

**SOCIO-LEGAL STUDY OF SEXUAL
MINORITIES WITH REFERENCE TO INDIAN
CRIMINAL JUSTICE SYSTEM IN HUMAN
RIGHTS PERSPECTIVE**

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Abstract of Thesis

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ABSTRACT OF PH.D. THESIS

For the purpose of doing research and writing of Ph.D. thesis, it is very central to put an argument on the basis of research conducted. This argument is related to the research problem in general and various issues in particular. This Ph.D. thesis started with identification of issues on the basis of initial pilot study that showed the violence against sexual minorities (Study limits only to Lesbian, Gay, Bisexual and Transgender in Delhi) is prevalent in India. There are many issues involved with problem of such violence against sexual minorities. The socio-legal study with reference to Indian Criminal Justice System has been tried to explore and research upon. This research problem has carried forward under the perspective of human rights. On the basis of this, scenario in Delhi for sexual minorities was included for the purpose of conducting research and it has been stated in research problem. The actual title of this Ph.D. thesis was decided as **“Socio-Legal Study of Sexual Minorities with Reference to Indian Criminal Justice System in Human Rights Perspective”**. This abstract of Ph.D. thesis discusses in two parts. First part is related to all including points from chapter one to chapter six that basically focuses on the exploration of research problem and various issues relating to it. The second part is related to last chapter seven that concludes the research work and mainly focuses on central argument to justify the whole research work by introducing the earlier stated definitions and meanings, data collection, analysed and interpretation followed by new understanding and conceptualization. With a theory formation, the second part also puts suggestions including a proposed legislative bill keeping in view the whole research work.

In discussing the research problem, some research questions were framed and included so far as the main issues in research problem were concerned. Hence, this Ph.D. thesis broadly states the research problem with some research questions as follows:

- Q.1. How to understand the concept of homosexuality?
- Q2. What is the understanding of nature?
- Q.3. What types of sexual acts qualify as against the order of nature?
- Q.4. How the legal enforcement of morality can be understood?
- Q5. What is the central debate relating to sexual minority rights?

Q.6. Is the meaning of Sec. 377 confined only to anal, oral or other types of sex except penile-vagina sex?

Q.7. Is the criminal prosecution under Sec. 377 of the IPC, 1860 confined to certain sexual acts or homosexuality in general?

Q.8. How the society is adversely affected by decriminalization of Sec. 377?

Q.9. Whether any case under Sec. 377 with reference to same-sex consensual partners was filed during research?

Q.10. How the sexual minority is affected with de-criminalization and re-criminalization under Sec. 377 of IPC?

Q.11. How the homosexuality is related with HIV/AIDS disease?

Q.12. What is the social and legal reaction towards homosexuality?

Q. 13. What is relationship between sexual minority rights and human rights?

Q. 14. How can we better understand the concepts of homosexuality, Sec. 377 IPC, same-sex friendship, same-sex relationship, same-sex marriage?

After understanding the research problem and specific issues, the chapter first includes the background, statement of research problem, objectives of research (1. To find out the socio-legal problems in human rights perspective faced by sexual minority community with reference to Indian Criminal Justice System; 2. To analyse the role of Indian Criminal Justice System with reference to socio-legal problems faced by sexual minorities; 3. To explore and suggests the socio-legal solutions of problems faced by sexual minorities with reference to Indian criminal justice system), aim of research (to provide a comprehensive knowledge about sexual minority persons in India. Because of having inadequate knowledge about sexual minorities, not only sexual minorities suffer lots of problems but it also make adverse impact on the families, relatives and the persons believe in love, peace, humanity, welfare, equality, justice, human rights and law at large. For a country to be developed, inclusive approach is a necessary requirement. The major aim of this study is to educate, aware and sensitize the society in general and Indian criminal justice system about sexual minority persons' sufferings and problems through investigating the personal experiences with sexual minorities and responses of other persons particularly in Indian criminal justice system), hypotheses of research (1. Sexual Orientation/Gender Identity is directly related to the violation and denial of human rights of sexual minorities; 2. The problems of sexual minorities may be solved by enacting a new specific legislation), research methodology used (research study

includes the doctrinal as well as empirical method of research. While using the doctrinal method, secondary data was used. This secondary data was including mix approaches like historical, descriptive, qualitative, analytical, correlational and inferential. Except this, the research study was mainly based on empirical method. The first hand study was conducted for collection of data from the research respondents. This included the use of questionnaire schedule and participatory observation method as a tool), research field area (Delhi), need of research, scope of research, limitations of research, significance of research, difficulties in research, Important presentations relating to research (Mumbai, Thammasat University, Bangkok, Thailand and Hotel Place, Dubrovnik, Croatia (Eastern Europe) and chapters' scheme (The Ph.D. thesis includes seven chapters). This Ph.D. thesis main body starts with relying on understanding of sexual minorities as a human person (defined in Sec. 42 of The General Clauses Act, 1897 and Sec. 11 of IPC). This understanding paves the way to go ahead with the definition, meaning and understanding of human sexuality within various perspectives such as historical, biological, psychological, anatomical, anthropology, medical, socio-cultural and scientific which has been concluded with new conceptualization.

This Ph.D. thesis further includes the definition and meaning of sex and gender which are also concluded with new conceptualization. Next section of this Ph.D. thesis comes to the main theme of subject by referring queer studies that includes international and national efforts in queer studies. Out of this, the queer theories (Michal Foucault, Judith Butler, Eve Kosofsky Sedgwick, etc.) come out and same are included. The queer as well as discussion on homosexuality starts from here. This follows the meaning and understanding of sexual minorities and various related terms to these for better understanding of sexual minorities in general and various issues in particular. This section includes conceptual meaning and definitions of various terms including the vague term 'Carnal Intercourse against the Order of Nature' and 'Sec. 377 IPC', 'Will' and 'Consent'. This provides the theoretical understanding of research problem and for that the name of second chapter was "Sexual Minorities: Theoretical Explanation".

After understanding the sexual minorities and various issues related to them in theoretical context, the Ph.D. thesis introduces next chapter titled "Movements for Protection of Rights of Sexual Minorities". This chapter starts with brief introduction and follows to include sexual minorities' right movement within various contexts

such as historical, contemporary and present particularly in Delhi. It further includes the sexual minorities' rights movement in Delhi, the different types of functions of all organisations, working groups, NGOs and activists. The efforts of all these organisations, working groups, NGOs and individual activists are considered as a movement. Again, for the purpose of protecting right to privacy and dignity, only those names are included which were used earlier with utmost care and proper reference in this regard. As per study, it formulates the sexual minorities' rights movement in six broad categories. These six categories are academic, civil society, legal and human rights, political, media and corporate movement. There are some places which have been visited and found involved in taking part to keep this movement moving. During the research study, these places were frequently visited after knowing the information that an event relating to sexual minorities has been going. With a reference to present status of this movement, this chapter ends.

