

Breaking Barriers: The Impact of Article 377 on Gender and LGBTQ+ Rights in India

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The 2018 decriminalization of Article 377 of the Indian Penal Code marked a historic shift for LGBTQ+ rights and gender equality in India. Originally enacted in 1861 during British colonial rule, Article 377 criminalized consensual same-sex relationships, contributing to decades of institutionalized stigma and discrimination against LGBTQ+ individuals. This article examines the historical background, legal challenges, and social impact of Article 377, highlighting the significance of its repeal in advancing LGBTQ+ rights and reshaping societal perceptions of gender and sexuality in India. The journey to decriminalize Article 377 involved persistent activism, legal battles, and support from various sectors, ultimately leading to a unanimous Supreme Court ruling that affirmed the rights and dignity of LGBTQ+ individuals. Beyond its legal impact, the judgment has fostered greater acceptance and visibility for LGBTQ+ communities, challenging traditional gender roles and heteronormative norms ingrained in Indian society. However, challenges persist, with ongoing discrimination in education, employment, and healthcare, as well as limited legal recognition for LGBTQ+ partnerships. This article argues that while the decriminalization of Article 377 is a pivotal step, achieving true equality requires continued societal change, anti-discrimination protections, and legal reforms supporting marriage and adoption rights. The decision symbolizes a breaking of barriers and lays the foundation for a more inclusive and equitable future, encouraging broader conversations around gender, identity, and human rights in India.

Keywords: Breaking Barriers, Article 377, Gender, LGBTQ+ Human Rights