

2. LGBTQ: Conceptual and Legal Aspects

Krishna Ghosh

Assistant Professor,
School of Law,
Brainware University,
Barasat, 24 Parganag (North),
WB, India.

Abstract:

Minority people are generally protected by several international and domestic legal frameworks. LGBTQ people are acknowledged as a minority group that need legal protection. The issues regarding conceptual understanding of LGBTQ community and their legal position have been covered in this chapter. Though the people belonging to this community are not same in character and identity, they need to be identified with dignity and legal recognition. In modern culture, gender is not confined to stereotype male and female. The requirements and sexual preferences of LGBTQ people are a bit unusual or at odds with nature. However, due to societal mindset, members of this group continue to experience discrimination, harassment, and hatred from others. The effort to uphold the rights of this minority is now highly well-liked and is altering the way that society thinks. Some nations have even legalized same-sex unions, and the idea has been put up in our nation as well. In this context, an examination of the current legal framework governing LGBTQ rights has been undertaken in this discussion.

Keywords:

LGBTQ+, Cisgender, Transgender, Gender Identity, Sexual Orientation, Discriminatory treatment, Human Rights.

2.1 Introduction:

In human society, governed by statutory laws, we are made to believe that all human beings are born free and equal. But a number of mandates in religious books, customary practices and statutory laws proves the opposite. Examples abound in society where we find that people are subjected to discrimination, disparity, injustice and rampant violation of their rights specifically for the ground reality that they belong to various vulnerable communities and stigma is attached to them for no fault on their part. Society robs them of their expectations, and social, economic and political rights. Justice for them remains a distant dream throughout their life. One such community is LGBTQ community which is subjected to harassment, hate, isolation and deprivation of their rights because of the attitude of the society towards them.

The abbreviation LGBTQ is used to denote several kinds of persons whose identification is not publicly known to humanity in full. Also, this class of deviant gender is commonly

recognized as third gender. However, being a human irrespective of their gender identity or even sexual indifference, they are entitled to exercise every kind of Rights which a normal citizen in their country exercises. This term LGBTQ and issues regarding LGBTQ has become a matter of debate and popular these days. While dealing with the term LGBTQ many get confused with the proper import of the terms SEX and GENDER. However, the concept of gender is quite different from the narrative idea of the word Sex. While Sex is predominantly revolving around the biological mark or as in, the reproductive organs in a human, the idea of Gender revolves around how a human's sexuality is experienced as well as expressed. A male and female identity at birth is a system, where a sex of an individual is determined by a pair of sex chromosomes. The homogametic sex, which includes females, is defined as having two of the same sort of sex chromosomes (xx). Males are said to be of the heterogametic sex since they have two distinct types of sex chromosomes (xy)¹. The use of the terms 'male' and 'female' generally indicate sex whereas 'masculine' and 'feminine' imply Gender. What is important to realize is that the term Gender is not static; it has some wide variety of sub-category which have been discovered by psychologists and medical scientists depending on combining factors of their psychological, psycho-sexual and biological development.

Social movements and awareness programs demand that our conventional idea of Gender should not be restricted to the static stereotypic concept of 'masculinity' and 'femininity'. Under the influence of progressive culture of societal inclusiveness there are explicit changes in the elite section of the society. The socio-cultural stigma has now been slightly diminishing while people started recognizing alternative gender identity of human beings as well as others are accepting these sexually deviant Genders of Human beings. However, many orthodoxically inspired societies are yet to accept such freedom of thoughts relating to a person's sexuality and their different types of experiencing peculiar personal and psycho-social relationships. A given society considers preconceived social constructs in behaviour, activities and attributes which are acceptable at par for men and women.

The stereotype thinking as to male and female suggest some common attributes like:

- Men do not cry,
- Women are emotional while men are rational,
- Cooking comes naturally to women,
- Men drive vehicle,
- Men can become Scientists,
- Women should have long hair but the men must keep their hairs short,

This stereotype thinking still prevails in our minds which needs to be changed with the progress of the society. Each and every individual in our society has their own emotions, feelings and the right to experience them differently. So, where there exist few exceptional behaviour, the same demands and deserves the society's empathy and respect. Thus, notwithstanding an orthodox outlook or a perspective of identifying a human by their sex only, we must understand them keeping in mind their desire to be identified as a particular

¹ About: XY sex-determination system. (n.d.). DB Pedia. <http://dbpedia.org>

gender. But in reality, in the advanced society of the living community suffers due to lack of awareness in gender sensitization. It is quite difficult though to conclusively determine the number of such existing deviant genders in today's world. Different genders have their different needs according to their feelings, emotions, psychology, liking or disliking as well as their psycho-social development etc. Further, if we consider the position of a lesbian or gay or cis in many societies today, people are found to be normally hating them.

