Union of India* the court granted no legal recognition to same-sex unions. Marriage equality in India exists as a fight to determine if the constitutional rights of equality and freedom and dignity should extend legal status to same-sex unions.

II. Current Legal Framework

A. No Legal Recognition of Same-Sex Marriage

The laws of marriage in India fail to grant legal recognition to same-sex unions at any point:

- The Hindu Marriage Act of 1955 establishes bride and bridegroom as marriage participants which means same-sex couples remain excluded⁹².
- Under the Special Marriage Act from 1954 civil marriages are regulated for all religions yet same-sex couples remain excluded because the legislation defines partners as "male" and "female".⁹³
- Muslim, Christian, and Parsi personal laws: Likewise limit marriage to heterosexual relationships on the basis of religious precepts.

B. Civil Unions and Domestic Partnerships

Same-sex couples in India face total legal absence regarding civil union recognition and domestic partnership rights or cohabitation registration. This lack denies same-sex partners:

- Rights of inheritance
- Maintenance and alimony
- Tax and pension entitlements
- Medical decision-making authority
- Access to adoption and surrogacy

III. The Supriyo Case: A Missed Opportunity

A five-judge Constitution Bench of the Supreme Court made its decision regarding same-sex marriage in *Supriyo v. Union of India* and the Special Marriage Act in 2023. The Supreme Court of India through *Union of India* denied recognition of same-sex marriage through the

⁹¹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

⁹² Hindu Marriage Act, No. 25 of 1955, § 5, India Code (1955).

⁹³ Special Marriage Act, No. 43 of 1954, § 4(c), India Code (1954).

petitions submitted to the Special Marriage Act.⁹⁴.

Major Findings of the Court:

-Majority of judges determined that legislative bodies should create the marriage laws rather than judicial systems. The Special Marriage Act requires statutory modification for lawyers to establish its applicability to same-sex marriages.

- Justice Chandrachud among the minority took the position that same-sex couples hold the right to live under Article 21 which includes their ability to cohabit and form unions and raise families⁹⁵.

- The Indian Government declared hostile sentiments towards same-sex marriage since it did not match traditional Indian customs regarding biological women to natural men unions⁹⁶.

Homosexual marriage remains unlawful yet the court reaffirmed its commitment to safeguard queer relationships from all forms of discrimination and harassment.

IV. Constitutional and Human Rights Aspects

A. Equality and Non-Discrimination

- Article enshrines equality before the law. The denial of marriage rights for same-sex couples constitutes a discriminatory practice which seems to be indefensible by constitutional standards.⁹⁷.
- Article 15 of the Constitution prevents discrimination that stems from sexual differences. Judicial decisions starting with Navtej along with subsequent ones have established sexual orientation under the protections of Article 15 by the Constitution⁹⁸.

B. Right to Life and Personal Liberty (Article 21)

- Men and women have the right to pick their life partners under personal freedom protections established through *Shafin Jahan v. Asokan K.M.*⁹⁹.
- Marriage right denial disrupts health insurance eligibility and inheritance benefits and official recognition which results in diminished autonomy and decreased dignity.

⁹⁴ *Supriyo v. Union of India*, Writ Petition (Civil) No. 1011 of 2022 (India).

⁹⁵ *Id.* (Chandrachud, C.J., concurring in part and dissenting in part).

⁹⁶ Counter Affidavit on Behalf of Union of India, *Supriyo v. Union of India*, W.P. (C) No. 1011 of 2022 (India), ¶¶ 4–6.

⁹⁷ *Navtej Singh Johar*, supra note 1, at ¶ 244.

⁹⁸ *Id.* at ¶ 493.

⁹⁹ *Shafin Jahan v. Asokan K.M.*, (2018) 16 SCC 368 (India).

V. International Comparisons

A. Marriage Equality Across the Globe

Thirty-five nations worldwide have adopted the legalization of gay marriage starting from 2025:

- Canada: Legal since 2005¹⁰⁰
- United States: Federal after *Obergefell v. Hodges* (2015)¹⁰¹
- nation of South Africa became the initial African country to approve same-sex marriage during ¹⁰²
- Taiwan obtained its status as the first Asian nation to pass same-sex marriage legislation during 2019. ¹⁰³

B. Civil Unions as an Interim Model

A majority of nations established civil unions or registered partnerships before they achieved complete marriage equality:

- France (Pacte civil de solidarité)¹⁰⁴
- Italy allows civil unions yet it remains prohibited to grant marriage rights to same-sex couples ¹⁰⁵
- Czech Republic (recognized partnerships)

The legal agreements provide most marital benefits but do not establish all features of true marital equality.

VI. Public Sentiment and Socio-Political Climate

Public opinion about equal marriage rights is shifting at a time when the nation lacks legal support for it

- According to the 2021 Pew poll/survey 37% of Indians now support same-sex marriage¹⁰⁶ while earlier years showed lower numbers.

. - Religious and conservative groups actively oppose same-sex marriage legislation which keeps political leaders hesitant about passing laws regarding this matter.

¹⁰⁰ Civil Marriage Act, S.C. 2005, c. 33 (Can.).

¹⁰¹ *Obergefell v. Hodges*, 576 U.S. 644 (2015).

¹⁰² Civil Union Act 17 of 2006 (S. Afr.).

¹⁰³ Act for Implementation of J.Y. Interpretation No. 748 (Taiwan).

¹⁰⁴ Code civil [C. civ.] [Civil Code] art. 515-1 (Fr.).

¹⁰⁵ Legge 20 maggio 2016, n. 76 (Italy).

¹⁰⁶ Pew Research Center, *Global Divide on Homosexuality Persists* (June 2021), <https://www.pewresearch.org/global/2021/06/25/global-divide-on-homosexuality-persists/>.

VII. The Road Ahead

Multiple actions need to be taken for India to achieve marriage equality in its laws:

1. Government Reform Efforts Focus on Adjusting present marriage regulations or creating gay marriage laws that do not depend on gender distinctions.
2. A wider interpretation of constitutional freedoms can occur thanks to new legal proceedings over time.
3. Ongoing work through public dialogue will reshape cultural sentiments and political capacity.

VIII. Conclusion

India is at a crossroads. After validating LGBTQ+ dignity and equality rights the Supreme Court maintains marriage rights as an exclusion which creates second-class citizenship status. Complete legal recognition continues to advance globally even though India only achieves partial equality according to its constitutional vision. To move toward inclusivity society must achieve equivalent progress with legal reform as it does with societal transformation.

Anti-Discrimination Laws: India and Other Nations-

India's constitutional law has progressively recognized the rights of LGBTQ+ individuals, particularly through landmark Supreme Court decisions such as *Navtej Singh Johar v. Union of India*, in which the Court held that discrimination based on sexual orientation is against Articles 14, 15, and 21 of the Constitution.¹⁰⁷ However, India does not yet have a comprehensive anti-discrimination law that explicitly forbids discrimination on the basis of sexual orientation or gender identity in priority areas such as employment, housing, education, and access to public services. Whereas Article 14 provides for equality before the law, and Article 15 prohibits discrimination on the ground of "sex," the judiciary has construed these provisions to extend to sexual orientation and gender identity, as in *Navtej* and previously in *NALSA v. Union of India*, which added constitutional safeguards and ordered positive steps for transgender individuals.¹⁰⁸ There still isn't any civil rights act similar to the ones in many other countries.

For instance, the United Kingdom's Equality Act 2010 is a model law for the protection of

¹⁰⁷ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

¹⁰⁸ *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 (India).

LGBTQ+ persons across employment, education, housing, and access to goods and services.¹⁰⁹ Likewise, the Canadian Human Rights Act bans discrimination based on both sexual orientation and gender identity, and provincial codes establish strong enforcement mechanisms through human rights commissions.¹¹⁰ In the United States, no single federal law addresses LGBTQ+ discrimination comprehensively, but the Supreme Court in *Bostock v. Clayton County* ruled that Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of sexual orientation or gender identity.¹¹¹ A few states, including California and New York, extend further by prohibiting such discrimination in housing and public accommodations as well.¹¹² The European Union, through its Charter of Fundamental Rights and the Employment Equality Directive (2000/78/EC), requires member states to make workplace discrimination on the basis of sexual orientation unlawful.¹¹³ South Africa, singularly, was the world's first nation to make sexual orientation a protected category in its post-apartheid Constitution, and enforces anti-discrimination under the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA).¹¹⁴

By contrast, the sole statutory anti-discrimination measure for LGBTQ+ persons in India is contained within the Transgender Persons (Protection of Rights) Act, 2019, which makes it illegal to discriminate against transgender people in employment, education, and healthcare.¹¹⁵ The Act fails to provide protections to other sexual minorities and has been heavily criticized for administrative delays in securing legal recognition. Legislative bills like the Anti-Discrimination and Equality Bill, 2016, prepared by the Centre for Law and Policy Research, aimed to fill this gap by outlawing discrimination on several grounds, including sexual orientation and gender identity, but the bill has yet to be taken up by Parliament.¹¹⁶ Hence, even with progressive judicial interpretations, the lack of a legislative framework leaves LGBTQ+ individuals in India exposed to discrimination in public and private domains. In contrast with global best practices, India's safeguards are still piecemeal and largely on paper, highlighting

¹⁰⁹ Equality Act 2010, c. 15 (UK).

¹¹⁰ Canadian Human Rights Act, R.S.C 1985, c. H-6.

¹¹¹ *Bostock v. Clayton Cnty.*, 140 S. Ct. 1731 (2020).

¹¹² Cal. Gov't Code § 12900 et seq. (Fair Employment and Housing Act); N.Y. Exec. Law § 296.

¹¹³ Charter of Fundamental Rights of the European Union, art. 21, 2000 O.J. (C 364) 1; Council Directive 2000/78/EC, 2000 O.J. (L 303) 16 (EU).

¹¹⁴ S. Afr. Const., 1996, § 9; Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (S. Afr.).

¹¹⁵ The Transgender Persons (Protection of Rights) Act, No. 40 of 2019, § 3, India Code (2019).

¹¹⁶ Centre for Law and Policy Research, *The Anti-Discrimination and Equality Bill, 2016*, <https://clpr.org.in/wp-content/uploads/2016/10/Anti-Discrimination-Bill-2016.pdf>.

the pressing need for a nationwide civil rights law that guarantees tangible and enforceable equality.

Adoption, Surrogacy, and Parenting Rights: A Comparative Study-

In India too, The law and societal events produce major obstacles that prevent LGBTQ+ individuals from becoming parents through adoption or surrogacy processes. While the decriminalization of homosexuality by the Supreme Court in *Navtej Singh Johar v. Union of India*¹¹⁷ decision protected individual freedoms but failed to extend those rights to LGBTQ+ persons in family law matters. The Juvenile Justice (Care and Protection of Children) Act of the year 2015 allows unmarried individuals to adopt children regardless of sexual orientation or gender identity but Indian law does not recognize gay couples as adoptive parents.¹¹⁸ The law creates separate parenting standards between LGBTQ+ couples who become guardians of children even though both partners live together as a family unit. The heterosexist system of the Central Adoption Resource Authority (CARA) guidelines fails to understand and protect non-heterosexual family structures because it ignores same-sex or gender partnership families.

The Surrogacy (Regulation) Act, 2021 makes surrogacy specifically available only to heterosexual married Indian couples who have been married for at least five years.¹¹⁹ Single parents along with live-in couples and members of the LGBTQ+ community encounter total exclusion from the surrogacy process demonstrating that the state wishes to protect traditional family structures. The establishment stands opposed to global legal standards that govern the matter. Canada allows surrogacy under altruistic regulations which extends equal access to LGBTQ+ people as well as couples.¹²⁰ South Africa together with the United Kingdom and some parts of the United States including New York and California follow non-discriminatory paths for both adoption and surrogacy procedures regarding LGBTQ+ families. International legal norms are upheld through nations which grant parentage recognition to both same-sex parents through joint adoption as well as second-parent adoption and automatic parentage identification under surrogacy agreements.

The judicial systems within most areas now prioritize child welfare above all else by

¹¹⁷ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

¹¹⁸ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 57, India Code (2016); Central Adoption Resource Authority, Adoption Regulations, 2022.

¹¹⁹ Surrogacy (Regulation) Act, No. 47 of 2021, § 4, India Code (2021).

¹²⁰ Assisted Human Reproduction Act, S.C. 2004, c. 2 (Can.).

recognizing that members of LGBTQ+ communities can establish nurturing and secure domestic structures. For example, the European Court of Human Rights in *X and Others v. The European Convention on Human Rights* states that dismissing same-sex couples from adopting runs contrary to its provisions.¹²¹ From the perspective of legal decisions these communities have achieved increasing public acceptance but India's legislative system continues to ignore these families by denying them equal parental rights. India fails to provide LGBTQ+ people with feasible family establishment and protection rights because the country lacks explicit legislation supporting diverse family structures.

Societal Acceptance and Cultural Differences Across Nations-

The world displays varying degrees of acceptance for LGBTQ+ individuals because it reflects the deeply rooted beliefs from religious and cultural traditions combined with historical practices. Since the Supreme Court of India passed *Navtej Singh Johar v. Union of India* in 2018 homosexuality became decriminalized throughout the nation. The public attitudes toward LGBTQ+ individuals remain conservative throughout most of India despite the decriminalization in *Navtej Singh Johar v. Union of India* 2018 because society follows conservative cultural traditions and religious doctrine and traditional family structures. The 2019 Pew Research survey demonstrated that only 37% of Indian people believed homosexuality should be accepted by society though acceptance rates have been increasing while legal advancements happened.¹²² The Nordic countries of Canada together with Sweden and the Netherlands demonstrate high acceptance levels among LGBTQ+ citizens since their governments back equality movements through education reforms and media visibility along with official support. The Canadian population exceeds 85 percent in support of identical rights for gay couples while Pride activities function as national cultural institutions throughout the nation.¹²³

National statistics show the United States maintains its divisions regarding legal rights since the court ruled in favor of *Obergefell v. Hodges* for nationwide same-sex marriage approval. The United States has achieved nationwide legalization of same-sex marriage through

¹²¹ *X and Others v. Austria*, App. No. 19010/07, Eur. Ct. H.R. (2013).

¹²² Pew Research Center, *The Global Divide on Homosexuality Persists* (June 25, 2020), <https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/>

¹²³ Government of Canada, *Pride Season in Canada*, <https://www.canada.ca/en/canadian-heritage/campaigns/pride-season.html>.

*Obergefell v. Hodges*¹²⁴ but its social reception to this norm shows substantial geographic and ideological differences. The criminalization of LGBTQ+ relationships exists throughout the Middle East as well as Sub-Saharan Africa and parts of Southeast Asia while social sanctions against the community gain power through colonial-era laws and religious beliefs. LGBTQ+ individuals in Nigeria and Saudi Arabia potentially face death by execution or spend their lifetime behind bars due to anti-LGBTQ+ perspectives that almost completely lack support from the citizenry. Japan and South Korea have passed LGBTQ+ legal protections yet cultural traditions create barriers for public acceptance and disclosure of LGBTQ+ identities thus demonstrating that law-based progress does not always result in societal acceptance. Both legal reform and profound cultural shifts are necessary to establish full equality although legal reform typically starts first.

The Future of LGBTQ+ Rights in India-

Ongoing Legal Battles and Future Prospects (Same-Sex Marriage, Inheritance, etc.)-

Regardless of the landmark case of *Navtej Singh Johar v. Union of India* judgment from 2018 finding consensual gay sex activities legal, members of the LGBTQ population in India continue to face severe obstacles at both the legal level and through government institutions. LGBTQ individuals in India actively pursue legal recognition for same-sex marriage together with adoption rights as well as succession law and maintenance protections alongside transgender health care.

1. Same-Sex Marriage

Same-sex marriages lack approval under all civil and religious or customary systems which operate within India. Multiple petitions seeking marriage equality under the Special Marriage Act 1954 and Marriage Act 1955 and Foreign Marriage Act 1969 were presented at the Supreme Court of India throughout 2022 and 2023. The petitions unified and received court hearing status as *Supriyo v. Union of India*. *Union of India*.¹²⁵

The October 2023 Court decision refused to legalize same-sex marriage because it stated that marriage legislation belongs to the government authorities rather than judicial authorities. The Court declared the need of non-discrimination while asking authorities to examine provisions

¹²⁴ *Obergefell v. Hodges*, 576 U.S. 644 (2015).

¹²⁵ *Supriyo @ Supriya Chakraborty v. Union of India*, Writ Petition (Civ.) No. 1011 of 2022 (India).

for civil unions and the corresponding rights.¹²⁶

Although the Court negated the request the decision established equal rights rules which led toward future legal advancements. Legal commentators foresee new challenges and perhaps incremental reforms via litigation or legislative changes

2. Inheritance and Property Rights

Inheritance rules in India derive from personal Hindu, Muslim, Christian and Parsi laws that do not consider same-sex partner relationships. The term "spouse" in the Hindu Succession Act, 1956 makes no room for same-sex couples

Only a will provides inheritance rights to same-sex couples but their names remain unregistered as legal heirs. Legal uncertainty exists because of which people in situations of intestate inheritance face elevated risk of vulnerability. The Act on Transgender Persons (Protection of Rights), 2019 allows transgender people to have residence rights and property discrimination protection yet it does not address inheritance laws for same-sex partnerships¹²⁷ discrimination protection yet it does not address inheritance laws for same-sex partnerships.

Academic scholars believe courts may eventually interpret "spouse" with gender neutrality while same-sex couples could benefit from principles of justice through constructs such as constructive trusts in inheritance matters.

3. Maintenance and Alimony

Without legal recognition of same-sex marriages all matters regarding financial support, spousal support, and domestic violence protection remain unresolved. General civil along with criminal laws offer limited protection through provisions of the Protection of Women from Domestic Violence Act 2005 for lesbian couples who seek relief. An ad-hoc approach forms the present solution but lacks constitutional stability.

The upcoming changes depend on how the judiciary or the legislature decides to handle non-heterosexual relationships: through extending existing laws or creating new regulations about same-sex unions.

4. Adoption and Family Law

Within current adoption laws same-sex couples face restriction from applying for adoption.

¹²⁶ Id. at ¶ 389 (directing the government to consider a framework for same-sex civil unions and anti-discrimination safeguards).

¹²⁷ The Transgender Persons (Protection of Rights) Act, No. 40 of 2019, § 12, India Code (2019).

The Central Adoption Resource Authority (CARA) guidelines enable joint adoption by heterosexual married couples yet exclude all other combination. The Indian legal system allows individual LGBTQ+ individuals to adopt but bans their couples from doing so collectively which prevents them from earning joint legal family status.

During the Supriyo judgment the issue received a quick treatment but court officials provided limited direction. The necessary legal changes toward this improvement will move slowly because of related societal and political tensions.

5. Legislative and Social Outlook

The scarcity of judicial possibilities for specific changes has led lawmakers to shift their efforts towards legislative reform. The Parliament considered a private member's bill regarding marriage equality during 2022 yet it received no legislative support. The path of LGBTQ+ rights will be shaped by both public discussions about rights and strategic legal challenges and sustained activism from civil society organizations.

The local governments of Tamil Nadu and Kerala along with other states now emphasize progressive transgender rights legislation as a path to creating future reform possibilities.

Political and Social Acceptance Trends in India-

India has experienced an increasing acceptance of LGBTQ individuals during the last decade despite the fact that younger metropolitan groups are more accepting than others. Large pride parades that have taken place in Delhi, Mumbai and Bengaluru have brought about increased attendance from the public and delivered enhanced LGBTQ representation within media outlets. The rural regions characterized by conservative attitudes show widespread discrimination against relationships among people of the same sex. The Indian political landscape remains emotionally detached from LGBTQ rights because the Bharatiya Janata Party (BJP) in power does not support such rights within official parliamentary engagement while some opposition politicians occasionally express support for marriage equality.¹²⁸ Supriyo announced the social divides to the Supreme Court during 2023 when he argued that genuine transformation would demand modifications to legal institutions alongside social attitude adjustments¹²⁹.

¹²⁸ See Rohan Venkataramakrishnan, *Where India's Major Political Parties Stand on LGBTQIA+ Rights*, SCROLL.IN (Apr. 19, 2023), <https://scroll.in/article/1047665/where-indias-major-political-parties-stand-on-lgbtqia-rights>

¹²⁹ Supriyo @ Supriya Chakraborty v. Union of India, Writ Petition (Civ.) No. 1011 of 2022, ¶ 102 (India).

The Role of Judiciary, Government, and Civil Society in LGBTQ+ Rights-

Judicial actions led by Indian courts formed the primary basis that supported key decisions like *Navtej Singh Johar v. Union of India*. The Indian Supreme Court took two landmark decisions in *Navtej Singh Johar v. Union of India* to decriminalize same-sex relations while also granting rights through *National Legal Services Authority v. Union of India*¹³⁰. The recognition of transgender person rights by the Union of India stands as the key judicial step for transcending legislation deficiencies when respecting Articles 14, 15 and 21 of the constitution. Governments have shown variable contributions throughout this issue. India passed the Transgender Persons (Protection of Rights) Act, 2019 although critics attacked its enactment because it failed to involve transgender persons during its development and included medical requirements for gender recognition. The government under the Union has taken a position against recognizing same-sex marriages because it sees traditional marriage values as the domain of legislative power.

In contrast, the civil society-which includes NGOs, legal advocacy groups, and grassroots movements-have always been a consistent and powerful actor in the struggle. This has been made possible through the litigation, awareness campaigns, and community support that the Naz Foundation, Sweekar-the Rainbow Parents, Humsafar Trust, and other such organizations have engaged in. Thus, combined with the progressive stance of the judiciary, and the often-cautious and reluctant movement of the government, civil society's unremitting push has shaped the emerging fate of LGBTQ rights in India.

Education and Awareness: Shaping an Inclusive Future-

Indian LGBTQ rights have mainly been advanced by judicial proceedings starting with *Navtej Singh Johar v. Union of India* through *National Legal Services Authority v. Union of India* declared same-sex relations legal while *Navtej Singh Johar v. Union of India* brought an end to their criminal status. The judiciary delivered its most prominent ruling through *Navtej Singh Johar v. Union of India* which established the rights foundation for transgender persons in India. These judgments supplied necessary legal standards through Article 14, 15 and 21 constitutional safeguards. The government passed the Transgender Persons (Protection of Rights) Act, 2019 yet encountered resistance from transgender groups because this legislation introduced medical oversight to gender recognition procedures. The Samajik Chetna Abhiyan

¹³⁰ Nat'l Legal Servs. Auth. v. Union of India, (2014) 5 SCC 438 (India).

