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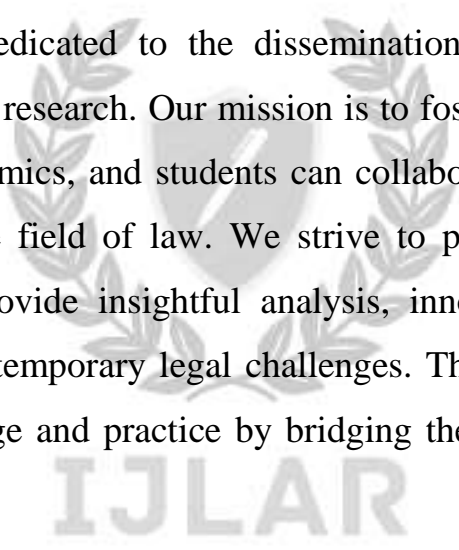
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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

A large, faint watermark of the IJAR logo is centered on the page. It features a circular emblem with a shield in the center, flanked by laurel branches. Below the emblem, the letters 'IJLAR' are printed in a large, bold, sans-serif font.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

EVOLUTION AND LEGALIZATION OF LGBTQ+ AND SAME SEX MARRIAGE: TRENDS AND PUBLIC OPINION

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ABSTRACT:

This paper explores the importance and effects of same-sex marriage, charting its evolution from a social taboo to legal acceptance in various countries. It examines the historical, cultural, and legal factors that have shaped public perceptions of same-sex relationships, highlighting significant milestones such as pivotal court decisions and legislative reforms. The paper also investigates the social and psychological advantages of marriage for LGBTQ individuals and couples, including the validation of love and commitment, legal rights, and increased social acceptance. Additionally, it discusses the ongoing challenges and resistance faced by the LGBTQ community, stressing the significance of intersectionality in the quest for equality. Through this analysis, the study emphasizes the transformative impact of same-sex marriage on advancing human rights and promoting inclusivity in society. The legality of same-sex marriages not only provides psychological comfort but also social acceptance and equality regarding their access to certain rights, for example, inheritance, child adoption, health care, and financial security. On the other hand, the paper addresses various problems related to the LGBTQ+ population, such as discrimination, cultural and societal resistance, and legal restrictions that are currently experienced in some countries. Furthermore, it is important to note that intersectionality has been addressed in the paper and the significance of such issues as gender, race, class, and religion in the lives of these people is discussed.

KEYWORDS: LGBTQ+, Social Struggles, Adoption, Protections, Homosexuality, recommendations.

INTRODUCTION:

Marriage is regarded as a significant aspect of a person's identity in both politico-legal and socio-economic contexts. It is an institution legally codified through various personal laws to formalize the relationship between two individuals. Marriage holds great public importance, particularly in relation to rights and obligations such as property, inheritance, and other associated entitlements, all of which stem from this union. In today's world, marriage is not only a civil right but has also gained widespread international recognition. The right to marry is considered an obligation of the state. In India, this right has been acknowledged as a constitutional right, allowing individuals the freedom to choose their own spouse.

In *Olga Tellis and Others v. Bombay Municipal Corporation and Others*, the court held that Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which encompasses more than mere physical existence. It ensures a meaningful and dignified life. Human dignity is a fundamental prerequisite for the rights protected under Article 21. The right to marry is essential for preserving individual dignity and enjoying a meaningful existence, which is why courts have interpreted marriage as a crucial right under Article 21.¹

Section 377 of the Indian Penal Code classified consensual sexual acts between individuals of the same sex as an "unnatural offence," deeming it "against the order of nature."² It mandated a penalty of up to 10 years in prison. The Court ruled that Section 377 infringed upon the right to privacy and personal liberty guaranteed under Article 21 of the Constitution. It further held that discriminating against and criminalizing homosexuals violated the principle of equal protection enshrined in Article 14. As such, Section 377 was found to be a violation of human dignity, a fundamental value at the heart of the Indian Constitution. Section 377 was drafted by lord Macaulay in 1838. Before independence, being outspoken about this law had harsh consequence. For Example: the movie fire. This movie was inspired by the novel Lihaaf, published in 1942, Lihaaf is a story about a neglect wife who explores lesbian sex. This book was authored by Ismat Chughtai and in 1946 she was levelled with the charges of obscenity. Mr. Aslam, also an author tried to persuade Chughtai