The next chapter four titled "International Human Rights Framework for Sexual Minorities" covers whole framework of international human rights law which is universal in nature. This chapter includes principles of natural law and justice, human rights principles in the name of international bill of rights which includes Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966 and International Covenant on Economic, Social and Cultural Rights, 1966 and concerned Optional Protocols. This chapter further includes the Wolfenden Committee Report published in 1956 and became a ground of famous jurisprudential debate between Lord Devlin and Prof. HLA Hart and next between Prof. HLA Hart and Lon. Fuller. This debate and other jurisprudential views are taken in jurisprudential aspect and sexual minorities section after Wolfenden Committee Report. This jurisprudential debate and views includes the view of John. Stuart Mills (Harm Principles), Immanuel Kant, Jeremy Bentham, A V Dicey, Rosco Pound, Ronald Dworkin, John Rawls, Amartya Sen, Prof. Upendra Baxi, Nussbaum, etc. The jurisprudential debate was centric on law and morality discussion as well as public and privacy discussion.

Further, the human rights relating instruments i.e. UDHR, ICCPR, ICESCR are included. The efforts of United Nations, its Commission, Council, Committees, treaty bodies, General Assembly Comments, Declarations, Resolutions, Special Rapporteur, Special Envoy and other Authorities and UN Development Program is included. After this, the regional instruments are included. Some cases decided by

International Human Rights Courts and Regional Human Rights Courts are very relevant and important for this research study are also included. The final section of this chapter includes the most relevant “Yogyakarta Principles” particularly related to recognition of sexual orientation and gender identity based rights to sexual minorities followed by legal status of sexual minorities at international level.

The next chapter five titled “Indian Legal Framework and Rights of Sexual Minorities” includes the Constitutional Provisions particularly fundamental rights provisions (Article 14, 15, 16, 19, 21, 51, 253, 372, etc.), statutory provision (Sec. 377 IPC specifically), the provision of The Protection of Human Rights Act, 1993, response of Indian judiciary by decided case laws (Naz Foundation and Ors. v. Govt. of NCT Delhi; Suresh Kumar Khosal and Ors. v. Naz Foundation and Ors., Review Petition against Suresh Kumar Khosal and Ors. v. Naz Foundation and Ors., Curative Petition (presently pending); National Legal Service Authority v Union of India; a fresh Writ Petition Navtej Singh Johar & Ors. v Union of India and with many referred). It further includes various views on these cases followed by rules of interpretation, Law Commission Reports, National Human Rights Commission view. The final section of this chapter includes some academic and administrative institutional (UGC, Ministry of Home/Health/Social Empowerment and Justice/Child and Women Development/National AIDS Control Organization) initiatives relating to sexual minorities’ rights.

Further, the next chapter six titled “Indian Criminal Justice System and Sexual Minorities” is an empirical work and includes all statistical and observational data. It starts discussion with HIV/AIDS data followed by NCRB data on Sec. 377 of IPC. More particularly, the experiences attached with sexual minorities are next included. The major findings through empirical observation have been included within social and legal aspect. The responses on questionnaire are included in a table. After this researcher’s own experience is included this was truly a mixing of lots of ups and downs. The next section includes some important and highlighting presentations in international conferences outside India. Because of human rights perspective of research study, the human rights issues under Indian Criminal Justice System are also included. Finally, after analysing the observed data, it is interpreted keeping in view the research findings and observations. This chapter ends with testing of hypotheses framed in starting of research.

The second part of this abstract of Ph.D. thesis starts from here on the basis of chapter seven titled “Conclusion and Suggestions”. This part puts the argument relating to research problem, research objectives, research questions, hypotheses framed and data collected, analysed and interpreted. This chapter includes whole chapters and studied concepts with new understanding and conceptualization. The central argument is related to homosexuality, Sec. 377 IPC, same-sex friendship, same-sex relationship, same-sex marriage and sexual minorities.

It argues as after completing this whole research study, it is concluded that primarily this subject is not much explored or unexplored area because it is considered as a taboo subject and a number of complicated issues are also attached with this. Because of not exploring and very short writing on this subject, the very powerful fact with this study concludes that the writing of this thesis was carried out with relational and co-relational approach with general writings; hence this specific writing comes out as specific for sexual minorities. Further, it is relating to the sexual minorities to be deemed as person and on this basis the violence and discrimination against them has to be treated and recognized as violence against a person. Because of availability of human rights to all, every individual including sexual minorities is very much entitled to have these human rights. The study concludes that being a person, the violence against sexual minorities is violation of human rights and in case of asking and demanding the protection against such violence and discrimination is vehemently an issue of human rights protection. Hence, the violation of sexual minorities’ rights is violation of their human rights and the demand of protection of such human rights is a demand of protection of human rights. The study concludes that “Sexual Minority persons also have the Human Rights”.

Further, an understanding of human sexuality plainly and within various perspectives primarily describes the process of sex determination followed by different types of orientations, identities, behaviors and performances. Generally, a person inherits at least one biological sexual identity but the understanding of enumeration of different sexual orientations, gender identities, behaviors and performances always remain a herculean task. The study of human sexuality provides the knowledge of sex, gender and related activities like sexual orientation, sexual behavior, gender identity, gender behavior and performances etc. In conclusion, the

study refers the understanding of human sexuality as a study of a '**Spectrum of Sex and Gender**'.

Out of the study of human sexuality, the study concludes that understanding of sex is related to '**The biological identity and its various activities of one or more parts of a person's body in the process of socialization**' and for understanding gender, the study refers that generally, an individual is identified with his or her sexual and gender identity. It is not only on the basis of his or her identity assigned by biological sexual identity but also the perception relating to every person at large. Hence, in case of socialization process of gender identity formation, every individual not only imbibes a 'Determination of his or her own gender identity' but also has a 'Determination of gender identity by others'. Whenever, we talk about 'determination of his or her own gender identity' it is related to an individual's feelings, thinking, behaviors, reactions and experiences for itself but in case of 'determination of gender identity by others' it is related to the feelings, thinking, behaviors, reactions and experiences of others for previously concerned individual. Hence, the study concludes that gender seems '**An imagination of person's body and its various activities**'.

