

# A Public Opinion on Whether Special Laws Should be Made for the LGBTQ+ Communities India

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**Abstract:** India is a diverse country that is home to many different communities, including those who identify as LGBTQ+. While India has made significant strides in recent years towards recognizing the rights of the LGBTQ+ community, discrimination and prejudice still persist. In light of this, there has been ongoing debate about whether special laws should be created to protect the rights of this community.

Overall, the objectives of creating special laws for the LGBTQ+ community in India are to promote equality, justice, and human rights, and to ensure that all citizens are treated with dignity and respect, regardless of their sexual orientation or gender identity. The research design is empirical. The sample size is 209. The independent variables are age, gender, educational qualifications and occupation while the dependent variables include awareness on the existence of LGBTQ+ in India, reasons why special laws should be made for them, agreeability on that they should also be given equal chances in adoption and family laws.

This study aims to explore the need for special laws that address the unique challenges faced by the LGBTQ+ community.

The study examines the legal and social barriers that LGBTQ+ individuals encounter in accessing healthcare, housing, employment, education, and other fundamental rights. It also reviews the existing legal frameworks in various countries that protect LGBTQ+ rights and assesses their effectiveness in addressing discrimination and promoting equality.

The findings of the study suggest that although many countries have enacted laws protecting LGBTQ+ rights, these laws are often inadequate and fail to address the unique challenges faced by this community. Therefore, there is a need for special laws that specifically target discrimination based on sexual orientation and gender identity. The study recommends that such laws should be comprehensive and cover all aspects of LGBTQ+ rights, including access to healthcare, housing, education, employment, and legal recognition of same-sex relationships. It also calls for increased public awareness and education on LGBTQ+ issues to promote greater acceptance and understanding of this community.

In conclusion, this study highlights the importance of special laws to protect the rights of the LGBTQ+ community. By addressing the unique challenges faced by this community, such laws can help promote greater equality and inclusivity and ensure that LGBTQ+ individuals have the same rights and opportunities as their heterosexual and cisgender counterparts.

**Keywords:** equal access, promote equality, gender acceptance, special laws, improper legislation



## **I. INTRODUCTION**

Proponents of special laws argue that the LGBTQ+ community faces unique challenges and discrimination, and that existing laws are inadequate to protect their rights. They argue that special laws are necessary to ensure that members of the LGBTQ+ community can access equal opportunities, services, and protections under the law.

Opponents of special laws argue that existing laws are sufficient to protect the rights of all citizens, and that creating special laws would be discriminatory in itself. They argue that special laws may create a perception that members of the LGBTQ+ community are different from other citizens, and that this could lead to further discrimination and marginalization.

In conclusion, while the debate about whether special laws should be created for the LGBTQ+ community in India is ongoing, it is clear that there is a need for continued efforts to promote equality and combat discrimination against all citizens, regardless of their sexual orientation or gender identity.

In light of these arguments, it is clear that the question of whether special laws should be created for the LGBTQ+ community in India is a complex one, with valid arguments on both sides. However, it is important to continue efforts to promote equality and combat discrimination against all citizens, regardless of their sexual orientation or gender identity.

## **OBJECTIVES:**

- To ensure that members of the LGBTQ+ community have equal protection under the law and access to the same rights and opportunities as other citizens.
- To promote greater acceptance and understanding of the LGBTQ+ community and to combat discrimination and prejudice.
- To create a legal framework that recognizes the rights of all citizens, regardless of their sexual orientation or gender identity.

## **II. REVIEW OF LITERATURE**

The LGBTQ+ community in India faces unique challenges, including discrimination, harassment, and violence, and therefore, special laws are needed to protect their rights (**Sathyanarayana, 2019**). Special laws are necessary to ensure that members of the LGBTQ+ community have equal access to healthcare, education, employment, and other basic rights (**Prasad, 2021**).

Existing laws in India do not adequately protect the rights of the LGBTQ+ community, and therefore, new laws are necessary to address this gap (**Mishra, 2019**). Special laws for the LGBTQ+ community would help to create a more inclusive society and promote greater acceptance and understanding (**Bose, 2020**).

