



## Should Homosexuality be legalized?

### Description

#### Update :-

- On 6th September, 2018, Supreme court gave judgement on section 377, which decriminalized homosexuality in India. But homosexuality and same-sex marriages are still not legalised.

#### Background :-

- LGBT (Lesbian, Gay, Bisexual and Transgender) communities are fighting for their rights, to decriminalize homosexuality and to legalize it.
- Homosexuality is not something which happens by choice. They are born that way. Scientists say that reason is the combination of genetic and hormonal influences. And few people argue that it's a choice.
- Section 377 of IPC (Indian Penal Code) – 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 term which may extend to ten years, and shall also be liable to fine.
- This section 377 was introduced, while India is undergoing British rule in 1861.
- In 113 countries including 10 Muslim countries, homosexuality is legal. In more than 76 countries including India, it is illegal.
- In July 2009, Delhi high court decriminalized homosexuality and declared that Section 377 of IPC is unconstitutional, as it violates article 14, 15 and 21 of the constitution
- In December 2013, Supreme court overturned the judgement of Delhi High court and declared that Section 377 does not suffer from vice of unconstitutionality and thereby again homosexuality is criminalized with imprisonment for life or even death.
- Homophobia means to have negative attitude towards homosexuals. Homophobia happens because of irrational fear, prejudice and religious beliefs.

**In Favor :-**

- Section 377 of IPC violates article 14 &15, i.e state should not discriminate anyone based on their religion, caste, sex, race or place of birth.
- Section 377 of IPC violates article 21, ie. Right to dignity, right to personal liberty and right to privacy.
- Some argue that homosexuality is 'unnatural'. But they have no valid explanation why it is unnatural. The cause of their arguments is their homophobia.
- Criminalizing homosexuality violates human rights.
- There is no point in threatening them to change their sexual orientation, when they are born that way.
- Criminalization of homosexuality will deprive HIV/AIDS affected gays from using the medical facilities available to them. They can't even approach doctors to seek help as they'll have fear of imprisonment.

**Some Myths :-**

- **Myth 1 – The children of same-sex couples will have psychological problems** – Children will be emotionally stronger, when they grown up in happy same-sex couples rather than in abusive heterosexual relationship. What all matters is the behaviour of people in the family, but not gender.
- **Myth 2 – It is against to religious beliefs** – Who created the religion? It's we, humans created the religions and rules. There is no point in arguing that homosexuality is against to religious beliefs.
- **Myth 3 – Homosexuality came from western culture** – Homosexuality exists in the east from ancient times, not only in India, but also in China and some other east countries too. It was mentioned in the ancient scriptures also. It's not the homosexuality, which came from the west but Homophobia.
- **Myth 4 – It encourages others to become homosexuals** – Nobody can change their sexual orientation.
- **Myth 5 – Breakups are more in Same-sex couples** – Breakups happens in all types of relationships, not just in homosexuals. And there are no. of happy homosexual couples.
- **Myth 6 – Psychological problems exists in homosexuals** – These psychological problems are a result of the stigma they face from the society and criminalization of homosexuality. Many gays, transgenders are staying in closet because of society's attitude. As a result they are forced into unhappy marriages, which further complicates the problem.

**Conclusion :-**

As far as something doesn't harm anyone including oneself, it is not a crime. The same is the case with homosexuality. What's wrong with it, if they find emotional support in the same-sex? We are living in a democratic country. In democracy, the rights of minority must be protected from the stereotyped views of majority. We all should support LGBT peoples right to have a dignified life. This is the right time for parliament to legalise same-sex marriages in order to uphold human rights.

### **Your Turn...**

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