



2. Gender and LGBTQ

Dr. Bindu V. V.

*Assistant Professor,
Department of Economics,
S. N. College, Kannur.*

ABSTRACT:

LGBTQ community getting more attention and consideration in the modern world. Different cases are filed in courts to consider their rights. It is required to protect the interest of this community then only they can enjoy their freedom. The enjoyment of their freedom is some what a psychological matter.

Because if any person is realized as LGBTQ category then their negligence from family, society starts. Now a days the government is taking initiative to improve the conditions of LGBTQ. The health department is coming forward to protect the interest of LGBTQ. The society is also tried to accept them. People are ready to work with them. The conditions of these group are improving compared to earlier.

LGBTQ is an abbreviation commonly used to refer to lesbian, gay, bisexual, transgender, and questioning individuals. In all regions and countries, including those with anti-discrimination provisions, LGBTQ persons experience economic and social inequalities and marginalization, including in health, education, employment and access to justice. Adam Smith mentioned about freedom of action in his writings.

He advocated the philosophy of free and independent action. Similar to that the LGBTQ community should have the right and freedom to enjoy their life and live according to their whims and fancies. Smith also explained that each member of society is left free to pursue his economic activities, he will maximise the output to the best of his ability and would render a great service to the society. LGBTQ can improve their productivity by enjoying the freedom in their life.

The term LGBTQ is used to denote the following sets of people:

- Lesbian: A lesbian means, a woman who is sexually attracted to a woman.
- Gay: A gay stands for a man who is sexually attracted to the man. Sometimes, it may be used to refer to gay men and boys only. It is preferred over the term “homosexual.”
- Bisexual: A bisexual person is someone who is sexually attracted to people of both sexes.

- Transgender: It is a term used to define people whose gender identity and gender expression, differs from that usually associated with their birth sex. For purposes of protection from discrimination and harassment, transgender refers to both self-identified transgender individuals and individuals perceived as transgender. Transgender people may identify as heterosexual, lesbian, gay, bisexual or questioning.
- Queer: Queer is a term used to refer to sexual and gender identities who are neither heterosexual nor cisgender (opposite of transgender). The term 'Queer' in itself is a community as they generally go for using pronouns instead of being restricted to, He, She etc. Sometimes Queer is sometime used to address LGBT. 'Q' in LGBTQ sometimes also termed as Questioning that refers to a person, often an adolescent, who is exploring or questioning issues of sexual orientation or gender identity and/or expression in his or her life. Some people who are questioning will ultimately identify as lesbian, gay, bisexual or transgender; others will self-identify as heterosexual and not transgender.

The '+' in 'LGBTQ+' signifies that the above list is not exhaustive it includes other categories as well like Pansexual, asexual, Intersex etc.

Sexual orientation or gender identity should not be a deciding factor in determining the role play of any individual in a progressive society but, section 377 of Indian Penal Code, 1860 did that. The act of engaging in sexual activity with the same sex was considered 'against the order of the nature' which as per Section 377 IPC includes homosexual and transgendered community. Section 377, not only deals with homosexuals but also punishes heterosexual couples engaged in sodomy i.e., if a married couple engages in 'Anal Intercourse' instead of 'Normal Intercourse', then both Husband and Wife will be considered guilty, if the wife consented for anal intercourse but, if she did not, then the husband alone will be considered guilty under Section 377 IPC [RACHIT SHARMA, 2021].

Contrary to untouchability, many religious experts consider. Homosexuality as Anti-religious but it is not true at all as there are many ancient Indian texts which contains verses supporting the LGBT community. The Hindu epics mention several characters who demonstrate a range of sexual orientations and gender identities, including Shikhandi, Chitrangada (wife of Arjuna and mother of Babruvahana), and Brihannala from the Mahabharata. None of these characters are discriminated against because of sexual orientation or gender identity in the sacred text. Rather, they are all treated with respect, and judged by their abilities rather than their sexuality. The Arthashastra has numerous mentions of LGBT individuals in various professions free from any persecution. [RACHIT SHARMA, 2021].

A 2020 survey of some 20,000 LGBTIQ+ persons in 138 countries found that due to the pandemic, 47 per cent faced economic difficulty, with a quarter unable to meet basic needs. At the time of the survey, 13 per cent had lost their jobs, with an additional 21 per cent expected to lose it in the near future [UNAIDS 2020c.]. The various researches shows that Homosexuality exists in at least 1500 species of animals especially in dolphins. So, if it is prevalent in so many species, then how can a single specie i.e., human beings declare it to be against the order of nature.

Different Problems Faced by LGBTQ:

Even though we might call ourselves as advance and modern generation, but it is disheartening to see the atrocities faced by people belonging to LGBTQ Community at different places and environment. Some of the common problems which they face are:

1. LGBTQ children in schools and colleges are discriminated. This will haunt them throughout their life.
2. Several LGBTQ become the sufferer of honour killing. A bounty is set for their secret honour killing. not
3. Women are the worst suffers of LGBTQ community. i.e. when a woman herself declare as lesbian or bisexual, then family generally suggest to go for a sanctioned rape to correct her. Call it as rape because it is happening without her will.
4. Employment field these people will be the worst sufferers. They are not able to find a job according to their will. The treatment of the employer and their co-partners are not tolerable to them.
5. Both urban and rural family are not ready to accept their children as LGBTQ. When they realise this matter sometimes the family throw the children out in order to protect their status.
6. With the intention of corrective therapy LGBTQ people are undergone for corrective therapy for Homosexuality. They become addicted to these drug medicine and are not able to escape from the clutches of medicine after their treatment.
7. LGBTQ face depression, when they are isolated from family, society etc.

