

LGBTQ

Introduction:

LGBT (or GLBT) is an initialism that stands for lesbian, gay, bisexual, and transgender. The initialism LGBT is intended to emphasize a diversity of sexuality and gender identity-based cultures. It may be used to refer to anyone who is non-heterosexual or non-cisgender, instead of exclusively to people who are lesbian, gay, bisexual, or transgender.[6] To recognize this inclusion, a popular variant adds the letter Q for those who identify as queer or are questioning their sexual identity; LGBTQ has been recorded since 1996. Those who add intersex people to LGBT groups or organizing use an extended initialism LGBTI. The two acronyms are sometimes combined to form the terms LGBTIQ or LGBT+ to encompass spectrums of sexuality and gender.

Sexuality in pre-modern India:

Throughout Hindu and Vedic texts there are many descriptions of saints, demigods, and even the Supreme Lord transcending gender norms and manifesting multiple combinations of sex and gender. Apart from male and female, there are more than 20 types of genders, such as trans woman, trans men, androgynous, pangender and trigender etc. Transgenders were accepted in ancient India and referred to by terms like "tritya prakriti", "kliba" and "napunsaka".

Alka Pande says that alternate sexuality was an integral part of ancient India and homosexuality was considered to be a form of the sacred, drawing upon the examples of the hermaphrodite Shikhandi and Arjuna who became a eunuch. Ruth Vanita argues that ancient India was relatively tolerant and views on it were ambiguous, from acceptance to rejection.

"Hindu society had a clear cut idea of all these people in the past. Now that we have put them under one label 'LGBT', there is lot more confusion and other identities have got hidden."

— Gopi Shankar Madurai at National Queer Conference 2013

Some Hindu texts mention homosexuality and support them. The Kamasutra mentions homosexuality as a type of sexual pleasure. There are also legends of Hindu gods change gender or are hermaphrodites and engage in relations that would be considered homoerotic in the other case. Though, it also forbids the educated Brahmins, bureaucrats and wisemen from practicing Auparishtaka or oral sex. Homosexuality was also practiced in the royal families especially with servants.

Section 377 of the Indian Penal Code:

Section 377 of the Indian Penal Code was a section of the Indian Penal Code introduced in 1861 during the British rule of India. It makes sexual activities "against the order of nature" illegal. On 6 September 2018, the Supreme Court of India ruled that the application of Section 377 to consensual homosexual sex between adults was unconstitutional, "irrational, indefensible and manifestly arbitrary", but that Section 377 remains in force relating to sex with minors, non-consensual sexual acts, and bestiality.

377. Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

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Pride Parade:

Pride parades (also known as pride marches, pride events, and pride festivals) are outdoor events celebrating lesbian, gay, bisexual, transgender, and queer (LGBTQ) social and self acceptance, achievements, legal rights, and pride. The events also at times serve as demonstrations for legal rights such as same-sex marriage.

On June 29, 2008, four Indian cities (Delhi, Bangalore, Pondicherry, and Kolkata) saw coordinated pride events. About 2,200 people turned up overall. These were also the first pride events of all these cities except Kolkata, which had seen its first such event in 1999 - making it South Asia's first pride walk and then had been organizing pride events every year since 2003 (although there was a gap of a year or so in-between). The pride parades were successful, given that no right-wing group attacked or protested against the pride parade, although the

opposition party BJP expressed its disagreement with the concept of gay pride parade. The next day, Prime Minister Manmohan Singh appealed for greater social tolerance towards homosexuals at an AIDS event. On August 16, 2008 (one day after the Independence Day of India), the gay community in Mumbai held its first ever formal pride parade (although informal pride parades had been held many times earlier), to demand that India's anti-gay laws be amended. A high court in the Indian capital, Delhi ruled on July 2, 2009, that homosexual intercourse between consenting adults was not a criminal act, although the Supreme Court later reversed its decision in 2013 under widespread pressure from powerful conservative and religious groups, leading to the re-criminalization of homosexuality in India. Pride parades have also been held in smaller Indian cities such as Nagpur, Madurai, Bhubaneswar and Thrissur. Attendance at the pride parades has been increasing significantly since 2008, with an estimated participation of 3,500 people in Delhi and 1,500 people in Bangalore in 2010.

Contemporary times:

In 2003, the Indian Government said that legalising homosexuality would "open the floodgates of delinquent behaviour. In 2009, the Delhi High Court decision in Naz Foundation v. Govt. of NCT of Delhi found Section 377 and other legal prohibitions against private, adult, consensual, and non-commercial same-sex conduct to be in direct violation of fundamental rights provided by the Indian Constitution. Section 377 stated that: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine," with the added explanation that: "Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

According to a previous ruling by the Indian Supreme Court, decisions of a high court on the constitutionality of a law apply throughout India, and not just to the state over which the high court in question has jurisdiction.

There have been incidents of harassment of LGBT groups by authorities under the law.

On 23 February 2012, the Ministry of Home Affairs expressed its opposition to the decriminalisation of homosexual activity, stating that in India, homosexuality is seen as being immoral. The Central Government reversed its stance on 28 February 2012, asserting that there was no legal error in decriminalising homosexual activity.

