

ABSTRACT

LGBT AND ADULTERY; JOURNEY FROM ILLEGAL TO LEGAL

*RAGINI UMRAO

It is shocking that independent India has not been able to rescind the colonial era monstrosity in the shape of section 377 of the Indian penal code¹, date from the year 1861. Indian constitution is a democratic constitution, which is based on the rule of law, their rights are as sacred as those rights conferred to the other citizens to protect their liberties and freedom. In India, Lesbian, gay, bisexual, transgender and intersex(LGBTI) face legal and social difficulties from non-LGBTI persons. In India, LGBTI peoples have gained more and more tolerance, especially in metropolitan cities. Apart from this most of the LGBTI people remain closeted, fearing discrimination from their families in India, they might see homosexuality as shameful. The rights of LGBTI cannot be construed to be so-called rights; their powers are real.

The purpose of this study to give a concise summary of section 377. Which was introduced by the British government in the year 1861, which unnaturally criminalize sexual activities under Section 497 of the IPC which talks about Adultery? This paper provides a history of LGBT and legislation and examines how vague it is. The research paper analyzes the impact of the decision of *KS Puttaswamy case*²On the homosexual community regarding their right to privacy, S.C. followed this case and struck down(unconstitutional) the section 377 and Supreme Court also struck down the section 497 of the Indian Penal Code³. Since the supreme court has recognized these rights, it is a move towards a liberal society in the modern era. However, the community is reluctant towards their acceptability.

Keywords: LGBTI, IPC, Homosexual, Rights, Section, Adultery, Equality, etc.

¹ Section 377 of Indian Penal Code, Unnatural Offences.

² Justice K.S. Puttaswamy v. Union of India, 2012 WRIT PETITION (CIVIL) NO 494.

³ Section 497 of Indian Penal Code, Adultery.

The aim of the Study:

The Aim of the study was to identify the issues of LGBTI and adultery. People face in the society even the supreme court has passed the judgment that LGBTI and Adultery are no longer crime in India. And what Rights are available for these people in India.

Objective:

- describe the differences in society for LGBTI people and Adultery with historical contexts.
- Summarize major developments in LGBTI and Adultery by Judiciary.

Abstract:

It is shocking that independent India has not been able to rescind the colonial era monstrosity in the shape of section 377 of the Indian penal code. date from the year 1861. Indian constitution is a democratic constitution, which is based on the rule of law, their rights are as sacred as those rights conferred to the other citizens to protect their liberties and freedom. In India, Lesbian, gay, bisexual, transgender and intersex(LGBTI) face legal and social difficulties from non-LGBTI persons. In India, LGBTI peoples have gained more and more tolerance, especially in metropolitan cities. Apart from this most of the LGBTI people remain closeted, fearing discrimination from their families in India, they might see homosexuality as shameful. The rights of LGBTI cannot be construed to be so-called rights; their powers are real.

The purpose of this study to give a concise summary of section 377. Which was introduced by the British government in the year 1861, which unnaturally criminalize sexual activities under Section 497 of the IPC which talks about Adultery? This paper provides a history of LGBT and legislation and examines how vague it is. The research paper analyzes the impact of the decision of KS Puttaswamy case On the homosexual community regarding their right to privacy, S.C. followed this case and struck down(unconstitutional) the section 377 and Supreme Court also struck down the section 497 of the Indian Penal Code. Since the supreme court has recognized these rights, it is a move towards a liberal society in the modern era. However, the community is reluctant towards their acceptability.