Special laws are necessary to ensure that members of the LGBTQ+ community have legal recourse when they experience discrimination or harassment (**Patel, 2021**).

The creation of special laws for the LGBTQ+ community would help to challenge the social norms that perpetuate discrimination and prejudice (**Prakash, 2019**).

Special laws for the LGBTQ+ community would help to promote greater diversity and inclusion within the legal system (**Sengupta, 2020**). The Indian legal system should recognize the diversity of its citizens and ensure that all communities, including the LGBTQ+ community, are represented and protected (**Dhawan, 2020**). The creation of special laws for the LGBTQ+ community would help to challenge the notion that heterosexuality is the only normative sexual orientation (**Joshi, 2018**). Special laws for the LGBTQ+ community would help to ensure that members of this community have equal access to opportunities and protections under the law (**Sharma, 2019**). Special laws for the LGBTQ+ community would help to address the stigma and discrimination that members of this community face in society (**Kumar, 2019**). The Indian government has a duty to protect the human rights of all citizens, including those who identify as LGBTQ+, and therefore, special laws are necessary (**Gupta, 2018**). Special laws for the LGBTQ+ community would help to challenge the patriarchal and heteronormative structures that perpetuate discrimination and prejudice (**Roy, 2021**). The creation of special laws for the LGBTQ+ community would help to address the historical and structural



discrimination that members of this community have faced (Singh, 2020). Special laws are necessary to ensure that members of the LGBTQ+ community have equal access to justice and legal protections (Kaur, 2018).

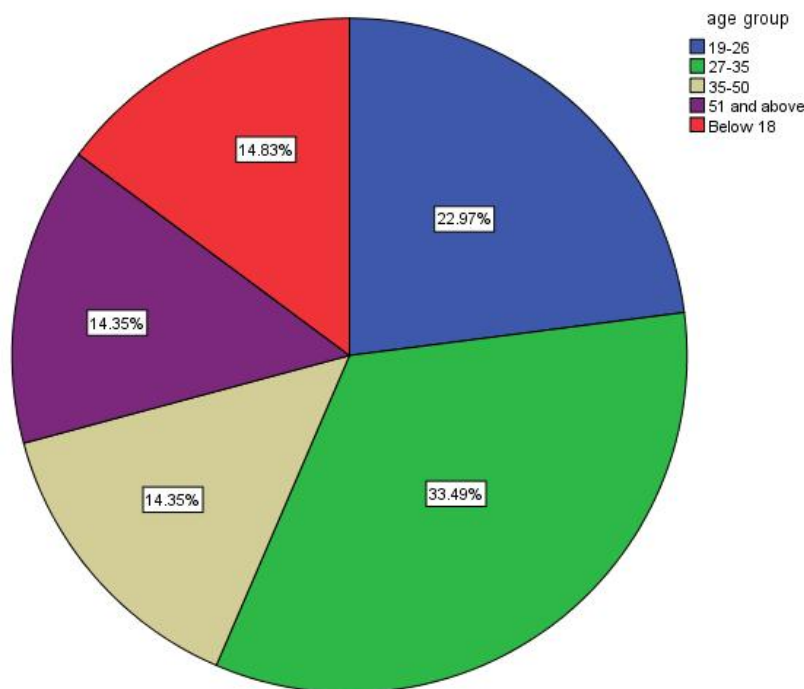
The creation of special laws for the LGBTQ+ community would help to promote greater social justice and equity (Das, 2021). Special laws for the LGBTQ+ community would help to challenge the social and cultural norms that perpetuate discrimination and prejudice (Kumar, 2020). The Indian legal system should recognize the intersectional nature of discrimination and ensure that all communities, including the LGBTQ+ community, are protected from discrimination on multiple fronts (Sinha, 2019). Special laws for the LGBTQ+ community would help to ensure that members of this community are not excluded from opportunities and protections under the law (Ghosh, 2021). The Indian government should create special laws for the LGBTQ+ community as a way to promote greater social cohesion and acceptance of diversity (Saha, 2020).