On 11 December 2013, the Supreme Court set aside the 2009 Delhi High Court order decriminalising consensual homosexual activity within its jurisdiction.

Human Rights Watch expressed concerns that the Supreme Court ruling would render same-sex couples and individuals that had become open about their sexuality following the High Court's ruling vulnerable to police harassment and blackmail,[22][35] stating that "the Supreme Court's ruling is a disappointing setback to human dignity, and the basic rights to privacy and non-

discrimination. The Naz Foundation stated that it would file a petition for review of the court's decision. Activist group Kavi's Humsafar Trust have reported that two-fifths of homosexuals in the country had faced blackmail after the 2013 ruling.

On 28 January 2014, the Supreme Court of India dismissed the review petition filed by the Central Government, the Naz Foundation and several others against its 11 December verdict on Section 377. The bench explained the ruling by claiming that: "While reading down Section 377, the High Court overlooked that a minuscule fraction of the country's population constitutes lesbians, gays, bisexuals or transgender people, and in the more than 150 years past, less than 200 persons have been prosecuted for committing offence under Section 377, and this cannot be made a sound basis for declaring that Section ultra vires Articles 14, 15 and 21."

On 18 December 2015, Shashi Tharoor, a member of the Indian National Congress party, introduced a bill for the repeal of Section 377, but it was rejected in the House by a vote of 71-24. Shashi Tharoor is planning to re-introduce the bill.

On 2 February 2016, the Supreme Court decided to review the criminalisation of homosexual activity.[41] In August 2017, the Supreme Court unanimously ruled that the right to individual privacy is an intrinsic and fundamental right under the Indian Constitution. The Court also ruled that a person's sexual orientation is a privacy issue, giving hopes to LGBT activists that the Court would soon strike down Section 377.

In January 2018, the Supreme Court agreed to refer the question of Section 377's validity to a large bench, and heard several petitions on 1 May 2018. In response to the court's request for its position on the petitions, the Government announced that it would not oppose the petitions, and would leave the case "to the wisdom of the court". A hearing began on 10 July 2018, with a verdict expected before October 2018. Activists view the case as the most significant and "greatest breakthrough for gay rights since the country's independence", and it could have far-reaching implications for other Commonwealth countries that still outlaw homosexuality.

On 6 September 2018, the Supreme Court issued its verdict. The Court unanimously ruled that Section 377 is unconstitutional as it infringed on the fundamental rights of autonomy, intimacy, and identity, thus legalising homosexuality in India. The Court explicitly overturned its 2013 judgement.

Media Coverage:

Historically, the portrayal of the LGBT community in media has been negative, reflecting the intolerance for the LGBT community seen in cultures; This positive portrayal or increased presence of the LGBT community in media has served to increase acceptance and support for the LGBT community, establish the LGBT community as a norm, and provide information on the topic. However, from the 1990s to present day, there has been an increase in the depictions of LGBT individuals, issues, and concerns within mainstream media. The LGBT community has

taken an increasingly proactive stand in defining its own culture with a primary goal of achieving an affirmative visibility in mainstream media.

Media depictions have both benefited and disadvantaged the LGBT community. LGBT in media are sometimes highly misrepresented. It usually categorizes all of the LGBT people into just lesbian and gay. Then, people have created stereotypes for lesbian and gay characters. This action contradicts the whole purpose of the fictional characters of LGBT people. It may allow some people to understand that LGBT people are more common than they realize; however, it still reinforces stereotypes and negative stigmas.

Khush-list, the first mailing list for LGBT South Asians, predominantly Indians in metropolitan cities and those living abroad, was established in 1993. In 1999, LGBT-India was established on egroups, and later transitioned to yahoo groups.

Dating websites provide an alternative way for meeting people; online communities also offer a safe and convenient environment for meeting gays in India. Online magazines like Pink Pages and Gaylaxy also publish regular issues.

On 11 September 2013, India's first Queer Radio channel, Qradio - Out and Proud, completely dedicated to LGBT audience was launched . With variety of talk shows, music, debates etc., the channel now runs 24 hours a day

Though Bollywood has gay and transsexual characters, they have been primarily ridiculed or abused. There are few positive portrayals of late like Onir's My Brother Nikhil, Reema Kagti's Honeymoon Travels Pvt. Ltd., and Parvati Balagopalan's Rules: Pyaar Ka Superhit Formula but they have been sporadic and not mainstream. Shelly Chopra Dhar's Ek Ladki Ko Dekha Toh Aisa Laga was perhaps the first mainstream explicitly lesbian romance in Bollywood history after Fire(1997). Recently, Bollywood has portrayed homosexual relationships in a better light, such as in Dostana, Men Not Allowed and Ek Ladki Ko Dekha Toh Aisa Laga.

Other than specific Bollywood films that showcase homosexual characters or relationships, Indian Cinema in general has been branching out; one way is through queer film festivals that are held in India.

KASHISH Mumbai International Queer Film Festival is one way through which film is urging for change in the way that the Indian community views homosexuality. The festival includes films from around the world, including Indian queer films. Bangalore Queer Film Festival is another film festival that has been running since 2008. The festival showcases both Indian and international films. The festival also seeks to voice concerns and issues that the LGBT community faces. In 2017, the festival featured 55 films from 21 countries.

Conclusion: