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**Comparative Study of the Progression  
of Queer Rights in India and the UK, with  
Special Emphasis on Intersex People**

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**Abstract**

*The paper focuses on the progression of queer rights in the contemporary era while placing special emphasis on the lived experiences of the intersex population. It examines the status of queer rights in the United Kingdom and India. The primary objective is to trace the timeline of the queer rights movement in the aforementioned regions, and draw out a contrast between the public policy and approach towards this pressing agenda by the two nations.*

*‘Sex’, refers to the sex (male or female) assigned to a child at birth, most often based on the child's external anatomy. **Sexual orientation, read ‘sexuality’** refers to an inherent or immutable enduring emotional, romantic or sexual attraction to other people. **Gender identity** refers to one’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. Throughout this paper, the word **‘Queer’** is used to express a spectrum of identities and orientations that are counter to the mainstream. The methodology used is comparative analysis, and the parameters for the same, are as follows: religion, marriage and adoption, public discourse and social movements, and governmental laws and policies. The paper aims to fulfil its objectives through the analysis of the comparison drawn between the two nations.*

**Keywords:** *sex, sexuality and gender identity*

**1.0 Introduction:**

Historically, world societies, as we know, have been based on hierarchies, which has led to discrimination and marginalisation of certain sections. Gender, one of the most important pillars on which these hierarchies were based, still plays a role in defining a person’s position in society. The terms sex, sexuality and gender are often used interchangeably and misinterpreted. With the advent of the internet, a new wave of awareness has washed over our world. While this has contributed to an increase in the visibility of the queer community, the paramount question remains of the credibility of the increase in this visibility. Queer rights have been the subject of close global scrutiny in the 21st century. The rights of queer persons, from a global perspective, have still not been identified completely, and the goal of making the world a safer place is still a long way from here.

While the atrocities of the past have not been completely undone, the world has stood witness to a sea change in queer rights in the past two decades. This paper aims to study the progression of the rights of the Queer community in societies of the Asian-Pacific region and European region.

This paper also places special emphasis on the intersex population and their struggles. The queer community, because of how they identify, look or are attracted to have been devoid of basic human rights and respect from society. The objective of the paper is to derive conclusions about the progression of queer rights, through a comparative study of two regions - the Asia Pacific and Europe, which exhibit massive contrasts in terms of their approaches towards gender equality. In addition to this, this paper aims to view the challenges faced by the intersex population, with an intersectional lens, and propose solutions to overcome the pertinent challenges.

## **2.0 Key Terms and Definitions**

The discussion of queer rights, in any academic set-up, always brings to the fore, certain ambiguities regarding the core concepts of sex, sexuality and gender. Before we begin with the discussion of the research problem, the key concepts should be defined in clear terms, to ensure lucid comprehensibility of the paper. ‘Sex’, also known as **sex assigned at birth**, refers to the sex (male or female) given to a child at birth, most often based on the child's external anatomy. **Sexual orientation, read ‘sexuality’ refers to** an inherent or immutable enduring emotional, romantic or sexual attraction to other people. **Gender identity** refers to one’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. It is important to understand that one's gender identity can be the same or different from their sex assigned at birth. Likewise, an individual’s sexual orientation is independent of their gender identity.

Often, these three terms are misinterpreted and used interchangeably. Scholarly observation has pointed out that gender and sexuality are fluid concepts, and their usage in limiting terms has brought about a gap. This has been brought about by the conflict in terms, which have been utilized. Essentially, this has been caused by the fact that the majority of people tend to look at gender and sexuality in terms of black and white.

Furthermore, owing to the rapid changes and transformation, which took place in this century, there has been a shift with regards to sexual orientations. For instance, the concept of homosexuality, which had arisen in the mid-nineteenth century, transformed certain acts of sexuality into a certain form of sexual identity (Rust, 1992).

Throughout this paper, the word ‘**Queer**’ is used to express a spectrum of identities and orientations that are counter to the mainstream. The term ‘Queer’ is often used as a catch-all to include many people, including those who do not identify as exclusively straight and/or people who have non-binary or gender-expansive identities. This term was previously used as a slur but has been reclaimed by many parts of the queer rights movement. **LGBTQIA+** is used as an acronym for “lesbian, gay, bisexual, transgender, queer, intersex, asexual and other identities on the spectrum.” Adding the plus sign signifies that this acronym is not limiting and allows for the continuous addition of newer identities. To further the agenda of this research study, we must also lay down the definition of ‘**Intersex**’; intersex people are born with a variety of differences in their sex traits and reproductive anatomy. There is a wide variety of difference among intersex variations, including differences in genitalia, chromosomes, gonads, internal sex organs, hormone production, hormone response, and/or secondary sex traits. 1.7% of children are born intersex - with reproductive organs, genitals, hormones or chromosomes that do not fit the usual expectations of male and female

(United Nations, 2018)

### **3.0 Queer Rights: A Global Overview**

People who identify themselves as part of the queer community often face abuses based on their sexual orientation and gender identity worldwide, including torture, killings and executions, arrests under unjust laws, unequal treatment, censorship, medical abuses, discrimination in health and jobs and housing, domestic violence, abuses against children, and denial of family rights and recognition. Their lived experiences are not limited to the above-mentioned atrocities and extend to several other forms of oppressions and discriminations that they are subjected to.

In today's world, where freedom is of paramount importance, and countries across the world are based on the foundational principle of inalienable rights, imagining that someone would be persecuted because of their personal choices itself is impossible. However, this is the harsh reality of the world in which we live, which has bigotry and hatred in its very veins. (The Guardian, *Gay rights around the world: The best and worst countries for equality* 2013)

However, we must understand that in contemporary times, queer rights have undergone a massive evolution, in terms of their existence, scope and inclusivity. The amendments and additions that have taken place in the last two decades in this legal sphere are no less than a revolution. In this section, we shall look at a holistic picture of how these rights have evolved over the contemporary era, all across the world.

To make it more comprehensive, this overview looks at queer rights region-wise. If we were to discuss queer rights in parts of Latin America, they remain the standard for equality for LGBT rights. **Argentina's** Gender Identity Law 2012 allowed the change of gender on birth certificates for transgender people. It also legalised same-sex marriage in 2010, giving same-sex couples the same rights as opposite-sex couples, including the right to adopt children. **Uruguay** and **Mexico City** also allow equal marriage and adoption. In Asia, LGBTQIA+ groups are also making progress slowly. Homosexuality was decriminalized in India, with the revoking of Article 377. While a majority of South Asian nations ban homosexuality, this ruling has come as a new ray of hope for the queer community. Countries such as Vietnam and Singapore are encouraging LGBTQIA+ movements, however, the amendments are yet to take place. The MENA (the Middle East and North Africa) region remains neutral towards the queer rights movements. Several countries of this region have severely regressive laws and often subject queer people to atrocities. The suffrage movement continues in this region of the world. As for Europe, the number of countries legalising same-sex marriage continues to grow, with **Denmark, Brazil, France** and **New Zealand** just some that joined more progressive countries that had legalised it earlier. In the United Kingdom, the establishment of the Marriage (Same-Sex Couples) Act, 2013 was a revolutionary landmark for the queer rights movement.

In the US, during the tenure of the Obama administration, there was public support for equal marriage and legalization of it in several states. The supreme court struck down the Defense of Marriage Act (which prevented the federal government from recognising marriages between gay couples) as unconstitutional in 2013.

#### **4.0 Case Study: India & UK**

##### **4.1 India:**

###### **4.1.1 Religion**

This paper would be studying the relationship and effect of religion on the LGBTQIA++ community with respect to Hinduism and Islam, from a variety of religions that have been in practice in India since ancient times.

Historical texts like the Vedas have shown tolerance towards homosexuals and intersex persons. Islamic texts, on the other hand, have condemned same-sex relationships but have accepted transgender persons within the community (*Stances of Faith on LGBTQ Issues: Islam*, n.d.).

With the advent of colonialism, however, there was a change in these beliefs and homosexuality was illegalised. British Government passed Section 377 from the Indian Penal Code in 1861, which was later adopted in the Indian Constitution.

