

1.1 INTRODUCTION

The LGBT community people are the vulnerable group around the globe. They have been facing discrimination, intolerance, harassment, exploitation, verbal and sexual abuse, hate crime and even murder for possessing different gender identity and sexual orientation. The rejection of the acceptance of the human rights for any group of persons is the rejection of their humanity. LGBT individuals have to face biasness and human rights abuse in most of the countries of the world. The biasness for this group can be seen through, employment discrimination, housing discrimination, discrimination in health care, lack of financial security, marginalization and many more. Around 80 countries in the world still criminalize LGBT relationships and practicing laws that deny even the most basic rights and dignity of these sexual minorities. Banning discrimination on the basis of person's gender identity or sexual orientation is illegal only in a handful of countries. The rest of the countries provide no protection at all.

At times we may have heard LGBTQ people spoken of as if their entire survival was limited only to their sexuality, but this is only one part of their being, and how they identify themselves. Sexual orientation or gender identity cannot define the whole personality of a person. The society ignores the capabilities of these minorities and focuses on their only part of life, i.e. their sexual orientation or gender identity, as if this is the only way of/for living and ignores the fact that these people also have talent and they can also give something in the society by participating in the development path. A *Peter Drucker's Journal* shows that LGBT people have the potential to play a significant role in formulating and implementing an alternative path to sustainable development (Drucker, 2009).

The LGBT population has to counter with the **stigma** which is somewhere attached to their personality. The negative public attitude towards LGBT people leads to develop low self-confidence which also creates negative attitudes towards their own personality and they started believing such stereotypical views for themselves.

This stigma or so called negative societal morality for a particular group often lead to *marginalization* of sexual minorities. Hence, Individuals who inhabit a stigmatized role enjoy less access to valued resources, less influence over others, and less control over their own fate. This results in their degradation of status or value in the society which leads to *social exclusion*.

Unfortunately, lesbian, gay, bisexual, and transgender persons are excluded from society in many countries (2017 UN Report). The marginalization and peripheralization are part of a vicious circle that enhances other problems for them. The atmosphere that excludes people from the socio-cultural environment inevitably lends itself to violence and discrimination. Homosexuals and transgender are mainly

the part of gossips or jokes as their gestures and way of speaking is different from the majority. Transgender especially have to face more harassment everywhere as they cannot conceal their gender identity like other sexual minorities.

The major rights of LGBT that needs to be alter in the world are: decriminalization of homosexuality, equality for relationship recognition, acceptance for same sex marriage, parenting and adoption and employment protections, to educate others on homophobia, biphobia, transphobia and heterosexism. The protection of legal rights which are the key measure of how any country treats its sexual minority citizens is one measure of broader social acceptance for LGBT people. There should be the organization of national and international programs and responsibilities to address the rights of LGBT community. For instance, for the first time in the history of U.S, the Obama administration has influenced other countries to take actions against violence and abuse directed at LGBT people. The administration, issued in December 2011, has move to include sexual orientation and gender identity issues in its global policies.

The dignity and privacy of a person should be protected by the law of a country. As *privacy is an inalienable right that inheres in every person*. But in many countries mainly, Asian, African and Middle East countries are still not providing recognition and privacy to the LGBT individuals. The LGBT people can be imprisoned for minor offences, where they suffer verbal and sexual abuse just for being themselves.

Not only this, in some countries homosexuality is punishable by death for example, Mauritania, Saudi Arabia and Iran. In Iran, the country's officials described homosexuality as "an illness that should be cured". In Africa alone, there are 38 countries where homosexuality is illegal or against the law.

Another surprising issue for LGBT individuals is that they are not allowed to join military in many countries. Last year, having already removed its "don't ask, don't tell" policy for all but not for transgender people, the US government announced that openly transgender people would now be allowed to serve in the military.

It has been found that only 61 countries ban employment discrimination based on sexual orientation, while a majority of countries along with U.S states do not provide any type of legal protections for LGBT employees.

There is also exist inequality for the LGBT people to live their private life freely without the fear of being criminalized, just like their heterosexuals counterpart. There are 75 jurisdictions in the world that continue to make private, consensual sexual behavior between adults of the same sex illegal (Human Dignity Trust). The right to change gender is also not allowed in most of the countries, which is a major problem for transgender and transsexual people.

The issue has got lighten up sometimes in some countries because a little public is aware of the matter seriously. Though there are some rights announced by the government in favor of LGBT community, but it is most of the times not considered

valid as the Parliament of the country do not consider it. For instance, recently, the Constitutional court of **Taiwan** ruled in favor of gay marriage or same sex marriage. Though the court has legalized the matter of same-sex marriage, but the procedure would take two more years to implement the ruling if the parliament does not make the change in it for two more years (Hindustan Times, 2017).

The problem of LGBT group is a major concern because they are as normal as other heterosexual people; and just for holding different sexual identity they have to face a lot of discrimination and stigma. This stigma ruins the lives of these people, who can be more talented and intellectual than heterosexuals. Therefore the matter of LGBT community should be emphasized for the well being of such ignored people.

Human sexuality earlier is considered too "personal" and have not got much attention in the field of education and politics. There are many factors that are responsible for the upbringing of the topic sexuality and making it popular, for example, globalization.

Although gay and lesbian rights movements entered the mainstream in the United States and Europe in the early 1980s, they have been deeply affected by the process of globalization and becoming speedily transnational since the late 1990s. In this way, the movement has got paced and the LGBT community people started getting facilities like advocacy for the transgender rights, HIV health facilities, anticolonial movements etc. The growing array of social movements focused on sexual rights has given new meaning to the notion of "sexual diversity". Conservative opponents of sexual rights have typically grounded their arguments in heteronormative religious traditions that condemn "immoral" sexual practices and "unnatural" gender relations, especially same sex marriage. Although sexual rights movements especially in the Global South have to fight with religious tenets and sacred texts still they have become the battleground for the staging of sexual politics in the early twenty first century (Sexuality and the Contemporary world, parker et. al).

1.2 SEXUAL RIGHTS: AN HISTORICAL SNAPSHOT

Sexual rights falls under the category of feminist movements as, feminist movements fight for the rights of women and other minorities. Feminists movements in the Global North during the 1960s and 1970s promoted the status of women, for example, centered issues of sexual rights as they pushed back against the objectification of women as mothers and wives in nationalist discourses that promoted heterosexual family values and the commodification of women's bodies in commercial advertising (D' Emilio and Freedman 1997). During 1970s, these feminist groups have expressively influenced civil societies that advocated in the women's issues which were further worked into project identities that demanded wholesale social transformation. In 1980s and 1990s, these Global North feminists concerns spread out in different ways in other parts of the world, which tends to remerged these social

movements in the countries of Global South in response to democratization and constitution- building efforts.

Furthermore, NGO participation has been enhanced at international human rights and women's rights conference which provides globalized social mobilization as an important indicator. The NGOs working in the Global South gained strength during these years, mostly in Latin America, Africa, AND Asia.

To a greater extent, it was gay and lesbian movements in the Global North during the 1970s and 1980s that leads to widespread acceptance of sexual rights. In United States, during 1970s only, the mobilization of civil rights and women's rights motivated gay and lesbian activists to establish organizations and to march in gay pride parades.

In the new millennium or early 2000, new diversities in sexuality added- "bi" and "trans" people as distinct identities in need of mobilization. Now the national LGBT movements have spread to transnational movement for LGBT rights (Adam et al.1999; Kollman and Waites 2009).

With the development of these transnational movement in the early 2000s, many international identity based movements like feminism, LGBT rights, and HIV/AIDS which were earlier evolved separately are now collated for the issues of sexual rights (Edelman 2001; Parker 2012). Moreover, this sexual rights movement pushed to the international conferences which provides a chance to include sexual orientation and gender identity issue (SOGI issue) in the international policy agenda, *for example*, **UN Millennium Development Goals** and global NGOs like **International Council on Human Rights Policy** and **Human Rights Watch**, focused on the broad range of sexual rights and have taken these issues as a part of their formal programs (HRW 2009; ICHRP 2009). However, these movements have also got hindrance by many conservative religious groups to exclude gender equality and sexual rights from the human rights agenda globally. In spite of these hindrances, sexual rights have got pace at the international level as a central aspect of current debate.

So currently, the global struggle for sexual rights has enjoyed some stunning successes in many countries mostly for allowing same-sex civil unions and marriage; putting an end to ban on the service of gays and lesbians in armed forces, etc.

1.3 EVOLUTION OF THE TERM "LGBT"

For decades, the LGBT community were simply known as the gay community. There was not any diversity within that labeling, nor recognition of various genders.

It was the "gay community" that fought at Stonewall, and marched at first pride parade in New York City in 1970.

In the mid of 1980s, the community had been struck by the AIDS crisis, activists were offended with the term "gay community", as it did not accurately represent those who it referred to. Then both GLBT (gay, lesbian, bisexual, transgender) and LGBT terms were created.

LGBT term was come to use by both the community and the media which gave the common dialect. Though it is thought that LGBT gained prominence within the community as a dedication to the lesbian women which were earlier left in shadows. In the early 1996, a letter "Q" was added to the initialism, to involve people identify as queer or the people who are not sure what their sexuality is yet.

Later, the letters "I" for Intersex and "A" for asexual or allies added to extend the initialism to LGBTQIA.

Thus, most recently, LGBT+ has been formed, that can be easily pronounced. In many countries they are now recognized, appreciated, celebrated and are educated with mainstream visibility.

Further, it seem the term LGBT has also named to "LGBT2QQIAAP" i.e. Lesbian, Gay, Bisexual, Transgender, Transsexual, Two-spirit, Queer, Questioning, Intersex, Asexual, Allies, Pansexual and other variations. But the argument has gone against the long-form LGBTQIA and the term was not got popular.

1.4 SIGNIFICANCE OF THE STUDY

LGBT (Lesbian, Gay, Bisexual and Transgender), is a term used for minorities based on sexual and gender orientation. They are considered as a "*social stigma*" in the society, who perceived to be non- heterosexual as their beliefs, identities and behaviors are distinct from the common people or heterosexuals.

There is indeed a *spectrum* of sexuality among all living beings. Although most people identify themselves as heterosexuals which is the majority group in comparison to minority people which are Lesbian-Gay-Bisexual- Transgender.

It is matter of fact that sexuality of any person is governed by genetic structure. Thus, it must be noted that a person is homosexual or bisexual not by his will but rather by birth. Most people recognize their sexuality at the teen age level when they find themselves different from others.

However, many of these pupils remain in *closet* due to the fear of discrimination and abandoning by family and society.

LGBT people are the members of a social minority group, and are suffering from various forms of socio-economic and cultural injustice. These people are facing several challenges in their daily lives. They are impoverished from getting social recognition in the society, and thus cannot have proper access to enjoy their rights as citizens of the country.

Hence the logic behind the cause of LGBT is just humans' ignorance towards LGBTQ.

Definitely there is a dire need to cast the light on the existence of LGBTQ in order to remove inequality and make the society more inclusive, peaceful thus livable.

As almost **3 to 4 percent** of the population of any country is not heterosexual but rather homosexual, bisexual, and transsexual.

This research work mainly shows the problems encountered by LGBT individuals due to ignorance and unawareness for this unprotected and powerless group. It explains how these people are marginalized or being socially excluded in different parts of the world. The research work also shows the scenario of rights provided to LGBT community in some different countries along with LGBT personalities.

1.5 REVIEW OF LITERATURE

Andrew Quinn and Bruce Reeves in their article “Use Of Internet To Promote Social Justice With LGBT Individuals”, shows how can a human service worker promotes social justice with their LGBT clients by using internet in United States (US). Also it tells about how human service professional can help LGBT people to become aware of, assess, and evaluate the use of internet to promote the goals of social justice. Overall this paper discusses the lives of LGBT individuals in urban and rural areas of US. The discrimination faced by LGBT individuals is more in rural areas as compare to urban areas. In the name of religion these individuals are being separated from their families which further develop *homophobia*. The census data of Washington indicated that the number of LGBT individuals is more in rural areas as compare to urban. The non-acceptance, *oppression*, and lack of connections for LGBT people in rural community leads to social isolation and social justice. It has also discussed about the dangers of internet for LGBT due to the existence of on-line predators. The human service industry professionals promote *social justice* especially for rural LGBT by providing access to information about LGBT resources and opportunities. They make LGBT people get communicated with the people of their choice and create an environment for them where they can be in touch with the like-minded individuals (Andrew Quinn and Bruce Reeves, 2026).

Sonja J. Ellis has shown in her paper “Diversity and inclusivity at university” that in spite of the increased implementation of an equality agenda in higher studies in United Kingdom, homophobia on campus is still a significant problem and therefore universities are not aware about the problems faced by LGBT students. A survey has been done on the 291 LGBTQ students from 42 universities across UK. The paper discussed about the diversity and equal opportunities of LGBT people in the different college campus of UK. It has reveal that universities are failed to experience the ambiguities of LGBT’s and are failed to provide them safe spaces in which they can be open about their sexual orientation or gender identity. The implications of survey have explored university policy and practice in relation to LGBT students (Sonja J. Ellis, 2016).

A research report on “**Social Exclusion of Lesbian, Gay, Bisexual and Transgender (LGBT) People in Hungary**” shows the status of LGBT Community in Hungary. The LGBT people as member of social minority suffer from various socio economic and cultural injustice. Also, the lack of social recognition has an effect on the capacity of LGBT people to live their life to the fullest. They suffer from *heterosexism*, which is an authoritative construction of norms that privilege heterosexuality. The report has shown that the community is deprived of various basic rights like, right to education, right to do work at office, right to have access to various resources. It has also highlighted the discriminative legal treatment of same sex relationships in *Hungary*. The report has given various information regarding gay rights of different government bodies like, European Parliament Laws, Human Rights Decision on discrimination of homosexuality. The first general anti-discrimination draft Bill, Hungarian law on equal treatment and promotion of equal opportunities. It has discussed about the problem of Parenting Rights. The children of *non-heterosexual parent* can become especially vulnerable to social prejudice, as it is seen that due to social prejudice parenting rights are restricted in the society. The main goals of the study included the mapping out of the social exclusion level of LGBT people in Hungary (Social Exclusion of Lesbian, Gay, Bisexual and Transgender (LGBT) People in Hungary, 2008).

In “*Stigmatizing Gays*”, *Emily Gray* shows that how Government of India appears double standards for Gay rights; as on one hand they have decriminalized homosexuality in 2009, by taking a significant step towards ensuring that people in India can express their sexual orientation. On the contrary, its Chief Public Health Officer is pathologising homosexuality, which is a great obstacle for sexual rights. The former Minister for Health and Family Welfare, Gulam Nabi Azad has given an annoying argument discriminating Gay Community by saying that sex between two men is “completely unnatural and shouldn’t happen.” It would be disgraceful if India’s recent progress on protecting the rights of sexual minorities was the government people only towards LGBT (*Emily Gray*, 2011).

Subhrajit in his paper, Problems faced by LGBT People in the Mainstream Society has classified different types of socio economic and mental problems faced by LGBT people in their day to day life due to their sexual orientation in different parts of the world. The main reason for these problems according to the author is homophobia and heterosexism. Many societies have tried to remove all these problems faced by LGBT people by making some changes in LGBT rights but still this group is struggling to gain universal acceptance. However, government of many countries is providing LGBT Rights and anti-discrimination laws. Highlighting major problems faced by LGBT people is the theme of this paper. **Problems** discussed are, Marginalization and Social Exclusion and its impact on LGBT, Impact of Family Reactions on LGBT Children, Homelessness, Homophobia, Harassment of LGBT Students in Schools, Psychological Distress, Poor Economic Condition and Discrimination in the Workplace, Drug Addiction of LGBT people, Barriers to Care, Criminalization, Hate Crimes and violence, Challenges of LGBT elders, etc (*Subhrajit Chatterjee*, 2014).

Yogesh Singh in an article of Jagran Josh wrote about “Sathiya and LGBT Rights in India” a program under Rashtriya Kishor Swasthya Karyakaram launched by **Ministry of Health and Family Welfare**. The Ministry has collaborated with United

Nations Population Fund to develop a program of National Adolescent Health Strategy. This program plans to train around 1.65 lakh Sathiya educators who will engage the young brigade of the country. It aims to remove the taboos, misconceptions, and misinformation about sexuality, health and gender. This article has discussed about the inherent injustice of **Section 377** of **IPC**(Indian Penal Code) which punishes with imprisonment for life or a term up to 10 years any person who voluntarily has carnal intercourse against the order of nature with any man, woman or animal. Furthermore, the article talks about the third gender rights given to them in April, 2014 by the Supreme Court of India. The court has directed the government to provide them with incentives and benefits in education and jobs so that they can gain dignity, ability to fight for their constitutional rights and get accepted into mainstream society. In the conclusion it has addressed that *section 377* of Indian Penal Code which criminalized **homosexuality** should be abolished. The need of the hour is that the government should soon make a new law in the country regarding this issue. This will help greatly to the LGBT community and provide them one of their basic rights (Yogesh Singh, 2017).

The **transgender** community in some parts of India has become economically independent. In the paper “Transgenders and the Mainstream” some development has shown for transgender in the southern India. The **Self Help Groups** and Microenterprises in collaboration with state government helping the transgender community finding its feet socially and economically in Tamil Nadu. It is also striking out independent of the lesbian, gay and bisexual groups. About 4.5% out of 4.49 lakh transgender in India, live in Tamil Nadu. They earn their living by begging and commercial sex work, and still they remain marginalized and disempowered as a community. There is a need of more and more NGOs (Non-Government Organizations) to come up and help this community. They face socio-economic problems in the absence of public support. The major injustice done with this community is that most of the private enterprises refuse to employ even qualified and skilled transgender. With the help of civil society organizations the community has started recently to spread their problems in India. They need recognition from their families and from the communities in which they live. Also, they expect the government to establish income- generating schemes (**G Karunathi, 2015**).

Human Rights are an important aspect of our lives. They play a major role in providing a respectful life and freedom to live. *Suzanne* in her article has briefly explained the rights of LGBT community at global level along with, the data of the countries where LGBT community has got full rights and the countries where they are ill- treated, and the violation of human rights at global level has been done. The violation of these human rights has put the LGBT community at risk for discrimination, abuse, poor health, lack of benefits, sexual- risk taking, discrimination at housing and jobs, and also leads to suicides and death. In a couple of countries abusing of LGBT group is not considered a violation of human rights and it is regularly practiced. A large number of countries has criminalized homosexuality, especially for men. The article has mention the data of the developed countries where discrimination on the basis of sexual orientation and also hate crime is not prohibited. However there are some countries which have recognized LGBT rights to marry and form a family. The article has given the list of the countries where the queer community has got right to marry and to have a family. Further the international

organizations are discussed who have campaigned for LGBT human rights. Also, it has highlighted the support of United Nations for LGBT human rights. At last, it has given an account of the continuation of human rights abuses against LGBT people by giving some examples of *brutal murder* of the supporters of LGBT community. There is a need of understanding LGBT issues and being aware of the range of human rights violations that occur all over the world (*Suzanne M. Marks, 2017*).

There is an LGBT themed, photo book series named “Delhi: Communities of Belonging” archives the lives of queer people across the spectrum living in Russia, Japan, Australia, Mexico, New York City and Delhi. The book is available online and not in bookstores. It provides a glance into the lives of a cross-section of LGBT youth from various societies and the attempt is to revisit the notion of a conventional family. Sunil Gupta, author of the book, has explored description of existing gay life in India and other parts of the world, tackling issues of gender and sexuality. It has discussed about the societal changes of the past sixty years, and arguing for a more diverse and inclusive sense of whom we are in the twenty first century. The book centered a range of often hidden communities who live with varying degrees of acceptance and have challenged commonly held definitions of family. The aim of the book is to raise awareness and to accumulate funds to fight legal cases against queer lives in tolerant societies across the globe. According to the author, it is a long-winded activism. The book has been seen as an attempt to help overcome the taboo of homosexual life throughout the modern world and emphasizing that queer people need a social network that promotes the sense of friendship and family. As homosexual acts are still punishable by law, therefore queer people navigate in trickier social landscapes in India, living beneath the shadow of stigma and criminalization. Lastly, it has been found that acceptance of sexual minorities with the general public is still a far cry (*Singh Charan and Gupta Sunil, 2016*).

Teliti has described stigma, sexual prejudice, sexism and social exclusion of homosexuals in her article. These terms are strongly related to each other, and the impact they have on society with special reference to Albanian society, also including other traditional societies. Sexual prejudice is defined as an internalized sexual stigma that leads to negative attitude towards sexual minorities. Homosexuality has been an issue in the societies since past. Different society’s possess different attitudes towards homosexuality, depending on their cultures and values. Homosexuality is considered a moral degradation of someone’s personality. It is considered inferior to the heterosexuality which is due to social stigma of homosexuality. This further results in social exclusion of LGBT people from the societies as they receive poor status or recognition for their personality and they have less access to resources. One of the main reasons of giving negative attitude towards homosexuals are “stereotypes”. Such stereotypes people had developed negative thinking for sexual minorities from the process of socialization. The paper gives an overview of the sexual stigma, focusing on the social exclusion which is due to sexual stigma, its factors and classifications (*Teliti Adisa, May 2015*).

In an article *India Inc(lusive)*, Moeena has thrown light on the professional lives of transpeople and the lack of job opportunities in India. Despite of having good experience and degrees and awards, transpeople in India didn’t get job opportunities like other heterosexual people and the idea of a better life seems improbable. It has

recall the Supreme Courts's recognition on the judgment of fundamental and civil rights of transpersons through the National Legal Services Authority vs. Union of India (NALSA). It has focused on the changes which have brought in last few years in the working environment of various private companies and foundations who have implemented special programs for the upliftment of transgender community. It has highlighted the several situations of working life of transgender people where they need to hide their identity to escape from discrimination. But the way forward step of the organizations to make these people welcome as employees and providing healthy environment to them is a great step for the rise of this community. Other problems like discrimination, lack of education and public healthcare options, as well as issues of official documentation are continue to degrade the community even after the two and a half years when Justice K.S Radhakrishnan's 2014 judgement legally identified the third gender. Though various companies are working currently for the inclusion of transgender people as employees but still it's a challenge for them to create a culture of inclusion (*Halim Moeena, July 3, 2015*).

The paper "*The Sustainable Development Goals and LGBT Inclusion*" provides a short guide of Sustainable Development Goals agreed in 2015 and signed out by 193 governments on the basis that they apply to everyone, everywhere and will 'leave no one behind'. The **United Nations** set these goals to end poverty and inequality by 2030 therefore, equality groups pushed for the rights and needs of lesbian, gay, bisexual, and transgender people to be included in this. It looks the goals of sustainable development program and highlights the challenges faced by the LGBT people. It has given an account that how LGBT people are left behind from the discriminatory laws and projects formed at international level. It has also highlighted the brilliant work which has been already done worldwide to make sure LGBT people are included in the implementation of policies and have their needs met. Lastly, it has also suggested some practical actions for organizations working on different development issues (*The Sustainable Development Goals and LGBT Inclusion, Stonewall International*).

In a Bengali movie, *Chitrangada (May,2012)*, the director **Rituparno Ghosh** has shown the challenges of a sexual minority person in India. The story is of a choreographer who is a gay. It shows the difficult situation of a family when they came to know that their son is gay and to accept him. It shows how difficult it is for a gay man to live in a country where homosexuality is a **Taboo**. It tells the traumatic condition of the gay couple by knowing that they will never be allowed to adopt a child. The film helped evolve a viewer. It holds a mirror to progressive society that is still fumbling about how to handle homosexuality. It ultimately teaches the society about different gender identity (The Times of India, May 18, 2016).