The issue arises is there need of law to address the issue of recognition as well as protection and respect of rights of LGBTQ community. It is quite evident that each and every law is designed for the purpose of controlling the human conduct and mighty behaviour towards the other fellows while having any transactional relationships. Each and every individual and their multi-dimensional relationships as well as their interdependence with each other, focuses on the law of the land which allows and recognizes their needs, expectation and rights through the instrumentality of law. Before implementing any law, which is related to regulating the conduct and behaviour of the people in relation to psychological or biological needs influenced by the presence of different hormonal disorders, gender sensitization among people in a given society is very much essential.

Judiciary in India broke the shackles of orthodox ideas and took progressive stance while decriminalizing homosexuality and declared *unnatural sexual intercourse* under Section 377 of IPC, invalid and unconstitutional². This implies steady progress in the recognition of variant gender identification and it is now becoming a censoring issue in our modern Indian society. It was an era when female empowerment became a need for balancing the patriarchally dominant society, where the feminist movement started to point out and uproot the factors that led to discrimination against women. Now it is a gender identification issue which needs empowerment in terms of recognizing the alternative forms of sexuality amongst biologically demarcated men and women.

As per Freud's *Three Essays on the Theory of Sexuality* written in 1905, and "*Certain Neurotic Mechanisms in Jealousy, Paranoia, and Homosexuality*," published in 1922, significant narratives on homosexuality. According to Freud, everyone seems to be bisexual, which basically implies they possess traits of both sexes and therefore are sexually attracted to others of both sexes. This primordial bisexual tendency led to the development of both homosexuality and heterosexuality. Freud citing some traumatic heterosexual experience of individuals at their psycho-sexual development stages, may be one of the reasons of homosexuality. Also saying that "*those situations are of special interest*" when the libido switches to an inverted sexual object following a distressing encounter with a normal one.

The Grading points on having greater masculinity is pervasive even amongst competitive comparing males, with a dominance on Power Struggle. The similar aspects of the degree of femininity is explicitly compared within a woman's ground relating her feminism. Recognition by society and others is a secondary matter but one should recognize himself or herself freely at par with their own feelings and mostly when they find themselves

² Navtej Singh Johar v, Union of India AIR 2018 SC 4321

involved with an uncompassionate society and culture. There is no such a concept imbibing the true nature of declaring someone as a perfect man or perfect woman, hence prejudicial intolerant adjectival ideas on who is a true man or a true woman should be curtailed or rather stopped from the societal connotations per se.

2.2 Gender Identity and Sexual Orientation:

As pointed out at the beginning, a person's gender identification may match or diverge from the sex they were assigned at birth. Some of the common categories of gender may be broadly named under the umbrella category as 'cis-gender' and 'Transgender', while a person may be a 'cis' and 'straight' both at the same time.

Gender identity is described by the term "Cisgender," whereas sexual orientation is described by the term "Straight."³ When a baby is born, people look at their genitals and decide whether it is a girl or boy based on what they see.

If that baby after gaining maturity identifies with its birth assigned gender, the person will be considered as cisgender, or "cis." The word "straight" however, means someone is attracted to the opposite sex, whether it's in a sexual or romantic way and it is often used to mean that the person is "heterosexual."

On the other hand, the opposite of "cisgender" is "transgender". This umbrella term is used for individuals whose gender identity, gender expression, or behaviour differs from that of their generally associated sexual identity, for which they were genetically predisposed. Therefore, a person can be transgender or cisgender.