Historical pieces of evidence suggest that medieval India celebrated all forms of love, acknowledged and embraced the trans and intersex community. Noted historian Harbans Mukhia says one has to know India's history to understand why the British made gay sex illegal. "The British brought their own rules to India, including Section 377 which banned homosexuality and made it a criminal act. This law was enforced by them, but it didn't conform to India's attitude toward homosexuality. It had more to do with their Christian belief systems," he says. He adds that the court's decision has taken India back to its roots (BBC India, 2018).

Because there is no central Hindu authority, attitudes to LGBTQIA+ issues vary at different temples and ashrams. Hinduism does not provide a fundamental spiritual reason to reject or ostracize LGBTQIA+ individuals, and that, "Given their inherent spiritual equality, Hindus should not socially ostracized LGBT individuals, but should accept them as fellow sojourners on the path to moksha" (*Stances on Faiths on LGBTQ Issues: Hinduism*, n.d.).

Prof Mukhia says books and scriptures from medieval times also suggest that homosexuality was not looked down upon. "There was some disapproval for homosexuality but LGBT people were not ostracised. Society was tolerant towards them and nobody was hounded for being a homosexual. Alauddin Khalji's son, Mubarak, was known to be in a relationship with one of the noblemen in his court," he adds. Khalji ruled the Delhi sultanate between 1296 and 1316. Babur, who founded the Mughal dynasty which ruled most of what is now India and Pakistan in the 16th and 17th Centuries, also wrote about his love for men.

"He wrote, without any sense of embarrassment, that he was in love with a boy named Baburi. There was no disapproval about his writing during his time or even after that," Prof Mukhia adds (BBC India, 2018).

#### **4.1.2 Marriage and Adoption**

India has just started proceeding and paving its way towards making an egalitarian society and giving due recognition to the LGBTQIA++ community, however, the progress has been slow. Granting Marriage Rights to the LGBTQIA++ community in India has been slow, and is a long struggle, thus denying them basic civil rights every single day. It has been a widely debated topic and has evoked a lot of religious antagonisms, because of the prejudiced and orthodox notion of the Indian society that claims 'Homosexual Relationships' to be 'Immoral and against their respective Cultures and Religions' (*Decriminalising of Section 377*, 2020).

Though Section 377 of the Indian Penal Code was decriminalised in 2018, India is still a long way from giving the LGBTQIA++ community residing in India all the rights that the cis-heterosexual community in the country enjoys. India is still far from legalising same-sex marriages, recognising same-sex couples, joint adoption by same-sex couples, or even passing anti-discrimination laws. Kerela and Tamil Nadu are the only Indian states that have legalised and allowed adoption by transgender people and given people from the LGBTQIA++ community the right to change their legal gender.

#### **4.1.3 Public Discourse & Social Movements**

Pride Marches and Rainbow Parades have been gaining momentum in India since the 1990s, and have impacted decisions of the government policies and laws in one way or the other. The first type of recorded gay rights activism to take place in India was on August 11th, 1992, when AIDS Bhedbhav Virodhi Andolan (ABVA), an organisation that tackles issues of discrimination against those affected by HIV/AIDS, blocked the entrance of the Delhi police headquarters to protest continuous harassment against gay men (*Pride and Privilege | The Pride Movement in India: History and Obstacles | Part I, n.d.*).

June is celebrated as Pride Month in India to commemorate the celebrated Stonewall Riots, or Stonewall Uprising of June 28, 1969, in New York City. The Stonewall Uprising catalyzed the Pride movement in the United States of America and across the globe. In India, 2019 saw a celebration of the 20 year anniversary of the first Rainbow Pride Walk in India, led by 15 gay men in Kolkata. It was followed by massive pride marches and walks all over the country- in metropolitan cities and small towns. 2008 saw the first Pride Walk(s) in three metro cities in India- Delhi, Mumbai and Bengaluru. Section 377 of the Indian Penal Code was also recognised as being discriminatory and struck down by the Delhi High Court in 2009. This event further charged and accelerated the number of Pride Marches across India, celebrating the striking down of Section 377. Chennai and Bhubaneswar (Odisha) saw their first Pride March with smiles as bright as the rainbow. In the next three years states like Kerala and Gujarat, and towns like Pune, Patna, Chandigarh also celebrated and witnessed their first LGBTQIA+ Pride.