### III. METHODOLOGY

The study was based on an empirical method of research. The data was collected from the students all over TamilNadu by adopting the convenience sampling method and the sample size was 209. The tool used for the study was a structured questionnaire. The research design is empirical. The sample size is 209. The independent variables are age, gender, educational qualifications and occupation while the dependent variables include awareness on the existence of LGBTQ+ in India, reasons why special laws should be made for them, agreeability on that they should also be given equal chances in adoption and family laws.

### IV. DATA ANALYSIS

FIGURE 1



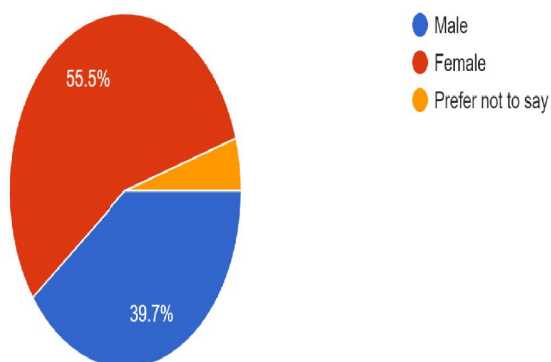
LEGEND : Figure 1, shows the age group of the respondents



**FIGURE 2:**

Gender

209 responses

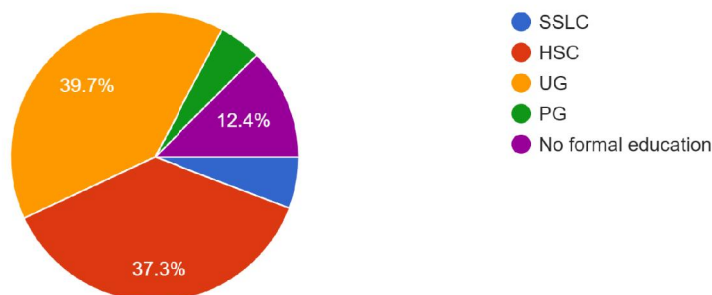


**LEGEND :** Figure 2 , shows the gender of the respondents .

**FIGURE 3:**

Educational qualification

209 responses

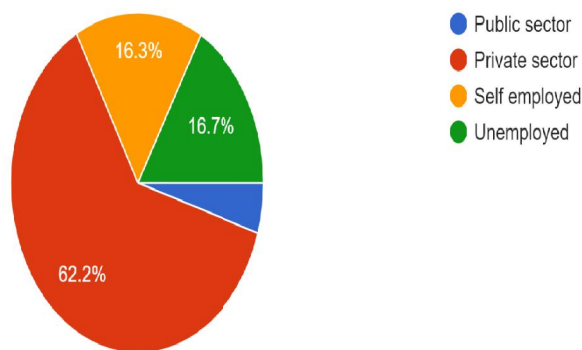


**LEGEND:** Figure 3 , shows the educational qualification of the respondents.



**FIGURE 4:**

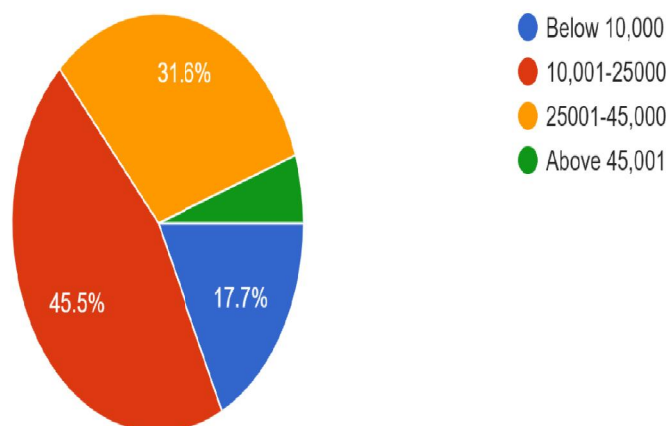
Occupation  
209 responses



**LEGEND:** Figure 4 , shows the respondents occupational sector.

**FIGURE 5 :**

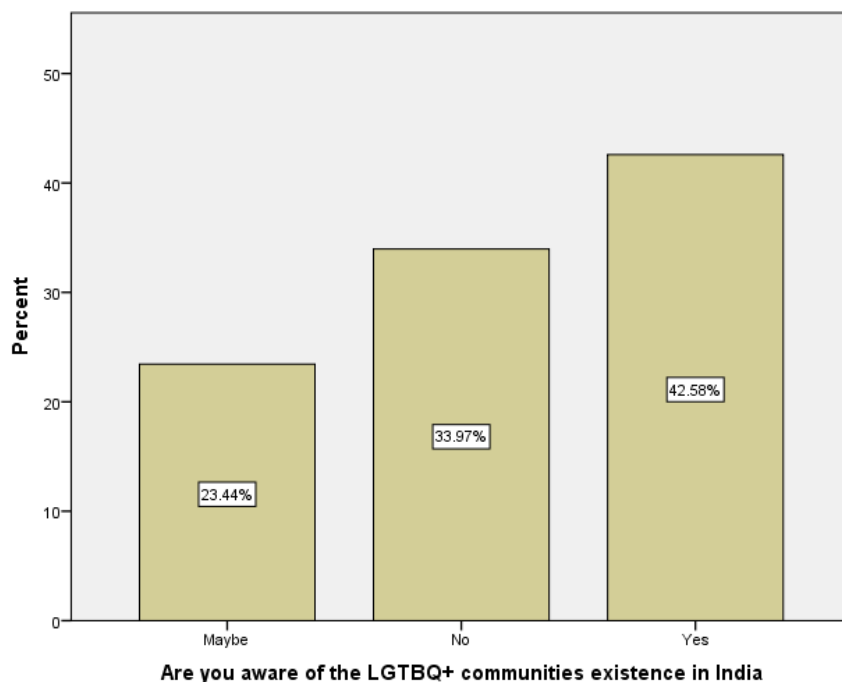
Monthly income  
209 responses