The LGBT community is referred to by the abbreviation LGBT (lesbian, gay, bisexual, and transgender). While the letter "T" represents difficulties of gender identity, the first three letters (LGB) pertain to sexual orientation.⁴ One's internal, personal sense of seeing oneself or herself as a man, a woman, or as someone outside of his or her gender binary is known as gender identity. Sexual orientation is the term used to describe a person who is attracted to another person physically, romantically, or emotionally (for example: straight, gay, lesbian, and bisexual).⁵ Lesbian, gay, bisexual, and straight persons can all identify as transgender. For example, a man who undergoes sexual morphosis and transformation may change from being a man to a woman (becoming a transgender woman), and she would normally describe herself as a straight woman if her only attraction would have been to males. As a result, being cisgender and being straight are distinct concepts that occasionally overlap. An individual may realize that they are labelled as transgender, nonbinary, or gender nonconforming if they don't identify with the sex they were assigned at birth.

³ Cisgender and Straight Don't Mean the Same Thing — here's why. (n.d.). Healthline. <https://www.healthline.com/health/cisgender-vs-straight>

⁴ How is sexual orientation different from gender identity? (2014, June 30). GLAAD. <https://www.glaad.org/how-sexual-orientation-different-gender-identity>

⁵ Ibid.

For example, a person can be:

- **Lesbian:** Usually refers to a woman who has a romantic and/or sexual orientation towards another woman.
- **Gay:** When males are attracted to other guys passionately, sexually, erotically, or emotionally.
- **Bisexual or Bi-romantic:** If someone is attracted to people of both the genders male as well as female.
- **Transgender:** Gender identity doesn't always determine sexual orientation, it varies.
- **Intersex:** A person born with neither completely as male nor as female, also termed as hermaphrodite.
- **Pansexual or panromantic:** If someone is attracted to people of all genders.
- **Asexual or a-romantic:** If someone experiences little to no sexual or romantic attraction or if he or she feels no one attractive
- **Queer:** Who is not straight is someone who doesn't identify as traditionally male or traditionally female, or who is not heterosexual.
- **Kink:** It is the use of non-conventional sexual practices, concepts or fantasies to find comfort in expressing their sexuality in alternative and counter cultural ways.

As a result of their perception of their gender identity as more fluid and inclusive than the categories of the traditional sexual orientation, a growing number of people, especially young people, identify with this phrase. So, the entire gender either 'cis' or 'Trans' may identify some common orientation and their short form is LGBTIPAQK. These are but a few instances of ways someone could express their sexual or romantic orientation. Of course, some individuals decide against identifying as gay or straight.⁶ This variety of gender is commonly designated as LGBTQ+. The '+' in 'LGBTQ+' signifies that the above list is not exhaustive; it includes other categories as well. Young people in this LGBTQ+ community are facing rejection, violence, humiliation compared to the general population. Result may be sometimes tending to be suicidal or they may become homeless at times. They are allowed to live openly without fear of prejudice and may exercise their freedom of expression and association as well as their equal rights. A major issue on a global scale is discrimination against the lesbian, gay, bisexual, transgender, and intersex (LGBT) population. They are unable to get a job, go to school, or get medical treatment. Unjustified hostility is directed at them because of the way they express their gender or are believed to be sexually oriented. Some of the most prevalent ways that LGBTQ+ individuals experience human rights abuses are –

- Various types of psychological and physical violence for example, verbal attacks like bullying or assaulting towards the body or beating by using force etc.
- Discriminatory criminal law affecting the right to privacy for having consensual same-sex relationships and rendered punishment till 2018. [*Though it has been decriminalized by the Hon'ble Supreme Court of India.*]⁷

⁶ Cisgender and Straight Don't Mean the Same Thing — here's why. (n.d.). Healthline. <https://www.healthline.com/health/cisgender-vs-straight>

⁷ Navtej Singh Johar v, Union of India AIR 2018 SC 4321

- Till date it was socially restricted to have or deliver free speech on propagating, the right to have variant sexual orientation of LGBTQ+ people and it was somewhat a disgusting act to assemble the people and discuss on this issue, being treated to be immoral in nature.
- In our everyday life, we find various discriminatory treatment or denial of acceptance upon the LGBTQ+ community amongst their family, school, job or workplace, hospital or any social gathering including religious institutions etc.

In this situation there is a requirement of effective legislation and their implementation for the protection of the rights of the people of the third gender minority in every country. Many of the countries of the world have recently recognized their rights since the recent decade and developing as well as welcoming LGBTQ+ friendly communities. Amongst those countries are Sweden, Netherlands, Spain, Germany, France, UK, Canada, and Australia which have the highest percentage of acceptance of homosexuality.