¹ (1986 AIR 180, 1985 SCR Supl. (2) 51) <https://indiankanoon.org/doc/709776/>

² Toi-Online. (2018, December 31). What is Section 377 of IPC? *The Times of India*. <https://timesofindia.indiatimes.com/india/what-is-section-377/articleshow/66067994.cms>

to apologize and end the matter. to this Chughtai replied that “you have the freedom to write whatever you want, you don’t need to seek your permission. Similarly, I don’t feel any need to seek your permission for writing how I want to”³. Similar case law, in 1987, Urmila Srivastava and Leela Namdeo, two policewomen from the Madhya Pradesh police force, made history as the first documented same-sex couple to marry in India. Their ceremony, held in accordance with the Gandharva tradition—a traditional Hindu ritual—involved them exchanging garlands in the presence of a small group of close friends and family. This modest yet groundbreaking event became a significant milestone in the fight for LGBTQIA+ rights in India. Urmila and Leela's marriage quickly became public when, on February 24, 1988, their wedding photos were featured on the front pages under the sensational headline "Lesbian Cops." The exposure followed after a fellow cadet shared their wedding images with a supervising officer, who took drastic measures against the couple. As a result, Urmila and Leela endured harassment, threats, and abuse, which ultimately led to their dismissal from the police force⁴. In 1991, India liberalized its economy and LGBTQ+ community gained inspiration from the idea of equality predominant in foreign countries. During this time India’s First LGBTQ magazine, Bombay dost, also started its publication. This magazine gave a voice to the insecure gay youth of the country. In 2001, an NGO called Naz Foundation filed a petition challenging section 377 in the Delhi high court. This petition was stalled for nearly 8 years. but the high court dismissed the petition. later on, the supreme court asked the high court to reconsider the case. thus in 2009, the Delhi high court decriminalized homosexuality. later in 2012, the supreme court overturned the high court’s decision by saying that over the past 150 years, less than 200 people were prosecuted under the section 377. Finally in 2018, the supreme court of India scrapped section 377 and homosexuality was decriminalized.⁵

³ October 15, 2018 Decoding the ‘feminist’ in Ismat Chughtai’s most (in)famous short story, Lihaaf <https://indianexpress.com/article/lifestyle/books/ismat-chughtai-lihaaf-feminist-novel-birth-anniversary-5318096/>

⁴ Gay Angst

Tales of Asian homosexuals ISSUE DATE: Jun 30, 1993 | UPDATED: Jun 30, 1993 <https://www.indiatoday.in/magazine/indiascope/story/19930630-gay-angst-756034-1993-06-29>

⁵ ISSUE DATE: Jun 30, 1993 | UPDATED: Jun 30, 1993 supreme court decriminalises section 377: all you need to know <https://timesofindia.indiatimes.com/india/sc-verdict-on-section-377-all-you-need-to-know/articleshow/65695884.cms>

HISTORY OF LGBTQ+:

LGBTQI+ is a term that includes people who're lesbian, gay, bisexual, transgender, queer, intersex and other diverse sexual orientations and gender identities. It represents human experiences related to sexuality, gender identity and expression that exist in different societies and cultures. The history of LGBTQ+ started ago with evidence of different gender identities and same-sex relationships in many civilizations. However people started to recognize and support LGBTQ+ in the 17th century. This support grew bigger in the century. Karl Heinrich Ulrichs⁶, a lawyer and writer was one of the first known activists who openly supported people attracted to the same sex. He is often seen as a pioneer of the gay rights movement. The pink triangle and the rainbow flag are internationally recognized symbols of the LGBTQ+ community. The pink triangle is now a symbol of resistance and remembrance. The rainbow flag represents diversity, inclusion and pride, in the community. LGBTQI+ people use these symbols to show their identity and pride. The LGBTQ+ community uses the rainbow flag to promote diversity and inclusion.

STRUGGLES OF LGBTQ+ COMMUNITY IN THE SOCIETY:⁷

Same sex couple cannot legally adopt a baby in India. according to Indian law, a single woman can adopt a child of any gender. While a single man is eligible to adopt only a male child. thus, an LGBTQ+ person can apply for adoption as a single parent with the other parent having no legal right over the child, this is how such laws create grounds for discrimination in society. There are many "Family laws" in India that regulate the matters of Adoption, Surrogacy, Inheritance and a lot. As LGBTQ+ couples cannot marry legally, they are deprived of rights afforded by these laws. For Example: Sameer Samudra who married his partner, Amit Gokhale, in the US nine years ago and came to India some years back ago, they went through financial struggles because of the law. They couldn't get life Insurance for their partner; moreover, same sex couples lack security and protection from the government and the society. For Instance, In the case of Marriages of Heterosexual couples, one partner cannot simply walk away and marry someone else, whereas in same sex Marriage, one partner can break off the marriage without any legal consequences. In

⁶ Karl Heinrich Ulrichs: First Theorist of Erotic Age Orientation

<https://pubmed.ncbi.nlm.nih.gov/27982739/>

⁷ Supreme Court: Unmarried couples, including queer, can't adopt Updated: October 18, 2023
<https://indianexpress.com/article/india/supreme-court-unmarried-couples-including-queer-cant-adopt-8988000/>

matter of inheritance. Heterosexual spouses can inherit each other's property in the absence of a will. But that's not in the case of same sex couples. Though India does not have Uniform Civil Code. But there are four marriage laws in India. Hindu Marriage law, Christian Marriage law, Muslim Marriage Law and Special marriage law, but at the same time, the government has raised an important point even if same sex marriages are to be legalized, then it should be done by the parliament and not the court. If the court starts to pass laws, parliament's role in the proceed will get undermined. In 2015, parliament failed to hold a debate on this matter. It rejected Shashi Tharoor's private bill.

The two main components of sexuality:

- 1. Sexual Orientation/Attraction:** This aspect refers to an individual's physical, romantic, and/or emotional attraction toward other people. Everyone has a sexual orientation, which forms part of their identity. Importantly, sexual orientation is distinct from gender identity and sex characteristics.
- 2. Sexual Behaviour:** Sexual behaviour encompasses an individual's sexual interactions with people of various genders, whether men, women, or non-binary people. Often discussed in public health or epidemiological contexts, this focus is primarily on behaviour rather than identity or orientation.

Further categories include:

- **Heterosexuality:** Attraction to individuals of a different gender.
- **Homosexuality:** Attraction to individuals of the same gender.
- **Gay:** Typically, this term refers to a man who is emotionally, romantically, and/or sexually attracted to other men. Identifying as gay is based on self-perception and attraction, regardless of sexual experience.
- **Lesbian:** A person who identifies as a woman and is emotionally, romantically, and/or sexually attracted to other women. This definition has evolved to include non-binary individuals who identify as "non-man attracted to non-men," as defined by Johns Hopkins University.
- **Bisexual:** Refers to individuals who are emotionally, romantically, and/or sexually attracted to people of their own gender and other genders. Bisexuality does not require equal

attraction or experience with multiple genders—only the presence of such attraction or self-identification.⁸

IS HOMOSEXUALITY UNNATURAL?:

Same sex marriage and relationships are neither natural nor desirable which is why we do not support such relationships," said [Arun Kumar](#), Akhil Bharatiya Prachar Pramukh, RSS on the SC verdict on decriminalising Section 377.

Kumar added that traditionally, the Indian society too does not recognise such relations. "A man usually learns by experiences which is why this subject has to be dealt at social and psychological levels," he said⁹.

The topic of Homosexuality has been discussed a lot in our society, our culture and our laws. For a time people in same-sex relationships were treated very badly and were even considered criminals because of old ideas about what is right and wrong. These ideas were based on what people believed not on what science tells us. The laws were unfair to people because of who they loved and they interfered with their lives their self respect and their freedom. In a society that's open who someone loves should not affect how we see them or what rights they have. Every person deserves to be treated with respect, dignity and protected by the law no matter who they are in love with. This is very important.

Some people say that Homosexuality goes against the way things are supposed to be. This idea is not true. Scientists have studied Homosexuality. Found that many animals, like dolphins, penguins and lots of other mammals and birds also have same-sex relationships. This shows that Homosexuality is something that happens naturally in the animal world and it also happens with people. So saying that Homosexuality is unnatural does not make sense. It ignores the fact that there is a lot of variety in nature and, in our world. Now we are trying to be more accepting make

⁸ <https://lgbtq.ucsf.edu/glossary-terms>

Understanding sexual orientation and homosexuality Date created: 2008 <https://www.apa.org/topics/lgbtq/orientation>

⁹ Homosexuality not a crime, but unnatural: RSS

TIMESOFINDIA.COM / Updated: Sep 6, 2018

<https://timesofindia.indiatimes.com/india/homosexuality-not-a-crime-but-unnatural-rss/articleshow/65703402.cms>

sure everyone is equal and recognize that each person has rights and freedoms. Homosexuality is a part of life and Homosexuality should be accepted. The way we think about Homosexuality's changing and Homosexuality is becoming more accepted.