**LEGEND:** Figure 5 , shows the respondents monthly income .

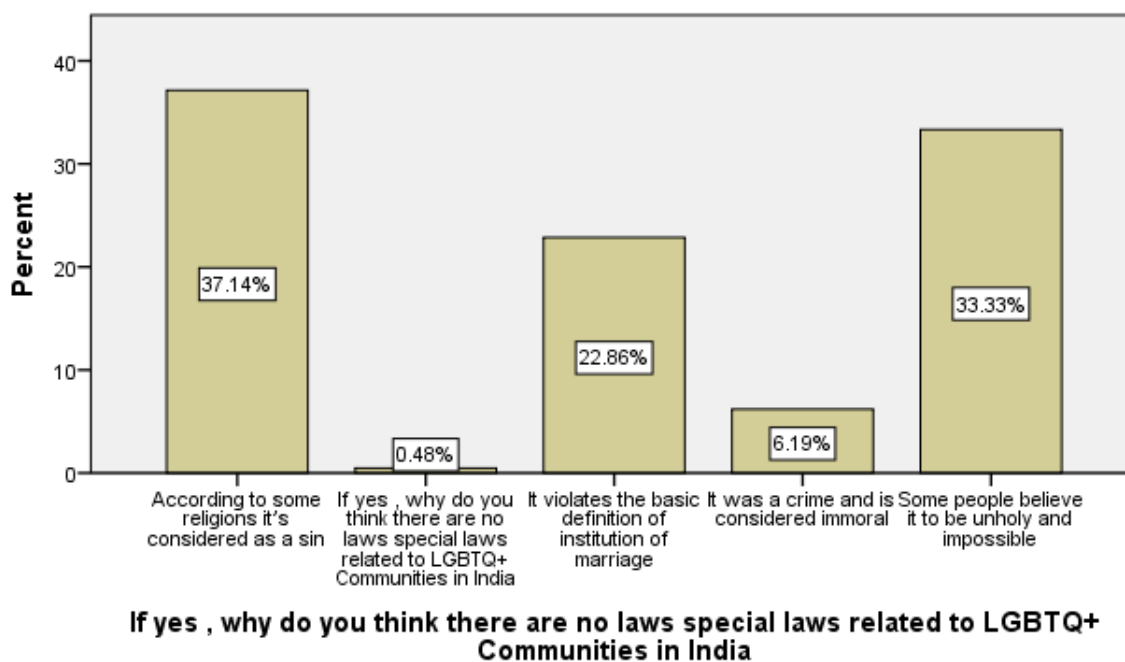


**FIGURE 6:**



**LEGEND:** Figure 6 , shows the respondents view on “are you aware of the LGBTQ+ communities existence in india”.

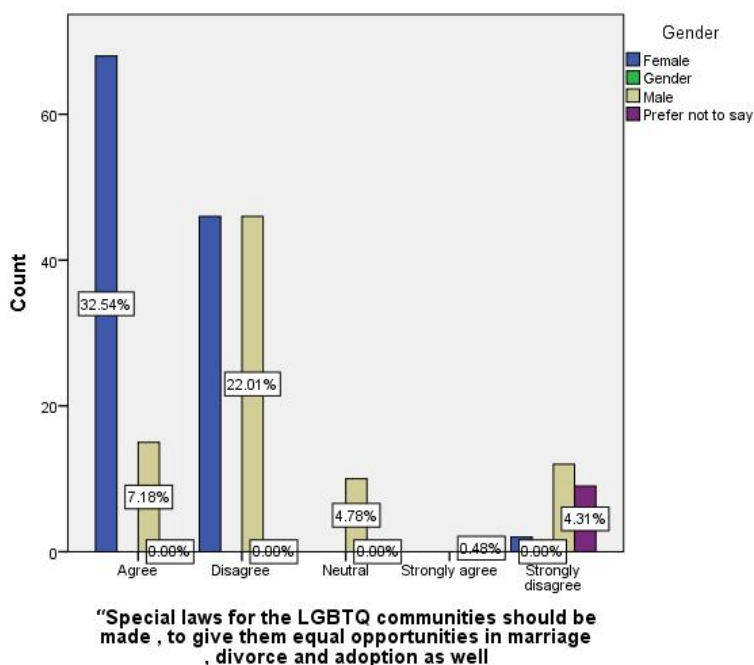
**FIGURE 7:**



**LEGEND :** Figure 7 , shows the respondents view on why there are no special laws related to LGBTQ+ communities in India

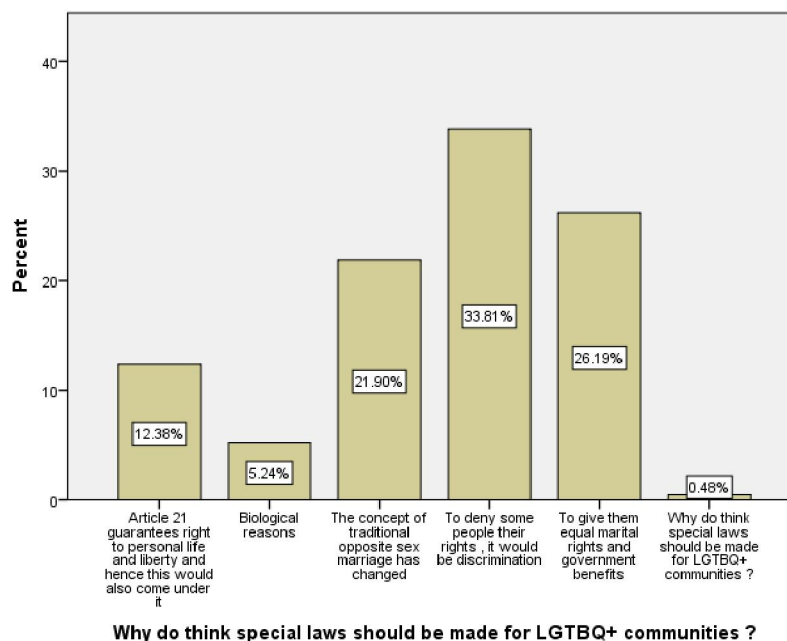


**FIGURE 8:**



**LEGEND:** Figure 8 , shows the respondents agreeability on “ special laws for the LGBTQ+ communities should be made , to give them equal opportunities in marriage , divorce and adoption as well” categorized based on gender.