2.3 International Legal Recognition:

The "right to equality" and "right against discrimination" are the two guiding concepts of human rights. "*All human beings are born free and equal in dignity and right,*" reads the first line of the human rights declaration. No matter a person's gender, sexual preference, or other traits, this also applies to them. Discrimination based on sexual orientation or gender identity is prohibited by international human rights legislation. The same rules that prevent discrimination against people based on their skin colour, ethnicity, religion, sex, or other characteristics also apply to members of the LGBTQ+ minority.

The topic of whether LGBT rights are human rights or not is slowly but surely becoming a concern at the United Nations, although it is not at all apparent what the U.N.'s discussions on the relationship between homosexual rights and human rights will ultimately accomplish. The UN's human rights organisations have further asked nations to put an end to such behaviour by expressing their concern about violations of human rights driven by gender identity and expression. The UN human rights procedures continue to receive reports of transphobic violence, including physical violence (such as murder, beatings, kidnapping, and sexual assault), psychological violence, and other forms of discrimination (such as threats, coercion, and the arbitrary deprivation of liberty, including forced psychiatric incarceration) (such as threats, coercion and the arbitrary deprivation of liberty, including forced psychiatric incarceration). It is further claimed that because their gender identity was not acknowledged, trans people may experience other human rights violations such as coerced medical care, sexual assault, torture and other cruel treatment in hospitals and detention facilities, as well as harassment, humiliation, abuse, or arrest when they attempt to report violence and request police protection.

The key U.N. papers provide direction towards empowering LGBTQ+, for instance, "*respect for human rights and for basic freedoms for everyone without discrimination*" is encouraged by the United Nations Charter (1945). According to the Universal Declaration of Human Rights, "*Everyone is entitled to enjoy the rights and freedoms set out in this Declaration, without difference of any kind*" (1945). Until the *Toonen v. Australia* case was satisfactorily settled by the UN Human Rights Committee in 1994, the political bodies of

the UN had not discussed LGBT rights (*related to equality regardless of sexual orientation or gender identity*) since the organization's founding in 1945. The UN Human Rights Committee (UNHRC) received a landmark human rights complaint against Australia in 1994 from Tasmanian Nicholas Toonen (UNHRC). In 1991, Toonen filed a complaint with the Human Rights Committee alleging that laws in Tasmania that criminalized private, consenting sex between adult males violated his right to privacy under Article 17 of the International Covenant on Civil and Political Rights, made distinctions between people based on sexual activity, sexual orientation, and identity in violation of Article 26, and limited the freedom of gay men in Tasmania to express their sexual orientation. When Norway, speaking on behalf of 54 nations, issued a joint statement to the Commission on Human Rights on violations of human rights based on sexual orientation and gender identity in December 2006, the topic of gender identity was covered. According to a resolution that South Africa spearheaded at the UNHRC on June 17, 2011, the United Nations High Commissioner for Human Rights (OHCHR) was entrusted with "*documenting discriminatory laws and practices and incidents of violence against persons based on their sexual orientation and gender identity.*"

In July 2014, the United Nations (as an employer) said that it would provide employees who joined same-sex unions in locations. In 2016, the UNHRC passed a resolution establishing an Independent Expert to examine the factors leading to violence and discrimination against people based on their sexual orientation and gender identity and to offer guidance to governments on how to safeguard such people. Some claim that the UN's long-term mission based on OHCHR is the organization's "most overt proclamation of LGBT rights as human rights." Several States have made significant efforts in recent years to strengthen the protection of LGBT people's human rights. A new law has been approved that forbids discrimination, makes it illegal to commit hate crimes inspired by homophobia and transphobia, acknowledges same-sex relationships, and makes it easier for transgender persons to get documents that reflect the gender of their choice. In addition to police, inmates, teachers, social workers, and other professionals receiving training, several schools have launched anti-bullying initiatives.