The end of 2013, however, saw a major setback to the victories that were won and discrimination that was recognized in 2009 by Delhi High Court. The verdict by Delhi High Court was reversed by the Supreme Court and Section 377 was brought back into practice. This saw a major uprising across the country, and Guwahati witnessed its first-ever Pride Walk- also being the first Rainbow Parade in North-East India. A lot of small towns like Jaipur, Nagpur, Awadh, Bhopal, Dehradun, Lucknow, Jamshedpur and Goa followed and had their first pride marches in the next couple of years. A critique of these Pride Parades, especially the initial ones pointed out that the spaces were dominated by Upper Caste cis-gay men.

These critiques further called for an urgent need for inclusiveness and diversity of people across all religions, castes, classes and disabilities, and an understanding of intersectionality and the interwoven nature of these social institutions. Adivasis, Dalits, Bahujans, Trans and Queer women were to be given as much representation as the ones who already had a mic.

September 2018 finally saw the victory of a long struggle. The Supreme Court of India repealed Section 377 almost 160 years after the law had come into being in colonial India (Prasad, 2018). For Mahika Banerjee, legalizing 377 is “the mere tip of the iceberg and the queer and non-binary community in India has a much larger struggle ahead of them. That being said, I am celebrating this judgment as it is a much-needed start” (The History and Activism of the LGBTQ Community in India, 2018).

26th November 2019 noted the signing of The Transgender Persons (Protection of Rights) Bill, making it an act. The country again saw an upsurge of the LGBTQIA+ community protesting against the bill that was passed, due to its inherent loopholes.

#### **4.1.4 Government Laws and Policies**

- Revoking Section 377 of the Indian Penal Code

On September 6th 2018, the Supreme Court of India delivered a historical verdict decriminalising homosexuality by partially striking down Section 377 of IPC. The revoking of Section 377 meant that same-sex couples now have the legal right to cohabit and conduct their personal affairs without any fear of persecution. But we must note that they are still denied equality of treatment in various aspects. Thus, it is imperative to take the conversation forward and talk about the various laws that continue to discriminate against LGBT+ persons. It includes anti-discriminatory laws such as no recognition of same-sex marriages, no rights for adoption, surrogacy etc. The court rationalised that Section 377 is vague and does not create intelligible differentia between what is “natural” and what is “unnatural”. It also curbs freedom of expressing one’s sexual identity, ie. right to freedom of expression as enshrined under Article 19 of the Indian constitution. It was also emphasised that discrimination on the basis of sexual orientation is unconstitutional considering it is a natural phenomenon as proven by scientific and biological facts.

The Supreme court also directed the government to create public awareness regarding LGBT rights and to eliminate the stigma surrounding the LGBT people. The judges further elaborated upon the issues surrounding mental health, dignity, privacy, right to self-determination and transgenders.

- **Transgender Persons (Protection of Rights) Bill, 2019**

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. But in the name of empowering the community, the bill further exposes them to institutional oppression and dehumanises their body and identity.

The bill snatches from an individual the right to determine their sexual orientation which is an integral component of the right to privacy as pronounced in the (National Legal Services Authority) NALSA judgement. As per the bill, the change of gender identity in documents can only be done after proof of sex reassignment surgery which must be certified by the District Magistrate. Another discriminatory aspect of the bill is that the punishment prescribed in the case of ‘Sexual abuse against any Transgender person’ is only two years while a similar kind of offence if, happens against women attracts a serious punishment extending up to 7 years. Thus, stipulating different levels of punishments for the same nature of crime only on the basis of gender identity is inherently discriminatory, arbitrary and against the equal protection clause.

