Important Supreme Court Verdicts on LGBTQ Rights

Why in news?

The Supreme Court heard the petitions related to LGBTQ community to legalize same sex marriage.

What are the important Supreme Court cases on LGBTQ rights?

- ***Navtej Singh Johar & Ors. v. Union of India*** - Decriminalised all consensual sex among adults, including homosexual sex by scrapping down section 377 of the Indian penal code (IPC).
- The court ruled that LGBTQ community are equal citizens and underlined that there cannot be discrimination in law based on sexual orientation and gender.
- ***NALSA v Union of India*** - The court upheld the right of transgender persons to decide their gender.
- It also directed the Centre and state governments to grant legal recognition to their gender identity such as male, female or the third gender.
- ***KS Puttaswamy v Union of India*** - Recognized the right to privacy as a fundamental right under the Constitution.
- ***Shafin Jahan v Union of India*** - Recognized the right to choose one's partner as a facet of the fundamental right to liberty and dignity.
- ***Shakti Vahini v Union of India*** - Recognized the right to choose a life partner as a fundamental right.
- The right to choose life partner have sanction of the constitutional law under Articles 19 and 21.
- ***Deepika Singh vs Central Administrative Tribunal*** - Recognized "atypical" families, including queer (LGBTQ) marriages, which could not be confined in the traditional parenting roles.

What are the impacts of the verdicts to LGBTQ community?

- **Social impact -** They live with dignity, respect, freedom as normal as like other genders.
- **Educational impact -** They can take higher education, schooling and jobs**.**
- **Personal impact -** They are free to choose their partners too and live in a peaceful environment.
- Protection against the discrimination.

What are the challenges faced by LGBTQ community?

- **Employment –** Gender revelation in work place due to fear of job loss.
- **Schemes –** Denied access to social protection schemes such as health care and

pensions.

- **Lack of communication –** between LGBT children and parents often leads to conflict within families.
- **Hate crime –** Isolation from the society and victims of hate crimes.
- Forced begging and human trafficking.
- No child adoption rights.
- No legal recognition on same sex marriage.

References

1. Legal Service India | Challenges To LGBTQ Community
2. The Indian Express | SC Cases On LGBTQ Community
3. Legal Service India | Impacts On LGBTQ Community