We need to keep thinking about Homosexuality in a way and we need to keep accepting Homosexuality.

BACKGROUND OF THE STUDY:

In the NALSA case, this Court ruled that the transgender community should not be confined to the traditional gender binary and must be recognized as a "third gender" under the law.¹⁰

The Court also instructed both the Central and State governments to take measures to combat the stigma and oppression faced by the transgender community, and to raise public awareness about their struggles. Subsequently, Parliament passed the Transgender Persons (Protection of Rights) Act, 2019, aimed at safeguarding the rights of transgender individuals and providing welfare measures for their advancement. The Act seeks to protect transgender persons from discrimination and includes provisions to ensure their access to opportunities in education and social sectors. However, despite the Court's ruling in NALSA¹¹ and the protections offered by the Transgender Persons Act, members of the transgender community continue to face denial of equal citizenship, along with severe physical and sexual violence. They are often compelled to undergo sex-reassignment surgeries before their transgender identity is legally recognized and are frequently subjected to hate speech. Moreover, harmful stereotypes about the community are perpetuated in the media. The petitioners, who are members of the LGBTQIA+ community, are not merely protesting against the informal and often hidden discrimination they experience in society, though that remains an important concern.

Their grievance is focused on formal, visible discrimination. They argue that the State, through the current legal framework, discriminates against the queer community by implicitly excluding them

¹⁰ Media Guidelines for Covering news on the LGBTQ+ Community Dated: 21.08.2023 <https://presscouncil.nic.in/Pdf/RLGBTQ21092023.pdf>

¹¹ AIR 2014 SC 1863 <https://translaw.clpr.org.in/case-law/nalsa-third-gender-identity/>

from a key civic institution: marriage. Invoking the equality provisions of the Constitution, the petitioners seek legal recognition of their relationships in the form of marriage. They are not requesting special privileges exclusive to the queer community, but rather equality with the heterosexual community.

Arun Kumar v. Inspector General of Registration, 2018¹²

The Madras High Court made a decision that changed how people understand the Hindu Marriage Act, 1955. This decision said that the word "bride" can also mean transgender women. For a time the Act only talked about marriages between a man and a woman. The Court said that the word "woman" can also include transgender women who think of themselves as female. The Court based its decision on an idea from the National Legal Services Authority v. Union of India case. This idea says that people have the right to decide their gender without needing anyone else to agree. The Court said that if someone thinks of themselves as a transgender woman they have the right to be recognized as a woman. This decision was a step forward for transgender people in India. It helped them get respect and recognition. It also started conversations about marriage equality and the rights of LGBTQ+ people. This decision does not mean that same-sex marriage is legal everywhere in India. The Supreme Court of India has not made a decision about this yet. The Hindu Marriage Act, 1955 and the decision by the Madras High Court are important. They do not change everything. The Supreme Court of India still needs to make a decision about same-sex marriage, in India. The LGBTQ+ community and the Hindu Marriage Act 1955 are still waiting for this decision.

TRANSGENDER PERSON (PROTECTION OF RIGHTS) ACT, 2019¹³:

The Transgender Persons Act of 2019 was made to protect the rights of transgender persons. This law was supposed to stop people from treating transgender persons in areas like jobs, schools, hospitals and other public and private services. The main goal of this law was to make sure transgender persons are treated equally and with respect. Even though this law was meant to help transgender persons it has been criticized for some things that are not right. One big problem is

¹² Arun Kumar v. Inspector General of Registration, 2018¹² <https://indiankanoon.org/doc/188806075/>

¹³ THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019
https://www.indiacode.nic.in/bitstream/123456789/13091/1/a20_19-40.pdf

that this law does not let transgender persons say what gender they are. To get papers that say what gender they are transgender persons need to get a certificate from the government and sometimes they need to have medical tests. This is a concern because it affects their freedom to make their choices and their right to keep their personal life private. It also means they might be treated badly when they are getting certified.