As a consequence of theoretical understanding of human sexuality, sex, gender, queer studies, sexual minorities, homosexuality, Sec. 377 of IPC and various related terms and advancements, the issues relating to orientation and identity remains central on the basis of different perceptions, looking, thinking, understandings, behaving and performances. To be anything (being anything) and to be identified anything (being identified anything) are two different concepts to understand as far as the sexual minorities related study is concerned. The concept of identity formation process becomes relevant in this case.

Generally, the conception of human sexuality includes the male and female sexuality studies but inside the male and female sexuality related studies, the study of heterosexuality and homosexuality comes next keeping in view the spectrum of sex and gender. For this the sexual orientation and gender identity are important. Hence, homosexuality needs to understand within the separate contexts i.e. psychological and physiological with and without limitation up to individual. When, we understand homosexuality in terms of psychological context with a limitation up to an individual, it looks incomplete because for understanding homosexuality, we need a group of at

least two persons of same sex. But with a limitation up to an individual, the study considers such homosexuality as a concept based on personal feelings, attraction, attachment, liking, thinking, loving, and desire of one person towards the person of same sex. The study considers this situation as **‘Imagination Situation’** or **‘No Sharing Situation’** because such homosexuality remains in mind or in closet until comes out. It means, an individual is just having his or her own affairs limited to the boundaries of its own mind. The study considers this homosexuality as a concept of **‘Psychological Homosexuality’** or **‘Perceived Homosexuality’** or **‘Latent Homosexuality’** or **‘Mental Homosexuality’** or **‘Desired Homosexuality’** or **‘Attractiveness Homosexuality’** or **‘Orientation Based Homosexuality’** relating with a limitation up to every particular individual separately.

Now, if we discuss homosexuality in terms of physiological context, a group of at least two persons of same sex is required. Such persons of same sex initiate, accept and finally become agree for a friendship on the basis of same feelings, attractions, attachments, likings-disliking, thinking, loving and desiring with sharing, will and consent. This situation is considered as **‘Sharing Situation’** subject to mutual acceptance and agreement. This situation reflects in expressing the behavior based on same feelings, attraction, attachment, liking-disliking, thinking, loving, and desire of one person towards the person of same sex. It means the behavioral part comes in picture. Here, the concept of coming out works. Such homosexuality is a concept of same-sex behavior, same-sex expression. The study concludes and considers this homosexuality as a concept of **‘Physical Homosexuality’** or **‘Behavioral Homosexuality’** or **‘Sharing Homosexuality’** or **‘Friendship Homosexuality’**, or **‘Romantic Homosexuality’** or **‘Expressional Homosexuality’** without a limitation up to particular individual. In this situation, will and consent becomes the key points for deciding the agreed and non-agreed homosexuality.

Further, this category turns and goes for a mutual acceptance and agreement for exclusive sexual performances, practices and relationships between the same sex persons again subject to mutual acceptance and agreement. This situation is considered as **‘Doing Situation’** or **‘Performing Situation’** or **‘Practicing Situation’** or **‘Executing or implementing Situation’**.

Now, when we see the context of sexual activities and performances, the homosexuality turns a concept of relationship based on same-sex sexual activity, same-sex relationship. The study concludes this homosexuality as **‘Sexual Homosexuality’** or **‘Relationship Homosexuality’**, **‘Performed Homosexuality’** or **‘Acting Homosexuality’** or **‘Executed Homosexuality’** or **‘Popular Homosexuality’** without a limitation up to particular individual. With reference to this research study particularly for sexual minorities, the researcher understands and comes to the conclusion about existence of some working theories such as **‘Theory of Confusion’** or **‘Confusion Theory’** more specifically **‘Sexual Orientation and Gender Identity based Confusion Theory’** and similarly, the **‘Theory of Alternative Love’** or **‘Alternative Love Theory’ (ALT Theory)**. It is a matter relating to alternative likings and disliking. Sexual minorities are sexuality loving with different liking and disliking. It means that homosexuality as concept and sexual minorities as persons represent identity, expression, behavior, act, friendship and relationship with a temporary content of confusion.

After this, the male and female homosexuality goes in the conclusive study of lesbian, gay, bisexual, transgender, etc. The study concludes that there are active and passive sexualities having active gay and passive gay, active lesbian and passive lesbian and so on when we go in to the sexual context of homosexuality. Similarly, there are transsexual and transgender. Due to the sexual homosexuality, the psychological and expressed homosexuality is also targeted as same. Hence, this problem of sexual minorities is specifically related with the sexual orientation and gender identity.

On the basis of this, sexual orientation and gender identity has become key issues for study of sexual minority persons. The status of various approaches has been very selective one and includes day and nights efforts of academician, researchers, scientist to find out the uniformity in the existence of different orientation, behavior and identity of sexual minority persons. Out of this, the present focus of sexual minorities’ related study has become so much centric around the issue of whether homosexuality is **‘Born or Created’** in general and existence or non-existence of **‘Gay Gene’** in particular. It means, there is no consensus on the factors responsible for specific sexual orientation and gender identity. Except this the scientists and

researchers are also putting their advanced experimental development keeping in view the reproduction and having the biological children out of the same-sex relationships.

The study also concludes that the research on sexual minority identified persons and their related issues are not much explored in various other disciplines such as biological, medical, psychological, anthropological, etc. The socio-legal aspects only put the facts related to the issues of inequalities, stigma, trauma, discrimination, non-recognition and non-acceptance of sexual minority identified persons. 'A number of contributors discussed the need for a less heavily gendered society- for example, the use of 'male' and 'female' on forms when sex/gender is irrelevant to the matter at hand. In a society where there was less concern with gender, androgynous and gender ambiguous people would face fewer barriers to social inclusion, and gender norms overall would be less heavily enforced. A certain amount of de-gendering is clearly helpful in achieving a more equal, inclusive society. In Surya Monro's book 'Gender Politics', as contributor Jennifer Moore argued, 'I think if the whole world could simultaneously reduce the amount of society and convention that rests on gender divisions and sexuality divisions, that would work.' Similarly, de-categorizing sexuality is seen as a useful strategy. For example contributor Grant Denkinson said that 'what I'd like to see is more of a connection with not having binaries, so that rather than having another box that says "bisexual", it's saying it's complicated, fuzzy, but also sometimes you don't need to know the category', and another contributor to project further argued that 'people need to start thinking and stop putting other people in boxes'.