Although the bill seeks to provide “inclusive education and opportunities” to the transgender community but fails to lay down any concrete plan to achieve the same. There are no provisions in relation to providing any scholarships, reservation, changing the curriculum to make it LGBT+ inclusive or ensuring safe inclusive schools and workplaces for the trans-community.

Therefore, it can be concluded that on one hand where the courts are taking progressive steps to empower and uphold the rights of the LGBTQIA+ community, on the other hand, the legislature is invalidating the same rights.

It is high time the government acknowledged and framed laws in accordance with the landmark judgement else the LGBTQIA+ community will continue to face setbacks in their struggle to have the same rights as those available to heterosexual people.

#### **4.1.5 Intersex Population**

As per the 2011 census, India recorded over 487 thousand people who identify as the third gender. The Supreme Court's 2014 ruling and the transgender rights bill - both describe intersex people as a type of transgender person. Human Rights Watch (HRW) called for the draft law to be renamed the Rights of Transgender and Intersex Persons Bill and to include explicit protections for intersex people, who are not mentioned beyond the definitions section at the top of the bill. Every subsequent chapter - outlawing discrimination in education, employment, healthcare and in renting or buying property and recognizing the right to identity documents with the preferred gender - only mentions "transgender persons". "This is not just a horrifying misrepresentation but also an invisibilisation of intersex persons," said Human Rights Law Network (HRLN), a collective of lawyers and activists who provide legal support to vulnerable people.

Most intersex people are healthy, but some people require medical care, such as for congenital adrenal hyperplasia, which can be fatal without daily drugs as the body cannot produce hormones to protect it against stress or regulate sodium levels. On 22 April 2019, the Madras High Court delivered a landmark judgement for intersex children in India, recognising their consent rights and the right to bodily integrity.

This judgement demonstrated the utility of constitutional interpretation as a tool to advance the rights of intersex persons. The ruling has been immensely helpful for intersex activists in launching constructive advocacy efforts on a long-standing demand of the intersex community, i.e., a ban on unnecessary medical surgeries on intersex infants and children.

## **4.2 United Kingdom**

### **4.2.1 Religion**

This part of the paper would be examining Christianity, the religion that is predominant in the UK. The Catechism of the Catholic Church, a text which contains dogmas and teachings of the Church, names “homosexual acts” as “intrinsically immoral and contrary to the natural law,” and names “homosexual tendencies” as “objectively disordered”. While the Catholic Church does not consider “homosexual orientation” sinful in and of itself, it does have a very negative attitude towards it. The 1986 Letter states, “Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward an intrinsic moral evil; and thus the inclination itself must be seen as an objective disorder” (Stances of Faiths on LGBT Issues: Roman Catholic Church, n.d.).

Since the beginning of Christianity, most Christians have regarded homosexuality as morally wrong, which led to the position upheld today by most mainstream denominations such as Catholic, Orthodox, and also most Evangelical Protestant (Subhi & Geelan, 2012, p. 1396). A lot of religious leaders and Churches, however, are coming closer towards accepting the queer community. The Living in Love and Faith project produced a “suite of learning resources” – including a book, videos, podcasts and a course – aimed at helping church members understand questions about human identity and sexuality, social attitudes and Christian thinking.

About 40 people drew up the material, which parishes will be encouraged to explore and discuss. The group included five openly LGBTQ+ people. Christopher Cocksworth, the bishop of Coventry, who led the project, said the material recognised that some people in the church thought traditional doctrine was “ripe for development”. When asked whether it could lead to a vote at the synod on same-sex marriage, he said the resources would “help the church eventually to face that sort of question” (Church of England Could Rethink Stance on LGBTQ+ Issues by 2022, n.d.).

#### **4.2.2 Marriage and Adoption**

Britain started recognising same-sex couples in 1997, in the area of immigration and has presented itself as a wonderful example to the world in the pathway of recognising Civil rights for the LGBTQIA++ community. The Marriage (Same-Sex Couples) Act was passed in Wales and England in 2013 after completing its historic journey of struggles. Women and Equalities Minister Maria Miller also announced that the first same-sex wedding could take place by as early as summer 2014.