Numerous UN human rights instruments have indeed been acknowledged to forbid discrimination against the LGBTQ+ community in any way. As a result, just as it is forbidden to do so on the basis of a person's race, gender, or any other status, it is now unlawful to deny someone's rights on the basis of their sexual orientation or gender identity (LGBT+). The decisions and broad recommendations made by the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee Against Torture, and the Committee on the Elimination of Discrimination Against Women have frequently reinforced this view. Most UN bodies agree that discrimination is not permitted.

2.4 Indian Legal Position:

The right to privacy is part of the right to life and to personal liberty as enshrined by Indian Constitution. Though the right to privacy is not expressly stated in the Indian Constitution as a basic right, but the Supreme Court has often emphasized on it, and in some circumstances, it has relied upon it while rendering Justice. Therefore, the state should never

infringe on someone's right to privacy. The LGBT minority is covered by every constitutional provision that is based on basic human rights, which is even found through Article 29(1): Protection of minorities. As stated in Section 377 of the Indian Penal Code, 1860, criminalizing homosexuality, Article 13(1) states that the Supreme Court may declare any existing law as discriminatory and if found violating Article 14, the same shall be declared unlawful and unconstitutional. By partially striking Section 377 of the IPC, the Supreme Court of India delivered a landmark decision by decriminalizing homosexuality. Despite the fact that homosexuality is no longer a crime, Indian laws nevertheless are found to be in tandem for providing holistic empowerment and thus showcasing few discriminatory precepts against the LGBT population in a number of ways. The reason for this is that there is a significant disconnect found between the judicial and legislative evolution of LGBT laws in India.

The Supreme Court of India had laid the foundation for the queer and non-binary community to receive a small portion of the fundamental human rights, by nature of the precedent-setting rulings in *National Legal Services Authority v. Union of India*.⁸ In this remarkable decision, the Supreme Court extensively explored "gender identity" and for the first time, recognized legally transgender or "third gender" individuals. The Court acknowledged that individuals of the third gender have rights that were fundamental under both international and constitutional law. Additionally, the Apex court had instructed state governments to create frameworks to realize "third gender"/transgender individuals' rights. In its definition of third gender, the Supreme Court supported everyone's ability to express their gender identification, regardless of the given sex at birth. Furthermore, it said that eunuchs and hijras might legally identify as the "third gender".

In the case of *Navtej Singh Johar (supra)* reversed the *Naz*⁹ verdict and held that violating the rights to equality, privacy, and personal liberty of such individuals constitutes penalizing sexual behaviour between two consenting adults in violation of Section 377 IPC. The Supreme Court weighed the ideals of equality, liberty, and dignity under Articles 14, 19, and 21 while determining whether Section 377 was constitutional. The Court noted that Section 377 punishes those who have same-sex partnerships unfairly. All individuals, including LGBTQ+ people, have the freedom to express their sexual preferences without fear. It acknowledged same-sex relationships as a common type of human sexuality¹⁰. Section 377 violates human dignity, sexual autonomy and the fundamental right to privacy and the scope of the right to privacy must be widened to incorporate and protect 'sexual privacy'.

Again, in *Justice K.S. Puttaswamy v. Union of India*¹¹ the legislature hasn't been able to keep up with the most recent developments. In the Puttaswamy case, it was decided that

⁸ Writ Petition (civil) No. 604 of 2013

⁹ Suresh Kumar Koushal & Anr. v. Naz Foundation & Ors. ("Koushal"). Civil Appeal No. 10972 OF 2013

¹⁰ Centre for Law & Policy Research. (2020, August 4). NAVTEJ SINGH JOHAR VS. UNION OF INDIA - South Asian Translaw Database - SECTION 377. South Asian Translaw Database. <https://translaw.clpr.org.in/case-law/navtej-singh-johar-vs-union-of-india-section-377/>

¹¹ ((2017) 10 SCC 1), (Puttaswamy I).