In socio-legal context, this issue is close to lack of education, misconception and lots of myths and misconceptions. In India, no such type of movement was ever initiated. The discussion about the homosexuality in general and sexual minorities in particular has been evident with history and contemporary period which has now become a movement. This movement is not only a movement but also a revolution and possesses many-many hardship and challenges. This issue of homosexuality and Sec. 377 IPC has been gaining rise in public debates and discussions through different modes like news, electronic and print media (Burkha Dutt on NDTV, Satyamev Jayatey, etc.) For sexual minorities, the movement, which is going not only in Delhi but also throughout the country, is known as sexual minorities' movement and it is not exclusively related with the issue of right to have sex but a movement includes the

issues relating to equality, dignity, privacy, liberty, love, respect, identity recognition, non-interference, de-criminalization, protection, choice, solidarity and reclaiming the democracy, inclusion, human rights and justice. Presently, this movement is understood as a **‘Sexual Minorities’ Rights Movement’** or **‘LGBT Rights Movement’** or **‘Colorful Movement’** or **‘Rainbow Movement’** or **‘Cultural Mixing Movement’** or **‘Queer Rights Movement’** and a new **‘Human Rights Revolution’** with different categories like academic, civil society, media, corporate, political, legal and human rights etc. and based on sexuality and gender rights. In order to understand the impacts of this movement, it is clearly seen that the current issue is highly debated and discussed not only among the individuals but the institutions of various types whether social, legal, political, religious or other. Further, the impact of this movement is not limited up to Delhi and it has signs to spread all over India.

The study concludes that the demonstration during the program, pride parade, protest rallies, etc. by sexual minorities remains very peaceful and gentle despite having the gathering of young generation persons mostly between the age group from 18 to 30 and others. The movement goes with certain posters having written slogans, walking with not much hue and cry and maintaining silence as a rule. For this purpose, earlier permission of appropriate authorities (local administration i.e. police) is also sought and received by the sexual minorities so that during the event a discipline should be observed. The central themes during protest remain based on the violence against sexuality, sex, gender, the role of Sec. 377 IPC for such violence, asking for recognizing the rights relating to love and marriage because of homophobic society. Delhi has many organizations which are working in this specific area and the study refers such organizations, groups and NGOs as **‘Sexuality and Gender Oriented Organizations/NGOs/Groups’**. Some are specifically oriented on homosexuality as well. In this case, such are referred as **‘Homosexuality Oriented Organizations/NGOs/Groups’** or **‘Gay/Lesbian/Bisexual/Transgender Organizations/NGOs/Groups’**.

Moreover, those who do not want to even think and talk about sexuality, homosexuality and sexual minorities are becoming the part of debate and discussion only because of impact of this movement. Delhi has been rising as a cultural hub for this movement. Many programs, events, cultural events, film screenings, lectures,

pride parades, protest rallies, festivals, debate and discussion are evident during the study and this is still continues however the coming out of sexual minorities is limited one. Many NGOs, institutions, organizations and working groups, various others are joining hands with this movement. Number of other organizations relating to women's rights, child rights, human rights and social-legal rights based groups have also joined and taken a progressive step in rising the voice for the protection of rights of sexual minorities and removing the violence against sexual minorities within families, society, legal and other institutions. After the study, it is concluded that Delhi has been gaining recognition in terms of leading this movement.

The study also concludes that in case of penalizing the offence relating to sexual activities between the same sex persons, it is popularly seen with the concept of homosexuality in general while in case of asking and recognizing the rights for same-sex sexual activities it is seen with the concept of same-sex marriage and civil union. This is pertaining around the world. The study further concludes that due to recognition of sexual minorities' rights as human rights at international level, the movement for protection of rights of sexual minorities has to be seen under the broader domain of human rights because **Sexual Minorities' Rights are Human Rights**. In this case, the violence against sexual minorities is violence against human rights and similarly the violation of sexual minorities' rights is a violation of human rights. On the basis of this, it is concluded that human rights perspective is an '**Umbrella Perspective**'. The movement has been gaining momentum and the scope is rising in the line of social, economic, political, religious, cultural, and academic, educational, health and all other types of rights keeping in view the human rights as basis.

In this series, many corporates institutions and business houses are coming forward in providing the free and equal space, and friendly atmosphere to sexual minorities. Except this, certain organizations are also formulating the sexual minorities' policies in terms of employment and others benefits such as education, health and coming out. Such policies are initiatives towards inclusive policies. Although, many sexual minorities do not come out and remain in closet due to their own fears, the coming out stories and process has been started with the help of positive atmosphere and support by corporate house policies.

The legal battle against the colonial law that criminalizes the homosexuality in general and sexual minorities in particular is still a part of criminal law. Because of not having the clear definition and vague meanings of Sec. 377 of IPC, the problems against sexual minorities have been highly prevalent in Delhi. Delhi is most affective place in India as far as the violence against sexual minorities is concerned. The legal battle has been fluctuating between Indian Judiciary and Legislatives. There is **‘No Specific Policy and Legislation’** available for the issue of homosexuality in general and sexual minorities in particular because of lack of strong political will. The vague meaning of Sec. 377 IPC is not limited to the criminalization of sexual minorities but has an extension to heterosexual persons too. The violence against sexual minorities is very inhuman, degrading, horrible and harming. The role of government is very important in this regard but even after knowing the status of the problem, government is still unresponsive. The present socio-legal status of sexual minority identified persons in Delhi is unrecognized and unaccepted except some sigh of changing. Although, through the NALSA judgment of Supreme Court, the transgender have been legally recognized as **‘Third Gender’** but still they are not getting the full recognition and remain far from the social, legal benefits available to other common persons. The government is confused in understanding the definition of transgender as who must be treated as transgender? In this case the efforts of government are silent at policy as well as legislative level.

Although, some measures like including the options for transgender in education, governmental schemes like passport, driving license, ration card has been slowly started. For this, the guidelines of NALSA judgment, initiative by Ministry of Social Justice and Empowerment and civil society initiative have been very helpful. There is difference in homosexuality, performance of same-sex sexual activities and same-sex marriage. Lack of family and social acceptance are major problems. In concluding of this research study, the sexual minorities’ community in Delhi faces discrimination and violence. Sexual minority persons in Delhi are facing problems on regular basis. Some cases like Priyadarshini Mattoo case (1996), sexual harassment of boys by male professor in Delhi (2007), lesbian girl harassment in Delhi College were evident and popular in past. Sexual minority identified persons face identity crisis, family non-recognition and non-acceptance, social non-recognition and non-acceptance, religious and cultural non-recognition and non-acceptance, legal non-

recognition and non-acceptance, and considered and treated as sin and mentally ill persons. The homosexuality is still treated as a disease and many seeks a treatment most of the time to psychiatrists and sometimes to religious and cultural gurus. Such are on the basis of their sexual orientation and gender identity.