There are many other Indian movies directed in different time which have show diversity in sexuality. Some of these are:

Fire (1996), My Brother Nikhil (2005), I Am (2010), Margarita With A Straw (2014), Bombay Boys (1998), Mitrachi Ghosta [A Friend's Story] (1981), Arekti Premer Golpo [Just another love story] (2010), Sancharram [The Journey] (2004), Aligarh (2016).

All these movies shows that the sexual minorities do exist in societies and how they have to face the world for their gender identity or *sexual orientation*.

Some documentary movies are also there on LGBT people, like, Icon Beyond Labels & Love versus Law.

Some Hollywood movies stories based on Lesbian, Gay, Bisexual, and Transgender people are also there, and these are:

Carol (2015), Weekend (2011), Happy Together (1997),

Brokeback Mountain (2005), Paris Is Burning (1990), Tropical Malady (2004),

My Beautiful Laundrette (1985), All About My Mother (1999),

Un chant d'amour (1950), My Own Private Idaho (1991),

Tangerine (2015), Madchen in Uniform (1931), Victim (1961),

Theorem (1968), Pariah (2011), Pink Narcissus (1971),

Sunday Bloody Sunday (1971), Tomboy (2011).

1.6 SOCIOLOGICAL ANALYSIS OF LGBTQ

Queer Theory

Queer theory is a domain of **post-structuralist critical theory** which emerged in 1990's from the fields of queer studies and women's studies. Queer theory builds upon feminist challenges to the idea that gender is a part of the essential self and upon gay- lesbian studies which examine socially constructed nature of sexual acts and identities. Queer theory undersee the constitutive discourses of homosexuality developed in the last century in order to place "queer" in its historical context, and surveys contemporary arguments both for against latest terminology. It is derived largely from post-structuralist theory, and deconstruction in particular. The theory used to challenge the validity and consistency of the discourses regarding heteronormativity, that is, the normalizing practices and institutions that privilege heterosexuality as fundamental and natural in society.

The most prominent recent social constructionist/ postmodern theorist of human sexuality are Steven Seidman (1994, 1996), Jeffrey Weeks (1986), Andrienne Rich (1980). The social constructionist and post modernist thinking about sexual behavior is rooted in the ideas of the renowned French philosopher **Michel Focault** (1978). Accorrding to Focault, societies construct "sexual regimes", which are the entire complexes of sexual attitudes, values, and practices, that were infused with politics (Vinod Goel, Role of Sexuality in Sociology).

Other sociologists who supported this field are, Pierre Bourdieu (1998), and Michel Maffesoli (1982). While some sociologists produced more nuanced work (Pollak 1988, 1992, 1994; Davies 1993; Dowsett 1996).

The most recent form of social constructionist/ postmodernist thinking about sexuality is what is infelicitously known as *queer theory*, which has come to be extremely influential. It emerged in the late 1980s in several Ivy League universities and has taken particularly strong hold in these and other highly prestigious universities (Stein and Plummer, 1994).

According to theorists, there are two types of thinkers on sexualities: Constructionist and Essentialist. Constructionists' believe that sexual orientation is inbuilt people are born with the specific sexual orientation like homosexual, bisexual and transsexual, and they perceive this orientation throughout their life. The Essentialists are the ones who believe that sexual orientation which is not genetically present but it is created throughout life and people change their sexual orientation accordingly to satisfy themselves.

1.7 RESEARCH QUESTIONS

This research study covers the following questions:

1. What are the challenges and rights of LGBT in different countries?
2. Why homosexuality is considered a taboo? What are the factors responsible for the non-acceptance of homosexuality?
3. What is the relation between LGBTQ and Mythology?
4. Why there is discrimination on the basis of gender identity or sexual orientation?
5. What are the types of discrimination on the basis of gender identity?
6. What possible measures can be taken to uplift the social status of LGBTQ?
7. What is the status of different LGBTQ personalities?
8. What are the ways to make LGBTQ friendly policies to work

1.8 METHODOLOGY

Feminist Research Methodology

It is defined by three principles of feminist research:

First, feminist research is described by its double dimension. As opposed to traditional research, its objectives include both the construction of new knowledge and the production of social change. Historically, feminist research has been informed by women's struggles against the multiple forms of their oppression.

Second, feminist research is grounded in feminist values and beliefs. It seeks to include feminism within the process, to focus on the meanings women give to their world, while recognizing that research must often be conducted within institutions that are still patriarchal.

Third, feminist research is characterized by its diversity. It is interdisciplinary and trans disciplinary, it uses different methodologies, and it is constantly being redefined by the concerns of women coming from very different perspectives (Michle Ollivier and Manon Tremblay, 2000).

Methodologically, feminist research differs from traditional research. It actively seeks to remove the power imbalance between research and subject; it is politically motivated in that it seeks to change social inequality; and it begins with the standpoints and experiences of women. A wide range of methods, both qualitative and quantitative, are available to feminist researchers.

Research Design Framework

Research Design Framework is the conceptual structure within which research is conducted; it constitutes the blue print for the collection and analysis of data.

As such framework includes an outline of what the researcher is going to do from writing the hypothesis and its operational implications to the final analysis of data. A research design includes-

- A clear statement of research problems,
- Procedures and techniques used for gathering information,
- The population to be studied
- Methods to be used in processing and analyzing data.

Universe of the Study

The primary research has been done in NAZ Foundation and Humsafar Trust, organizations in Delhi, and in eminent institutions of India namely, Panjab University (Chandigarh), IIT Roorkee (Uttarakhand), JNU (Jawaharlal Nehru University) Delhi, and in Pride March, Chandigarh.

Sampling

The sample chosen for Qualitative approach are:

- 4 transgender (educated)
- 1 gay (student)

The sample chosen for Quantitative approach are:

- 15 students of Jawaharlal Nehru University (JNU)

Tools and Techniques

The present study is based on both qualitative and quantitative approach and it is descriptive in nature. Narrative analyses, focused group discussion (FGD) have been used as techniques for collections of information on the research problem.

The Empirical observation is divided into three sections:

- Case Study of four transgender people and one gay from different places.
- Students of JNU, PU, IIT Roorkee
- Organizations of Delhi

Case Study, questionnaire and informal interview have been used as tools to collect information from field.

Information has been obtained through various sources like:

- Pew Research Centre's 2013 Global Attitudes Survey
- Gallup Survey 2016-2017
- LGBTQ Nation
- Huffington Post
- BuzzFeed
- Hindustan Times, 2017
- Times of India, 2017

As these sources produce more information on queer people therefore, some information is also gathered from these sites.

Limitation of the Study

Due to unavailability of LGBT respondents, primary research has been done on a small scale.

1.9 Organization of the Study

The current research entitled "Challenges and Rights of LGBT: A Sociological Study" has been divided into six chapters. All the chapters discussed about the

problems faced by LGBT individuals, different sexualities, and current status of LGBT in the world.

The first chapter is “Introduction” which includes the brief description of global scenario of LGBT community. It also includes research strategy of the study such as, tools and techniques of data collection, methodology, research questions, and review of literature.

The second chapter named “Concepts of LGBT” defines the LGBT people in relation to human sexuality. It describes the different terms that clears the idea of LGBT. Also, it gives a description of the existence of different sexualities in Hindu mythology.

The third chapter gives a full description on the types of challenges that the LGBT community face all over the world.

The fourth chapter gives a small empirical study done on LGBT people. It gives a description of challenges of sexual minorities. It provides detail of rights of LGBT people in some specific countries.

Lastly, in the fifth chapter, researcher gives the explanation of findings and concludes the chapter along with suggestions for the betterment of LGBT people.

This chapter includes a brief description of the important terms that encompasses LGBT theme. It defines how sexuality is an important aspect of our lives and it is inevitable. The chapter also incorporates the existence of different sexualities in Hindu texts. .

It includes the following research question-

- What is the relation between LGBTQ and mythology?

LGBT is a heterogeneous group of lesbian, gay, bisexual and transgender people who are not heterosexuals (people who are emotionally and sexually attracted to the opposite gender). The term LGBT focuses on a *diversity* of sexuality and gender-identity based existence of human beings.

The "T" in LGBT refers to *transgender* or gender non-conforming. They are the people whose gender identity or gender expression does not conform to that typically associated with the sex to which they were assigned at birth. Some who do not identify as either male or female prefer the term "gender queer."

LGBT: This acronym has become mainstream as a self-designation as it has been adopted by the majority of sexuality and gender identity-based community centers and media.

Moreover, the initialism LGBT is intended to highlight a diversity of sexuality and gender identity-based cultures. It may be used to refer to anyone who is non-heterosexual, instead of exclusively to people who are lesbian, gay, bisexual, or transgender. To recognize this inclusion, a popular variant adds the letter Q for those who identify as queer or are questioning their sexual identity.

Queer is an umbrella term for sexual and gender minorities that are not heterosexual.

Hence the term queer may be used by those who reject traditional gender identities as a broader, and deliberately alternative to LGBT. The LGBT community is diverse in political affiliation. The term LGBT has recently come into wide use to designate distinctive emphasis in the politics and the intellectual study of sexuality.

Furthermore, those who add intersex people to LGBT groups or organizing use an extended acronym LGBTI. Some combine the two acronyms and use the term LGBTIQ or LGBTQI. Others use LGBT+ to encompass spectrums of sexuality and gender.

They are the members of *sexual minority* groups who generally characterized by a relative *powerlessness* regarding their interest representing abilities (Social Exclusion

of Lesbian, Gay, Bisexual and Transgender (LGBT) People in Hungary, 2008). The group is considered powerless because the population of this community is small and the supporters for their rights are also very less to make policy change or vote bank.

The LGBT and queer people are also known as 'sexual minorities'. Sexual minorities are groups of people whose sexual orientation, gender identity or sexual characteristics are different from the presumed majority of the population, which are male or female heterosexuals.

2.1 IMPORTANT TERMS DEFINING 'LGBT' CONCEPT:

Sexual orientation

It is defined as an often enduring pattern of emotional, romantic and/or sexual attractions of men to women or women to men (heterosexual), of women to women or men to men (homosexual), or by men or women to both sexes (bisexual).

It also refers to an individual's sense of personal and social identity based on those attractions, related behaviors and membership in a community of others who share those attractions and behaviors. Some people who have same-sex attractions or relationships may identify as "queer," or "homosexuals".

While people who are attracted sexually to both male and female are termed as *bisexuals*.

Heterosexuality, homosexuality, bisexuality and transsexuality are the examples of sexual orientation.

Lesbians are sexually oriented to females of their interest, Gays are sexually oriented to males of their interest, while bisexuals are sexually oriented to males and females of their interest and transgender can be sexually attracted to any gender of their interest.

Gender Identity

It is one's personal experience of one's own gender. Gender identity can correlate with assigned sex at birth, or can differ from it. All societies have a set of gender categories that can serve as the basis of the formation of a person's social identity in relation to other members of society.

It is the socially constructed characteristics of a person. How a person identify themselves depending on various aspects such as norms, roles and relationships of and between groups of people. It varies from society to society and can be changed as it's socially constructed.

In most societies, there is a basic division between gender attributes assigned to males and females, a gender binary to which most people adhere and which includes

expectations of masculinity and femininity in all aspects of sex and gender: biological sex, gender identity, and gender expression. Gender expression and gender identity are two different concepts.

Gender expression is one's gender identity, usually expressed through "masculine", "feminine" or gender-variant behavior, clothing, haircut, voice or body characteristics (GLAAD Media Reference Guide). It mainly describes how you express yourself.

In all societies, some individuals do not identify with some (or all) of the aspects of gender that are assigned to their biological sex.

Sexual orientation and gender identity are important aspects of one self and should never lead to discrimination or abuse (Human Rights Watch). Therefore, we should have understanding of this ignored community; their problems and helping them in providing their basic rights from which they are being deprived.

Homosexuality, Bisexuality, and Transexuality

Homosexuality

Homosexuals are the people who are emotionally and sexually attracted to the same gender people. Their sexual orientation is just opposite to that of heterosexuals. Eg. Lesbian and Gay. They become the part of shaming, harassment, violence and discrimination. They are denied from legal rights and equal protections.

Homosexuality has been an issue in the society since decades. It has been practiced since historical periods for various reasons. But it is considered a sin and 'unnatural' in most of the societies.

The *Kinsey research* is the most popular research on homosexuality. Alfred Kinsey was a scientist (zoologist) who has studied homosexuality in his book, *Sexual Behavior in the Human Male (1948)*. In his empirical study he reveals the fact that a majority of U.S. men practiced same sex behavior. About 5300 men were studied, out of which 37 percent were found to have same sex experience.

Therefore, homosexuality should be considered natural and one of the other forms of sexuality.

Defining Bisexuality

Bisexuality is a form of sexuality which remains largely misunderstood. Different groups define bisexuality in their different conceptions. It can be the most complicated term to be understood for many people. But bisexuality should be understood as having attraction to more than one gender. Some prominent examples of bisexuals are Angelina Jolie (Actress), Sia Furter (singer).

It includes people attracted to both men and women, including when there may be attraction more to one gender than another. It also includes people whose sexual identity is fluid and may change over time. It also include people whose attraction is unrelated to gender, as well as people who dispute the idea that there are only two genders (*Barker et al. 2012*).

It has also been observed that those outside of the bisexual community do not agree on what bisexuality is. Some have understood bisexuality as it is a self created notion and something which is not natural. Terms like “omnisexual” and “*pansexual*” are also used to explain bisexuality.

Bisexuals also have to face discrimination in societies. Among heterosexuals the acceptance of bisexuality is distinctly mixed, also distinctly gendered. Bisexuality among women is seen as acceptable only so long as it does not challenge the central and controlling position of heterosexual relationships. Bisexuality among men is not nearly so acceptable, and is often mistaken for and lumped together with homosexuality.

Transsexuality:

A transsexual is a person who feels he or she belongs to the opposite sex, and has a wish to assume the physical features and gender role of the opposite sex.

Many transsexual people have a wish to alter their bodies. For this they have to go for gender reassignment therapy which often includes hormone replacement therapy and sex reassignment surgery.

Some transsexuals go for gender reassignment surgery. This surgery changes the physical sexual features of a person through surgery or hormone treatment.

2.2 COMMONLY LABELED SEXUALITIES & ALLIED TERMS

- **Heterosexuality** - The attraction of a person to only people of the opposite gender. This is *commonly* labelled as “straight”.
- **Homosexuality** - The attraction of a person to only people of the same gender. There are different labels for males and females who identify with this term.
- **Asexual & Aromantic** - *Someone* who has very little to no sexual attraction towards any particular gender or group; *Aromantic* - *Someone* who does not experience *romantic love or attraction*.
- **Gay** is a term that primarily refers to a *homosexual* person or the trait of being *homosexual*. The term was originally used to mean *carefree, happy, or bright and showy*.

In modern English, gay has *come* to be used as an adjective, and as a noun, referring to the people, especially to gay males, and the practices and cultures

associated with *homosexuality*. By the end of the 20th century, the word *gay* was recommended by major LGBT groups and style guides to describe people attracted to members of the same sex.

- **Lesbian** - Females with an attraction to only the same gender.
- **Queer** - Umbrella term that fits all people who have non-heterosexual attractions.
- **Intersex:** It is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. The biology of such people does not meet the society's traditional definitions of sex and gender.

2.3 TYPES OF SEXUAL PHOBIA AND HETEROSEXISM

- **Biphobia:** A version toward bisexuality and bisexual people as a social group or as individuals. People of any sexual orientation can experience such feelings of hatred. Biphobia is a source of discrimination against bisexuals, and may be based on negative bisexual stereotypes or irrational fear.
- **Homophobia:** Homophobia refers to the cultural devaluation of homosexuality. People who are unaware of homosexuality are generally found homophobic. Homosexuality is largely misunderstood by the people who do not have knowledge about this.
- **Transphobia:** It is the fear, hatred, disbelief, or mistrust of people who are transgender, or transsexual people. It includes negative attitudes and beliefs, aversion to and prejudice against transgender people, irrational fear and misunderstanding towards transgender individuals.

Fear of homophobia and transphobia contributes to the invisibility of lesbian, gay, and transgender persons in many parts of the world. Along with this discrimination, harassment and bullying made these LGBT individuals to be *invisible* so as to survive.

Heterosexism

Heterosexism is the authoritative construction of norms that privilege heterosexuality. It is another term that refers to cultural ideology that promotes this antipathy of homophobia.

It is a cultural ideology that promotes the thought that homosexuality is defamed, i.e. it promotes homophobia. It is closely related to stigma as a term, that draw connections between a belief system that degrades people based on their sexual orientation and other belief systems that made similar distinctions based on race or sex (Teliti Adisa). Gays and Lesbians suffer from heterosexism as it builds authoritative construction of norms that privilege heterosexuality.

Similarly homophobia makes homosexuals lose their identity which is the cultural devaluation of homosexuality. Thus their sexuality is criticized, and they are subject

to shaming, harassment, discrimination, and violence. This leads to the lack of social recognition which has an effect on the capacity of LGBT community to fully access and enjoys legal rights (*Hungary Research Report, 2008*).

2.4 LGBT and SOCIAL STIGMA

The term stigma historically refers to a sign or a mark, which is designed to expose something unusual and bad about the moral status of the person who carries it. It refers to the negative regard and inferior status that society collectively assign to people who possess a particular feature or belong to a particular group or category. The characteristic of stigma are understood by all to signify that its bearer is a criminal, villain, or otherwise deserving of social ostracism, infamy, shame and condemnation. Consequently, stigmatized people are not simply different from others; society judges their variation to be dishonored. In psychological terminology *stigma* refers to stable condition or attribute, a physical or figurative mark the birth of an individual. The society as a whole defines stigma, which includes a negative rating (Adisa Teliti, May 2015). Ultimately, stigma destroys the whole identity of the person who has it.

LGBT people are mostly stigmatized by the society for possessing different gender identity and sexual orientation. They have to live their life by accepting this bitter truth that they will always be stigmatized, discriminated, prejudiced for holding this unique status of LGBT.

LGBT community as a social minority group:

A minority group as defined by the Sociologist *Louis Wirth* is a group of people who because of their physical or cultural characteristics are treated unequal and differently from the others in the society, and who therefore consider themselves as objects of collective discrimination.

The differentiation can be based on age, sexual orientation identity, race, ethnicity, gender, religion, etc. Thus, these social minorities have to face differentiation in the society as their sexual identity or orientation is differ from the majority of the population of society.

The gay and transgender people are mostly encountered for their different gestures and behavior. They become the part of mockery for others to discriminate them. They are being hurt for their choice of love. The lack of awareness for the existence of these diversities in sexuality makes people to do so. They don't understand that these sexual minorities are also human being and they also need respect and love from the people of the society. Since *heterosexuality* is the most common form of human sexuality all over therefore other sexualities have to face prejudice. In this way heterosexuality rules over other sexualities which shows the political domination of heterosexuals over homosexuals.

But we need to understand that being LGBT is not just about physical attraction, but rather, encompasses the same needs all people have, to love another person and be loved in return.

As regardless of sexual orientation, we all have the same basic emotional needs.

2.5 HUMAN SEXUALITY

The term LGBTQ falls under the category of *human sexuality*. Over the last two decades, *social constructionism* and *postmodernism* are the vital approaches to the sociological study of human sexuality. The sexual behavior of people varies from one society and one historical period to another. Social constructionism largely overstates the flexibility of human sexuality and suffers from a huge underappreciation of the real facts of actual sexual behavior in human social life. They are more ideological rather than scientifically driven and sees the search of truth as a political rather than an empirical process. (Goel Vinod, 2012).

Sexuality

It is a central aspect of being throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction.

Sexuality is experienced and expressed in thoughts, fantasies, beliefs, desires, beliefs, attitudes, values, behaviors, practices, roles and relationships. It is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, and religious and spiritual factors. (*World Health Organization 2002*).

Though our sexuality is a personal matter but it is an integral part of our own identity, i.e. our feelings of who we are.

Thus person's identity essentially incorporates individual's sexuality. Therefore sexuality cannot be ignored and we cannot just make it a taboo.

The sexuality of a person cannot be define whether it is given biologically or it is constructed throughout life. It is also considered a matter of power or politics. **Jeffrey Weeks** (1986) holds that sexuality is not biologically given but it is produced by society through webs of social interaction and definition. According to him sexual orientation and behavior are social rather than biological products. Weeks implies that the distribution of sexual orientation is a matter of power; heterosexuals have historically had the power to define heterosexuality as normal and homosexuality as deviant.

Adrienne Rich (1980) is more explicit on this. According to her heterosexuality is essentially a political institution. Heterosexuality is imposed by the powerful on the powerless.

It seems reasonable to say that the sociological study of human sexuality has been dominated by social constructionist and postmodernist perspectives for the past twenty years.

Views of The Essentialists and the Social Constructionists on the social construction of Sexual Identity-

Firstly, the essentialist view is that our sexual orientation which is the center of one's sexual identity, is inborn. We are born with a sexual desire for people of the opposite sex or for members of our own sex. Our sexual orientation is necessary to what we are. On the other hand, social constructionists says that, we construct our sexual identity especially symbolic interactionists. They say that we are not born homosexual (having sexual preference for member of same sex) or heterosexual (having sexual preference for member of opposite sex); rather we learn these sexual orientations. That is, according to social constructionists we learn to acquire a sexual identity. E.g. our culture is significant in acquiring a sexual orientation and identity (Goel Vinod, 2012).

How human sexuality is a social aspect?

Although sex is considered a highly personal matter but sex is much more than personal. It is a social matter too. It, too, is shaped by our membership in human groups. As different groups have different expectations; and different values, beliefs, and patterns of behavior like, sexual behavior, sexual desires, etc, which vary from one group to another. This theory applies not only to different groups around the world but also to different groups within the same society. Therefore, our sexuality is a social aspect.

Seidman also said that sex is social and that this inevitably makes it political. The postmodernist thinkers are opposed to "essentialism" or the idea that sexuality is part of our biological nature and that there are definite universal types of it.

Throughout history many of our great writers, poets, actors, scientists, artists, thinkers, sports men and women, philosophers, musicians and politicians belongs to LGBT community.

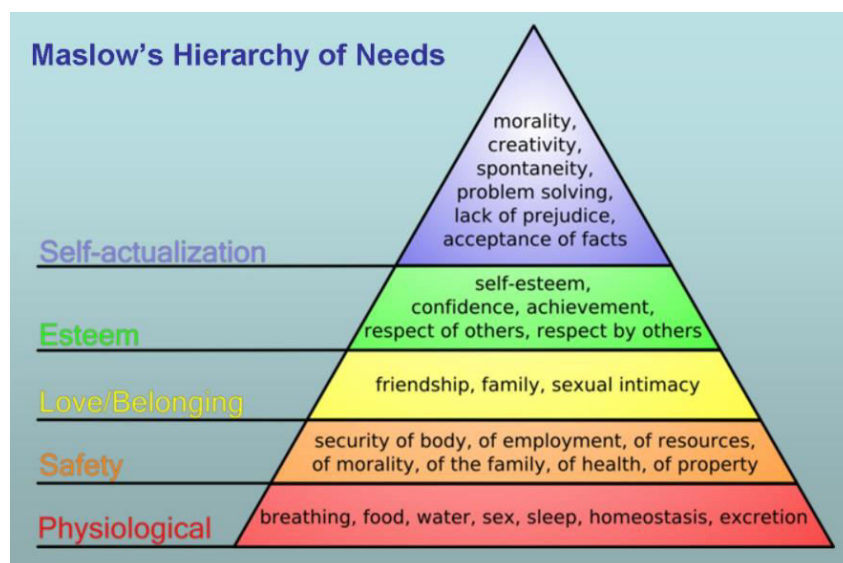
There are many figures in existing life who are LGBT e.g Tim Cook-CEO of apple company, Senator in US David Norris, *Ellen Degeneres*, Elton John, Johanna Sigurdardottir-former Prime Minister of Iceland, Graham Norton, Leo Varedkar etc.