sexual orientation and the right to privacy are fundamental components of the rights to equality, non-discrimination, and life. The Court ruled that because sexual orientation is a crucial part of one's identity, everyone's identity must be safeguarded against discrimination. The verdict is significant since it was the first time the Indian Supreme Court acknowledged the rights of the LGBT community. The right to privacy and the freedom to choose one's sexual orientation were both upheld in the ruling. After the Supreme Court's decision in *Navtez Singh Johar* (supra) to strike down the criminalization of homosexual acts under Indian Penal Code section 377, there is an urgent need to make India's laws governing marriage, adoption, surrogacy, guardianship, inheritance, employment, and education more welcoming to the LGBTQ+ community. The Indian Parliament has recently approved The Transgender Persons (Protection of Rights) Act, 2019¹², with the intention of protecting the rights of transgender individuals. The act was approved by the president on December 5, 2019, and was then published in the Indian Gazette. On January 10, 2020, after notification, it went into effect. This act's statutory provisions forbid all and any kinds of prejudice towards any version of transgender individuals. The 2019 law defines transgender persons to include intersex people, hijras, jogtas, kinnars, as well as trans-men, trans-women, and genderqueers; however, these latter two groups are not specified. This definition is similar to that of the 2018 bill. A transgender person is someone whose gender does not correspond to their biological gender, according to both the 2019 legislation and the 2018 law.

A transgender person may apply to the district magistrate, in accordance with the 2019 act's requirements, for a transgender person certificate, which will grant them the authority to have their name changed on their birth certificate and all other documents amended to reflect such a change. However, a transgender person cannot be recognized as either male or female without first applying to the district magistrate for an updated certificate following sex reassignment surgery. This is identical to the rules of the 2018 bill. The 2019 act also offers protection for transgender youth and directs organisations and states to develop proper transgender welfare programs. Similar to the 2018 bill's provisions, the provisions enlisted in the 2019 act need a court order to separate a transgender child from their family. However, unlike the Rights of Transgender Persons Bill of 2014, neither the 2018 bill nor the 2019 statute offer transgender persons any special accommodations in places of employment or education. Two percent reservations were allowed in public employment and educational institutions under the 2014 statute. Similar to the 2018 law, the 2019 act imposes a fine and a period of imprisonment of not less than six months but not more than two years for offences against transgender individuals. Both the 2018 bill and the 2019 statute include provisions for the establishment of a National Council for Transgender Persons. In accordance with its authority granted by the 2019 Act, the government issued the Draft Transgender Persons (Protection of Rights) Rules, 2020, on April 18, 2020, requesting public input. This regulation includes requirements for applications for identity certificates, identity certificates for transgender people, and procedures for identity certificates for gender changes. Measures taken by the relevant government for transgender people's welfare, education, social security, and health.

¹² Act No. 40 of 2019

2.5 Conclusion:

While enacted laws cannot overnight change the attitude of an individual, gender sensitization mechanism stands as the most effective way to change the behaviour of the common people against LGBTQ groups. However, gender sensitization mechanisms should be practiced consciously, knowingly as well as must be culturally sensitive. This also needs to be incorporated in the Education Policy, so that the children may learn it from the beginning while having an agreeable attitude for gender variant grounds must be inculcated in the home and within the family. They should be educated to have empathy towards the LGBT community. While we are discussing the human rights of a certain category of citizens, it is important to note that this classification is being done with the intention of conferring additional rights and safeguards against discrimination. Therefore, it is not necessary to establish a unique legal framework for them. It is necessary to make changes to any and all of the laws that are already in place that discriminate against this group of individuals. Marriage is the socially recognized status of a romantic partnership that consists of two people living together under the same roof, and the final consequence of sexual orientation tends to be living together with the person who is appreciated. Many nations throughout the globe have moved to make marriages between people of the same gender legitimate. The Supreme Court of India also sought the government's response to pleas to allow solemnization of same-sex marriage under the Special Marriage Act 1954 (The Hindu, 2022). If same-sex marriage is legalized in India, then all of the rights that are associated with a person's marital status, such as the validity of their marriage, the ability to get a divorce or a judicial separation, the right to child support, adoption, and succession, will automatically be applicable to same-sex couples. This will further open up Pandora box of various complicated legal issues concerning rights of the members of the LGBT community. Keeping this thing in mind, existing laws should be amended in such a way that the future legal complications may be minimized to a considerable extent.