(Social Awareness Campaign) in India teaches human rights principles to fight against caste-based bias and social preconceptions.¹³¹ The government of India continues to maintain its position against legalizing same-sex marriage because marriage represents traditional family values according to its perspective.¹³² Non-government organizations (NGOs) and legal and community-based organizations comprise civil society while functioning as the main driving force of the movement. The Naz Foundation together with Sweekar – The Rainbow Parents and Humsafar Trust represent several organizations sustaining advocacy efforts in litigation and community support efforts.¹³³ All major stakeholders involved in the LGBTQ rights movement including the judiciary which takes liberal stands and the government which demonstrates both progress and reluctance and civil society which serves the cause have contributed actively to Indian LGBTQ rights progress.

Recommendations for Policy Reforms-

Creating a democratic society alongside justice necessitates modifications to policy which resolve structural injustices while making sure official systems both preserve justice and human rights as well as dignity. The following policy suggestions incorporate various perspectives to create an extensive reform strategy:

Mandatory Inclusion Curriculum:

Governments should make education in inclusivity and diversity a compulsory part of school curricula, such as gender equality, LGBTQ+ rights, caste and race equity, and disability awareness. Evidence suggests that this type of education promotes empathy and reduces long-term prejudice. This must be followed by teacher training programs to equip educators with the necessary tools to successfully teach inclusive content.

Anti-Discrimination Legislation:

Inclusive workplace policies

Stricter or new comprehensive anti-discrimination laws must be passed in order to protect citizens from discrimination because of caste, religion, gender identity, sexual orientation, and disability. India, for instance, does not have a codified anti-discrimination law that would offer

¹³¹ Ministry of Social Justice & Empowerment, Govt. of India, *Samajik Chetna Abhiyan* (2021), <https://socialjustice.gov.in/>.

¹³² India Const. art. 21A; see also *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645 (India).

¹³³ U.N. Sustainable Development Goals, Goal 4: Quality Education, <https://sdgs.un.org/goals/goal4>.

level playing field protection across industries. A rights-based approach like the U.K.'s Equality Act 2010 could be a model of legislation.

Workplace policies and employment legislations must be overhauled to enhance diversity and inclusion. This involves enacting equal opportunity policies, universalizing parental leave benefits for all gender identities, and instituting anti-harassment measures that are sensitive to LGBTQ+ individuals and persons with disabilities.

Strengthening Data Collection and Accountability:

The implementation of effective policy requires prioritized collection of detailed information about marginalized populations for specific intervention development. Additionally policymakers must add transparency mechanisms to their data reporting systems.

Public Awareness and Civic Engagement:

Public awareness initiatives running over extended periods should accompany policy reforms to change societal attitudes. Community leaders along with civil society organizations guide the development of policies by utilizing practical experience for representation.

Conclusions-

Key Findings from the Study-

1. **Judicial Activism as the Central Driver of Change:** Such cases as *Navtej Singh Johar v. Union of India* and *NALSA v. Union of India* have been key in protecting LGBTQ+ rights, frequently intervening when there was legislative laggings. The courts have had to use constitutional provisions relating to equality, dignity, and privacy to propel increased protection of LGBTQ+ individuals.
2. **Lack of Legislative and Executive Support:** Despite the government passing the *Transgender Persons (Protection of Rights) Act, 2019*, its enforcement is weak and criticized for failing to be in step with community needs. There is no legislative endorsement of same-sex relationships, and recent court judgments have left such decisions to Parliament.
3. **Ongoing Legal Discrepancies Regarding Marriage, Inheritance, and Family Law:** LGBTQ+ citizens remain outside legal protections related to marriage, adoption, and inheritance. The *Supriyo* judgment of 2023 refused legal recognition of the right to

marry for same-sex couples, showcasing the ongoing rejection of full legal personhood within family law applications.