The most prominent recent social constructionist/ postmodern theorist of human sexuality are Steven Seidman (1994, 1996), Jeffrey Weeks (1986), Andrienne Rich (1980). The social constructionist and post modernist thinking about sexual behavior is rooted in the ideas of the renowned French philosopher *Michel Foucault* (1978).

According to **Michel Foucault**, societies construct “sexual regimes”, which are the entire complexes of sexual attitudes, values, and practices, that were infused with politics. Foucault's book, *History of Sexuality (1976)* is a key text in the historiography of sexuality (Goel Vinod, Role of Sexuality in Sociology).

2.6 CONCEPT OF MASLOW’S TRIANGLE OF LIFE

Understanding sexuality with regard to life:



Maslow's triangle of life

Maslow's hierarchy of needs is a theory in psychology projected by *Abraham Maslow* in his 1943 paper '*A Theory of Human Motivation*' in *Psychological Review*. This theory of human motivation describes the stages of growth in humans.

Maslow has described the model from which human motivations move through. He used the terms physiological, safety, belonging and love, esteem, self-actualization and self-transcendence.

The hierarchy remains a *vogue* framework in *Sociology* research, management training and in psychology education.

Maslow's hierarchy of needs is usually portrayed in the shape of a pyramid with the largest, most fundamental needs at the bottom whereas the need for self-actualization & self-transcendence at the top. Maslow's theory demonstrates that the most basic level of needs must be met before the individual will strongly desire the secondary or higher level needs.

Physiological needs

Physiological needs are the primary and physical requirements for human survival. If these requirements are not fulfilled, then the human body can't function properly and will ultimately fail. Physiological needs are indeed the most vital and hence they must be met first.

The Physiological needs are:

1. Air (Breathing)
2. Water
3. Food
4. Sleep
5. Clothing
6. Shelter
7. *Sexual instinct*

Sexual instinct is indeed a part of love life. However, in many societies *SeX* is still considered as a *Taboo* subject as-

“Most people want SeX but no one wants to talk about it”.

The place and value of sex on the pyramid is also essential in Maslow's hierarchy. This hierarchy pyramid places sex in the physiological needs category along with food & breathing.

2.7 THEORY OF SEXUAL FLUIDITY

The theory of sexual fluidity describes for the concept of changing over time. *Kinsey* supported this by finding evidence in his research that people seem to find their sexuality can change over time.

The idea of sexual fluidity explain that sexuality does not necessarily stay in one place on the spectrum. It can alter over time depending on situations. Someone's perceived sexuality may not always fit who the person ends up being attracted to. Sexuality can bend and flow and end up surprising a person.

The idea of sexual fluidity is a theory that proves sexuality is fluid. However, what can be said is that there is research based evidence of people deviating from their perceived sexuality.

This theory of sexual fluidity supports the idea of the human sexuality spectrum as it proves that sexuality does not necessarily fit on an extreme but can be found at any point in between.

However, it is impossible to prove whether the person's sexuality changed or if their sexuality was different than they thought all along. In this way, the theory suggests that not all gay people are born gay.

2.8 COMING OUT OF THE CLOSET (HOMOSEXUALS)

Coming out (of the closet) is a phrase referring to one's disclosure of their sexual orientation or gender identity, and is described and experienced variously as a psychological process or journey.

Generally, coming out is described in three phases. The first phase is that of *knowing oneself*, and the realization emerges that one is open to same-sex relations. This is often described as an *internal coming out*. The second phase involves one's decision to come out to others, e.g. family, friends, or colleagues. The third phase more generally involves *living openly* as an LGBTQ person.

People often *come out* during high school or college age. At this age, they may not trust or ask for help from others, especially when their orientation is not accepted in society. Sometimes their own families are not even known.

2.9 LGBT & MYTHOLOGY

This section deals with the existence of different types of sexualities in Hindu Mythology.

LGBT themes in Hindu mythology

Hindu mythology has many examples of deities changing gender, manifesting as different genders at different times, or combining to form androgynous or hermaphroditic beings.

Gods change sex or manifest as an Avatar of the opposite sex in order to facilitate sexual congress. Non-divine beings also undergo sex-changes through the actions of the gods, as the result of curses or blessings, or as the natural outcome of recreation

Changes of sex, homoerotic encounters, and intersex or third gender characters are often found both in traditional religious narratives like the *Vedas*, *Mahabharata*, *Ramayana* and *Puranas* as well as in regional folklore.

Hence, Hindu mythology contains various incidents where sexual interactions serve a non-sexual, sacred purpose & in some cases, these are same-sex interactions.

Many deities in Hinduism and Indian mythology are represented as both male and female at different times and in different incarnations or may manifest with characteristics of both genders at once, such as Ardhanarishvara, created by the merging of the god Shiva and his consort Parvati.



Shiva and Parvati in the form of Ardhanarishvara

The name **Ardhanarishvara** means "*The Lord whose half is a woman*".

This form of Shiv represents the '**totality that lies beyond duality**', thus associated with communication between mortals and gods & between men and women. Alain Danielou says that "The hermaphrodite, the homosexual and the transvestite have a symbolic value and are considered **privileged beings**, images of the Ardhararishvara."

Gender variance of deities

Ardhanarishvara represents the synthesis of masculine and feminine energies of the *universe*, that is *Purusha* and *Prakriti* and illustrates how *Shakti*, the female principle of God, is inseparable from Shiva, the male principle of God.

The union of these principles is exalted as the root and womb of all creation.

A similar merger occurs between the beauty and prosperity goddess Lakshmi and her husband Vishnu, forming the hermaphrotitic or androgynous Lakshmi-Narayana.

Symbolism

Ardhanarishvara symbolizes that the male and female principles are inseparable. The composite form conveys the unity of opposites in the universe. The male half of

Ardhanarishvara stands for *Purusha* and female half is *Prakriti*. Purusha is the male principle and passive force of the universe, while Prakriti is the female active force; both are constantly drawn to embrace and fuse with each other, though, separated by the intervening axis.

The union of Purusha (Shiv) and *Prakriti* (Shiva's energy, *Shakti*) generates the universe, an idea also manifested in the union of the Linga of Shiva and Yoni of Devi creating the cosmos.

The *Mahabharata* mention this form as the source of creation. *Ardhanarishvara* also suggests the element of *Kama or Lust*, which leads to creation.

Thus, *Ardhanarishvara* signifies 'totality that lies beyond duality', 'bi-unity of male and female in God' hence '*the bisexuality & therefore the non-duality*' of the Supreme Being.

It conveys that God is both Shiva and Parvati, 'both male and female, both father and mother, both aloof and active, both fearsome and gentle, both destructive and constructive' and unifies all other dichotomies of the universe.

Other Hindu texts

RigVed says regarding Samsara that Vikruti Evam Prakriti i.e *perversity/diversity is what nature is all about, or, what seems un-natural is also natural*.

The people of a third gender (*tritiya-prakriti*) who are not fully men nor women, are mentioned here and there throughout Hindu texts such as the *Puranas*

Also, historian **Devdutt Pattanaik** summarizes the place of homosexuality in Hindu literature as follows: '*though not part of the mainstream, its existence was acknowledged but not approved.*'

In his book, *Tritiya-Prakriti: People of the Third Sex*, *Vaishnava monk Amara Das Wilhelm* demonstrates how ancient expressions of Hinduism accommodated homosexual and transgender persons much more positively than we see in India today.

Kama Sutra

The Kama Sutra is an ancient text dealing with kama or desire (of all kinds), which in Hindu thought is one of the *four normative and spiritual goals* of life. The Kama Sutra is the earliest extant and most important work in the Kama Shastra tradition of Sanskrit literature. It was compiled by the philosopher Vatsyayana around the 4th century, from earlier texts, and describes homosexual practices in several places, as well as a range of sex/gender 'types'.

The author acknowledges that these relations also involve love and a bond of trust.

According to kamasutra, homosexual men were also get married.

In a famous commentary on the Kama Sutra from the 12th century, Jayamangala, explains: 'A woman known for her independence, with no sexual bars, and acting as she wishes, is called svairini. She makes love with her own kind. She strokes her partner at the point of union, which she kisses.' (Jayamangala on Kama Sutra). Also, the various practices of *lesbians* are described in detail within the Second Part, Eighth Chapter of the Kama Sutra.

2.10 LGBTQ IN RELIGIOUS ART

Religious art

These arts in the hindu temples shows the esistence of different sexualities in Hindu religion.

- Medieval Hindu temples such as those at Khajuraho temple depict sexual acts in sculptures on the external walls. Some of these scenes involve same-sex sexuality:
- Khajoraho scene of three women and one man, showing existence of bisexuality.
- An orgiastic group of three women and one man, on the southern wall of the Kandariya Mahadeva temple in Khajuraho. One of the women is caressing another.
- Also at Khajuraho, a relief of two women embracing one another.
- At the Shiva temple at Ambernath, constructed in 1060 CE, a badly weathered relief suggests an erotic interest between two women.
- At the Rajarani Temple in Bhubaneswar, Odisha, dating from the 10th or 11th century, a sculpture depicts two women engaged in oral sex.
- An 11th-century life size sandstone sculpture from Odisha, now in the Seattle Art Museum, shows Kama, god of love, shooting a flower tipped arrow at two women who are embracing one another.

2.11 CONCLUSION

Sexuality is indeed a fundamental aspect. It has made taboo in the contemporary world through Victorian morality. But it was not the case in ancient days. Old civilization does not consider sexuality as a taboo, as Kamasutra, Hindu texts and religious art proves it.

This chapter describes how being a LGBT member is a challenge. It explain different types of *challenges* that are faced by lesbian, gay, bisexual and transgender (LGBT) in different countries. The chapter covers the following research questions-

- What are the challenges of LGBT in different countries?
- Why homosexuality is considered a taboo?
- What are the factors responsible for non- acceptance of homosexuality?
- Why there is discrimination on the basis of gender identity or sexual orientation. It also provides the list of types of discrimination on the basis of gender identity.

3.1 WHAT is BEING an LGBT?

The LGBT people in societies have to face discrimination, bully, torture, and sometimes state sponsored *execution*. Though, for many human rights violations, there exist laws under which countries punish for such abuses. But for LGBT people in most countries, abuses commit against are not viewed as human rights violations (Suzanne M. Marks, 2006). Now, if we talk about human rights of LGBT community, then they are not equally distributed for them globally. Let's see for the definition of human rights:

“HUMAN RIGHTS are international norms that help to protect all people everywhere from severe political, legal and social abuses.”

With respect to this statement, LGBT people should be protected from political domination; should be provided liberty and equality rights, and protected from all types of social abuses.

The *liberty rights* protect freedoms in areas such as belief, expression, association, assembly and movement, etc, while *equality rights* guarantee equal citizenship, equality before the law, and non-discrimination (Gay, Lesbian, Bisexual and Transgender Civil Rights, edited by Wallace Swan). But unfortunately, this is not followed in most of the countries of the world. Though the rights are provided to every kind of person at the international level too but they are not practiced in every country not even in the developed nation like United States of America. As for instance, prior to 2015 discrimination with LGBT people has seen in different states of America.

Thus the condition of lesbian, gay, bisexual, and transgender people in some countries is very harsh as the government itself does not consider violation of human rights is a social issue that makes the life of these minorities really problematic.

The LGBTQ people are not specifically addressed in issues of human rights other than in the context of HIV-AIDS (Social Work & Human Rights, 2003).

LGBT people around the world face inequality, violence, torture and sometimes execution even because of who they are, how they look and who they *love*. In some countries they are threaten by the society's people for being open about their gender identity and sexual orientation, for instance, **Bangladesh**. According to the news, members of Bangladesh's LGBT community regularly received threatening messages through telephone, text, and social media from various radical Islamist groups. In February 2015, a secular blogger and the author of a book on homosexuality Avijit Roy, was murdered by Islamist extremists in Bangladesh. Later in 2016, Xulhaz Mannan, founder of Bangladesh's first and only LGBT-themed magazine *Roopbaan*, was killed alongwith his friends by assailants. The reason behind this is that the 90% of the population of Bangladesh is the follower of Muslim religion who posses social stigma for same sex relationships. Currently, the extremist islamist group have created an environment of fear in Bangladesh for homosexuals due to which non- government organizations and police department has took a low profile on the issue.

Such violent attacks on LGBT group makes them to live in closet and not to reveal their gender identity in different parts of the world.

A majority of people thinks that being a homosexual, or bisexual or transsexual is a disease. Therefore some parents do not understand the fact that their children are naturally born with this sexuality and assume that it's a disease which can be treated. For this, they send their children to the hospitals where they are viciously treated by giving *electric shocks* (*Satayamev Jayetey*, a TV series).

In this way the *doctors* and the *parents* themselves punish the children for which they are not even responsible. Such circumstances make the LGBT person to run away from home as their *feelings* are not understood even by their closer ones. Due to ignorance and non acceptance of their gender identity, LGBT people found living in isolation and stress.

The question raised here is that, if we all are equal in the eyes of law, then why this marginalized community has to face everyday discrimination or prejudice everywhere they go?

The criminalization of homosexuality or consensual acts between the members of same sex, by law encourages harassment, exploitation, and assault towards the lesbian, gay, bisexuals, and transgender individuals by the police and larger society.

The LGBT issue is a hidden but vital issue all over the world. In most of the countries they are at risk for discrimination, abuse, poor health sometimes being put to death. The LGBT people have to face stigma and discrimination everywhere in every society.

Therefore, it is rightly said that every country of the world suffers from discrimination based on their actual or perceived sexual orientation or gender identity (Social work & human rights, Elisabeth Reichert, 2003).

In our society, no one gets excluded for being straight. Socially, culturally, and legally, the heterosexual life style is encouraged and praised. Although homosexuality has existed in most societies, still it is attached to a negative label or considered abnormal, sinful, or inappropriate. A socially determined prejudice, homophobia, is an irrational fear or intolerance of homosexuals (Lehne 1995).

3.2 CHALLENGES OF LGBT & TYPES OF DISCRIMINATION

Queers or the LGBT people are *tortured* by the family itself and by the society. They are not allowed to live freely like other heterosexual people. Unlike heterosexuals their relationships are not universally accepted by major religious denominations. Some religions consider being queer is a grave sin.

In **United States of America** (USA), 25 states do not classify sexual orientation as a protected category. According to a research of 2011, by *Lesbian and Straight Education Network*, roughly 82% of queer youths are *verbally* harassed and 38% are reported being *physically* attacked because of their gender identity (Derrick Clifton. July1, 2014).

Though there are many organizations working to protect the community and various laws have passed in favor of the queer community still they are experiencing violent threats in some parts of the world.

These sexual minorities are being *fired* from jobs, kicked out of housing and denied from services like restaurants or hotels, not because of their poor performance at work but, because of holding different gender identity. They went through various psychological stress and health problems. Their family members also even don't support them in most of the cases.

They suffer from poverty, *homelessness*, low education rights, inequality in same- sex marriage, disapproval of parenting and adoption, conversion therapy, poor standard of life, etc.

All these worse circumstances forced them to do *begging* and *prostitution* for earning their living, especially in case of the **transgender**.

Homosexuals experience different challenges. The identity of *homosexuality* is created from the negativity of social discrimination. Thus the homosexuals suffer from the loss of self- identity in society. Similarly transgender and transsexual people also suffer from the lack of identity, self-esteem, due to lack of social acceptance and overemphasized and unnecessary distinctiveness.

The individuals of LGBTQ who owns a unique gender identity as lesbian, gay, bisexual, and trans, have to face the harassment by the society and the family itself.

They are physically and emotionally *harassed* by the members of society and family to not to disclose their gender identity and are *afraid* of moving freely in public places.

This would be a big challenge for LGBTQ to survive in such societies where they are not accepted in families, schools, colleges, workplaces and other public spaces, especially where religion creates homophobia, biphobia and transphobia.

The individuals of LGBTQ are not even able to complete their studies to the level they want to; due to the *stigma* they face everywhere regarding their gender identities.

They hardly reached to the higher education level of study. They are *teased* by their classmates and sometimes by few teachers in school and by their colleagues and staff members at workplace which, destroy their lives and career resulting even to *suicides*.

This type of discrimination has been seen in every part of the globe, whether it is America or Europe or any another developed region of the world.

The young lesbian, gay, bisexual and transgender people in Europe face discrimination and exclusion in their everyday life. They experience separation from family, bullying and *marginalization* at school, which leads to the problems like underachievement, school *drop-out*, *isolation*, ill-health and low self-esteem.

All these circumstances results in breaking of their morale, to work confidently, and to lower down their capacity to work effectively. In this way they failed to become independent adults who can contribute to society (joint report by IGLYO and ILGA Europe).

Also, the Trans Mental Health Survey of Europe 2012, done over 1054 participants across UK found that around 19% of the participants who are trans had experienced sexual harassment in a particular year, 6% had been raped, and 17% had experienced domestic violence (Varney Justin, GLADD).

SOCIAL EXCLUSION of LGBTs:

The LGBT community faces exclusion and marginalisation in their daily lives. From family to school, colleges, even at workplaces, they are discriminated and humiliated by the people around them due to their heterogeneous identity. As a result, these individuals are pushed to the border of society which leads to their non participation in various processes of society. It can be considered a consequence of social stigma.

People have common *prejudices* for LGBT community, which is basically internalized and has their roots in beliefs and traditions about sexuality and gender.

Sexual prejudice is defined as an attitude towards some individuals and groups to response according to their sexual orientation (*Adisa Teliti, 2015*).

Social exclusion is a “process whereby certain individuals are pushed to the edge of society and prevented from participating fully by virtue of their poverty, or lack of basic competencies and lifelong learning opportunities or as a result of discrimination” (European Commission (2004) Joint Report on Social Inclusion, Brussels).

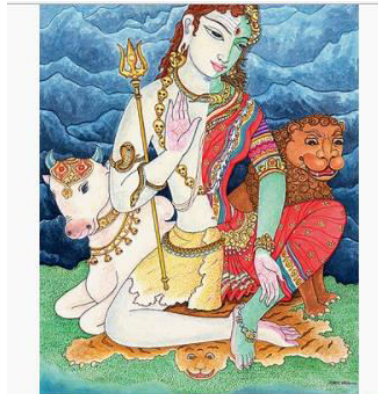
In a book published by the *International Labour Organization* (ILO) in 2003, **Jordi Estivill** explains that "social exclusion can be understood as a collection of processes that joins successive elements that come from the heart of economics, politics and society, gradually distances and places, people, groups, communities and territories in a position of inferiority in relation to prevailing values "(Estivill 2003).

These sexual minorities are not recognized in many countries of the world due to which they have to face the circumstances at every place when they are open with their unique gender identity. Though transgender are recognized in most of the countries and many employment benefits are provided to them, but they still have to face lower status identity and are excluded in the society from the mainstream public.

One of the main characteristic of social exclusion of LGBT people is their invisibility and marginalization, or in more political terms, the lack of recognition of LGBT people as full members of a community and as citizens (Gross 1991).

Also, another vital issue of LGBT group is that they are not provided with “privacy”. Privacy here is concerned with their sexual life. As we know that sexual life of a people is always private despite of their gender identity, but in the case of LGBT people such privacy is not provided by law in most of the countries like India. Due to loss of this privacy, many LGBT people leads to discrimination and denial of opportunities which ultimately makes them to move to the margins of society. Thus, this is another challenge of LGBT community.

HIJRAS:



An image of the Hindu deity Shiva depicted in dual-gender form, a manifestation of the variety of third gender themes that have developed in South Asia.

In some cultures of Asia, a hijra is usually considered to be neither a man nor a woman. Most are anatomically male or intersex, but some are anatomically female. The hijra form is a **third gender role**, although they do not enjoy the same acceptance and respect as males and females in their cultures. This biasness is because of their heterogeneous gender and type of occupation. They have to run their own households, and their profession are singing and dancing, working as cooks or servants, sometimes prostitutes, or long-term sexual partners with men.

Hijras have a recorded history in the Indian subcontinent from ancient times onwards as suggested by the Kama Sutra period. Hijra used to be translated in English as "eunuch" or "hermaphrodite", though LGBT historians or human rights activists have required to include them as being transgender.

In a series of meetings arranged between October 2013 and Jan 2014 by the transgender experts committee of *India's Ministry of Social Justice and Empowerment*, hijra and other trans activists asked that the term "eunuch" be discontinued from usage in government documents, as it is not a term with which the communities identify.

Social status and economic circumstances of Hijras'

Most hijras live at the margins of society with very low status. The word "hijra" is sometimes used in a abusive manner. The Indian lawyer and author *Rajesh Talwar* has written a book highlighting the human rights abuses suffered by the transgender community titled '*The Third Sex and Human Rights.*' The book shows a comparative study of the human rights abuses and legal problems faced by third sex gender in India, alongwith complications regarding marriage adoption and sexual status.

Now if we talk about the employment opportunities available to hijras, then there are very few services available for them. This makes them to do other types of work which are not considered a good option but they have to do this so as to earn their

living. A huge part of their income is generated from extortion (forced payment by disrupting work/life using demonstrations and interference), performing at ceremonies (toli), begging (dheengna), or sex work ('raarha'). Raarha is an occupation of eunuchs also recorded in pre-modern times.

Violence against hijras, especially hijra sex workers, is often brutal all over the world, and occurs in public spaces, police stations, prisons, and their homes. All over the world, the transgender people in most of the places face extreme discrimination in health, housing, education, employment, immigration, law, and any bureaucracy that is unable to place them into male or female gender categories.

In India, since Supreme Court re-criminalized anal sex on 13 December 2013, there has been a sharp increase in the physical, psychological and sexual violence against the transgender community by the Police Service, and they do not even investigate when sexual assault against them is reported.

HATE CRIME

Queers have to face extreme violence in most of the countries. In United States, according to the FBI (Federal Bureau of Investigation) report of 2013, *biasness* for sexual orientation and gender identity recorded for more than 21 percent of *hate crimes*, with *sexuality* the second most common bias category after race.

Also transgender women of color accounted for 50 percent were assassinated. In 2015, 7 transgender women of color were murdered in the United States (Annamarya Scaccia, June 29, 2015). There were 2000 incidents of anti-LGBT hate violence in 2012 in United States and nearly 7 anti-LGBT attacks in May 2013 in New York City alone (7 LGBT Issues That Matter More Than Marriage, October 11, 2013. BuzzFeed).

According to the United Nations Report of 2015 on the human rights of LGBT people around the world, there were 1,612 murders across 62 countries of transgender people between 2008 and 2014. There were 594 hate- related killings of LGBT community in the 25 members of the Organization of American States between January 2013 and March 2014.

In Brazil there were 310 murders in 2012 and the reason was *homophobia* or *transphobia*. In 2013, the U.S had 18 hate violence homicides and 2,001 incidents of anti-LGBT violence (Mastropasqua Kristina. June 8, 2015. Global discrimination against LGBT persons: 2015 United Nations report. Journalist's Resource).

The LGBTQ *community* are born as human beings but are treated like animals in some countries mainly in African, and Muslim countries whenever they disclose their sexual orientation or gender identity.

The *Pew Research Centre's 2013 Global Attitudes Survey* found that homosexuality is broadly accepted in North America, the European Union, and Latin America but equally rejected in primarily Muslim nations and in Africa, and also in parts of Asia and Russia.