Naz Foundation (a non-governmental organization working on HIV/AIDS and sexual education and health since 1994) filed a petition in 2001 before the Delhi High Court challenging the constitutional validity of Section 377 of IPC.

In 2014 the Supreme Court make a judgement created the 'third gender' status for hijras or transgenders. As earlier, the transgender people were forced to describe themselves as either male or female, but after the judgement, they could proudly identify themselves as transgender or Third Gender. Transgender Persons (Protection of Rights) Bill, 2019 was enacted with an objective to protect the rights of the Transgender Community by prohibiting discrimination against them with regards to employment, education. healthcare, access to government or private establishments.

Changes in the Attitude Towards LGBTQ:

The world is changing rapidly in relation to LGBTIQ+ persons, and their place in society and in the workplace. As of 2021, only 29 countries legally recognized marriage equality while 34 provided some same-sex partnership recognition.

Eleven countries specifically mentioned sexual orientation in constitutional non-discrimination clauses. Legislation banning discrimination in the workplace on the basis of sexual orientation is being adopted across regions. As of December 2020, 81 United Nations Member States provided protection against discrimination based on sexual orientation in employment.

Workers' organizations can encourage employers to adopt measures to address identified problems within the collective process of creating a safe, collaborative and welcoming workspace. Workplace cooperation (workers and managers resolving issues of common concern through consultation and discussion) can provide opportunities for LGBTQ+ inclusion. Unions can also address these considerations in union organization, spaces and events.

Recently, literature has begun to bring to light the existence of a substantial LGBTQ (lesbian, gay, bisexual, transgender, and queer) foster youth population which is overrepresented and underserved. LGBTQ youth are estimated to make up only 5 to 7 percent of the youth population but 20 to 40 percent of the homeless youth population (Quintana et al. 2010). Authors of a multiphase, multiyear, multimethod transnational study estimate that 25 to 35 percent of young men in the sex trade identify as gay, bisexual, or transgender (Estes and Weiner 2001).

Sekhar Garisa, the CEO of Monster.com, opines that a survey information shows that 64% of the respondents have currently open positions for LGBTQIA+ members in their organization. These figures reflect a huge change and widespread inclusivity in the job market. Some other findings from the survey are - 51% of respondent organizations are conducting diversity and inclusivity (D&I) trainings/workshops for their employees, 36% of the respondents also have counselling services available for the community members, 27% of the respondents provide special medical health benefits to the trans community employees. Based on the findings, Monster identified the top 10 recruiters currently hiring for D&I on the platform namely TCS, Mindtree, HCL, and others. The open job positions were also shared with the job seekers who chose to not mention their gender and sexual orientation while registering on Monster (Roshni Chakrabarty, 2022).

The Administration for Children and Families (ACF) should issue separate guidance clarifying the obligations of state child welfare agencies that receive federal funds to adopt and implement policies prohibiting discrimination based on sexual orientation and gender identity. ACF should continue to offer federal financial participation under the title IV-E program for high quality LGBT cultural competency training and technical assistance. ACF should continue to offer federal financial participation under the title IV-E program for high quality LGBT cultural competency training and technical assistance.

Policymakers at the local and state level should protect LGBTQ youth and adults from discrimination in the foster care system by passing non-discrimination laws or policies that include both sexual orientation and gender identity.

Discriminatory laws and socio-cultural norms continue to marginalize and exclude lesbian, gay, bisexual, trans and gender-diverse persons from education, health care, housing, employment and occupation, and other sectors.

In **1962**, in the *Southern Railway v. Rangachari* case, Supreme Court upheld that the Indian constitution prohibits all manners of employment discrimination in the state.

Revisiting the clothing policies and championing the idea that clothes have no gender.

Insurance policies need to be gender-neutral that include members from the LGBTQ and PwD communities.

There is a need for introducing queer friendly policies, and this can be done by putting oneself in the shoes of the person going through the transition.

Besides maternal and paternal leave policies, companies must introduce leaves for people who undergo transition.

Expect a change in future regarding the life, freedom and rights of the LGBTQ community.

References:

1. Conron K. J., Wilson B. D. (2019). A research agenda to reduce system involvement and promote positive outcomes with LGBTQ youth of color impacted by the child welfare and juvenile justice systems. The William Institute.
<https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-Youth-of-Color-July-2019-3.pdf>
2. Dank M., Yahner J., Madden K., Bañuelos I., Yu L., Ritchie A., Mora M., Conner B. (2015). *Surviving the streets of New York: Experiences of LGBTQ youth, YMSM, and YSWW engaged in survival sex*.
<https://www.urban.org/sites/default/files/publication/42186/2000119-Surviving-the-Streets-of-New-York.pdf>
3. Human Rights Campaign. (2015). *LGBTQ youth in the foster care system*.
<https://assets2.hrc.org/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf>
4. RACHIT SHARMA (2021) Rights of LGBTQ in India and the Struggle for Societal Acceptance, [ISSN 2581-5369] Volume 4 | Issue 3, International Journal of Law Management & Humanities
5. National Academies Press (US); (2011), *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding*,
<https://www.ncbi.nlm.nih.gov/books/NBK64810/>
6. Roshni Chakrabarty (2022) Why we need a mindset shift around LGBTQIA+ employees in the workplace and how we can get there,
<https://www.indiatoday.in/education-today/jobs-and-careers/story/how-we-can-build-inclusive-work-environments-for-lgbtqia-employees-1968709-202-06-30>
7. International Labour Organisation (2022) Inclusion of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons in the world of work: A learning guide,
https://www.ilo.org/wcmsp5/groups/public/---dgreports/--gender/documents/publication/wcms_846108.pdf