**FIGURE 9:**

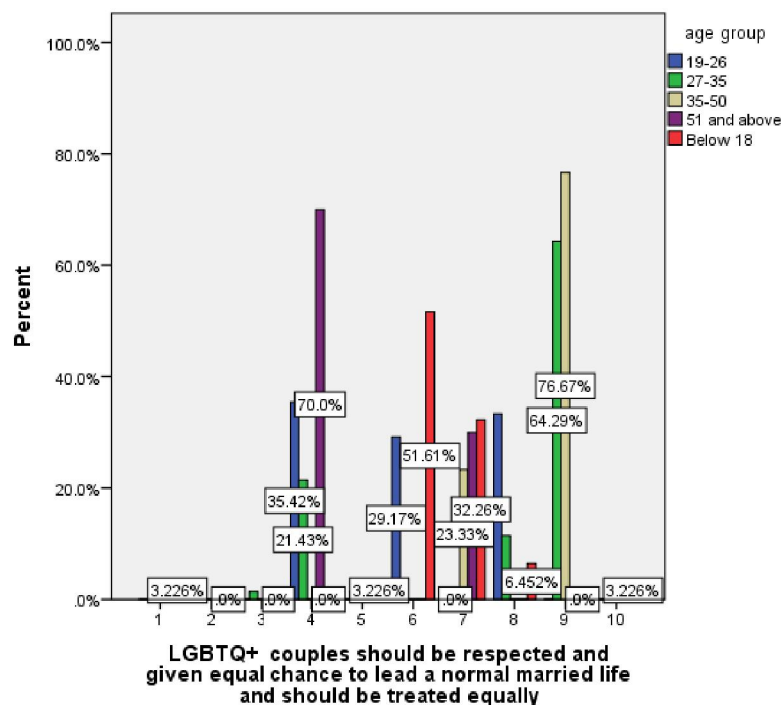


**LEGEND:** Figure 9 , shows the respondents opinion on “ why special laws should be made for the LGBTQ+ communities”



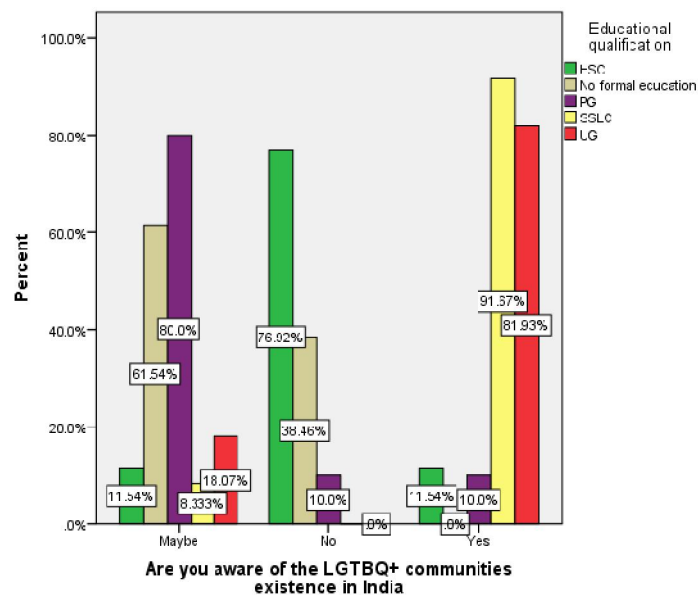


**FIGURE 10:**



**LEGEND:** Figure 10 , shows the respondents rating on “ LGBTQ + couples should be respected and given equal chance to lead a normal married life and should be treated equally” , categorized based on age group.

**FIGURE 11 :**



**LEGEND:** Figure 11 , shows the respondents view on “ are you aware of the LGBTQ+ communities in India ”, based on educational qualification.