Gays being punished in public in Indonesia (2017)

SAME SEX MARRIAGE ISSUE

Another issue of LGBTQ people is “same sex marriage” issue. The *homosexuals* are not allowed to marry in most the countries. The law of the nation does not allow these people to get married and to adopt children. But in the 20th century, same sex marriage is widely accepted all over the world and in most countries they don’t need legal permission for same sex couples to get married.

Netherlands was the first country to provide law for same sex marriage in **2001**.

Though many religious organizations in the world allow same sex couples to get marry but *some* major religions oppose same sex marriage. Marriage in most of the nations is considered a religious aspect.

For many people marriage is *incomplete* unless it is has been solemnized by the relevant authorities in their religion. According to the United Nations report of 2015, 12 states in United States of America have introduced marriage or civil unions for same sex couples nationally (Mastropasqua Kristina. June 8, 2015. United Nation report).

In Asia, except **Taiwan** , no country has legalized same sex marriage till yet. South Africa is the only country in Africa where same sex marriage has been recognized.

Other countries like Argentina, Belgium, Brazil, Canada, Colombia, Denmark, Finland, France, Iceland, Ireland, Mexico, New Zealand, Sweden, Spain, United Kingdom, Portugal, Norway, United States, Uruguay are the countries where same sex marriage is legally recognized as of 2017.

The attitude of people towards queer is different over the globe from one country to another. The cross- national differences in accepting same- sex marriage can be explained by three factors: *Firstly*, the strength of democratic institutions, *secondly* the level of economic development, and *thirdly* the religious context of the places where people live (Amy Adamczyk, Cross National Public Opinion about homosexuality, 2017).

HOUSING DISCRIMINATION

The queer *community* also faces gender identity based housing discrimination. Most of the queer population in the world has been thrown out from their *homes* and they came to streets.

Even the people of queer population who owns healthy profession and wants to owned a house or who wants to live as tenant are not allowed to do so because of possessing different gender identity as a *‘queer’*.

They face pervasive housing discrimination. In a recent study, researchers at the Suffolk University Law School Housing Discrimination Testing Program in Boston

(USA) used a straightforward test to determine whether transgender and gender-nonconforming individuals face housing discrimination.

The results were worse than the researcher's expectations. The researchers compared the attitude of landlord towards transgender or gender-nonconforming people and people with same features but are not transgender.

The test goes on for a period of six months and study found that landlords offer apartment on rent to transgender or gender- nonconforming people at higher rates, more security charges and with less facilities than those who possess similar features but are not transgender.

The study also proves that the housing industry, which has a long history of now-outlawed forms of discrimination, allows biasness even in states where it is illegal against LGBTQ people to grow.

This research demonstrates the requirement for federal law protecting housing discrimination based on gender identity (April 4, 2017, Huffingtonpost). Another case is also from USA where the state seems protecting LGBTQ *community*.

A lesbian couple, one of whom is transgender, when goes to hire a house on rent, the couple was rejected by the landlord to live in house on rent as because they own unique gender identity or sexual orientation. The Denver federal court seems to protect the rights of the queer couple under the federal Fair Housing Act.

The Act bans housing discrimination on the basis of religion, race, sex, and among other factors. The case further follows the Chicago based US Circuit Court of Appeals for the ruling of 1964 Federal Civil Rights Act that prohibits discrimination against LGBT employees in the workplace. The landlord refused to rent a house to the couple for holding a unique relationship which could attract unwanted attention.

The Judge of the federal court declares this reaction of land owner as the products of sex stereotyping and the case seems as a victory for LGBT community (Reuters, Washingtonpost.com April 5, 2017).

Even the developed countries are failed to provide equal benefits to the LGBT couples for making housing and marriage legal (Suzanne M. Marks, 2017).

The LGBTQ people seem to be financially weak. This is because the financial health and decision making vary significantly by gender, ethnicity, state of residence, generation, and relationship status.

A research study has been done for the period of 2012-2013 in American on LGBT people to know their financial status and financial challenges. The research finds that the LGBT *community* feels less prepared to make wise financial decisions as compared with the general public for a variety of legal, economic and social reasons (Prudential Research Study, 2012-2013).

Another recent research of Pew Research Centre 2013, founds that the *community* had suffered from the financial crisis during the period and is very concerned about being retire. It has found that LGBT workers earned less annually as compared to the general U.S. population. Similarly, transgender people used to earn less from the general Americans (By Annamarya Scaccia, June 29, 2015).

EMPOLYMENT DISRIMINATION

The Employment discrimination is *common* with queers. They were teased by the employers or by the colleagues at workplaces' for being *homosexual*, bisexual and transsexual when their identity is revealed somehow.

According to the Pew Research Center Survey of 2013, 21 percent of LGBT adults in United States during the survey said that they were treated unfairly by their employer due to their sexuality or gender identity.

Also, around 50 percent of black LGBT people faced employment discrimination according to the report which authored the National Black Justice Coalition and other groups.

For transgender worker, rates are much higher. It is nearly 90 percent of transgender people have reported who had experienced mistreatment and harassment during working hours, while 47 percent were fired, and were not hired or denied a *promotion* due to their gender identity, according to the national survey of USA .

However, in the current scenario it has been seen that in USA, federal Courts are playing critical role in helping to move the country forward on LGBT issues. A recent case of discrimination at workplace on the basis of sexual orientation in United States has shown some concern for queers by the circuit courts.

A professor, who has come up with her sexual orientation as a lesbian is not getting full time position in the university after her contractual period got over due to her sexual orientation.

According to the lady, she has experienced job discrimination everywhere she has joined work. The case is going on in the 7th circuit court of United States. Changes in law have seen over the last few years (Lang Nico, April 13, 2017, Salon magazine).

HEALTH ISSUES

Another challenge for LGBTQ people is psychological stress or health related problems. These people are kicked out of their families at an early age because of their sexual orientation or gender identity, while some becomes the victims of abuse from their families.

All these experiences make the young LGBT people vulnerable to mental and physical health issues which ultimately lead to unfair criminalization of them.

The young LGBT group has to face homophobic bullying, physical and verbal attacks in schools and colleges. All these faces of discrimination, harassment, and stigmatization have negative impact on the mental health, psychological distress, suicidality, isolation, less self-esteem on queer and transgender people.

The transgender people in rural areas can't even move out of their houses for the fear of bullying and torturing by other people.

They are *caged* in their own houses. Gay and bisexual men and women are more prone to experience depression and nervousness than the heterosexuals. Therefore living in a homophobic society, and facing family rejection leads to mental disorder of LGBT community (Subhrajit, 2014).

The level of depression and anxiety has been found higher in gay men than heterosexual men. Also suicide rate have been found higher in gay men *comparatively* to the general public (Berg, Mimiaga, and Safren 2008).

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), cardiovascular disease is a major issue for the LGBT *community*. Studies have shown that gay men have a higher prevalence of heart disease.

This may be due to higher consumption of smoking and alcohol (American Lung Association 2010). Prostate, testicular, and colon cancer among gay and bisexual men may be increased due to lack of education and understanding that can happen when there is no regular provider seen and a family history is not picked up and documented in the medical record (Asencio, Blank, Descartes, and Crawford 2009).

Further *conversion* therapy of homosexuals leads to high rates of depression, anxiety, and lower self-esteem, practiced mainly by Christian communities of all races of America. Such techniques include hypnosis, *electric shock* therapy persuade vomiting (Jamilah King, January 13, 2015, the top 5 LGBT Issues for 2015).

The gay and bisexuals are more prone to have HIV (Human immune deficiency virus) disease. They need to be protected from this. Queer people are often provided insufficient health services even in America, because of stigma and discrimination (mic.com articles).

According to the data from the Centers for Disease Control and Prevention (CDC), gay and bisexual men still account for about 48% of the population of America living with HIV infection (Gay, Lesbian, Bisexual and Transgender Civil Rights, ed Wallace Swan).

Gay men are also the sufferer of domestic violence and injury. They are more prone of being victimized as of their sexual orientation in society (Houston and McKirnan, 2007).

For *lesbian* women also, there are many health risks. Lesbian women are at higher risk of developing breast cancer through their lifetime comparatively to heterosexual women (Dibble, Roberts, and Nussey 2004). They are also at a higher risk of endometrial and ovarian cancer. The higher rate of obesity and smoking among lesbians due to minority stress leads to higher incidence of heart disease than heterosexual women.

Lesbians also report a higher percent of *violence* from family members than do heterosexual women. Lesbians report almost a 30% rate of domestic violence (Lockhart, White, Causby, and Isaac 1994).

In United States, former President Barack Obama on April 14, 2008 issued an Executive Order to the Department of Health and Human Services to outline new rules for hospitals Medicare and Medicaid funds. They will provide medical rights to gay and lesbian partners and other weaker sections of the society (Obama Widens Medical Rights for Gay Partners, The New York Times).

In case of *Bisexuals*, both men and women reported being at higher risk for *heart disease*. Bisexual women in America are reported at higher risk of heart disease than heterosexual women but a lower level than lesbians. Bisexual men are at higher risk of developing anal cancer.

Both bisexual men and women have been found to have a higher rate of *domestic violence* as compare to heterosexual men and women. The bisexual women have reported more *anxiety* and *suicidal ideations* than their heterosexual counterparts (VanKim and Padilla 2010). Also both bisexual men and women have higher rates of binge drinking and smoking.

Transgender people also have loads of challenges in their everyday lives which push them at the edge of mental ill health. The transgenders who have gone through *gender reassignment surgery* treatment faces more health issues as it impact the health throughout their lifetime.

They can have cardiovascular risks and physiological stress due to the transition process.

Mental health is affected and also sexual risk behavior. Some studies have shown that over 60% of transgendered people have been victims of violence resulting in injury. Depression and anxiety is *common* issues with transgender people (Gay, Lesbian, Bisexual and Transgender Civil Rights, 2015).

The *Trans Mental Health Survey in 2012 of Europe*, done over 1054 participants found that 90% of respondents have used NHS services, out of these 65% had experienced one or more negative experiences of general physical health services, and 63% had had same negative experiences in mental health services. Nearly 66% of transgender have use mental health services for reasons other than to access gender

reassignment services and 31% were currently using anti depressant medication. Also, 24% the participants had used drugs within a year (Dr. Justin Varney, GLADD).

Mental Health Issues

Homosexual patients mainly found with problems of their depression, substance abuse, and suicide. Stigma, prejudice, and discrimination stemming from negative societal attitudes toward homosexuality lead to a higher occurrence of mental health disorders among lesbians, gay men, and bisexuals compared to their heterosexual peers.

Evidence indicates that the liberalization of these attitudes over the past few decades is associated with a decrease in such mental health risks among younger LGBT people.

Suicide among LGBT youth

Gay and lesbian youth bear an increased risk of suicide, substance abuse, school problems, and isolation because of a hostile and condemning environment, verbal and physical abuse, rejection and isolation from family and peers.

Furthermore, LGBT youths are more likely to report psychological and physical abuse by parents or caretakers, and more sexual abuse.

Suggested reasons for this disparity are that

- LGBT youths may be specifically targeted on the basis of their perceived sexual orientation or gender non-conforming appearance.
- risk factors associated with sexual minority status, including discrimination, invisibility, and rejection by family members, may lead to an increase in behaviors that are associated with risk for victimization, such as substance abuse, sex with multiple partners, or running away from home as a teenager.

A 2008 study showed a correlation between the degree of rejecting behavior by parents of LGB adolescents and negative health problems in the teenagers studied:

Higher rates of family rejection were significantly associated with poorer health outcomes. On the basis of odds ratios, lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence were 8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, 3.4 times more likely to use illegal drugs, and 3.4 times more likely to report having engaged in unprotected sexual intercourse compared with peers from families that reported no or low levels of family rejection.

3.3 MAIN ISSUES WITH HOMOSEXUALITY, BISEXUALITY and TRANSSEXUALITY

In most of the societies, we have seen that homosexuality is considered a taboo. Also, it has been observed that in most of the societies there is discrimination on the basis of gender identity and sexual orientation, that is, homosexuals, bisexuals, and transsexuals are seen not accepted by the societies in most of the regions of the world. The reason behind this mindset is very deep. The most important reasons are:

VICTORIAN MORALITY

It explains why the homosexuality, bisexuality, and transsexuality had been criminalized since Victoria period and how their sexuality became part of phobia.

During the colonial era of *British* empire in the 19th and 20th century under the *queen Victoria*, sexual intercourse except the vaginal one were put under the category of unnatural sex. Hence the anal sex were labeled as unnatural and thus was criminalized since then. This results in the changing of mindset towards these sexual minorities and enhances homophobia, transphobia and biphobia all around the globe.

The law is still followed in many colonial countries of the world. The LGBT individuals are still fighting for their rights of recognition and acceptance.

RELIGION

How *religious and cultural factors* affects LGBTs:

In the history, it has seen that the LGBT people suffered because of the rigid rules of different religions in different societies.

Only the Hindu religion has shown some acceptance towards lesbian, gay, bisexuals and transgender. Hindu texts have discussed about the matter of homosexuality, bisexuality and transsexuality, especially in the text of “Kamasutra” book.

Also there are many sculptures that can be seen in some Hindu temples which shows the existence of homosexuality, and bisexuality since decades, e.g., *Khajurao* temple and *Konark* temple.

Other religions like Christianity, Islam, and many more do not accept homosexuality, bisexuality and transsexuality. Even the people of Hindu religion do not accept diverse sexualities, though the texts of Hindu religion prove their existence. There are various belief systems and cultural ideologies that builds certain norms which criticize such sexualities, like homophobia, biphobia and transphobia which promotes hetosexism.

In some countries LGBT people are brutally exploited, prisoned, and even murdered as because the religion of that area do not allow *homosexuals*, bisexuals and transsexual to live.

More than 100 LGBT people have been detained, tortured and murdered in the region of Chechnya, a Russia's Caucasus region. These people were allegedly killed and arrested. Can we think about such kind of widespread discrimination and violence against LGBT people in this modern era?

However, US government acted strictly on this issue and call the Russian Government to investigate reports and to protect all people from discrimination, violence and to

have a freedom of expression, association, peaceful assembly and religion or belief (J. Lester Feder, April 5, 2017. BuzzFeed News).

The *Pew Research Centre's 2013 Global Attitudes Survey* examined in its survey that homosexuality is widely accepted in the countries where religion is less essential in people's lives.

Also in poorer countries with religion at high level few believe that homosexuality should be accepted by society. There is an ill-treatment of transgender people in prison where they are kept with the other general public where they are harassed and sexually exploited.

3.4 CONCLUSION

The challenges of lesbian, gay (homosexuals), bisexual, and transenders are almost similar and the main reason of non acceptance of these sexualities are mainly- **the Victorian morality**, which is the colonial law still followed in many regions of the world criminalizing sexual relationships other than heterosexual partners. It promotes homophobia, biphobia, and transphobia among heterosexuals and the people who are not aware of such different sexualities. Then, **religion** is another main reason for non acceptance of diverse sexualities. Most of the religions in the world consider such sexualities as a sin. Thus, people learn to not to accept these different human sexualities and discriminate them. Another reasons for non acceptance can be, unawareness, hypocrisy, orthodox ideology, ignorance.

The chapter provides a description of LGBT *rights* of different countries. It gives the current scenario of LGBT rights of some different and specific countries mainly, United States, New Zealand, Sweden, and India.

The chapter incorporates with the *LGBT personalities* of the world which proves that lesbian, gay, bisexual and transgender people exist everywhere even in the high profile profession and it is normal to be the member of the LGBT group. The chapter covers the following Research questions:

- What are the rights of LGBT in different countries?
- What is the status of LGBT personalities?

4.1 RIGHTS OF LGBT

Discrimination against LGBT people is often resistant by laws, policies, and practices that either fail to take LGBT needs into account or intentionally exclude them. These laws and policies and practices support negative social attitudes, and encourage negative reaction against the LGBT communities calling for equality and Inclusivity.

The community needs to have proper rights. Although many societies have made major strides in human rights advocacy, LGBT rights are still struggling to fight universal acceptance.

The fact is that the Universal Declaration for Human Rights, drafted in 1948, states that

“Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind...”

It does not specifically include distinction on the basis of “sexual orientation”, which allows some people to judge LGBT rights controversial.

It is due to the efforts of some groups and organizations that LGBT rights are steadily accepted in various parts of the world. Governments in some countries started to legislate in favor of LGBT rights and anti-discrimination laws.

Many international Human Rights organizations are working for providing equal rights to the queers and run campaigns for the same like, **Outright Action International, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Amnesty International, Human Rights Watch, ARC International**, etc.

These international organizations working worldwide to protect queer group and run effective campaigns to realize the world about their sufferings and ensure rights to them.

The United Nations Universal Declaration of Human Rights tells us that all people should be equal under the law, that all people should have the right to found a family, that no one (including undocumented people) should be subject to unnecessary detention, that everyone has the right to serve their country, and that everyone has a right to a reasonable standard of living (including a right to health services) (United Nations 1948). But actually the right is on the paper only; it is not practiced in the actual lives of people. This is because LGBT people are still not recognized in many parts of the world. Their sexual activity is considered “unnatural” in the eye of law. They cannot live independently with their gender identity and sexual orientation. They are not allowed to tie knot publically with the person they love as the law of the country does not provide permission for same sex marriage. They cannot have children or a family as; many countries do not allow same sex couples to have children from surrogacy and not even allow them to adopt children. This shows the inequality in law for LGBT individuals.

4.2 SCENARIO OF LGBT RIGHTS IN SOME SPECIFIC COUNTRIES

LGBT Rights in USA:

Lesbian, Gay, Bisexual, Transgender rights in United States are considered one of the most advanced in the world, though in some states they are banned. Sexual activity between consenting adults of the same sex couples is considered legal nationwide since June 26, 2003 pursuant to the US Supreme Court. All states have licensed and legalized same sex marriage since June 26, 2015 on account of Supreme Court decision.

However United States has no federal law that prohibit discrimination nationwide. The handling of gay rights issues in US vary by state. The strongest development in LGBT rights in United States have come from the United States Supreme Court.

The Supreme Court of United States nullify a state law banning protected class recognition based upon homosexuality, struck down *Section 3* of the Defense of Marriage Act, also struck down *sodomy laws* nationwide and made same sex marriage legal nationwide.

Civil rights for LGBT people in United States are sponsored by different *organizations* including the **Human Rights Campaign, American Civil Liberties Union (ACLU), Lambda Legal , Gay & Lesbian Advocates & Defenders (GLAD), American Civil Liberties Union (ACLU), the National Centre for Transgender Equality and the National Centre for Lesbian Rights.**

Same-sex marriage rights and benefits were not there in United States. The movement for getting these rights was going on since 1970s but didn't have succeeded for next forty years.

Massachusetts was the first state in US and sixth jurisdiction in the world to legalize same sex marriage in 2004. After this same sex marriage is legalized in 36 states, some by the action of court order, others by legislative action and few by referendum.

In **June 2015**, states have licensed and legalized same sex marriage by the order of the *Supreme Court of United States*. Gradually, same sex marriage is legalized in all 50 states. Homosexual activity is legal in United States.

If we check the current data of US, we can see the major increase in the number of self identified LGBT people. According to the recent **Gallup survey** of 2015- 2016, 8.6% of people in the District of Columbia are identified as LGBT, which is more than all of the 50 states, and even the territories. Among all the states of US, Vermont is the top highest state for self-identifying population, at 5.3%. California, Massachusetts and Oregon are on third place with 4.9% and Nevada on fourth rank with 4.8% and after this Delaware with 4.7% of self identified LGBT population. The percentage of LGBT population in US has increased from 3.5% in 2012 to 4.1% in 2016 (LGBTQ Nation report, 2017).



Former Secretary of State ***Hillary Clinton*** once said:

I want to talk about the work we have left to do to protect one group of people whose human rights are still denied in too many parts of the world today. In many ways they are an invisible minority. They are arrested, beaten, terrorized, and even executed.

Many are treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way, or, too often, even join in the abuse.

They are denied opportunities to work and learn, driven from their homes and countries, and forced to suppress or deny who they are to protect themselves from harm.

I am talking about gay, lesbian, bisexual, and transgender people, human beings born free and given equality and dignity, who have a right to claim that, which is one of the remaining human rights challenges of our time.

(Clinton 2011, 1)

LGBT Rights in New Zealand:

Lesbian, gay, bisexual, transgender (LGBT) people have most of the same rights as other people in New Zealand. The Oceania region is the most advanced and one of the most liberal in the world in respect of LGBT rights.

New Zealand is the first in the Oceania and thirteen in the world to ratify same sex marriage. In the 20th century, LGBT rights have received more *awareness* and male same sex sexual activity was decriminalized in 1986 in New Zealand.

New Zealand legalized both *same sex marriage* and *adoption rights* for same sex couples, after the recognition of civil unions since 2004. Discrimination on the basis of sexual orientation and gender identity has been banned since 1993. Besides this, gays and lesbians have been allowed to openly serve in the *military* since 1993.

The Royal New Zealand Navy and the New Zealand Police are amongst many government agencies which have adopted *gay friendly policies*.

LGBTQ Rights in Sweden:

Sweden is one of the most *gay friendly* countries in the world. Laws and regulations have a great impact on the lives of people of a particular country. It defines the living style and happiness of a country. Countries having more liberal laws are the most happiest and independent countries.

Sweden has been recognized as one of the happiest and most socially liberal countries in Europe and in the world. LGBT rights in Sweden have been regarded as some of the most advanced in Europe and in the world.

Over the last decades, Sweden has taken essential steps to make sure that LGBT people enjoy the same rights and opportunities as other people do. *Same- sex sexual activity was legalized in 1994 and the age of consent was made equal in 1979.*

The National Board of Health and Welfare decides homosexuality is no longer a mental disorder in 1979 only. The ban on discrimination against homosexuals by business and government officials was done in 1987. In 1988, homosexuals were included in the cohabitation law.

Recently, *gender- neutral wedding laws (2009), adoption rights for gay and lesbian couples (2003), insemination rights for lesbians (2005), and a prohibition of discrimination based on sexual orientation* included in the Swedish constitution in 2011 (Lagerberg Rikard, February 2017).

LGBTQ Rights in India:

Lesbian, Gay, Bisexual, Transgender community in India face social and legal difficulties which is generally not faced by heterosexual population. Sexual intercourse between two people of the same sex is illegal, and is being punishable by up to 10 years imprisonment.

Most Indians seem to be reluctant to recognize this community because they are obsessed with the idea of gender dichotomy and are unmindful of the existence of the “third gender” (G Karunathi, Transgender and the Mainstream).

Same sex couples cannot marry or obtain civil partnership. However, in India the third gender community or the transgender community is legally recognize as Hijras.

In India, the Supreme Court in April 2014 recognized hijra and transgender, eunuchs, intersex people as a 'third gender' in law. *Nepal, Pakistan, India, and Bangladesh* has all legally accepted the existence of a third gender, with India including an option for them on passports and certain official documents.

On 15 April 2014, in **National Legal Services Authority vs. Union of India**, the Supreme Court of India ruled that transgender people should be treated as a third category of gender or as a socially and economically "backward" class entitled to proportional access and representation in education and jobs.

The problem in India with LGBT people is that the colonial law that prohibited “carnal intercourse against the order of nature” and thereby the law is still followed which doesn't allow these sexual minorities to make sexual relations independently.