The sexual orientation and gender identity are basic causes for such discrimination and violence. Due to this discrimination and violence, their rights are violated and not protected. The education and awareness relating to sexual minorities is not so good. However, Delhi has been raising as a cultural hub for sexual minorities in academics, social, legal and political arena as the demand for their rights is not limited to protest against the violence they face but it now includes the demand for their identity recognition, autonomy, freedom of speech and expression, liberty in privacy, right to live with dignity as a citizen. Various NGOs, working groups, organizations are specifically working in the field of sexual minorities' rights. The study concludes that sexual minorities' rights are also human rights and need to understand in larger domain. The criminalization of sexual minorities is not limited up to the law but includes the concept of '**Social Criminality**' in the name of culture, religion, identity, morality and naturalness. Not only the sexual minorities are facing violence but also the activists who are working for them also face violence.

The homosexuality without indulging in sex performing acts is not a part of criminalization. Sec. 377 IPC in general, does not make any difference for particular class of criminal and hence the not only sexual minorities but also heterosexual or straight persons come under the purview of breaching this law because of no clarity in the meaning of words i.e. 'carnal intercourse' and 'against the order of nature' and also the explanation of Sec. 377 IPC. In understanding the Sec. 377, it is concluded that this law was enacted to punish the sodomy act (particularly anal sex) committed by any person (deemed to be accused) against anyone whether male, female or animal (deemed to be victim). The terms 'Will' and 'Consent' are two basic and main elements in terms of sexual offences. Under Sec. 377 IPC, the term 'whoever' is relating to the accused who commits the act of sodomy against the will and consent of victim. The Sec. 377 of IPC does not include the term 'will' and 'consent'. It is not related to any party of consenting adults in private. In case of wilfully consenting adults, the accusation and victimization remains incomplete similarly with the heterosexual sexual offence of rape defined under Sec. 375 of IPC.

Hence, the Sec. 377 of IPC is also an application of punishing the criminal act against the sexual crime as mentioned in Sec. 376 of IPC. It means, if any person in committing sexual crime (as defined in Sec. 376 of IPC) also does or only does the carnal intercourse (anal, oral or other form of sex) then the Sec. 377 IPC is also a penal law to come in picture. The explanation of Sec. 377 IPC has lacunae in terms of lesbian couple because of not executing the condition of penetration. It means, Sec. 377 of IPC has no relation in terms of wilfully consenting adults engaging in private as far as the criminal law is concerned.

The study concludes that this issue is very close to policy formation as well as governance. After the NALSA judgment, the government has not executed the guidelines till today and presenting the view that there is no clarity in understanding the definition of transgender. It is submitted by the government that due to un-cleared definition of transgender the guidelines of NALSA judgment is unexecuted. It is also a sign of emergence of **‘Queer Rights Politics’** or **‘Sexual Minorities’ Rights Politics’** and **‘LGBT Rights Politics’**. The study further concludes that although, sexual minorities are confronted by the Bhartiya Janta Party (BJP) but there are some ministers from this party as well who gave the statement to reconsideration of case of Constitutionality of Sec. 377 IPC in the Supreme Court. In this series, the Arun Jaitley Statement was the main, while the ideology of BJP is not liked by sexual minorities. Except this, many ministers from Congress Party’s side have favoured to have a change in Sec. 377 of IPC. Sexual minorities do not come in the society because of fear and socio-legal complication and problems with them. They are in closet yet and search for a safe place where they can move. Delhi has many places and growing culture of their acceptance despite having, lot of myths and misconceptions available in society. The myths and misconceptions are based on culture, morality, naturalness, civilization, religion and also the issue relating with their sexual orientation and gender identity. Because of these myths and misconceptions, sexual minorities are not treated equal in family, society and legal institutions.

The ultimate aim of criminal law is protection of right to personal liberty against invasion by others protection of the weak against the strong law abiding against lawless, peaceful against the violent. To protect the rights of the citizens, the State prescribes the rules of conduct, sanctions for their violation, machinery to enforce sanctions and procedure to protect that machinery. It is utter selfishness,

greed and intolerance that lead to deprivation of life, liberty and property of other citizens requiring the State to step in for protection of the citizens' rights. James Madison writes in his book *The Federalist* that "if men were angels no government would be necessary". It is the primary function of the government to protect the basic rights to life and property. The State has to give protection to persons against lawlessness, disorderly behaviour, violent acts and fraudulent deeds of others. Liberty cannot exist without protection of the basic rights of the citizens by the Government.

Further, the study concludes that most of the sexual minorities agree that society understanding relate sexual minorities' identity with sexual intercourse activities. Sexual minorities are normal and same as other persons. The violence against them is violation of their Constitutional rights and denial of their existence. The three judgment in Naz Foundation Case, Suresh Kumar Khosal case and NALSA case have impacted on the society about the awareness relating to issue of homosexuality in general and Sec. 377 of IPC in particular. The sexual minorities do not approach to Indian criminal justice system for their redressal of violence and violation of rights because of fear and risk involved within law (Sec. 377 IPC) itself. There is no judicial consensus on Constitutionality of Sec. 377 of IPC. Till today, the issue of homosexuality and Sec. 377 of IPC is hanging between judiciary and legislature.

The requirement to either repeal or amend in existing penal law Sec. 377 of IPC and enactment of a specific equality and non-discriminatory based legislation on the issue of homosexuality is also a key conclusion of the research. Sexual minorities' movement believes that this is not the last hope, or the end of the road. The court doesn't determines our destinies, the sexual minorities do. Sexual minorities did it when they fought their demons at 13, when they were bullied, beaten and ridiculed in schools and colleges, when their families disowned them and when their rights and desires were criminalized. Those among sexual minorities, who are homeless, sex workers, visibly queer face unimaginable brutality every day. Yes, they have hope. But that hope is backed with the belief that they have fought bigger battles and won every day, and no matter what happens, they won't go back. Although facially neutral, the law has effectively stigmatized and criminalized a section more than others, namely same-sex desiring people, including those who identify as sexual minorities people. The law has been used by the police to intimidate same sex

desiring people and has been a source of serious human rights violations. The fear of insecurities in terms of living alone throughout the life, family non-acceptance, police brutalities and stigma to be a uncultured, uncivilized, immoral and unnatural remains with sexual minorities.

