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1. Supreme Court verdict on Section 377 will spark many more challenges to inequality, discrimination

- What is Section 377 of the Indian Penal Code ?
- Why the judgement is a watershed moment for LGBTQ communities?
- What are the grey areas of landmark judgement for LGBTQ communities?

GS paper 2 (Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure)

In this video, you can find detailed answers for all the above questions.

The above article has been retrieved from:

Anand Grover , Tripti Tandon. (2018, September , 09). Freedom's second coming. Indian Express. Retrieved from <https://indianexpress.com/article/opinion/columns/section-377-verdict-supreme-court-homosexuality-decriminalised-5343825/>

What is the context about?

- The Supreme Court has decriminalised sex between consenting adults in private under Section 377.
- With the judgment of the Supreme Court , Indians have attained a second azadi for those who have continued to

be persecuted after Independence by the law enacted by the British in 1861.

- ❑ It has freed the LGBTQI communities from the yoke of a colonial law. This will usher in a new inclusive India which is the need of hour.

What is Section 377 of the Indian Penal Code ?

- ❑ Section 377 of the Indian Penal Code criminalises consensual private sexual acts between adults. It came into force in 1862.
- ❑ Lawyers have argued that the notorious Criminal Tribes Act, 1871, which branded a number of marginalised population groups like transgenders as “innately criminal” before it was repealed, drew inspiration from Section 377.
- ❑ Section 377 of the IPC states: “Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1[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.” This archaic British law dates back to 1861 and criminalises sexual activities against the order of nature.

Why the judgement is a watershed moment for LGBTQ communities?

- ❑ It has freed them from the clutches of persecution they had to suffer for decades.

- It brought them out of the social taboo they had to undergo hitherto.
- It would help them hold their heads high with dignity and liberty having the increased the fraternity in the evolving inclusive society.
- They are now on par with other citizens enjoying their way of life and choices.

What are the grey areas of landmark judgement for LGBTQ communities?

- However, despite being a landmark judgement for LGBTQ communities, it also scintillated in their spheres of life many other challenges such as: The challenges of equality and non-discrimination as they would now demand for their rightful shares in employment, education, health etc.
- Now, they would seek space services not in public sector but also in private sector.
- As no law exists today that address their same sex marriages, sexual harassment or non consensual sex, so laws have to be enacted in those areas.
- Several other non discriminatory laws have to be enacted in order to protect their interests and dignity.