Section 377 of the **Indian Penal Code (IPC)** does not allow same sex couples in India to develop sexual relations, which is considered illegal and penalty will be up to life imprisonment (Govindrajan Padmapriya, July 7, 2016). On 2 July 2009, the Delhi High Court decriminalized homosexuality with its judgment on *Naz Foundation v. Government of NCT of Delhi and Others*.

The ambiguous language of section 377, carnal intercourse against the order of the nature, presents the only recourse to prosecute sexual assault on boys and aggravated sexual assault on girls that extends beyond the scope of penal-vaginal penetration.

The section 377 jeopardized the health of men have sex with men (MSM) and, in effect, their lives by promoting social stigma, enabling abuse by the police, and pushing sexual acts underground. This in turn violated fundamental constitutional rights, namely, Article 14, Article 15, Article 19, and Article 21. These rights claim the following rights:

Article 14: Equality before law

Article 15: Prohibition of discrimination on grounds such as religion, race, caste, and sex.

Article 21: Right to Life and Privacy

But the IPC law prohibits the implementation of these fundamental rights for LGBT people.

Section 377 was also noted to be at odds with international law (Article 12 of the Universal Declaration of Human Rights and Article 8 of the European Convention for the protection of Human Rights and Fundamental Freedoms) by which India abides.

The *Naz Foundation Trust* of India (a non-governmental Delhi based organization which primarily deals in HIV/AIDS issues) has filed public interest litigation (PIL) in 2001 to alter Section 377 of the Indian Penal Code (IPC) in order to consensual same sex sexual activity between adults in private would no longer be considered criminal act (*Srivastava Sanjay, 2013*).

The Naz Foundation's judgment sets the stage for more expansive understandings of discrimination and dignity for the marginalized.

In February 2016, Supreme Court agreed to hear petitions filed against this outdated law, to examine its constitutional validity and constituted a five-panel bench. This most recent petition adds to the ones filed already by the Naz Foundation as well as other gay rights groups.

However, as it was the first time people directly affected by the law spoke of their experience and the rights they were denied within the petition, there was a plea to hear it afresh.

However, this was denied by the Supreme Court and referred instead to the Chief Justice of India alongside others on similar themes (Govindrajan Padmapriya, July 7, 2016).

The Supreme Court of India recognized *third gender* that transgender persons can choose to identify themselves in official documents.

Delhi, Calcutta, and Bangalore, held their first *gay pride parades* on July 29, 2008. Recently, *Goa, Chandigarh, Lucknow and Bhopal* held their gay pride parades in April and May 2017.

The country has not yet legally recognizes gay rights, but people are getting aware of the community. However, these days development has seen in educational institutions for LGBT people. Some universities in India offer to open up with the gender identity and supporting LGBTQ students by opening up different centers and organizations within universities.

For instance- *IIT Bombay* was one of the first educational institutes in the country to have a *resource centre* for LGBTQ students.

4.3 SAME-SEX MARRIAGE LAWS IN THE WORLD

Same-sex marriage, also known as gay marriage, is marriage between people of the same sex, either as a secular civil ceremony or in a religious setting. The term marriage equality refers to a political status in which *same-sex* marriage and *opposite-sex* marriage are considered legally **equal**.

In the late 20th century, rites of marriage for *same-sex* couples without legal recognition became increasingly common. The first law providing for marriage of people of the same sex in modern times was enacted in 2000 in the **Netherlands** and came into force in 2001. As of 20 December 2017, same-sex marriage is legally recognized (nationwide or in some parts) in the following countries: *Argentina, Australia, Belgium, Brazil, Canada, Colombia, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, the United Kingdom, the United States and Uruguay*.

It is soon become legal in *Taiwan* and *Austria*, after court rulings on the subject in May and December 2017, respectively.

In South Asia , only *Nepal* is relatively LGBTQ inclusive as unlike India, there is no anti-queer laws in Nepal. As of 2017, *South Africa* is the only African country where same-sex marriage is recognized. **Taiwan** would become the first country in Asia to legalize same-sex marriage after the Civil Code is going to be amended. Two other Asian countries, i.e. *Israel and Armenia*, recognize same-sex marriages performed outside the country for some purposes.

4.4 LGBT FLAG

The Rainbow flag of LGBTQ movement



The rainbow flag, or simply the gay pride flag or LGBT pride flag, is a symbol of lesbian, gay, bisexual and transgender (LGBT) pride during LGBT social movements or LGBT rights marches.

Besides this, the rainbow flags are the sign of *peace* and the colors which reflect the *diversity* of the LGBT community.

Significance of different colors of the flag:

According to *Gilbert Baker*, creator of the *rainbow* flag, each color represents a value in the community:

- Pink = Sexuality
- Red = Life
- Orange = Healing
- Yellow = Sun
- Green = Nature
- Blue = Art
- Indigo = Harmony
- Violet = **Spirit**

Afterwards, pink and indigo were removed from the flag to lead to the present day flag which was first presented at the 1979 Pride Parade.

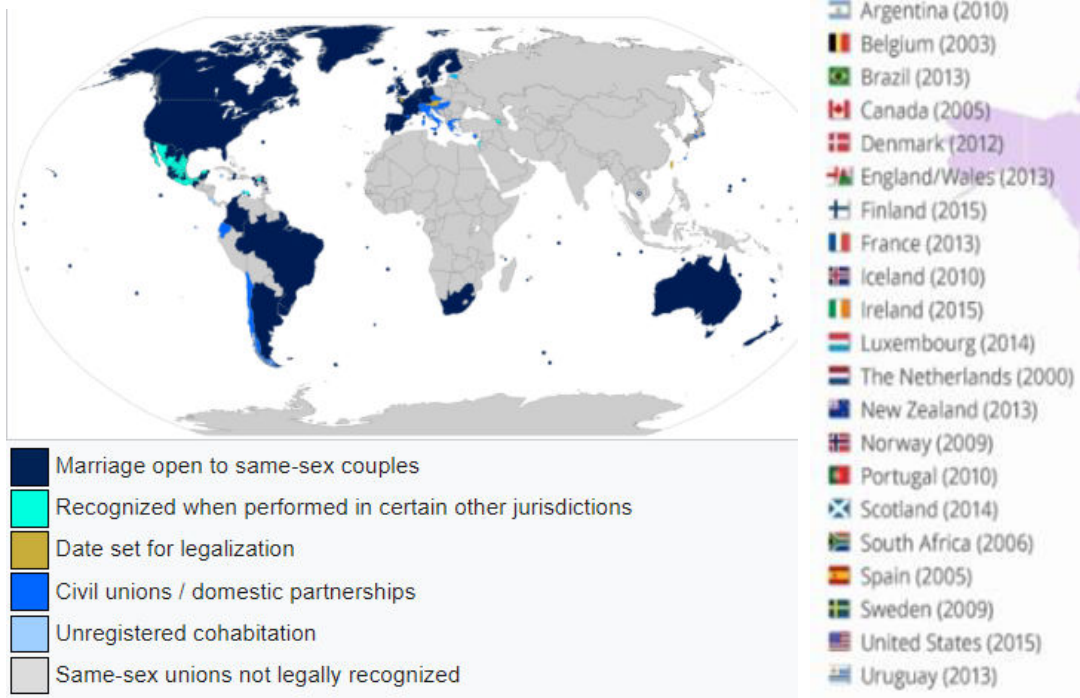
Gilbert Baker is said to have got the idea for the rainbow flag from the **Hippie movement** of that time which is largely influenced by the gay activist *Allen Ginsberg*. The flag actually comprised of eight stripes.

PRIDE PARADES

They are events celebrating lesbian, gay, bisexual, transgender (LGBT) culture and pride. The events also at times serve as demonstrations for legal rights such as same-sex marriage.

These are also called as pride marches, pride events, and pride festivals.

The rooted ideology behind the parades is a critique of space which has been produced to seem heteronormative and 'straight', and therefore any act appearing to be homosexual is considered heterodox by society. The Parade brings this homosexual performance into the space.



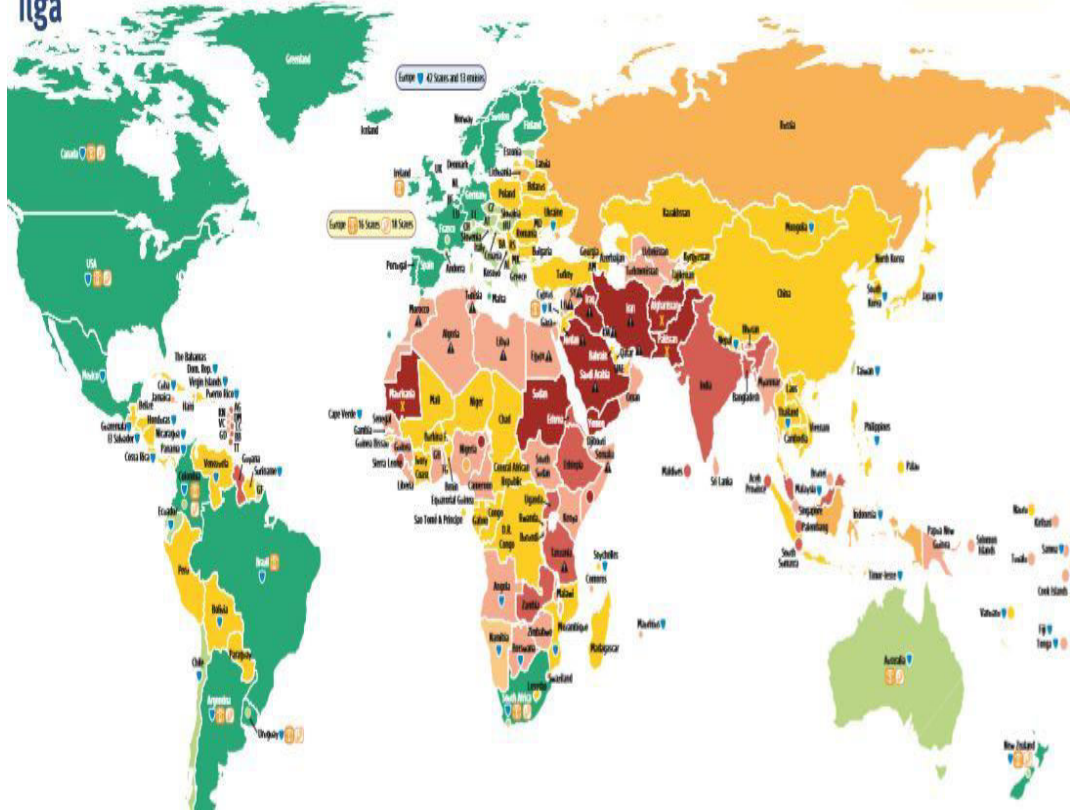
Status of same-sex marriage around the globe



SEXUAL ORIENTATION LAWS IN THE WORLD - OVERVIEW

ILGA, THE INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION

MAY 2017
ILGA.ORG



CRIMINALISATION

72 STATES

DEATH	implemented in 8 States (or parts of)	14 Y - life (prison)	14 States
	not implemented in 5 States	Up to 14 Y	57 States
	Religious-based laws alongside the civil code: 19 States	'Promotion' laws	3 States
		No penalising law	

In green, yellow and orange countries, same-sex sexual acts were decriminalised or never penalised: 123 States

PROTECTION

85 STATES

Many States run concurrent protections

Constitution	9 States
Employment	72 States
Various	63 States
Hate crime	43 States
Incitement to hate	39 States
Ban on 'conversion therapy'	3 States

RECOGNITION

47 STATES

A small number of States provide for marriage and partnership concurrently

Marriage	24 States	Joint adoption	26 States
Partnership	28 States	2nd parent adoption	27 States

Separate detailed maps for these three categories are produced alongside this Overview map.

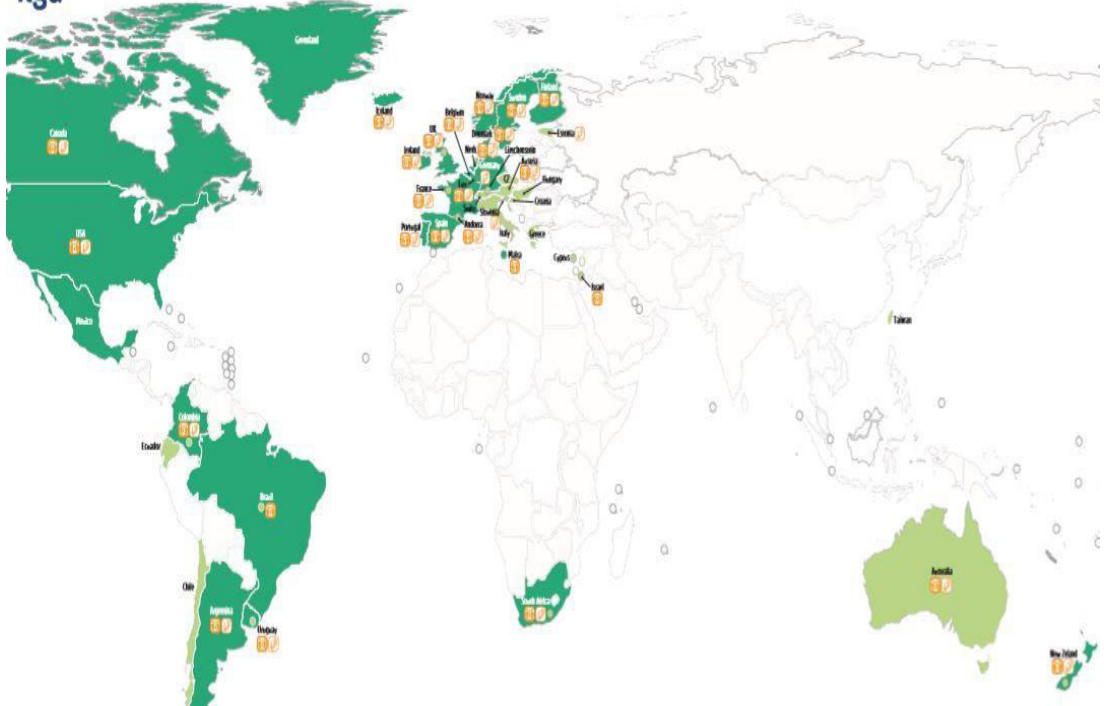
Figure 1: International Lesbian, Gay, Bisexual, Trans And Intersex Association (ILGA) Map



SEXUAL ORIENTATION LAWS IN THE WORLD - RECOGNITION

ILGA, THE INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION

MAY 2017
ILGA.ORG



RECOGNITION

Marriage
24 States

Partnership
28 States



Joint Adoption [26 States]



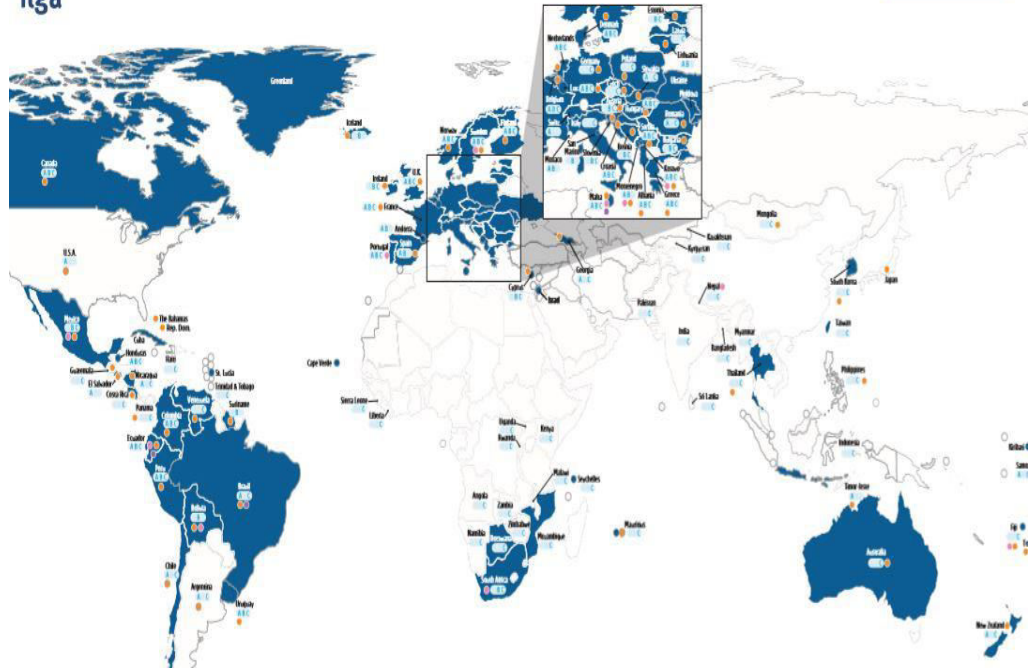
Second parent adoption [27 States]



SEXUAL ORIENTATION LAWS IN THE WORLD - PROTECTION

ILGA, THE INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION

MAY 2017
ILGA.ORG



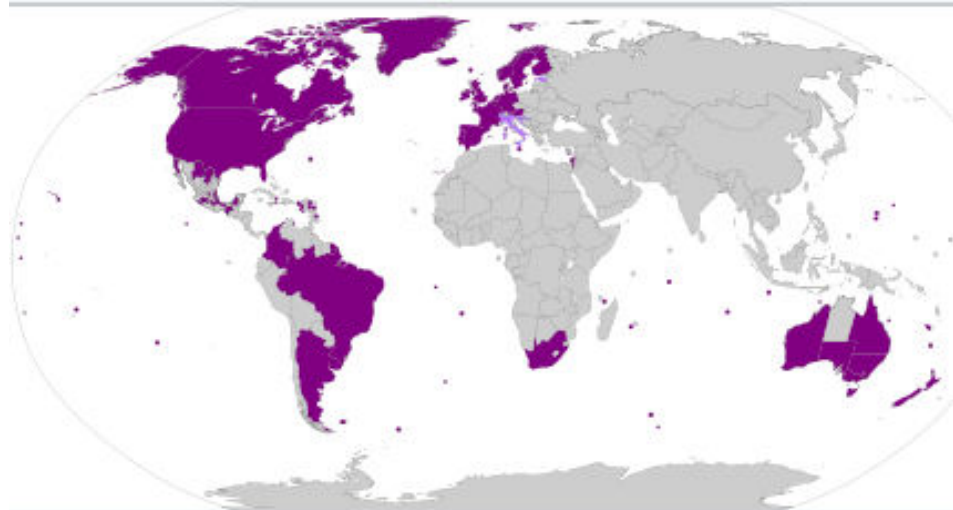
PROTECTION

Non-discrimination in employment
72 States




- A** Hate crimes based on sexual orientation considered an aggravating circumstance (43 States)
- B** Incitement to hatred based on sexual orientation prohibited (39 States)
- C** Presence of a National Human Rights Institution (NHRI) that includes sexual orientation in its human rights work (86 States)

- Constitutional prohibition of discrimination based on sexual orientation (9 States)
- Other non-discrimination provisions specifying sexual orientation (63 States)

● Ban on so-called 'conversion therapy' (3 States)



Legal status of adoption by same-sex couples around the world:

-  Joint adoption allowed¹
-  Second-parent adoption allowed²
-  No laws allowing adoption by same-sex couples

Continents:

Europe



South America



4.6 LGBT PERSONALITIES

The following information provides a snapshot of famous people who belong to the LGBT community:

- Italian fashion designer **Giorgio Armani** with a net worth of \$8.1 billion is currently the world's richest person who is openly part of the LGBT community. Armani has publicly identified as bisexual. He had a longstanding relationship with Architect Sergio Galeotti (The Advocate magazine).
- **Tim Cook**, CEO of **Apple**, is publicly identify as gay. Cook also serves on the boards of directors of Nike, National Football Foundation and is a trustee of Duke University.

Cook is the Chief Executive Officer of Apple company, previously serving as the company's Chief Operating Officer, under its founder **Steve Jobs**.



APPLE CEO Tim Cook

-
- **Vikram Seth** - son of **Leila Seth**. Vikram Seth is an Indian novelist & poet. Seth is a *gay*.



Seth receiving the award by 13th President of India Pranab Mukherjee

Awards won by Vikram Seth

1985 – Commonwealth Poetry Prize

1988 – Sahitya Akademi Award

2001 – Order of the British Empire, Officer

2005 – Pravasi Bharatiya Samman

2007 – **Padma Shri** in Literature & Education

2013 – The 25 Greatest Global Living **Legends** In India.



Vikram Seth with his mother Leila Seth

In 2006, he became a leader of the campaign against *Section 377* of the Indian Penal Code.

His mother, **Leila Seth**, became the first female Chief Justice of the Delhi High Court and has written about Vikram Seth's homosexuality and her coming to terms with it in her memoir. Leila Seth was vocal about supporting her son Vikram Seth when he

came out as gay, and wrote extensively decrying *Section 377* and in favor of LGBT rights.

- **Ricky Martin**

He is a Puerto Rican singer, actor and author. He began his career at age 12 with the all-boy pop group Menudo. On March 29, 2010, Martin publicly acknowledged his homosexuality in a post on his official website, stating:

*"I am proud to say that I am a **fortunate** homosexual man. I am very **blessed to be who I am.**"*

Martin said that

*"these years in silence and reflection made me stronger and reminded me that **acceptance has to come from within**, and that this kind of truth gives me the power to conquer emotions I didn't even know existed."*

Ricky Martin also delivered a speech at the *United Nations Homophobia Conference* on November 12, 2012.



Ricky Martin with his twins

In August 2008, Martin became the father of twin boys born by a surrogate mother.

- **Jennifer Pritzker** made headlines on 16 August 2013 by announcing she now identifies herself as a woman for all business and personal undertakings. This announcement made Pritzker the world's first openly *transgender billionaire*.
- In October 2015, Norway's second richest billionaire **Stein Erik Hagen** came out as bisexual.
- **Sam Smith** (singer).

He is an English singer-songwriter. In May 2014, Smith came out to the public as *gay*.

In October 2017, Smith told the LGBT publication Attitude that he "[felt] as much a woman as I am a man". Smith also admitted to owning mostly female clothing in his youth and wearing full makeup while attending school. He describes himself as a *feminist*.



Smith dedicated his Oscar award to the *gay community* of the globe

- **Ellen DeGeneres** became the first open *lesbian* to host the Academy Awards(Oscars) in 2007. Forbes estimated DeGeneres' 2017 earnings at US\$77 million. She is an America comedian, television host, actress, writer, and producer.



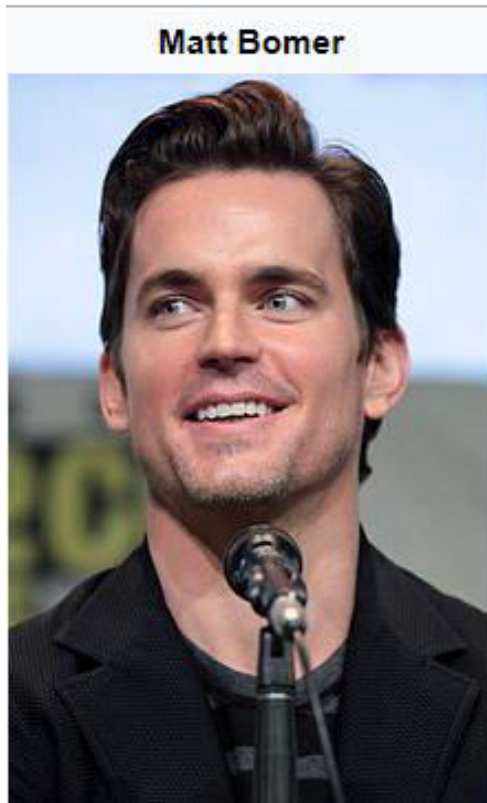
Ellen with 44th *President* Obama honoring her with the “ *Medal of Freedom Award*”

DeGeneres has hosted the *Academy Awards*, Grammy Awards, and the Primetime Emmys. She has authored four books and started her own record company, Eleveneleven, as well as a production company. She also launched a lifestyle brand, ED by Ellen. She has won 30 Emmys, 20 People's Choice Awards, and numerous other awards for her work and charitable efforts. In 2016, she received the *Presidential Medal of Freedom*.