The response on the questionnaire did not come satisfactory due to various issues of privacy, identity, confidentiality, dignity involved. The study concludes that the respondents, who were approached during the research study, are thoroughly gentle, moral, cultured, civilized, human rights, love and peace bearer and believer. For sexual minority persons in Delhi, the month of November and December remain very important and the annual pride parade also takes place during these two months. The pride parades are not limited up to Delhi itself but it is now covering whole India with increasing number and strength. The pride parade has taken a form of festival for sexual minority persons. Their festivals are taking various shapes and known as **“Queer-Festivals”**. The place of Delhi has been turning as a **‘Cultural Hub’** for such activities relating to sexual minorities in Delhi.

The study also concludes that due to increasing scenario of sexual minorities’ identities in metro cities particularly, it is an era of metro-sexuality that identifies and includes various new emerging identities such as **Gay/Lesbian/Bisexual/Transgender Doctor; Gay/Lesbian/Bisexual/Transgender Actor or Actress; Gay/Lesbian/Bisexual/Transgender Activists; Gay/Lesbian/Bisexual/Transgender Administrator; Gay/Lesbian/Bisexual/Transgender Academician, ‘Queer Cinema’, ‘Queer Media’, etc.**

The study concludes that sexual minority persons are not educated about the rights i.e. Constitutional, legal and human rights and remains in closet because of not having such education and knowledge about the rights. The education and awareness about such rights is a grey area. The lack of specific rights education and awareness is also a grey area in this regard. Except this, there are lots of myths and misconceptions in the society and in the era of human rights education, this inadequate knowledge is not in line with the international human rights law obligation. The study also concludes that the sexual minority persons in Delhi are protesting against the violence takes place with them by raising their voices in the light of Constitutional and human

rights law. Their demand is also relating to have an amendment/repealing in the existing penal laws like Sec. 377 of IPC followed by enacting a specific non-discriminatory, protective, preventive, remedial and equality based legislation in the light of Constitutional and human rights law.

The whole discussion argues towards an understanding of orientation, identity, dignity, autonomy, privacy, liberty, equality, respect, morality, justice (social, economic, political, educational, etc.), human rights and law which can further be seen with a lot more important phenomenon as love, attraction, emotion, feeling, sensitivity, duties and sacrifices. The things related with love remains favorable, personal and special too. No cases found reported by sexual minorities for violence against them however they have rights (generally includes person) in Constitution (Article 14, 15, 19, 21, 32, etc.), IPC (like sec. 341, 342, 351, 383, etc.). Presently, Legislature v. Judiciary, the legal debate is still alive as the Supreme Court has referred the matter of deciding Constitutionality of Sec. 377 of IPC to the five judges bench. For the purpose of doing study on the subject like sexuality in general and homosexuality in particular, it is concluded that a lots of hardship, hurdles and risk involved in making it complete and for the purpose of securing equal rights and protection to the sexual minorities, the stand of government and its governing policies is not much progressive and seems unresponsive too.

Except the problem related with sexual minority identified persons, the problems are also related with the persons who are working for the protection and promotion of rights of sexual minorities. Under the study, the researcher also has lots of experiences not only positive but also negative. The sexual minorities' rights activists face mental and physical violence. It is well established now that the violence against sexual minorities is based on their sexual orientation and gender identity.

The research study also concludes with the answers of the questions arises in starting of research keeping in view the statement of problem of research. The same research questions and their answers are presented included as:

Q. 1 How to understand the concept of homosexuality?

Ans. The concept of homosexuality is related with the study of relationship between two same-sex sexualities within psychological and physical context.

Q. 2 What is the understanding of nature?

Ans. What seems unnatural is also natural-According to Rigveda. It means that every person or thing whether living or non-living, material in original form is a part and parcel of nature.

Q. 3 What types of sexual acts qualify as against the order of nature?

Ans. It is only social consideration about defining the order of nature otherwise in sexual activities there is no clear order of nature in terms of sexual acts.

Q. 4 How the legal enforcement of morality can be understood?

Ans. After long debates in jurisprudence, this subject of deciding the interplay between law and morality seems undecided. In a democracy, there is only enforcement of law but not the enforcement of morality. For private acts, the morality lies with individual. For public acts, it is to be decided as per law in a democracy. In the context of same-sex sexual activities in private, the morality has the limitation up to the two consenting adults who are engaged in such activities.

Q. 5 What is the central debate relating to sexual minority rights?

Ans. It is relating to recognition of different sexual orientation and gender identity keeping in view the human rights, fundamental rights under Constitution of India. It is also relating to denial and removal of discrimination, inequalities, harassment, oppression, deprivation and physical and psychological violence based on any prejudices (social, legal, political, economic, etc.). The recognition of sexual minorities as person and treating them equal same as others is also very much central debate. The repealing/amending of Sec. 377 of IPC, enacting some specific anti-discriminatory policies and laws in the present situation and recognizing sexual minorities with full personhood and equal rights as others are also central debates.

Q. 6 Is the meaning of Sec. 377 confined only to anal, oral or other types of sex except penile-vagina sex?

Ans. Yes. The vague term 'carnal intercourse against the order of nature' used in Sec. 377 of IPC is a cause of this.

Q. 7 Is the criminal prosecution under Sec. 377 of the IPC, 1860 confined to certain sexual acts or homosexuality in general?

Ans. The definition of Sec. 377 of IPC does not make any difference between heterosexuals and homosexuals but it applies to certain acts which are considered as against the order of nature. Since, there is no clear meaning of order of nature hence whoever is found engaged in performing the sexual acts or activities against the order of nature shall remain in the purview of Sec. 377 of IPC. On the basis of this definition, the homosexuals in general are victimized by the law and police so far as the practical implementation of Sec. 377 IPC is concerned. It means the execution of Sec. 377 of IPC not only victimize certain sexual acts but also the homosexuality (Sexual Minorities) in general. There is a link between act and identity.

Q. 8 How the society is adversely affected by decriminalization of Sec. 377?

Ans. Within the period of decriminalization and again criminalization of Sec. 377 of IPC, there is nothing found that society is adversely affected and harmed physically.

Q. 9 Whether any case under Sec. 377 with reference to same-sex consensual partners was filed during research?

Ans. There is no case of same-sex sexual acts between the consenting adults in private. The Sec. 377 of IPC was enacted for protecting the child sexual abuse and prosecutes the offenders who commit crime defined under Sec. 377 of IPC. but the implications with Sec. 377 IPC implementation are increasing in all the relationships.

Q. 10 How have the sexual minority persons affected with de-criminalization and re-criminalization under Sec. 377 of IPC?

Ans. The sexual minorities tried to be mainstreamed after de-criminalization of Sec. 377 IPC but after re-criminalization of Sec. 377 of IPC again they are either identified as criminal or have been remaining hidden, silence and out of mainstreaming.