The Act, which applies to England and Wales:

- allows same-sex couples to marry in civil ceremonies
- allows same-sex couples to marry in religious ceremonies, where the religious organisation has ‘opted in’ to conduct such ceremonies and the minister of religion agrees
- protects those religious organisations and their representatives who don’t wish to conduct marriages of same-sex couples from successful legal challenge
- enables civil partners to convert their partnership to a marriage if they wish to
- enable married individuals to change their legal gender without having to end their marriage

Women and Equalities Minister, Maria Miller said: “Marriage is the bedrock of our society and now irrespective of sexuality everyone in British society can make that commitment. It is a wonderful achievement and whilst this legislation may be about marriage, its impact is so much wider. Making marriage available to all couples demonstrates our society’s respect for all individuals regardless of their sexuality. It demonstrates the importance we attach to being able to live freely. It says so much about the society that we are and the society that we want to live in. This is a historic moment that will resonate in many people’s lives. I am proud that we have made it happen, and I look forward to the first same-sex wedding by next summer” (Same-Sex Marriage Becomes Law, 2013).

Britain passed the Adoption and Children Act in 2002 that allowed same-sex couples to adopt amongst other reforms. It not only gave an opportunity for same-sex couples to have a family of their own but also encouraged more people to adopt children.

Official statistics collated by **New Family Social** (NFS), a support network for lesbian, gay, bisexual and transgender (LGBT) adopters and foster carers, shows that 370 children were adopted by same-sex couples in 2014, up from 90 children in 2007 when the figures were first collected. Overall, a total of 1,313 children have been adopted by LGBT couples in England, Scotland and Wales since a change in the law a decade ago (Adoptions by same-sex couples quadruple since Law change, 2015).

#### **4.2.3 Public Discourse and Social Movements**

The United Kingdom has been one of the most progressive countries with respect to giving the LGBTQIA++ community the recognition and rights that every human being deserves. Even before the Stonewall Riots in 1969, when New York City set the tone for the recognition of LGBTQIA++ rights all over the world, England and Wales in 1967 implemented the Sexual Offences Act, which legalised consented homosexual acts, in private.

The first Pride March in London was held in November 1970 when around 150 people marched through Highbury Fields in North London. Then there was the first official Pride Rally in Britain that was walked in London, 1972, which attracted around 2000 people of different identities, from the LGBTQIA++ community in response to the Stonewall Uprising in Greenwich, New York (Tatchell, 2017).

“Way back in the early 1970s, I was a member of the newly-formed Gay Liberation Front (GLF). It was Britain's first freedom movement of openly lesbian, gay, bisexual and transgender (LGBT) people. GLF held the UK's first-ever "Gay Pride" march. We aimed to show that we were proud, not ashamed. Determined to come out of the shadows and stand up for our rights, we wanted to make ourselves visible and demand LGBT liberation. Only 700 people turned up. Most of my friends were too scared to march. They feared that if they were seen at Pride they might be sacked from their job or evicted from their flat. Many thought we'd be beaten up by queer-bashers or arrested by the police. This didn't happen but we were abused by some members of the public and swamped by a very heavy, aggressive police presence. They treated us like criminals. It was a bit scary” (Tatchell, 2017).

In light of the representation of vulnerable communities, people of minority- Blacks, Asians, Minority Ethnic, People of Color who also identify as a member of the LGBTQIA++ community, become even more vulnerable due to the intersectionality of the two or more social groups. London observed a Gay Pride Week in 1978 and the distribution of leaflets took place in response to increasing attacks on gay people around that time. The leaflet from Gay Pride Week 1978 mentions increasing attacks on gay people over the past year, including the attack on the Royal Vauxhall Tavern by the National Front. With the slogan 'Lesbians and Gay Men Come Out On the Streets', Pride was an opportunity for LGBT Londoners to show their strength and numbers, and show "the positive side of the being gay: GAY IS FUN; GAY IS PROUD; GAY IS BEAUTIFUL!" By 2007, the year of the 35th annual London Pride parade, the event had swelled to one of the largest Pride celebrations in the world. This magazine from Pride 07 is celebratory rather than combative, reflecting the huge progress towards equal rights made during the intervening years - progress won by the tireless struggle for political and social change (Collinson, 2019).