## V. RESULT

**Figure 1** , shows the age group of the respondents , where the majority of respondents belong to the 27-35 age group with 33.49%. **Figure 2** , shows the gender of the respondents , where 55.5% respondents are females. **Figure 3** , shows the educational qualification of the respondents,, where more than 60 %of the respondents belong to UG and HSC . **Figure 4** , shows the respondents occupational sector ,where 62% belong to the private sector. **Figure 5** , shows the respondents monthly income , where 45 % of the respondents earn 10,000 to 25000 per month . **Figure 6** , shows the respondents view on “ are you aware of the LGBTQ+ communities existence in India ' , where only 42% have responded yes. **Figure 7** , shows the respondents view on why there are no special laws related to LGBTQ+ communities in India where a majority say it is considered as a sin according to their religion other reasons include it is unholy and impossible. **Figure 8** , shows the respondents agreeability on “ special laws for the LGBTQ+ communities should be made , to give them equal opportunities in marriage , divorce and adoption as well” categorized based on gender, where majority of both genders seem to disagree. **Figure 9** , shows the respondents opinion on “ why special laws should be made for the LGBTQ+ communities", where 33% of majority of the respondents say that to deny some people their rights , it would be a discrimination and also that they also need equal marital rights and government benefits . **Figure 10** , shows the respondents rating on “ LGBTQ + couples should be respected and given equal chance to lead a normal married life and should be treated equally” , categorized based on age group , where 70 % of respondents belonging to 51 and above have rated 4. **Figure 11** , shows the respondents view on “ are you aware of the LGBTQ+ communities in India " , based on educational qualification , where 91 % and 81 % of SSLC and UG have responded yes , whereas 79% of HSC have said no.

## VI. DISCUSSION

**Figure 6** , shows the respondents view on “ are you aware of the LGBTQ+ communities existence in India ' , where only 42% have responded yes, this is mainly due to the lack of awareness of the respondents. **Figure 7** , shows the respondents view on why there are no special laws related to LGBTQ+ communities in India where a majority say it is considered as a sin according to their religion other reasons include it is unholy and impossible, this is because since the ancient days the people considered it to be sin as it was against the religious norms and also a crime. **Figure 8** , shows the respondents agreeability on “ special laws for the LGBTQ+ communities should be made , to give them equal opportunities in marriage , divorce and adoption as well” categorized based on gender, where majority of both genders seem to disagree , this is because as it was not widely accepted in the olden days and which has gradually developed . **Figure 9** , shows the respondents opinion on “ why special laws should be made for the LGBTQ+ communities", where 33% of majority of the respondents say that to deny some people their rights , it would be a discrimination and also that they also need equal marital rights and government benefits, this is because they are also humans and there is no special legislation guiding them . **Figure 10** , shows the respondents rating on “ LGBTQ + couples should be respected and given equal chance to lead a normal married life and should be treated equally” , categorized based on age group , where 70 % of respondents belonging to 51 and above have rated 4, this is because people belonging to this generation belong to a backward generation where majority were unaware of the existence and hence considered it to be impure. **Figure 11** , shows the respondents view on “ are you aware of the LGBTQ+ communities in India " , based on educational qualification , where 91 % and 81 % of SSLC and UG have responded yes , whereas 79% of HSC have said no, This may be because of, Education helps you develop critical skills like decision-making, mental agility, problem-solving, and logical thinking.

## VII. LIMITATION

The Major limitation of the study is the sample frame. The sample frame Collected through bus stands, hospitals , parking areas etc. where the respondents aren't devoted enough to answer the questions. The restrictive area of sample size is yet another drawback of the research and also lack of awareness of the topic among the general public.



### VIII. CONCLUSION

The LGBTQ+ community in India has long been marginalized and discriminated against. Even though homosexuality was decriminalized in 2018, LGBTQ+ individuals still face significant challenges and discrimination in their daily lives. This includes social stigma, discrimination in employment, education, housing, and healthcare, and a lack of legal protections. To address these issues and ensure that the rights of the LGBTQ+ community are protected, it is crucial to create special laws that provide them with equal protection under the law. Such laws would need to address issues such as discrimination in employment, housing, education, and healthcare, as well as hate crimes and violence against LGBTQ+ individuals.

Additionally, creating special laws for the LGBTQ+ community would send a powerful message that discrimination and bigotry will not be tolerated in Indian society. It would also help to promote greater acceptance and understanding of LGBTQ+ individuals and their contributions to society.

In conclusion, special laws must be created to protect the rights of the LGBTQ+ community in India. Such laws would help to promote equality, protect individuals from discrimination and violence, and promote a more inclusive and tolerant society.

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