Another issue is that the law does not punish people enough when they hurt transgender persons. Some people think the punishments are not as strong as they should be when compared to punishments for similar crimes against women. This makes people worry that transgender persons are not being protected equally. The Transgender Persons Act has also been criticized for not doing enough to help transgender persons. For example it does not say that transgender persons should get help like reserved spots in schools or jobs or scholarships to help them. It also does not say how schools and workplaces can be made safer and more supportive for transgender persons and other people, in the LGBT+ community. The Transgender Persons Act needs to be improved to really help transgender persons.

RECENT TRENDS:

Amid various challenges, there is hope for progress. A notable example is the 2020 ruling by **the Madras High Court in Arunkumar and Sreeja v. The Inspector General of Registration**¹⁴, which set a legal precedent by acknowledging marriages under the Hindu Marriage Act while also recognizing the rights of transgender individuals to marry and form legal partnerships. This legal development, like broader discussions surrounding family law in society, represents a significant step forward in combating prejudice.

India's Supreme Court has declined to legalize same-sex unions, disappointing millions of LGBTQ+ individuals seeking marriage equality. Instead, the court accepted the government's proposal to establish a panel to explore granting additional legal rights and benefits to same-sex couples. Activists and same-sex couples expressed disappointment with the ruling and vowed to continue their campaign for equality. The court had been reviewing 21 petitions from same-sex

¹⁴ Madras High Court. (2019, April 22). Arunkumar Vs The Inspector General Of Registration & Others. Retrieved from <https://indiankanoon.org/doc/188806075/>

couples and activists, following extensive hearings earlier in the year that were live streamed in the public interest. The petitioners argued that the inability to marry infringed on their constitutional rights, effectively relegating them to "second-class citizenship." They suggested that the court could amend the Special Marriage Act—which permits marriages across different religions, castes, and nationalities—by simply replacing "man" and "woman" with "spouse" to allow same-sex unions. The government, backed by religious leaders, strongly opposed the petitions, maintaining that only parliament could address the socio-legal issue of marriage. They also warned that legalizing same-sex marriage would lead to societal "chaos."

The judges sided with the government, stating that law-making is the domain of parliament, while the judiciary's role is to interpret the law. The court endorsed Solicitor General Tushar Mehta's proposal to form a committee, led by the country's top bureaucrat, to consider extending rights and privileges to queer couples similar to those available to heterosexual couples. Two of the judges, including Chief Justice DY Chandrachud, expressed support for civil unions and granting same-sex couples the same benefits as married couples. Chief Justice Chandrachud also issued a list of directives to the government, urging it to end all forms of discrimination against the queer community and ensure their protection from harassment and violence. He further stated that queer and unmarried couples should be allowed to jointly adopt children.

However, since the majority of the five-judge bench did not support Chandrachud's directives, these instructions will remain non-binding recommendations. Earlier in the hearings, it seemed India was on the brink of legalizing same-sex marriage, with the court indicating it might amend the Special Marriage Act without interfering with religious personal laws. But as deliberations unfolded, the complexity of the matter became apparent, with issues such as divorce, adoption, and inheritance linked to numerous laws, some of which intersect with religious regulations.

The ruling has left activists and same-sex couples feeling disheartened. LGBTQ+ activist Sharif Rangnekar shared his disappointment, stating that the decision to defer to a government committee, with no clear timeline, creates bureaucratic uncertainty. On the other hand, the verdict has been welcomed by some, including Adish Aggarwala, president of the Supreme Court Bar Association, who agreed with the court that only parliament has the authority to legalize same-sex unions. The

debate has drawn significant attention in India, a country home to an estimated tens of millions of LGBTQ+ individuals. Although attitudes toward sex and sexuality remain conservative, many in the community had pinned their hopes on this landmark judgment. However, for now, those hopes have been dashed¹⁵.

RECOMMENDATION:

To protect an individual's right to practice his/her own religion, personal laws are enacted likewise one such measure is the creation of a separate "Civil Union". A Civil Union is a marriage like partnership of two individuals who can enjoy legal benefits such as inheritance and tax laws. But it is completely different from the traditional marriage.

Different between a Marriage and a Civil Union: the difference is that religious doesn't validate a Civil Union. As India lacks a Uniform Civil code, these marriages would fall under Special marriage. Another Measure is to recognize same sex marriage under the existing laws. Similarly, the special marriage act does not prohibit same sex marriages, the law uses the term "each party". A party can either be a man or a woman. Thus, there's no need to change the laws¹⁶.