Q. 11 How the homosexuality is related with HIV/AIDS disease?

Ans. It is related to HIV/AIDS because of the fact that anal intercourse as cause of spreading HIV/AIDS. Although, the unprotected sex and many other medical facts are basically the correct facts in this relation. In contextualizing the understanding of sexual minorities with sexual acts only, the sexual minorities are tagged and treated as a target group responsible for HIV/AIDS.

Q. 12 What is the social and legal reaction towards homosexuality?

Ans. There are many issues involved with the clear understanding of homosexual in general, same-sex sexual act and definition and execution of Sec. 377 of IPC. Hence, the same has been a long debated issue at present. Legally the issue is pending before a Constitutional Court to adjudicate.

Q. 13 What is relationship between sexual minority rights and human rights?

Ans. The human rights are for all. Since, the sexual minorities are also person or human hence makes it clear that the sexual minorities' rights fall within the scope of human rights.

Q. 14 How can we better understand the concepts of homosexuality, Sec. 377 IPC, same-sex friendship, same-sex relationship, same-sex marriage?

Ans. For understanding the conceptual meaning of homosexuality, it is relating to study of at least two same-sex persons. In general, the friendship is found between two same sex persons even prior and after marriage too. It is a conceptual understanding of same-sex friendship. When we go with the conceptual understanding of same-sex relationship, it is engaging of two same sex persons in sexual activities however the psychological and physical context needs to be consider in this regard. The same-sex marriage is a contract between two consenting adults of same sex. The definition of Sec. 377 of IPC determines other types of rape. It has no relation with wilfully consenting adults in private same as provided in rape definition. The application of Sec. 377 of IPC in heterosexual relationship sexual acts has been increasing. With all the efforts to understand the conceptualization of sexuality in general and homosexuality (Sec. 377 IPC) in particular, it is finally concluded that issue of homosexuality, Sec. 377 IPC and sexual minorities has multiple

complications which cover different discipline for a complete solution. The next section provides some concrete suggestions with respect to have better understanding and solving the research problem and fulfilling the research objectives in totality.

Keeping in view the whole research study, it is suggested that the subject of homosexuality, sexual minority studies is an open subject and needs more and more research to be done. Primarily, the human rights based approach is required to look into the problems of sexual minorities. This requires small-2 studies through inductive, qualitative, in-depth interviews, case study and participatory approach under empirical research method. Academic institutions should include the study of homosexuality in course curriculum. Socio-Cultural studies with a relation to sexual minorities are need to be researched. This study of homosexuality needs to be done more in various disciplines such as biological, psychological, historical, medical, anthropological, political, economic, cultural, law, human rights, etc. It means the contribution from all the disciplines need to be researched. Social criminality is an area of research and it should be studied keeping in view the sexual minorities. Artificial sexual organ is an area of grave concern to research. Sexuality and gender sensitivity program should be imparted in all the institutions like police, prosecution, judiciary, jails, academic and research institutions. Much need to research and documentation in context of sexual minority study specifically. Sexual minorities budgeting, sexual minority responsive budgeting, identifying the needs of sexual minorities than budgeting , sexual minority development index, bottom-up approach (inductive approach) and capabilities approach for addressing the development of sexual minority budgeting is separately required followed by a review through ex-post sexual minorities sensitive analysis of budgets.

Simply incorporating homosexuality as a special topic positions it as 'other' and serves to reinforce a homosexual-heterosexual dichotomy. By focusing instead on sexuality, it is possible to discuss various forms of sexuality on a par with one another and thus challenge heteronormativity, heterosexism and homophobia. A change in education is important, but that education about gender equality is also necessary for changing attitudes about homosexuality. The principles of Rule of Law, democracy (social, economic, political and other), natural justice and human rights should be taken into consideration in case of understanding sexual minority persons.

It is also important that social exchange theories should be based on love, peace, equity and certain beliefs i.e. ‘to live in love is more pleasant than any other way of life in the world’; ‘love is feeling warm, close and involved, but not necessarily sexually excited’; ‘it is more important to feel calm and relaxed with the one you love, rather than excited and romantic’; ‘love is an intense flame which devours the roughness in each loved person, leaving only what is pure and fine’; ‘true love leads to almost perfect happiness’; ‘it is believed that if two persons are in love then they can overcome any differences and problems that may arise’; ‘to be truly in love is to be in love forever’; anyone is likely to fall in love almost immediately if meets the right person’; ‘the best kind of love grows out of a long friendship’. Homosexuality should be understood in various different contexts. Sexuality and gender studies should go beyond binary of male and female. Ethnographic fieldwork as a participant-observer in several organizations associated with ‘Sexual Minorities’ should be applied for research on homosexuality. **“Sectoral Studies of Gender Budgeting”** should be initiated keeping in view the sexual minorities.

Understand and treat each and every individual including sexual minorities as equal person without differentiating on sexuality and gender role basis. **‘Do others’ happiness’** should be understood as a principle of living life. Sexual minorities persons expressing behaviour should be taken as inspirational and guiding for all because they only believe in love, peace and no fight. For individual’s reform, it is needful to go with **‘No Interference Approach’ (NIA)** and **‘Satisfaction to Happiness’ (STH) Approach**. Violence by way of moral policing should be prohibited. Advocacy tool kits to train sexual minorities, families, police, prosecution, judiciary, media, activists and larger society should be framed. Protect, Prevent, Repeal, Prohibit and Safeguard Model (**PPRPS Model**) is needed for sexual minorities. There is Marriage Equality, Military Inclusion, Media Visibility and Making Money (**4M Strategy**) is required for sexual minorities. We should try to provide **‘Community Climate for Sexual Minorities (CCSM)’** for sexual minorities by recognizing of alternative sexuality, identities and different types of sexual intercourse practices mentioned in Indian historical literature like ‘Kamasutra’, Mahabharata, etc.

Sex education should be imparted in primary, secondary and higher level courses of study. There is a need to have **‘Right Based Inclusive Approach’** keeping

in view the inclusive model approach in the matter of sexual minority persons. Gender equality, the equality between men and women in the first place, it would become easier for children to accept the difference between heterosexuals and homosexuals. A complete comfortable support system to look the sexual minorities under the supervision and guidance of sexual minorities' rights experts should be established so that the sexual minorities could find a healthy support. Proper investigation and documentation on sexual minorities and their relating issues should be initiated and compiled with academic and research institutions for the purpose of education, awareness and advocacy with respect to sexual minorities.