In 1997, DeGeneres came out as lesbian. The disclosure of her *sexual orientation* sparked intense interest by American tabloids. The contentiousness of the media coverage stunted DeGeneres' professional career and left her 'mired in depression'.

In her book **Love**, Ellen, DeGeneres' **mother**, Betty DeGeneres describes being initially shocked when her daughter came out, but she has since become one of her strongest supporters. She is also an active member of *Parents & Friends of Lesbians and Gays (PFLAG)* and spokesperson for the Human Rights Campaign's *coming Out Project*.

- **Matt Bomer**



He is an American actor. He first publicly *acknowledged* that he is *gay* in 2012, when he thanked Halls and their children during an *acceptance* speech for his Steve Chase Humanitarian Award. *Bomer* is married to the publicist Simon Halls, with whom he has three children.

- Ellen Page. She is a Canadian actress. Ellen is *lesbian*. She has received nominations for Academy Award, BAFTA, Golden Globe and Screen Actors Guild Award for Best Actress, and won awards including the Independent Spirit Award, MTV Movie Award and Teen Choice Award for Best Actress Comedy.



Ellen Page

She has played an *Architect* character in the influential movie *Inception*(2010) starring along with *Leonardo Dicaprio* directed by legendary *Christopher Nolan*.



Page with the cast of Inception at the premiere.

List of the first LGBT holders of political offices

This is a list of openly lesbian, gay, bisexual or trans (LGBT) people who have been the head of government of a country. Up till now, there have been five openly LGBTQ people who have served as a national head of government, holding office in *Iceland, Belgium, Luxembourg, the Republic of Ireland and Serbia.*



Heads of government:

Name	Years	Nation	Office
1. Jóhanna Sigurðardóttir	2009–2013	<i>Iceland</i>	Prime Minister
2. Elio Di Rupo	2011–2014	<i>Belgium</i>	Prime Minister
3. Xavier Bettel	2013–present	<i>Luxembourg</i>	Prime Minister
4. LeO Varadkar	2017–present	<i>Ireland</i>	Taoiseach
5. Ana Brnabić	2017–present	<i>Serbia</i>	Prime Minister

- **Leo Varadkar**

Varadkar is the first Irish government minister of Indian heritage. During the 2015 same-sex marriage referendum he became the first openly gay Irish government minister. He was 38 years old on his election as Taoiseach, becoming both the youngest person and the first from a minority ethnic background to hold the office.

He is Ireland's first and the world's fourth openly gay head of government in modern times following Johanna Siguroardottir, Elio Di Rupo and Xavier Bettel.



Leo Varadkar
14th Prime Minister of Ireland

During an interview on RTE Radio on 18 January 2015 (his 36th birthday), Varadkar spoke publicly for the first time about being *gay*:

"it's not something that defines me. I'm not a half-Indian politician, or a doctor politician or a gay politician for that matter. It's just part of who I am, it doesn't define me, it is part of my character I suppose".

Varadkar was a prominent advocate of the same-sex marriage referendum. His partner, Matthew Barrett, is a *doctor* at Mater Misericordiae University Hospital.



- *Xavier Bettel*

Xavier Bettel is a Luxembourgish politician and lawyer, serving as the 24th Prime Minister of Luxembourg since 4 December 2013. He is openly gay and has stated that increasingly in Luxembourg *"people do not consider the fact of whether someone is gay or not"*. Bettel is Luxembourg's first openly gay Prime Minister and, worldwide, the third openly gay head of government following Iceland's Prime Minister Jóhanna Sigurðardóttir (2009–2013) and Belgium's Prime Minister Elio Di Rupo (2011–2014).

As of 2017, he is one of three openly gay world leaders in office.

◆	Name	Years	Nation	Office
1	Jóhanna Sigurðardóttir	2009–2013	 Iceland	Prime Minister
2	Elio Di Rupo	2011–2014	 Belgium	Prime Minister
3	Xavier Bettel	2013–present	 Luxembourg	Prime Minister
4	Leo Varadkar	2017–present	 Ireland	Taoiseach
5	Ana Brnabić	2017–present	 Serbia	Prime Minister

Table of LGBT holders of political offices



In 2012 [Kyrsten Sinema](#) became the first openly bisexual person elected to U.S. Congress.



In 2014 [Carlos Bruce](#) became the first openly gay member of Congress Peru.

4.7 CONCLUSION

Many countries are gradually accepting LGBT people and changing laws to protect the community from various types of discrimination and to make the society more inclusive. Thus, other countries must learn from such countries to protect the minority citizens of their countries. Further, the status of LGBT personalities shown in the chapter proves that diversity in sexuality exists in all types of people whether the normal public or the higher class citizens.

Fieldwork Analysis

The Empirical observation is divided into three sections:

- Case Study of four transgender people and one gay from different places.
- Students of JNU, PU, IIT Roorkee
- Organizations of Delhi

Case Study, questionnaire and informal interview have been used as tools to collect information from field.

5.1 CASE STUDY OF TRANSGENDERS' and GAY:

5.1.1 Case Study of Devyani

The researcher has also got the opportunity to have discussion with one of the trans woman named Devyani (respondent). The respondent belongs to educated family and currently she is working with an organization called Paryojan Kalyan Samiti in Dehradun.

She has informed about her challenges and rights with the researcher

Challenges

- She has to face *stigma, prejudice, or discrimination*, disrespect everywhere she go for her different gender identity though she does not belong to hijra community.
- She received unwanted attention in public. People *abuse* her and make *fun* of her sometimes for holding different gender identity
- Sometimes she is refused to enter public places like, hotels, restaurants, parks etc.
- Lack of recognition for transgender in society.
- Limited job opportunities

Rights

- No medical facilities provided by the government.
- No protection laws for violence against them
- No rights for citizenship
- Lack of social security
- Improper rights to vote, to own property, to marry
- Improper right to claim formal identity.

5.1.2 Case Study of Dhannjay

From the survey of IIT Roorkee, the researcher has to know about a transgender named Dhannjay (transwoman) who is recently enrolled in Panjab University, Chandigarh. The respondent is very humble in nature.

Challenges-

- She has left her dera (begging group of hijras) for studying in Panjab University. Though the Guru of the Dera was not allowing her to leave the dera but she has fight for that and recently pursuing her master course in Panjab University.
- Information Gathered-
She has informed about the recent news that transgender will now get the title as Mx. in the application forms.
The decision is taken by Chandigarh administration to provide transgender with an option to prefix Mx. with their names while filling forms (Sehgal Manjeet, October 24, 2017).
- She told that, “Mx. is a gender neutral honorific title for the people who doesn’t fit in the binary of male and female.”
- She has also given the difference between homosexuals and transsexuals.
- She said “homosexuals have their gender identity as male or female; they have only different sexual orientation.”
- Another information she has given to the researcher is that “Kerala High Court allows transgender to declare sex as woman in job application for the state government job (Kaur Nirvair, October 26, 2017).
- The respondent is an activist and making the society aware of their community through different ways. She has been telecast in PTC NEWS recently, which has given several information about their challenges in daily lives.
- Though they want to study more but they are financially weak and the university is also not giving exemption in fees. People like him are not provided hostel facilities like other students and therefore they have to rent a room.
- The transgender students who are studying in the university are all living at one place together on a rental house. Some of them have to drop out the college as they couldn’t afford more fees.

5.1.3 Case Study of Kiran

Then the researcher had a conversation with a transwoman in NAZ Foundation Trust, Delhi. Her name is Kiran, who is an educated person and works as a receptionist in the Naz Foundation itself.

She also do counseling at different places eg, police station etc, and make the society aware about LGBT people and to well behave with them as a human being. The respondent has given the following information-

- a) She has given a brief description about the challenges of transgender people which society makes for them at every path of their lives, and told about the poor system of government for their rights.

The transgender people are roughly treated by the police man. They are tortured by the policemen and are meant to do whatever they say otherwise they will be prisoned and nobody cares for their imprisonment.

The respondent has also told that the sex workers who are transgender are taken to the police station and are asked to remove their clothes to see their private parts and sexually abuse them.

- b) She has also said that the population of LGBT community is not less but the government and the society is ignoring them to give their rights.
- c) She has also told the researcher about a sting operation once done in a group of doctors by a transgender in which the doctors were saying that homosexuality can be cured, they will make a homosexual a heterosexual.

When it is asked by one of the doctor publicly that do they really treat homosexuals; then the doctor has refused and is not accepting that he has said so.

In this way doctors are earning a huge amount of money by making fool of the parents to treat their non-heterosexual children.

Furthermore, they give electric shocks to the children which can never change the sexual orientation but do affects their health badly.

- d) She said that *section 377* of IPC is a license to torture LGBT people.
- e) She has informed the researcher about the person who has spent all her life for making rights in favor of LGBT people in India, her name is **Anjali Gopalan**. She is a big lawyer and has challenged sec 377 of IPC.

-
- f) She has also informed the researcher about ‘Kinsee’ Scientist who said that 80% of the people have potential to become bisexual.
 - g) Job is still a major issue for the transgender people.
 - h) Earlier when Section 377 of IPC was decriminalized by Delhi High Court, people were getting aware of the community and were also in favor of the community.
 - i) But later when it was not accepted by the Supreme Court then again people started criticizing the LGBT community people. It is a fact that once the system of government come in favor of the vulnerable community, then people of the society will themselves start accepting them.
 - j) There is a great need of sex education in schools which make aware to the society about the LGBT people and to consider them a normal human being.

5.1.4 Case Study of a Transgender (Hijra)

The researcher had asked about the challenges and rights that she has been facing for being a transgender. As the respondent doesn't want to reveal her identity therefore her name is not mentioned.

The respondent has given following information about her challenges-

Challenges

- The very first challenge for her was that she was rejected by her family for being a transgender at the age of 18
- Then another challenge for her after being rejected by the family is to find accommodation. She went to her relatives to live at their place but unfortunately, they have also rejected her to provide any help. She has spent her night roadside for two weeks.
- Then after searching place to live she has interacted with a man who informed her about “dera”. These deras’ are the homes for such transgender people who are rejected by their home. Every dera is governed by the guru who looks after them. She has informed that these dera transgender have to do singing, dancing at public places and at ceremonies and sometimes need to do begging and prostitution for earning their living. She have gradually learn to do these things as she grows with time. She has to involve in these activities as she couldn't get education at the right time. These are the major challenges of her life.

Rights

- About the discussion on the rights she is getting, she has informed that though the Constitution of India provide them the right to equality, no discrimination on the basis of sex but they are actually not getting these rights as the society does not accept them, they have transphobia, and discrimination still exist for them. The government do not provide job opportunities and they generally lack by other basic rights like voter identity cards, and other official documents, because the authority themselves confuses with their gender, whether to identify them as male or female.

5.1.5 Case study of Gay

The second interview by the researcher was with a *gay*. He is a student in Delhi University and came to Chandigarh to attend the pride march. As the respondent doesn't want to reveal his identity therefore his name is not mentioned.

The boy has given a short story of his challenges he has faced in life. He has informed the researcher that he was a queer till his intermediate level as he himself was confused with his sexual orientation. Then when he has started his bachelors after a period of one year he came to know that boys of his class recognized his gender identity after noticing his body language and that time he himself was confused. Then somehow after two years he came to know that he is not sexually attracted to girls ever. He has attraction to boys emotionally and physically. So at the age of 23 he is clear with his sexual orientation.

Respondent Challenges

- He has to suffer bully, torture, stigma, during his graduation in the class and in the hostel.
- Three of his friends has tried to sexually abuse him.
- He has lost his friendship from boys due to homophobia
- He has a fear of losing his family if he moves out from the closet.
- Boys who are aware of his sexual identity are either afraid of him or tried to abuse him verbally and sexually.
- He cannot open with his sexual orientation intentionally in India as the laws and societal norms do not allow him to do so.
- He is living a life of asexual without a partner as the country criminalizes homosexuality and also does not provide same sex marriage.
- Further he is afraid of doing job in India as males can threat him anytime anywhere and India has yet not provide security laws for homosexuals.

About Rights

The respondent has informed about the status of rights of homosexuals in India that

- *As homosexuality is criminalized in India therefore homosexuals has not the right to open with their sexual orientation, i.e. they cannot move freely with their same gender partner at public places as people in India are not ready even to accept heterosexual couples to live independently then how can be homosexuals open with their same sex relationship*
- *They do not have same sex marriage right in India*
- *No employment security laws for homosexuals*
- *No health security by the government*

The respondent has also explained the types of bisexuals. There are two types of homosexuals:

- i. *Inborn (by birth) bisexuals*
- ii. *MSM (Men having Sex with Men) bisexuals*

Difference between Inborn and MSM bisexuals is explained by the respondent-

- i. *The inborn bisexuals are the ones who are bisexual by birth or by genetically. Their sexual orientation of bisexuality is natural by birth. While the MSM bisexuals are those heterosexuals who after having excessive sex with the opposite gender get fed up and starts exploring sexual need in the same gender. Mostly these MSMs won't admit themselves as bisexuals but they would have sex with the same gender.*
- ii. *The Inborn bisexuals generally feel beyond sex for the same gender i.e. they may develop emotional attachment with the same gender.*

Similarities-

- i. *They both are afraid of open their sexual identity, as bisexuality is considered a sin and a taboo in India.*
- ii. *They both can adjust and hide their sexual orientation in the majority group of heterosexuality.*
- iii. *They do not have any major challenge regarding their sexual identity.*

5.2 INFORMAL INTERVIEW & QUALITATIVE STUDY WITH LAY PEOPLE

5.2.1 NAZ Foundation (India) Trust, Delhi.

The empirical research has been done in Naz Foundation (India) Trust, a non-governmental Delhi based organization which primarily deals in HIV/AIDS issues. *The organization has played an important role in highlighting the issue of LGBT people in India.*

As we have studied in the previous chapter that the Indian Penal Code (IPC) *section 377* of the Indian Constitution enacted by the British colonial regime to criminalize carnal intercourse against the order of the nature’.

The Naz Foundation (India) Trust working in the field of HIV prevention among homosexuals and other men having sex with men (MSM).

Field analysis-

- The researcher has gone to the organization and had a conversation with coordinator named James Veliath, regarding the LGBT issue. The respondent is above 50 years of age and is considered a lay person as he is not one of the LGBT community, but he was very much aware of the topic of LGBT as he is working with the organization for so many years. The respondent is of a humble nature and coordinated well with the researcher. He has given some books also related to the health of LGBT people for bringing clarity to the researcher.

He has given the following vital information-

- a) The existence of LGBT is in the history. It exists since old times. Hindu religion has given proof of the LGBT community in some temples like Konark and Khajuraho, where the sculptures have shown *diversity in sexuality*.
- b) The respondent has revealed the fact that it is very difficult for the parents to accept their homosexual, bisexual or transsexual children. He also said that it will be difficult for him too if his own children say that they are one of this among the LGBT community.

5.2.2 The Humsafar Trust (New Delhi)

It is a community based organization of self-identified Gay men, MSM, Transgender, Hijras and LGBT persons. It was started in 1994. The organization works on the issues of sexuality, gender, health, advocacy, research and capacity building of sexual minority groups.

It has taken an initiative by collaborating with ‘Sanjeevani’ in 2003 at Mumbai, which provides medical care and personal support to the sexual minorities.

While having conversation with the program officer Gautam Yadav, the researcher came to know that the trust has been a Sentinel Surveillance Site for NACO since 2000.

Since then, the HIV prevalence in the MSM (Men having sex with Men) sector in Mumbai has been reported from 13 to 26 percent. It has since reached a plateau between 18 and 20 percent for 2002-2004.

However, this plateau is way too high a prevalence and is a warning that MSM sector needs attention.

There are several sub populations within the MSM sector that have been identified by Humsafar Trust.

The researcher came to know about the types of 'Hijras'. These are: 'Akwa' Hijras, 'Nirwaan' Hijras, 'Jogtas' also called Jogappas or Shiv- Shaktis.

The researcher has asked the respondent about his view for the decision of Supreme Court of India for the LGBT rights. The respondent has replied that, it will take time to decriminalize section 377 of IPC and the society will take more time to understand the sexual minorities.

The researcher was unable to contact to the members of LGBT community as it was required to completed the formalities for taking interviews of the LGBT group a week before.

5.2.3 IIT Roorkee, UttraKhand

The researcher has gone to IIT Roorkee after getting information that there is a workshop going on LGBT people in the architecture department. In this workshop the students of M. Arch (Masters in Architecture) are learning to make spaces (areas) for the LGBT community people and especially for the transgender community.

The researcher has met with different people to take their interview to gather information related to the LGBT community.

- a) Firstly, the researcher has met with a M. Arch student named, Disha Chatharth working under the workshop (for transgender). She is considered a lay person as she does not belong to the LGBT group. She has very well cooperated with the researcher and given her best knowledge of LGBT community to the researcher.
- b) After having conversation with the respondent, the researcher came to know that she has a good understanding of the LGBT community. She has discussed about-
 - *Dropping Centers*: are the places made for the LGBT individuals whose family has rejected and who don't want to stay with family due to various circumstances.

- *Paryojan Kalyan Samiti (Dehradun, Uttarakhand)*: is an organization working for LGBT people. The organization has also held the “pride walk” this year (2017), for making society aware of the LGBT people and their rights.
- She has define the LGB and T people separately.
- She has informed the researcher that only the ‘recognition bill’ has been passed in India so far, still the community has to achieve “recognition” from the society.
- Further she has talked about ‘gender fluidity’.
- Lastly, she has concluded that, the issue of LGBT community is a political issue and therefore no one talks on this.
- She has concluded that *India has still didn’t provided proper rights to the second gender, i.e. women, so the third gender or the transgender and the LGB people have to make a big hope for their rights to appear in the constitution.*

c) Then the researcher has met with one the faculty of the architecture department, named Uttam K. Roy (Asst. Proffessor). The interaction with Sir is to get professor's view for the topic. Though he is considered lay person as he does not belong to the LGBT group.

The respondant has a very positive outlook for the topic LGBT and given his own views also. He was also agreed with the fact that the vulnerable community need recognition in the society.

He has informed about the famous personality *Rituparno Ghosh*, who was a famous Bengali actor, writer and director. Ghosh has directed a movie named ‘Chitrangada’ whose story is based on the challenges of Gay lovers in India. The film is based on the story of ‘Chitrangada’ from the Mahabharata. It is a story of a choreographer who is struggling with his gender identity.

d) Then the researcher has interacted with another faculty of the same department named Tina Pujara (Asst. Proffessor). She is the one who is working with the students in the workshop of LGBT. She has given a positive response for the researcher’s work.

She is making her students understanding the LGBT people through fieldwork and organizing various events. Her students are learning to make better spaces for the LGBT community and especially for the transgenders. During the worshop, the researcher has met with two transwomen who are very well educated and the professional one, named, Candy and Devyani, one from Delhi and one from Dehradun. They both have attended the workshop for checking the progress of the students and to guide them. The difference between transgender and hijra is cleared during the workshop by the transwomen itself.

5.2.4 Quantitative Study of 15 students of JNU (Jawaharlal Nehru University)

Q1. What is your age?

S.No.	Age/Gender	Male	Female	Total	Percentage
a.	Under 18	0	0	0	0
b.	Between 18 & 35	8	5	13	86.67
c.	35 above	2	0	2	13.33
		10	5	15	100

Table 1.

Table 1 illustrates that:

No student is under the age of 18.

While 86.67 % of total students are between the age 18 to 35 and

13.33% of total students are above 35.

Q2. What is your gender?

S.No.	Gender	Number	Total
a.	Male	10	10
b.	Female	5	5
c.	Others	0	0
	Total	15	15

Table2.

Table 2 illustrates that:

66.67% of the total students belongs to male category.

33.33% of students belongs to female category.

Q3. What is your highest level of education?

S.No.	Education/ Gender	Male	Female	Total	Percentage
a.	Graduate	3	2	5	33.33
b.	Post Graduate	7	3	10	66.67
	Total	10	5	15	100

Table 3.

Table 3 illustrates that:

33.33% of the total students are of graduation level

66.67% of the total students are of post graduation level

This shows that majority of students are highly educated.

Q4. Are you aware of LGBT people?

S.No.	Strata	Male	Female	Total	Percentage
a.	Yes	9	4	13	86.67
b.	No	1	1	2	13.33
	Total	10	5	15	100

Table 4.

Table 4 illustrates that:

86.67% of the total students are aware of LGBT people.

13.33% of the total students are not aware of LGBT people.

This shows that majority of students are aware of LGBT people.

Q5. Do you think being gay, or lesbian, or bisexual or transgender (LGBT) is a disease?

S.No.	Strata	Male	Female	Total	Percentage
a.	Yes	1	0	1	6.67
b.	No	8	4	12	80
c.	Don't know	1	1	2	13.33
d.	Don't want to answer	0	0	0	0
	Total	10	5	15	100

Table 5.

Table 5 illustrates that:

6.67% of total students' thinks that being belong to LGBT group is a disease.

80% of the total students' thinks that being belong to LGBT group is not a disease.

While 13.33% of the total students don't know that being an LGBT is a disease or not.

This shows that majority of students know that being an LGBT is not a disease at all.

Questions related to Challenges and Rights of LGBT:

Q6. What do you think LGBT are?

S.No.	Gender/Views	Normal	Abnormal	Don't know	Don't want to answer	Total	Percentage
1.	Male	10	0	0	0	10	66.67
2.	Female	4	0	1	0	5	33.33
	Total	14	0	1	0	15	100

Table 6.

Table 6 illustrates that:

66.67% of the total students think that LGBT people are the normal people.

33.33% of the total students think that LGBT people are abnormal people.

This shows that large number of students think that being a member of LGBT community is just normal.

Q7.Would you accept LGBT people as they are?

S.No	Gender/Views	Yes	No	Don't know	Total	Percentage
1.	Male	10	0	0	10	66.67
2.	Female	5	0	0	5	33.33
	Total	15	0	0	15	100

Table 7.

Table 7 illustrates that:

66.67% of the male students will accept LGBT people as they are.

33.33% of the female students will also accept LGBT people as they are.

This shows that students are ready to accept LGBT people as they are.

Q8. Do you think LGBT people should be treated well and normal just like other children?

S.No.	Gender/ Views	Yes	No	Don't know	Total	Percentage
1.	Male	10	0	0	10	66.67
2.	Female	5	0	0	5	33.33
	Total	15	0	0	15	100

Table 8.

Table 8 illustrates that;

66.67% of the male students think that LGBT people should be treated well and normal just like others.

33.33% of the female students think that LGBT people should be treated well and normal just like others.

This shows that male students are likely to accept LGBT people.

Q9. Do you think LGBT should get basic rights like other people?

S.No.	Gender/Views	Yes	No	Don't know	Total	Percentage
1.	Male	10	0	0	10	66.67
2.	Female	5	0	0	5	33.33
	Total	15	0	0	15	100

Table 9.

Table 9 illustrates that:

66.67% of the male students think that LGBT people should get their basic rights.

33.33% of the female students think that LGBT people should get their basic rights.

This shows that students are aware of LGBT rights.

Q10. Are you aware of the organizations which can help LGBT people?

S.No.	Gender/Views	Yes	No	Total
a.	Male	4	6	10
b.	Female	3	2	5
	Total	7	8	15
	Percentage	46.67	53.33	100

Table10.

