

# India and the global fight for lgbt rights

[Sociology](#), [Human Rights](#)



Harvey Milk, an American politician and the first openly gay elected official in the history of California once said that “ It takes no compromising to give people their rights. It takes no money to respect the individuals and it takes no survey to remove repressions.” Though what he uttered was simple and the most rudimentary percept that every individual person in this day and age should hold in their minds, it is not necessarily something that everyone believes in.

India is a conglomeration of people of different religions, castes, languages, cultures and traditions, but most importantly India is an amalgam of people with different thoughts and beliefs. But, at the end of it all, we are united by our differences, the way we embrace and accept the differences among the family that we created.

### **Doesn't it sound good to the ears?**

Isn't this all a nice little fairytale story which everyone has been hearing ever since our childhood and we were all naïve enough to fall into this fabrication?

Most of us are familiar with the infamous Section 377 of the Indian Penal Code which criminalizes homosexuality or whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal would be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and can also be liable to fine. Section 377 originated with the Buggery Act of 1533 which was drafted by Thomas Macaulay around 1838 and this act defined ' buggery' as an unnatural sexual act against the will of God and man. Thus, this criminalized penetration, bestiality and in a broader sense homosexuality. It is both sardonic and imbecilic that the UK decriminalized homosexuality as

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early as 1967 while in India, this archaic law is still followed and regulated. Over the years, the Supreme Court has been challenged with variety of lawsuits to take down Section 377 but none of them have been fruitful enough. In February 2012, clashes among the members of the Central Government resulted in Supreme Court reprimanding the Ministry of Home Affairs for frequently changing their stance on the issue. In December 2013, the Supreme Court set aside the 2009 Delhi High Court order decriminalizing consensual homosexual activity within its jurisdiction and it was decided that Parliament would debate and conclude the matter. During this stretch, most of the people from the LGBTQ community were prone to police harassment and almost majority of the society looked down on these people only due to their choice of identity.

Shashi Tharoor, member of the Indian National Congress is one of the most prominent people involved in the repeal of Section 377. But, his bill was rejected in the house by a vote of 71-24. Nonetheless, he hasn't lost his optimism and is planning to re-introduce the bill. In 2016, the court ruled that a person's sexual orientation is a privacy issue, in turn giving hope to the LGBT activists that the court would soon take down Section 377. In January 2018, the Supreme Court agreed to refer the question of Section 377's validity to a large bench for examination before October. The Supreme Court heard various petitions on the validity of Section 377 on 1 May 2018. It issued a notice to the Indian Government seeking its position on the petitions, and gave it until July to respond.

Through the years, the rules bound to LGBTQ have taken many turns, some for the good and some for the worse. But, more recently India is in the brink of a breakthrough for gay rights. In hindsight, homosexuality isn't a political issue, rather it's a sexual and spiritual concern. Gay rights are human rights and it should never be a crime to be gay or to be your true self.