#### **4.2.4 Governmental Laws and Policies**

The Marriage (Same-Sex Couples) (MSSC) Act 2013 enacted on 17th July 2013, enables same-sex marriages in the United Kingdom and Wales. The Act came into force on 29th March 2014. The MSSC Act extends the term 'Marriage' to include the marriage of same-sex couples as being lawful and alters the original restrictions of Marriage under the Marriage Act 1949 which states that a marriage will be void if the parties are not man and woman. The most prominent strength of this Act is the enablement of same-sex couples to marry. However it does not stop there, this Act also permits persons who have entered into a Civil Partnership prior to the Act to convert into a same-sex marriage, provided the correct regulations are adhered to as with heterosexual marriage. Additionally once married, same-sex couples have the same legal rights as heterosexual married couples, however, this is debated somewhat. The Act has also extended the original wording of the Marriage Act 1949 to enable equality for same-sex couples. Furthermore, there has been a positive influence on the way individuals are now viewing same-sex relationships by more people fighting for equality amongst the lesbian, gay, bisexual and transsexual community.

A major limitation of the MSSC Act is regarding the survivor pension benefits as the only amendment that has been made to the State Pension Credit Act was to change the words “married or unmarried couple” with the word “couple” and for the purposes of same-sex partners has been given the definition of “two people of the same sex who are civil partners of each other and are members of the same household“. This demonstrates an inequality as the definition has not been amended to include married same-sex couples which will need to be reviewed. The law on occupational pension schemes at present is that same-sex married couples will have the same entitlements as civil partners Under the CPA 2004 which came into force on 5th December 2005. Another distinct disadvantage is that while the Act enables same-sex couples to marry in civil ceremonies however does not ensure the entire right to marry in a church or religious institute. This issue is of a controversial nature and has several debates attached to it.

#### **4.2.5 Intersex Population**

Current statistics suggest that there is a significant proportion of the population of the UK( approximately 358,105 people) with intersex variations. According to intersex rights campaigners, annually around one in 2,000 live births have intersex characteristics, and one in 200 of these babies are born with visibly variant genitalia. Medical interventions include feminising interventions such as clitoral surgeries (such as “clitoridectomies”), construction of a vagina, and related genital surgeries, for example, in infants and children with larger clitorises or ambiguous genitalia. This may amount to female genital mutilation (FGM). Masculinising interventions include surgeries for “hypospadias”, diagnosed in boys when the urethra opens between the glans of the phallus and the perineum; for example, although FGM is prohibited in the UK, Creighton et al note an increasing number of clitoral surgeries on under-14s in the UK; “it is not clear if this is secondary to an increase in the detection or incidence” of intersex traits. As for the fundamental rights situation of intersex people in the United Kingdom, the Scottish Offences (Aggravation by Prejudice) Act 2009 includes intersex issues in its very wide definition of gender identity i.e. “not standard male or female”- thus also equating intersex with a form of gender identity. The intersex movement is gathering steam but has not reached its pinnacle in the UK. The situation requires a revolution of sorts - which must come about in the coming years.

## **5.0 Recommendations**

In the **political sphere**, the LGBTQIA++ community should be included in policymaking and reviewing, not just with respect to the policies concerning them, but also policies that are made for the masses. A historically marginalised community gives diversity, inclusivity and perspective to the group of policymakers and makes the policy all-rounded and hence better serving to a large group of people. Reservation in public and government-funded institutions, like schools, colleges and jobs for students and working professionals makes the society an egalitarian one. States should also provide financial support LGBTQIA++ initiatives, enterprises, especially to the more marginalised sections within the community itself. Policies made for the welfare of the LGBTQIA++ community, should not just be formulated by a panel of several queer persons, but also should be implemented correctly. Often, in the sphere of implementation where people from the binary gender are involved, especially the ones who do not recognise their own privilege and feel entitled to it, execution of laws concerning the LGBTQIA++ community falls under risk. In 2019, the Centre for Law and Policy Research in India drafted a comprehensive and inclusive Equality Bill that addresses the gaps that were missed by previous efforts. This bill guarantees protection from direct or indirect forms of discrimination based on a wide range of “protected characteristics,” including sex, sexual orientation, gender identity, gender expression, disability, marital status, political beliefs, linguistic identity, or a combination of these. The bill also proposes a legal framework of setting up “Equality Courts” which are designated District Courts conferred with exclusive jurisdiction and powers to address any violations of its provisions and provide civil remedies (Devaprasad, 2005).