Table 10 illustrates that:

46.67% of students are aware of the organizations which can help LGBT people.

53.33% of the students are not aware of the organizations which can help LGBT people.

This shows that most of the students are not aware of the LGBT organizations.

Q11. Do you think there is a need of sex education in schools and colleges of India?

S.No.	Gender/ Views	Yes	No	Don't know	Don't want to answer	Total
1.	Male	10	0	0	0	10
2.	Female	5	0	0	0	5
	Total	15	0	0	0	15
	Percentage	100	0	0	0	100

Table 11

Table 11 illustrates that:

100% of the total students think that there is a need of sex education in schools and colleges of India.

Q12. Do you think, there should be separate cell or department in schools and colleges for supporting LGBT people?

S.No.	Gender/Views	Yes, of course	No need of that	Don't know	Total
1.	Male	6	2	2	10
2.	Female	3	1	1	5
	Total	9	3	3	15
	Percentage	60	20	20	100

Table 12.

Table 12 illustrates that:

60% of the total students think that there should be separate cell or department in schools and colleges for supporting LGBT people, while 20% think that there is no need of such cells and 20% of students don't have idea about this.

Q13. Do you think LGBT people should be discriminated at workplace or at religious places on the basis of their sexual orientation?

S.No.	Gender/Views	Yes	No	Don't know	Total
1.	Male	1	9	0	10
2.	Female	0	4	1	5
	Total	1	13	1	15
	Percentage	6.67	86.66	6.67	100

Table 13.

Table 13 illustrates that:

6.67% of the total students think that LGBT people should be discriminated at workplace or at religious places on the basis of their sexual orientation, while 86.66% of the students thinks that should happen to them and 6.67% of the students don't know about this.

Q14. Do you think LGBT people should be denied for donating their blood?

S.No.	Gender/Views	Yes	No	Don't know	Total
1.	Male	0	10	0	10
2.	Female	0	4	1	5
	Total	0	14	1	15
		0	93.33	6.67	100

Table 10.

Table 14 illustrates that:

93.33% of the total students think LGBT people should not be denied for donating their blood. This shows that students consider LGBT people as normal as other people.

5.2.5 Pride Walk, Chandigarh (Observation)

The researcher has gone to Chandigarh on 16 and 17 of March, 2018 to attend the LGBTQ pride walk. The field study is done through observation and interview methods.

Observation

- A large number of people have attended the pride walk of whom some belongs to the LGBTQ community.
- Some old women and men were also seen in the program held in Panjab University.
- LGBT Activists, organization members were also seen. They were holding rainbow flags and posters with them in the pride walk.
- The program was initiated in the campus of Panjab University through poetry section. The researcher has observed that some gay students of the university have participated in the poetry and through their poetry they were coming out of their sexual identity with confidence
- Through *nukad-natak* (street play), the actors have played a story of lesbians' and their challenges in India.
- The sponsors of the Pride Week held was- The Canadian Embassy, Chandigarh Administration, and the Panjab University.
- People in the pride walk were enthusiastically participated and were playing dhols, slogans for the recognition and rights.
- Number of females was little more than males
- College students, organization employees and, media was large in number.
- One male and one female attended all the programs and pride walk representing Canada Embassy support for LGBT rights.
- The researcher has observed the challenges of lesbian from the street play program and the stage play program both presented the story of lesbian's in India. The problems with lesbians' in India are that their feelings are not understood by the family members and so by the society. Generally they are forcefully married with the males. They are tortured and get raped by their husbands and strangers whosoever is known of their sexual orientation.

5.2.6 CONCLUSION

Government and the Constitution play a very important role in the acceptance of the community. It is seen that when Delhi High Court has accepted the issue of section 377 of IPC in 2009, the people of the society has started accepting their LGBT members. But the Supreme Court has denied the matter and thus society is not ready to accept the LGBT community. The domestic Hindu groups in India such as the influential right-wing RSS, which concedes homosexuality should be "kept to the bedroom," does not believe it illegal but immoral as it is considered a rare condition. This shows that people are somewhere aware of the LGBT group but are not ready to accept them.

5.2.7 Photos of Field Work



Field study at IIT Roorkee U.K along with M.Arch students & 2 jury transgender

Photos of Chandigarh Pride Walk (2018)

Pride March Event started from Panjab University (Chandigarh)







6.1 Findings from Secondary Research

The research study has come to various conclusions. These are as following findings from secondary sources:

- It shows that human sexuality is not necessarily rigid, it can be fluid also. The Hindu mythology proves the existence of sexuality with the presence of various deities like, Ardhanarishavara, Vaikuntha Kamalaja, Laxminarayan, etc. who formed from the collaboration of male and female together, and manifesting as different genders. Moreover, the study illustrates that homosexuality is innately given rather than socially constructed or personally developed.
- Further, the humiliation, discrimination and exclusion faced by the LGBT individuals has been continued since historical period to the contemporary world. The challenges of lesbian, gay (homosexuals), bisexual, and transenders are almost similar and the main of non acceptance of these sexualities are mainly- the Victorian morality, which is the colonial law still followed in many regions of the world criminalizing sexual relationships other than heterosexual partners. It promotes homophobia, biphobia, and transphobia among heterosexuals and the people who are not aware of such different sexualities. Then, religion, is another main reason for non acceptance of diverse sexualities. Most of the religions in the world consider such sexualities as a sin. Thus, people learn to not to accept these different human sexualities.
- Gradually, countries started recognizing these different sexualities and trying to preserve and celebrate making their lives more livable. Right to free expression should be there everywhere in the world. There is a need to do realignment of sexual rights movements in the contemporary world.

6.2 Findings from the primary research-

- LGBT people in has to face *stigma, prejudice, or discrimination*, disrespect wherever their sexuality is known to the public.
- Homosexuality is still a taboo.
- There is lack of recognition for the sexual minorities.
- The existence of LGBT is in the history. It exists since old times. Hindu religion has given proof of the LGBT community in some temple like Konark and Khajurao, where the sculptures have shown *diversity in sexuality*.
-
- Lack of facilities such as health care, financial help, education, employment etc.
- The LGBT individuals have been harassed, verbally and sexually abused by others
- Government and the society is ignoring them to give their rights.
- **Section 377** of IPC is a license to torture LGBT people.
- Rejection by families for being the member of LGBT group.
- Though the Constitution of India provide them some rights like, to equality, no discrimination on the basis of sex, but they are actually not getting these rights as the society does not accept them, they have transphobia, and discrimination still exist for them.
- The majority of lay people do not accept the sexual minorities as because their socialization is done in such a way that they have learned to discriminate LGBT people. They learn this from their elders, friends, media, etc and makes mockery of them directly or indirectly.
- People have bad ideas and views for transgender people. Though transgender people want to live a normal life just like heterosexual people and government has also given rights to them but the main part is that whether the society has accepted them or not. And if same sex people get into marriage then the society do not accept them as the constitution and religion prove them wrong.
- They do not have same sex marriage rights.
- No employment security laws for homosexuals.
- It is difficult for the parents to accept their homosexual, bisexual or transsexual children.
- The developing countries like India where heterosexual relationships are bound with cultural values and norms, it will take time to accept the homosexual and bisexual relationships.

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- It will take time to decriminalize section 377 of IPC and the society will take more time to understand the sexual minorities.
 - The issue of LGBT community is a political issue and therefore no one talks on this.

6.3 Suggestions

For education institutions:

- Sex education should be included in schools to make aware of the LGBT community and to well behave with them; to accept them, so that the people of this community need not to hide their unique gender identity.
- To make sure that the school and college environment is LGBT inclusive .
- There is a need of changing school culture and practices by providing training to teachers, staff members and counselors on how to deal with LGBT students and to students who are questioning their sexual orientation and/or gender identity. Also, to include, comprehensive *anti- bullying* and *harassment policies* with enforcement, and community education. This would help in improving LGBT youth development.
- *Ze*
a gender-neutral pronoun ‘ *Ze*’ must be used more and more as many people have expressed the need for a singular gender-neutral third-person pronoun. It is a pronoun to use when someone’s gender is unknown or when the individual is neither male nor female.
- School and college administration should provide physical and psychological safety to the sexual minorities.
Schools play a very important role in the empowerment of LGBTQ students which makes their adulthood and society well prepared.
- Therefore there is a dire need of *education* in sexuality in schools and family so that they could accept people of different sexuality and gender identity equally and they should learn to behave friendly and not to be hostile with such people just like they behave with other heterosexuals.

For Government:

- To adopt a zero tolerance policy for homophobic, biphobic, and transphobic bullying. In the societies where these sexual minorities are still a taboo, there is a great need of passing of enumerated anti-bullying and non-discrimination laws at the state and central level.
This includes, adopting, implementing, and enforcing specific school district policies and procedures protecting LGBT students and teachers.

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- Promote a culture of acceptance and equality for LGBT people at schools, universities, workplaces and everywhere in the society by educating that LGBT rights are Human Rights.
 - There is a great need of establishing programmes that challenge harmful gender norms by addressing the harmful impact of such norms on these minorities.
 - Help in providing basic identities through voters' identity cards, ration cards and passports, etc.
 - To set up education, income generating schemes, and social security measures for transgenders.
 - Free Sex Reassignment Surgery (SRS) should be provided in selected government hospitals.
 - Special public grievances cell should be establish in order to redress LGBT grievances.
 - To establish *Self Help Groups (SHG)*, *microcredit* and *microenterprises*, government should provide funds and loans with subsidy to initiate the process of self earning in the area of interest for these minorities. This would help them in boosting their confidence and making it possible to get them out of the clutches of poverty and commercial sex work.
 - Gender Neutrality promotion: Use of words spouse instead of husband or wife ; Parent 1 & parent 2 instead of father & mother in formal documents must be promoted.
 - Transgender need separate sections in prison as they are at the risk of sexually harassed by other males in the prison.
 - More *NGO's* (Non-Government Organizations) and *Civil Society Organizations* need to be set up for availing beneficiary schemes of the government to make this community more self –reliant and self- sufficient.
 - Queries based on sexual orientation and gender identity must be incorporated in the Census conducted by the governments. For instance, many South American countries incorporate such queries in their census.

For Parents or Family:

- Emotional and moral support from family members.
- Strong bonds with family members and friends helps in sharing stress and provides solutions to many problems.

For Office or workplaces:

- Personal relationships with peers that emphasize and support healthy attitudes and behaviors.
- There is a need to change the negative attitude of the people towards the LGBT community.

The public support and recognition plays a vital role in the upliftment and inclusion of LGBT group in the society. According to United Nations LGBT people must be afforded dignity and human rights (UN Human Rights Council Resolution 17/19). The gender equality programmes who aimed to provide equality to all are focused on opposite gender people only excluding lesbian, gay, bisexuals and transgender.

A few programmes are aimed to provide equality and protect from violence who only focus on transgender and again excluding lesbian, gay and bisexuals.

There should be separate sections in prison for the transgender people, so that they could not be exploited by other people.

In this way we can encourage *inclusivity* of LGBTQ people in the society.

6.4 Organizations working for LGBTI:

- ❖ **ILGA-** The International Lesbian, Gay, Bisexual, Trans and Intersex Association.
- ❖ **UNDP-** United Nations Development Program.
- ❖ **MRI-** Micro Rainbow International
It works to tackle LGBTI poverty worldwide. They provide mentoring, skills training and coaching, and facilitate start –up capital for those members of the LGBTI community who want to set up small business.
- ❖ **CAMNAFAW-** The Cameroon National Association for Family Welfare
Is a member association of the International Planned Parenthood Federation (IPPF), has provide specialized health services, information and counseling to the LGBT community since 2008.
- ❖ **FEW-** The Forum for the Empowerment of Women
It is the only South African organization with a specific focus on rights of black lesbian and bi women and has a long history of work on hate crimes.
It protects the LGBT women in South Africa from the violence which have increased in recent years.
- ❖ **The Astraea Lesbian Foundation for Justice**
It directly funds and builds the capacity of grassroots organizations in 55 countries, in order to advance LGBTQI human rights and racial, economic and gender justice worldwide.
- ❖ **The Albert Kennedy Trust (AKT)**

It has supported young LGBT people in UK cities, who are struggling with homelessness or living in a hostile environment. The organization is working for over 25 years.

- ❖ CREA (Creating Resources for Empowerment in Action)
It is a Human Rights organization working in India.
- ❖ TARSHI (Talking About Reproductive and Sexual Health Issues)
CREA and TARSHI collaboratively initiated the sexuality and rights institutes exploring theory and practice in India.
- ❖ Humsafar Trust
- ❖ The Naz Foundation
- ❖ Gay Liberation Front
- ❖ Gay Activists Alliance

Though the efforts of LGBT organizations, civil societies, sexual rights activist, concerned parents, and social movements have made attention for the issue of sexuality and can be seen in uplifting the poor status of the marginalized community of LGBT. Still the target to make people understand and know the challenges of the community will be achieved when the people of the society themselves change their mindset for these sexual minorities; and accepting these diverse sexualities in the world.

The LGBT group is at greater risk of suffering social problems as compare to other social groups. They are deprived of *recognition* as a member of the society. Therefore, this group needs more attention for providing basic rights to them. For making the LGBT community or the sexual minorities inclusive in the society, firstly the societal morality needs to be change with time. People should be aware of the sexual minority community and they should accept them as they are. In this **religion** played a major role to make peoples' mindset to accept such diversity. Another important role is of the **Government or the Constitution** of the country who possess different unnecessary laws on these sexual minorities and thus giving rise to allow the public to create violence against them. Also, **media** can play a major in making public aware of the community and about the injustice suffered by the LGBT community people. Also, people need to accept the sexuality part of human beings, as it is a 'social fact'.

Removing inequality and achieving gender equality should be the goal of every country of the world. There is a great need of changing the false mindset of the societies for LGBTQ people. Also, there is a need of making the society and the government understands the role of gender and sexuality in the ways in which families and communities are structured and the ways in which they intersect with the state and economy.



KEY IDEAS FOR CONCEPT

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- Hindustan Times
- Times of India
- New York Times

ANNEXURE

Newspaper excerpts:

What the Judgments Say

There were six judgments by the nine-judge bench. Here's the heart of what they said about privacy

Privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation. Privacy also connotes a right to be left alone. Privacy safeguards individual autonomy and recognises the ability of the individual to control vital aspects of his or her life"

JS Khehar RK Agrawal DY Chandrachud S Abdul Nazeer

"Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual"

24 AUGUST, 2017

An individual's sexual orientation is protected under the country's Right to Privacy law.

2017 Judgement of Supreme Court of India under the ' Right to Privacy' verdict

Hence after this verdict in India people *are allowed to express their sexual orientation.*



Kochi Metro to employ 23 transgenders

HT Correspondents
letters@hindustantimes.com

THIRUVANANTHAPURAM: The upcoming Kochi Metro will employ 23 transgenders to push for the welfare of the marginalised and neglected community. They will be deployed in different sections, including house-keeping and ticket counters based on their qualifications, said sources at the Kerala Metro Rail Limited.

This is for the first time a government-owned company in the state is providing bulk employment to members of the third gender. While educated among them

FOR THE FIRST TIME A GOVT-OWNED FIRM IN STATE IS PROVIDING BULK EMPLOYMENT TO MEMBERS OF THE THIRD GENDER

will be deployed in key posts others will be deployed in house-keeping and cleaning sections.

"This is an attempt to bring them to the mainstream. We hope our maiden attempt will be a runaway success. We expect other firms to follow suit and engage them in respectable positions," said Kerala Metro Rail Limited managing director Elias George.

Being selected through written tests and interviews, they are currently undergoing training.

More transgenders will be inducted by the metro after gauging performance of the first lot of employees from the community, metro sources said on the condition of anonymity.

They will be part of the 530 workers of the Kudumbasree, a women self-help group of the state that will man the first metro of the state.

Kerala became the first state to formulate a transgender policy in 2015. The government policy aimed at ending discrimina-

tion and bringing the third sex to the mainstream by giving them equal opportunities.

"We are really excited. We hope other firms will also open their doors for us," said Chitra, a transgender community member from the port city.

The state has also set up a transgender justice board to deal with their complaints, and a separate column called intersex, was introduced in the birth and death registration form.

I was also made mandatory for all government buildings to have separate washrooms for transgenders. Last month the state had conducted an exclusive sports meet for the third sex

Ireland likely to get Indian-origin gay PM

LONDON: Leo Varadkar, son of a Mumbai-born doctor and Ireland's first openly gay minister, is in the forefront to succeed Enda Kenny as the country's prime minister.

If elected, the Irish welfare minister will become yet another Indian origin head of state or government. Varadkar, 38, is the youngest child of Ashok Varadkar, who met his future wife Miriam, a nurse, while working in the National Health Service in England in the 1980s.

Varadkar, who was a practising doctor before joining politics and being elected in 2007, made news in 2015 when he came out as a gay, an announcement that was initially met with some shock by his father, but who he said was later "very supportive".

He faces housing minister Simon Coveney in the contest for the next prime minister, to be decided by June 2.

Kenny stepped down this week as leader after six years as the prime minister. Varadkar is reported to enjoy much support in the ruling Fine Gael party and ministers. After Kenny resigned, Varadkar said he had "given



Leo Varadkar is said to enjoy much support in the ruling Fine Gael party. REUTERS

hope to a battered and bruised Ireland in 2011...His dedication and determination gave Fine Gael a landslide in that year's general election."

"But more importantly, he brought this country back from the brink of economic collapse, and offered political stability when countries across Europe were staring into the abyss."

About the top job, a cautious Varadkar told Sky News: "I'm not counting my chickens. I'm really humbled at the level of support I have received from my colleagues and I am really looking forward to the hustings and the debates." HTC

'Transgender bill skips critical issues like marriage, adoption'

DRAFTING RIGHTS Parliamentary panel says bill also 'silent' on granting reservation to them

Press Trust of India
india@indianexpress.com

NEW DELHI: A BJP MP-headed parliamentary panel has criticised the Centre's draft transgender bill for not addressing important civil rights issues such as marriage and divorce among members of the community.

The Parliamentary Standing Committee on Social Justice And Empowerment, in its report tabled in the Lok Sabha on Friday, said transgenders "remain at risk of criminalisation under Section 377 of the IPC".

The IPC section criminalises any "unnatural" sexual contact by a person, including acts of homosexuality.

The report comes at a time when the BJP-led NDA government is under pressure to decriminalise homosexuality.

The draft Transgender Persons (Protection of Rights) Bill 2016 "does not refer to important civil rights like marriage and divorce, adoption among others which are critical to transgender persons' lives, wherein many are



The panel felt the bill's definition of transgender is 'unscientific and primitive' and in stark contrast to global developments, where members have been granted the right to self determine. PTI

tions without any legal recognition from the state," it said.

The panel, headed by BJP MP Ramesh Bais, said the bill is "silent" on granting reservation to transgenders under the socially and educationally backward classes category as directed by the Supreme Court.

It suggested that the proposed legislation "at least" rec-

give them the option to choose their gender independent of surgery or hormones.

The draft bill defines a transgender as someone who is neither wholly female nor wholly male, a combination of female or male or neither female nor male, and whose sense of gender does not match with the gender assigned to the person at the time of birth. The definition is in stark contrast to global

developments, where transgenders have the right to self determine and seek benefits.

"It not only violates fundamental rights to equality, dignity, autonomy, but also freedom of transgender persons guaranteed under Article 14, 19 and 21 of the Constitution," it said.

The definition is "unscientific, primitive and based on biological attributes". It fails to recognise that many are born with ambiguous or typical sexual organs, whether external or internal, and identify themselves as male, female or transgender, it said.

The committee also recommended that a definition of "discrimination" be included, which must cover a range of violations that transgenders face."

A historic shift is underway, transgenders are not alone in their struggle for the end of violence and discrimination, the panel said in the report.

"While there is no shame in being a gay, lesbian, bisexual, transgender or intersex or even straight - there is shame and dishonour in being a homophobe, a transphobe and a bigot," it said.

RIGHT TO PRIVACY NOT ABSOLUTE, OBSERVES SC'S 9-JUDGE BENCH

Bhadranshu Singh

NEWSLINE Declaring Right to Privacy a fundamental right could impact the top court's judgement on the validity of section 377 of Indian Penal Code (IPC) that criminalises gay sex in India, the Supreme Court said on Wednesday as it observed that privacy is not absolute and State could impose reasonable restrictions on it.

"If privacy is about right to make a choice, then choice in what areas? Family, sexual orientation, gender identity, surveillance, what all," said a bench headed by Chief Justice JS Khehar, which is reviewing the top court's earlier verdicts that said citizens didn't have a fundamental right to privacy under the Constitution.

"Yes, (a) right to privacy is a fundamental right, then Naz Foundation falls," Justice DY Chandrachud, a member of the bench, asked the lawyers who argued privacy was a facet of liberty, which the Constitution guarantees.

SC had in 2013, refused to decriminalise consensual sexual acts of Lesbian, Gay, Bisexual and Transgender (LGBT) adults in *Navtej Singh Johar v. State of India*.