MEASURES TAKEN TOWARDS LGBTQ+ COMMUNITY:

The Government of India has taken numerous measures to support and safeguard the rights of the LGBTQIA+ community, aiming to create a more inclusive and equitable environment. This commitment has been reinforced by recent policy developments and consultations, as well as directives issued by various ministries in line with the Supreme Court's judgment in the case of **Supriyo @ Supriya vs. Union of India**¹⁷, which emphasized defining and securing entitlements for the queer community.

¹⁵ Supreme Court's verdict on same-sex marriages | Explained October 22, 2023
<https://www.thehindu.com/news/national/supreme-courts-verdict-on-same-sex-marriages-explained/article67429494.ece>

¹⁶ SC hearing pleas on same sex couples' right to marry: What is civil union, how is it different from marriage Updated: April 18, 2023
<https://indianexpress.com/article/explained/explained-law/what-is-civil-union-how-is-it-different-from-marriage-8563555/>

¹⁷ Supriyo and Ors. vs. Union of India (UOI) (17.10.2023 - SC): MANU/SC/1155/2023

- 1. Constitution of the Central Committee:** Following the Supreme Court's ruling, the government formed a committee led by the Cabinet Secretary, including key secretaries from ministries such as Home Affairs, Health and Family Welfare, Women and Child Development, and the Department of Social Justice and Empowerment (DoSJE) as the convenor. This committee is tasked with formulating recommendations to protect the interests and rights of the queer community across central and state levels.

- 2. Focus Areas of the Committee:** The committee's initial focus included practical matters such as issuing ration cards, facilitating joint bank accounts for queer individuals with partner nominations, and addressing harassment based on gender identity and sexual orientation. Additionally, a sub-committee led by the Home Secretary was established to address issues around ration cards, bank accounts, jail visitation rights, and law enforcement practices to prevent violence and harassment.

- 3. Actions Taken by Ministries:**

Department of Food and Public Distribution: Issued an advisory to states and UTs ensuring that queer partners are recognized as part of the same household for ration card issuance, advocating for non-discriminatory practices.

Department of Financial Services: Advised that queer individuals face no restrictions in opening joint bank accounts or nominating partners, ensuring equitable financial rights.

Ministry of Health and Family Welfare: Directed states and UTs to protect LGBTQIA+ health rights, including prohibiting conversion therapy, ensuring access to sex reassignment surgery, revising medical curricula, enabling teleconsultation, and allowing body claims by community members if no family is available. Additionally, the Directorate General of Health Services issued guidance to reduce healthcare discrimination.

Guidelines for Infants/Children with Sexual Differentiation Disorders: The Ministry of Health also issued guidelines for medical interventions to assist intersex children, aiming to ensure a medically stable life. They are also developing guidelines for the mental health and well-being of the queer community.

- 4. Stakeholder Consultations and Future Directions:** In July 2024, DoSJE¹⁸ organized a consultation with LGBTQIA+ community representatives and government officials, gathering input on additional steps needed. These suggestions were subsequently distributed to relevant ministries for implementation.

- 5. Monitoring and Further Actions:** In August 2024, the Cabinet Secretary led a second committee meeting to review action progress, urging ministries to expedite the issuance of official memoranda and advisories. These initiatives reflect the Indian government's ongoing efforts to eliminate discrimination, promote inclusivity, and address the unique challenges faced by the LGBTQIA+ community in accessing public services and social benefits.

CONCLUSION:

India is a developing nation, and to foster its growth and progress, the country requires progressive laws that ensure equal treatment for all residents and provide them with equal opportunities to contribute meaningfully to the nation's future. Marriage carries essential rights and responsibilities for two individuals, including those related to adoption and inheritance. In a nation like India, where marriage is deeply valued, it is a fundamental right that should be accessible to all individuals. However, the LGBTQ community still lacks this essential privilege. While the decriminalization of homosexuality was a milestone, it has limited impact if LGBTQ individuals are still unable to marry the partners of their choice. Marriage brings significant benefits, including tax planning, life insurance, and other similar rights. The Transgender Persons (Protection of Rights) Bill, approved by the Lok Sabha on August 5th, 2019, addresses some issues, but its limitations prevent it from truly benefiting the broader LGBT community. It is the duty of the society to provide equal respect and protection within the society.

¹⁸ Host of measures taken by Government of India for the LGBTQI+ community

DoSJE invites inputs from stakeholders and public at large to ensure inclusive and effective policies Posted On: 01 SEP 2024

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2050655>