Emphasis should be laid on sex education, especially in developing countries where the masses are not aware of how multi-faceted the term LGBTQIA++ is. It should be incorporated in schools and the curriculum of education right since the child’s brain begins to develop. Teaching the usage of pronouns, accepting people even if they don’t fit into the binary section of the population should be the inherent values that should be taught in schools, and at homes from their parents. The government could set up **Awareness and Sex-Education workshops** for the masses: policymakers, teachers and parents.

Intersex people and bodies have been considered incapable of integration into society. Medical interventions on often healthy bodies remain the norm, addressing perceived familial and cultural demands, despite concerns about necessity, outcomes, conduct and consent.

A global and decentralised intersex movement pursues simple core goals: the rights to bodily autonomy and self-determination, and an end to stigmatisation. The international human rights system is responding with an array of new policy statements from human rights institutions and a handful of national governments recognising the rights of intersex people. However, major challenges remain to implement those statements.

Human rights violations of intersex individuals persist, deeply embedded in a deliberate history of silencing. The rhetoric of change to clinical practices remains unsubstantiated. Policy disjunctions arise in framing intersex issues as matters of sexual orientation and gender identity, rather than innate sex characteristics; this has led to the rhetoric of inclusion that is not matched by reality.

In the **corporate or working sphere**- firms should work on making their workspaces more inclusive, have gender-neutral infrastructures and policies, support and counselling sessions, laws to protect LGBTQIA++ folks against harassment, organised by the HR department. On a personal level, the privileged colleagues should be more respectful, stand up against heterosexist comments of others, respect the coming out of an LGBTQIA++ member and educate themselves. In the **social sphere**, the fashion and entertainment industry also plays a huge role in setting societal standards- which should be inclusive of more people from the LGBTQIA++ community, instead of people from cis-genders representing them. The fashion industry should be more incorporating with models that are queer, people of colour and minority groups to represent all sections of the society.

## **6.0 Conclusion**

The twentieth century has witnessed social uprising all around the world demanding human and civil rights for everyone. With the growing awareness, acknowledgement and acceptance of the LGBTQIA++ community through the twenty-first century's biggest communication tools- the Internet and Social Media, the world definitely is becoming a safer, and a better place to live in.

The acceptance level of the queer community within societies also varies: all of them are happening at different rates that are a result of the cultures and stereotypes of a particular region. The parameters used in this paper to compare India and the United Kingdom- **Religion, Marriage, Adoption, Governmental Laws & Policies and Public Discourse**- all have a fundamental role in describing the different backgrounds and histories that the two countries come from, that shape these stereotypes and cultures. It shapes their country, their policies, their people; that also changes over time. With the increasing number of International Organisations like Amnesty International, United Nations, Red Cross, their role in promoting gender equality and spreading awareness to make people more sensitive and inclusive has increased greatly. The United Kingdom, in comparison to India, as we can conclude from the paper above is doing far better- Its struggle and fight began way before India even recognised and acknowledged the LGBTQIA++ community. India has started progressing only recently in the second decade of the twenty-first century, and it has a long way to go from here. Like every human civilization, a spark of change towards something better almost always comes from fresh minds. The young minds are ahead, again- aware, well-informed students and young professionals all over the country, including people from both the LGBTQIA++ community and the ones from the socially-accepted normative genders are speaking up, and are playing their role in educating the masses. Kindness, empathy and unlearning the societal-constructs that have been ingrained in us will always go a long way- in making the world more inclusive, safe and equal, for everyone.

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