निजता का अधिकार पूर्ण नहीं: सुप्रीम कोर्ट

अमर उजाला ब्यूरो
नई दिल्ली।

हम डिजिटल दुनिया में रह रहे हैं। ऐसे में निजता का अधिकार 'पूर्ण' नहीं हो सकता है। इस पर तार्किक पाबंदियां लगाई जा सकती हैं। हम इसे मौलिक अधिकार करार देते हैं, तो समलैंगिकता के खिलाफ दिया गया हमारा आदेश दोषपूर्ण हो जाएगा। ऐसे में कोई भी इसका हवाला देकर यौन प्राथमिकता को अपनी निजता बता सकता है। निजता मौलिक अधिकार है या नहीं, इस मामले का परीक्षण कर रही सुप्रीम कोर्ट की नौ सदस्यीय संविधान पीठ ने यह टिप्पणी की है।

पीठ ने कहा कि निजता के अधिकार को परिभाषित करने के प्रयास में फायदे से ज्यादा नुकसान हो सकता है। जहां तक नागरिकों की निजी जानकारी के संरक्षण का सवाल है, तो इसके लिए वैधानिक तरीके अपनाए जा सकते हैं। अगर निजता को परिभाषित करना जरूरी है, तब हम तार्किक पाबंदी के

इसे मौलिक अधिकार बनाया तो समलैंगिकता पर हमारा आदेश दोषपूर्ण हो जाएगा



निजता परिभाषित करने में फायदा कम और नुकसान ज्यादा हो सकता है। -कोर्ट

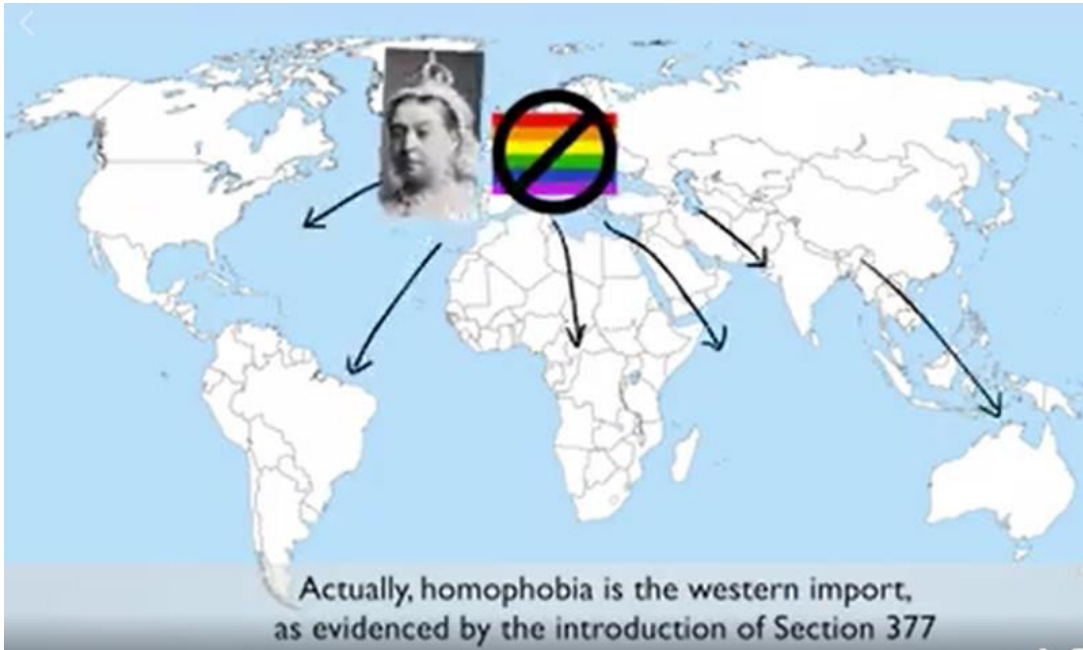
साथ इसका पैमाना तय कर सकते हैं, लेकिन क्या यह अतिरिक्त नहीं होगा कि हम राज्य को नीति बनाने से रोके। यौन प्राथमिकता भी निजता का अधिकार हो सकता है। अगर हम इसे सही ठहराते हैं, तो नाज फाउंडेशन मामले में हमारे द्वारा समलैंगिकता को अपराध की श्रेणी में रखने का फैसला दोषपूर्ण हो जाएगा।

>> स्वतंत्रता के अधिकार में निहित है निजता : पेज 12

From Internet:



Map showing Pride parades onset in different cities of India



Influential People FOR LGBT RIGHTS

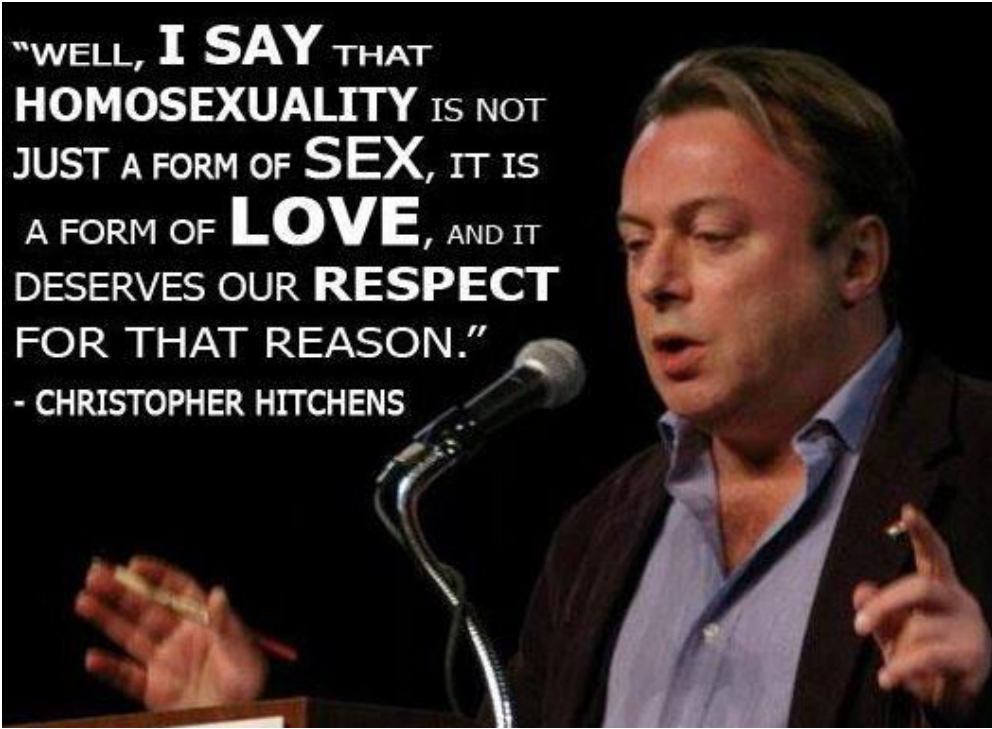
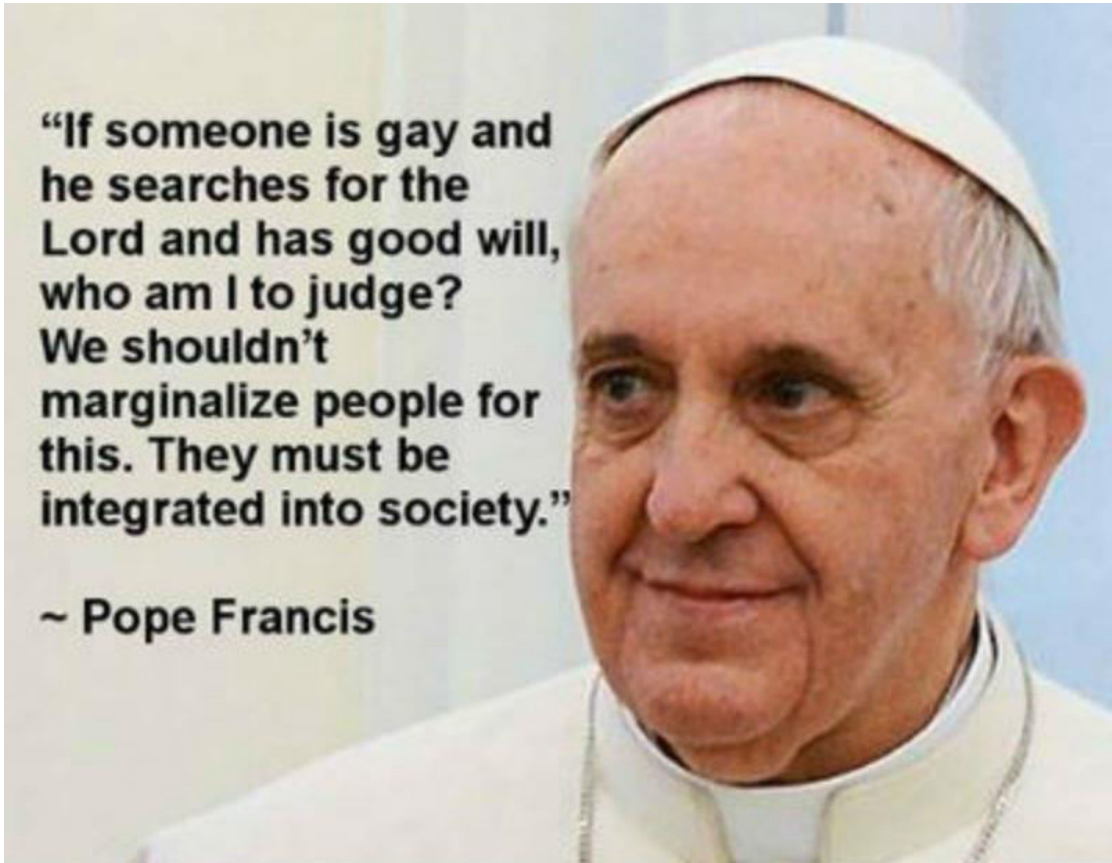
US President **Donald Trump**



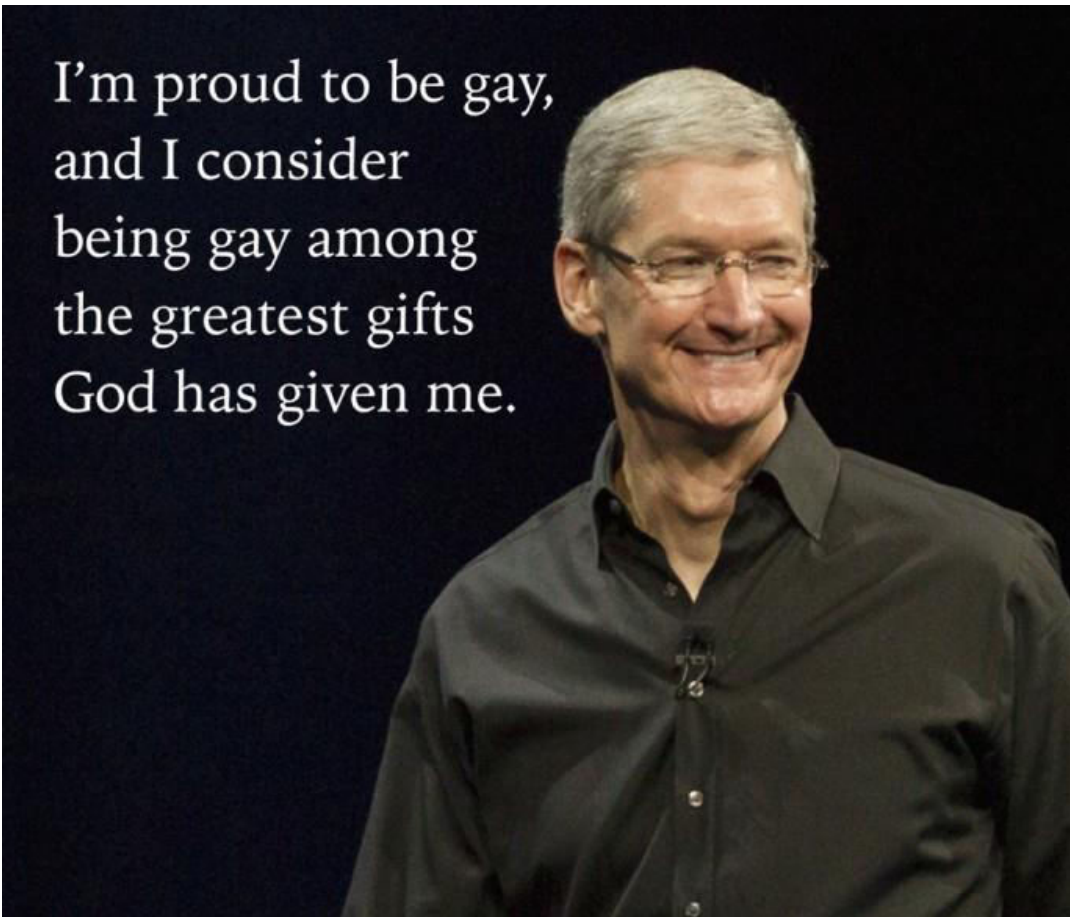
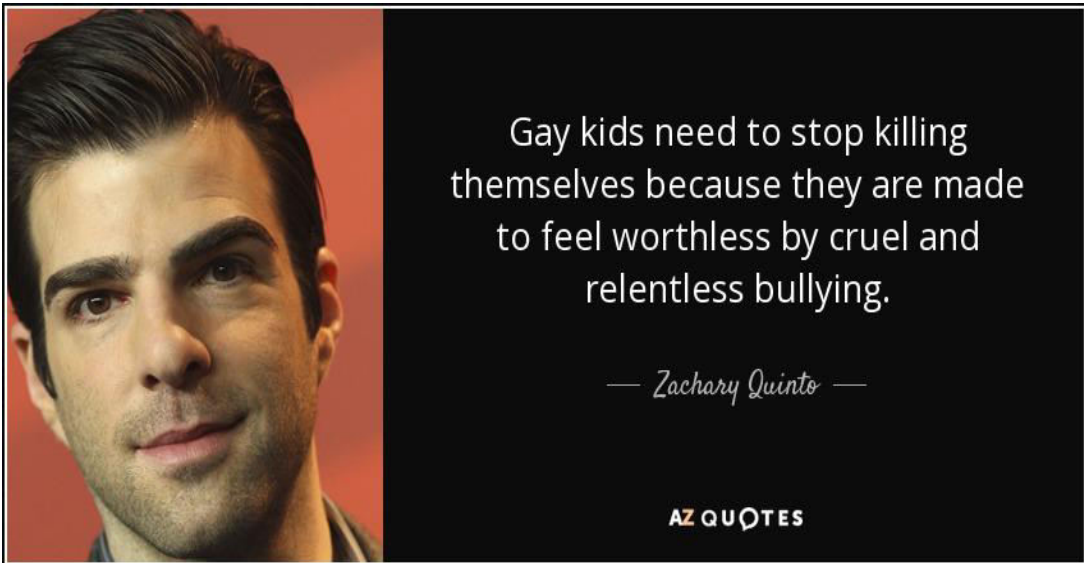
Canadian PM Justin TRUDEAU











TIM COOK, APPLE CEO on Being Gay

United States:



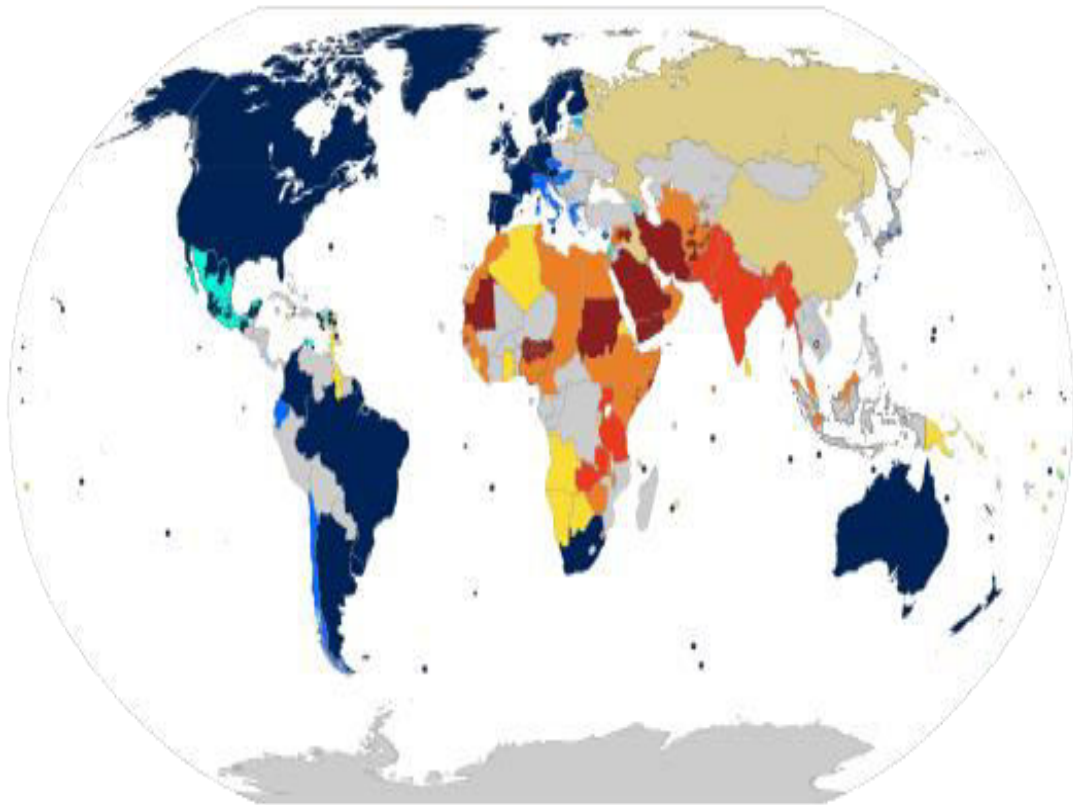
Annise Parker is openly gay and was the mayor of Houston



Harvey Milk in 1978. Milk was the first openly gay elected politician in California



President of Argentina, Cristina Fernández, signs the bill legalizing same-sex marriage.



English (en): Worldwide laws regarding same-sex intercourse/freedom of expression and association

Same-sex intercourse legal

- Marriage^{1, 2}
- Marriage recognized, but not performed^{1, 3}
- Civil unions and registered partnerships¹
- Unregistered cohabitation¹
- Same-sex unions not recognized
- Laws restricting freedom of expression and association

Same-sex intercourse illegal

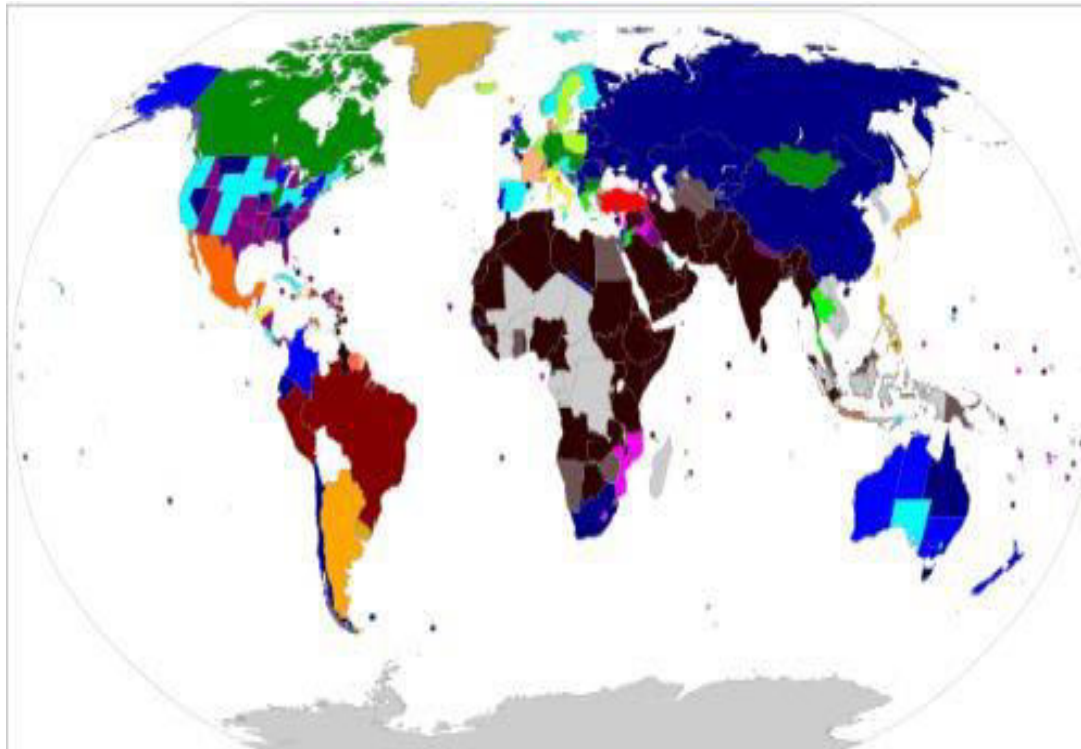
- Illegal, although no arrests for same-sex intercourse for the last three years
- Imprisonment
- Up to life in prison
- Up to death




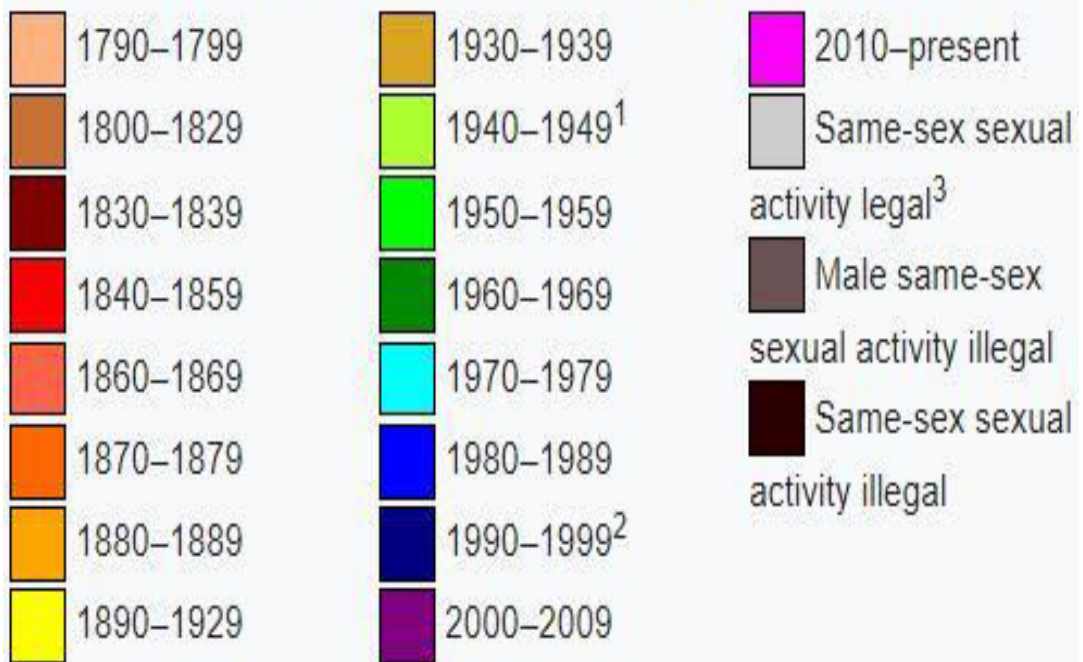
1999

In 1999, Kolkata was host to the first Pride march to ever be organised in South Asia.






Decriminalization of same-sex sexual activity by country or territory 





2013 Pew Global Research Poll: 
Should homosexuality be accepted in society? Percentage of responders that answered *accept*:





Swiss military officers participating at Europride 2009 in Zurich



Two men marrying in Amsterdam within the first month that marriage was opened to same-sex couples in the Netherlands (2001).



Male same-sex couple with their child.



Musician Sia Furler



Actress Portia de Rossi came out as a lesbian in the early 2000s.



Angelina Jolie is an openly bisexual

India



1994

In 1994, hijras were legally granted voting rights as a third sex.

ALL-INDIA HIJRA CONFERENCE

The image features a map of India on the left, with a yellow dot marking a location in the northern part of the country. To the right of the map is a photograph of the Taj Mahal in Agra. Below the map and photo is a large black dot.

1981

In 1981, the first All-India Hijra Conference was called in Agra. 50,000 members of the community from all over the country attended it.

QUESTIONNAIRE for Cisgender

General details-

- 1) What is your age?
 - a) Under 18
 - b) Between 18 and 35
 - c) 35 above

- 2) What is your gender?
 - a) Male
 - b) Female
 - c) Other (please specify)

- 3) What is your highest level of education?
 - a) Graduate
 - b) Post graduate

- 4) Are you aware of LGBT people?
 - a) Yes
 - b) No

- 5) Do you think being a gay, or lesbian or bisexual or transgender (LGBT) is a disease?
 - a) Yes
 - b) No
 - c) Don't know
 - d) Don't want to answer

Questions related to Challenges and Rights of LGBT:

- 6) What do you think LGBT are?
- a) Normal, as we are.
 - b) Abnormal
 - c) Don't know
 - d) Don't want to answer
- 7) Would you accept LGBT people as they are?
- a) Yes
 - b) No
 - c) Don't know
- 8) Do you think LGBT people should be treated well and normal just like other children?
- a) Yes
 - b) No
 - c) Don't know
- 9) Do you think LGBT should get basic rights like other people?
- a) Yes
 - b) No
 - c) Don't know
- 10) Are you aware of the organizations which can help LGBT people?
- a) Yes
 - b) No
- 11) Do you think there is a need of sex education in schools and colleges of India?
- a) Yes
 - b) No
 - c) Don't know
 - d) Don't want to answer

12) Do you think, there should be separate cell or department in schools and colleges for supporting LGBT people?

- a) Yes, of course
- b) No need of that
- c) Don't know

13) Do you think LGBT people should be discriminated at workplace or at religious places on the basis of their sexual orientation?

- a) Yes
- b) No, they should be treated equally
- c) Don't know

14) Do you think LGBT people should be denied for donating their blood

- a) Yes
- b) No
- c) Don't know