Education, Awareness, Acceptance and Empowerment (**EAAE Model**) is required to take responsibility for changing in perceptions of the family, society and law particularly the marriage and family law as an important first step towards changing dominant societal attitudes about homosexuality. The negative representations of homosexuality in the media need to be replaced with more positive ones and the representations of sexual minorities in media are needed with more education about gender and sexuality. Educational programs on sexuality in general and homosexuality and Sec. 377 of IPC in particular are needed. Some online diploma and certificate course should also be introduced by academic institutions. There is need of gender sensitization in all the public and private institutions.

A gender neutral policy is also a need to frame under which gender neutral schemes should be followed. Gender integration policies should be framed. '**Special Gender University (SGU)** should be established. Replace all gendered differentiating terms by including gender neutral term. It means include 'person' by replacing male and female. There should be either a specific policy on homosexuality or some inclusion in existing policies. Sexuality and gender sensitization schemes should be initiated. All existing policies should be inclusive to sexual minorities. Need to go beyond gender and establish the '**Gender-Justice Cell (GJC)**'. '**Intra Gender Marriage (IGM)**' is a developing concept and need to research. There is a need to include **Growth-Centric Modal (GCM)** for all. '**Modern Growth Theory**' as given by Dipankar Das Gupta should be taken in to consideration keeping in view the present conditions in India. Community radio should be established to address the issue of homosexuality. For protecting the sexual minorities from violence, there should be an '**All India Help Line Number**' established under the police department.

Efforts should be made to make the institutions of society safe and sexual minority friendly. The '**Travelling Campus**' (TC) relating to education and awareness about sexual minorities is needed to be established. New specific posts for sexual minorities should be created and reserved in public and private institutions.

The **International Bill of Gender Rights (IBGR)** as adopted on June 17th, 1995 Houston, Texas, U.S.A. that includes 'The Right to Define Gender Identity', 'The Right to Free Expression of Gender Identity', 'The Right to Secure and Retain Employment and to Receive Just Compensation', 'The Right of Access to Gendered Space and Participation in Gender Activity', 'The Right to Control and Change One's Own Body', 'The Right to Competent Medical and Professional Care', 'The Right to Freedom from Psychiatric Diagnosis and Treatment', 'The Right to Sexual Expression', 'The Right to Form Committed, Loving Relationship and Enter into Marital Contracts' and 'The Right to Conceive, Bear, or Adopt Children; The Right to Nurture and Have Custody of Children and To Exercise Parental Capacity' should be understood with reference to sexual minorities.

A healthy debate on sexual minority related issues should be initiated by the government. Academicians should come forward to initiate talks, discussion and debate on the issue of homosexuality in general and Sec. 377 IPC (in legal aspect) particular. There is a need to either Repeal or amend Sec. 377 of IPC by re-defining and clarifying the vague meaning of "carnal intercourse", "order of nature", etc. The definition of rape under Sec. 375 of IPC should be amended and made gender neutral. Keeping in view the will and consent of victim, marital rape should be recognized as an offence. The definition of rape and unnatural offences should be joined, read and studied collectively. Sexuality related rights i.e. 'Right to Love', 'Right to marry' and 'Right to form family', should be recognized and incorporated as fundamental right under Article 21 i.e. Right to Life and Personal Liberty of the Indian Constitution. Sexual minorities should be given equal opportunities as per Article 14 of the Indian Constitution to prove their skills for sharing the fruit of development of society. Sexual orientation and gender identity should be included in definition of sex under article 15 of Indian Constitution. There should have some specific identity protection laws. '**Right to come out**' should be included as a fundamental right under Article 19 i.e. Freedom of Speech and Expression. There is a need to have informed Members of Parliament (MPs) who would have the current and traditional knowledge in national

and international aspects. They should be up-to-dated regarding the issues in country. Ministry of Foreign Affairs needs to be more active in providing the knowledge of issues discussed at international level. As it was done by Fifth Law Commission a survey for Sec. 377 IPC, such types of survey are needed in present time too by either appointing a Commission or forming a Committee under the chairmanship of Supreme Court Judges whether holding a designation or retired.

2nd July should be recognized and celebrated as '**World Honour Day**' (**WHD**) although the sexual minorities give this day the name as 'Independent Day' and gather to celebrate (mostly in Central Park, Connaught Place, New Delhi) with 'We shall overcome Approach'. Anti-Harassment Policy in Public/Corporate/Private sectors should be made. The gender denoted offences against male or female should include the sexual minority persons. Section 354, 509, sexual harassment of women should include the sexual minorities too. There is an urgent need to enact a specific protective legislation on the issues relating to homosexuality/Sec. 377 IPC/sexual minority persons. There is a need of strong political will for taking legislative action. **Easy coming out (ECO)** schemes or campaigns should be initiated from the government level. Strict adherence to the DK Basu guidelines and the Code of Criminal Procedure Code, 1973 in the event of arrest of a sexual minority person should be applied. National Privacy Principles (NPP) related to sexual and gender rights should be made under which no one should be interfered in individual's private affairs and only public affairs that harm others should be treated as offence. Social criminalization (particularly criminalization of identity) should be taken into consideration in criminal law. The rape definition should include the male rape as an offence. Sexual Assault Bill drafted by the National Commission for Women should be passed. Government should have collaborative efforts among its various departments of ministries for making collective efforts to curb the violence and protect sexual minorities at every level which is also required to review after every year. '**Sexual Minorities' Task Force**' (**SMTF**) should be formed by the government to systematically identify the hard to reach regions and social groups where sexual minorities' problems exist. The Right to Survival, The Right to Protection, The Right to Development, and The Right to Participation with full dignity should be provided to sexual minority persons. The government has obligations under international law,

Constitutional law and other Conventional laws. For changing society, law, culture, etc. there is a need to go with activism at all level.

Finally, the points included in section 2.9. (chapter 2), empirical observations and major findings (chapter 6) and conclusion and suggestions (chapter 7) have the further scope of future research, there is also scope in terms of looking into the changing in the conventional/traditional laws if homosexuality, same-sex marriage is allowed in India. This can be seen as consequences of changing in law (Sec. 377 of IPC) and includes the parenting, adoption, property, marriage, surrogacy, citizenships, workplace atmosphere, etc. The conclusion of this research study indicates towards many areas and provides a big scope of further research. Within the said areas, many qualitative and quantitative issues may also be taken as a scope of further research.

Finally, this Ph.D. thesis proposed a model of legislative bill for removing the problem of sexual minorities. This bill is named as “The Protection of Sexual Minorities, Act.....It includes security, education, health, remedy in case of violence, welfare schemes for sexual minority persons. In last of this Ph.D. thesis, the bibliography, annexures and references are included.

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