2.6 References:

1. OHCHR. (n.d.). *OHCHR | the struggle of Trans and gender-diverse persons*. <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/struggle-trans-and-gender-diverse-persons>
2. Moleiro, C., & Pinto, N. (2015). Sexual orientation and gender identity: review of concepts, controversies and their relation to psychopathology classification systems. *Frontiers in Psychology*, 6. <https://doi.org/10.3389/fpsyg.2015.01511>
3. Council of Europe. (2011). *Discrimination on grounds of sexual orientation and gender identity in Europe*. From https://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.
4. *Policy on preventing discrimination because of gender identity and gender expression*. (2014, January). www.ohrc.on.ca. Retrieved December 28, 2022, from <https://www.ohrc.on.ca/sites/default/files/Policy%20on%20preventing%20discrimination%20because%20of%20gender%20identity%20and%20gender%20expression.pdf>
5. International Commission of Jurists. (2019). *Living with Dignity Sexual Orientation and Gender Identity Based Human Rights Violations in Housing, Work, and Public Spaces in India*. International Commission of Jurists.

- <https://www.icj.org/wp-content/uploads/2019/06/India-Living-with-dignity-Publications-Reports-thematic-report-2019-ENG.pdf>
6. *LGBTQ Terms and Definitions*. (2017, January 26). Lgbtq. <https://lgbtq.multicultural.ufl.edu/programs/speakersbureau/lgbtq-terms-definitions/>
 7. *LGBTQ definitions*. (2020b, April 27). Center for Inclusion and Social Change. <https://www.colorado.edu/cisc/resources/trans-queer/lgbtq-definitions>
 8. Rachit Sharma, *Rights of LGBTQ in India and the Struggle for Societal Acceptance*, 4 (3) IJLMH Page 18 - 32 (2021), DOI: <http://doi.org/10.1732/IJLMH.26695>
 9. Centre for Law & Policy Research. (2020, August 4). NAVTEJ SINGH JOHAR VS. UNION OF INDIA - South Asian Trans law Database - SECTION 377. <https://translaw.clpr.org.in/case-law/navtej-singh-johar-vs-union-of-india-section-377/>
 10. *Cisgender and Straight Don't Mean the Same Thing — here's why*. (n.d.). Healthline. <https://www.healthline.com/health/cisgender-vs-straight>
 11. How is sexual orientation different from gender identity? (2014, June 30). GLAAD. <https://www.glaad.org/how-sexual-orientation-different-gender-identity>
 12. *Cisgender and Straight Don't Mean the Same Thing — here's why*. (n.d.). Health line. <https://www.healthline.com/health/cisgender-vs-straight>
 13. *Analysis: Same-Sex Marriage in India*. (n.d.). <https://www.legalserviceindia.com/legal/article-8025-analysis-same-sex-marriage-in-india.html>
 14. The Hindu. (2022, November 26). Supreme Court seeks Govt response on including same-sex marriage under Special Marriage Act. <https://www.thehindu.com/news/national/supreme-court-seeks-govt-response-on-including-same-sex-marriage-under-special-marriage-act/article66182642.ece>
 15. The International LGBT Rights Movement. (n.d.). Google Books. https://www.google.co.in/books/edition/The_International_LGBT_Rights_Movement/MZoJEAAQAQBAJ?hl=en
 16. Sangeetha, K. (2020). A Need to Know Lgbt Rights. *Glob Acad J Humanit Soc Sci*; Vol-2, Iss-1 pp-1-5 https://www.gajrc.com/media/articles/GAJHSS_21_1-5_e9DC2pA.pdf
 17. Shah, S. P. (2014b). Queering Critiques of Neoliberalism in India: Urbanism and Inequality in the Era of Transnational “LGBTQ” Rights. *Antipode*, 47(3), 635–651. <https://doi.org/10.1111/anti.12112>
 18. United Nations. (2019). *BORN FREE AND EQUAL Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law* (Second edition). HR/PUB/12/06/Rev.1. https://www.ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf
 19. Meyer IH. Prejudice, social stress, and mental health in lesbian, gay, and bisexual populations: conceptual issues and research evidence. *Psychol Bull*. 2003 Sep; 129 (5):674-697. doi: 10.1037/0033-2909.129.5.674. PMID: 12956539; PMCID: PMC2072932. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2072932/pdf/nihms32623.pdf>
 20. Lau, Holning, Courts, the Law, and LGBT Rights in Asia (March 1, 2020). Oxford Encyclopedia of LGBT Politics & Policy (Don Haider-Markel ed., 2020), Oxford Research Encyclopedia of Politics (2020), UNC Legal Studies Research Paper, Available at SSRN: <https://ssrn.com/abstract=3573177>.