4. Uneven Social Acceptance: Urban areas are seeing increasing acceptance of LGBTQ+ identities, facilitated by media, education, and activism. Rural societies and conservative societies are not friendly, and invisibility and social stigma dominate.
5. 5. The Key Role of Civil Society: Activists, support groups, and NGOs have all played an important part in promoting LGBTQ+ visibility, legal awareness, and mental health services.
6. Directions for Future Depend on Inter-Multi Stakeholder Collaborations: Multiple collaboration between judiciary, legislatures, the executive, and civil society shall bring about consistent progress. Changes through legislation, participatory policy-making, and sensitization processes need to decrease the gap between constitutional promise and actual experience.

The Path Ahead for India's LGBTQ+ Community-

LGBTQ+ rights in India face an uncertain future because they depend on the union of constitutional considerations with social progress and government agreement. With judicial support towards dignity rights and privacy rights and freedom from discrimination there exists a strong base while legislative changes continue to present challenges to achieving absolute equality. Current civil and family law systems push the LGBTQ+ group toward societal margins because the laws deny recognition to same-sex marriage, unsuccessful adoption, and heritage.

The advancement of LGBTQ+ rights requires that Parliament creates unified laws which legalize same-sex connections while treating adoption and property inheritance similarly and eliminating gender bias from personal law administration. The executive should organize awareness programs for education, healthcare and public administration and law enforcement to address historical prejudices.

Civil society together with mass movements will continue their essential functions by establishing openness about LGBTQ+ matters and supporting legal cases while fostering connections between LGBTQ+ persons especially in rural and semi-urban areas of India. Cultural change becomes achievable through both media portrayal channels and inclusive

corporate action.

All LGBTQ+ people across India need to experience equal treatment through intersectional rights-based partnerships to fulfill the constitutional equality vision

Global Inspirations and Possible Roadmap for India-

The nation of India can draw knowledge from global jurisdictions which successfully established legal frameworks for LGBTQ+ rights. Progressive LGBTQ+ practices emerged through diverse drivers including judicial activism and legislative change and public awareness programs in nations like Canada and South Africa and Taiwan. The Constitutional Court of South Africa validated same-sex marriage through its decision in *Minister of Home Affairs v. Fourie*.¹³⁴ The Constitutional Court of South Africa established marriage equality rights in *Minister of Home Affairs v. Fourie* through its declaration of marriage equality as a constitutional dignity and equality matter. [1]J.Y.ictures No. 748 implementation was enabled when Taiwan passed the Act for Implementation of J.Y.ictures No. 748 following historic judicial decisions.

India should follow these steps toward progress:

- To establish equitable marriage rights and privileges The Parliament must amend the Special Marriage Act 1954 to introduce non-gender-specific along with same-sex nuptials.
- The administrative body needs to establish gender-sensitive public services including education and law enforcement and healthcare so that violence and discrimination can decrease.
- Adjudication systems have consistently supported the LGBTQ+ community but they should base their decisions on constitutional morality principles specifically when dealing with public resistance.
- Local grassroots organizations need empowerment to create legal awareness -programs as well as maintain mental health facilities and develop economic support structures for LGBTQ+ populations in underrepresented rural areas.
- The Federal Action Plan on LGBTQ2+ Rights from Canada provides an example through which nations could implement a universal system for LGBTQ+ inclusion throughout all parts of society.

¹³⁴ *Minister of Home Affairs v. Fourie*, 2005 (1) SA 524 (CC) (S. Afr.).

These initiatives require adjustments based on India's constitutional framework together with its cultural values and social conditions to create a more equitable future for equal legal citizenship acceptance of LGBTQ+ individuals.

Major legal advancements by the courts support LGBTQ+ rights recognition in India but additional efforts remain necessary to achieve full equality for this community. Same-sex unions remain unrecognized by law and family law protection along with wider social acceptance continue to be major concerns. Using the strength of its Constitution together with international standards India should transition from symbolic victories toward meaningful structural changes. To ensure protection of LGBTQ+ rights dignity and identity across all domains society must have integrated support between the judiciary, civil society, executive, and legislature.

