



On same-sex relations and society

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(Mains GS 1: Salient features of Indian Society, Diversity of India & Effects of Globalization on Indian society.)

Context:

A recent advisory from the National Medical Commission (NMC) emphasising the need to avoid derogatory references to the LGBTQIA+ community in medical textbooks or teaching methods has underscored the value of institutional awareness on issues concerning queer and trans people.

In line with court:

- The NMC said that Medical institutions in India should not teach in a way that comes across as insulting or derogatory to those belonging to the LGBTQIA+ community and authors of medical textbooks must amend all "unscientific information".
- The NMC advisory was issued on the lines of Madras HC judgment that said medical courses in India reaffirm queerphobia and discrimination against LGBTQIA+ communities and called for necessary reforms.

Message to institutions:

- The NMC cautioned medical universities, colleges and other institutions to avoid such references while teaching subjects relating to gender.

- The institutions were also asked not to approve books with such references, while textbook authors were instructed to amend what has been written on issues such as virginity and homosexuality.
- A survey, conducted by Ipsos Research Pvt Ltd, in India this year shows that 3% of the Indian population identified as homosexual (including gay and lesbian), 9% identified as bisexual, 1% identified as pansexual and 2% identified as asexual.

Forward looking observation:

- The circular represents the fruition of efforts by Justice N. Anand Venkatesh, who framed guidelines in an order in June, to protect the community's rights.
- He had expanded the scope of a writ petition filed by a lesbian couple for protection against harassment into one that went into the status of those who did not conform to gender identity assigned at birth or to hetero-normative sexual orientation.
- The court's attention was then drawn to psychiatry, forensic medicine and toxicology textbooks.
- Justice Venkatesh had suggested that the NMC and the Indian Psychiatric Society bring in necessary changes in the curriculum.
- The judge had directed the police not to harass sexual minorities, but later noted with consternation that such harassment was not only continuing, but sometimes extended to NGOs and other allies of the LGBTQIA+ community.

Towards changes:

- Justice N. Anand Venkatesh mooted changes to the police conduct rules to provide for punishing erring police personnel in this regard.
- He found that a psychiatrist had referred a gay man for cognitive behavioural therapy, while prescribing anti-depressants and drugs meant to treat erectile dysfunction under the wrong impression that sexual orientation required some sort of therapy.
- In the course of the hearing, the judge had subjected himself to counselling so that he could overcome his own mindset, limitations in understanding and lack of exposure to issues of gender non-conformity and to go beyond the binary understanding of sex and sexuality.

Needs attitudinal change:

- Judicial intervention generally has a salutary effect on the behaviour of the state, its institutions and structures.
- However, barring specific directions, the spirit of judicial orders, especially with regard to social issues, rarely percolates to every limb of the administration.

- The queer and gender non-conforming people have found an ally in the court, but they would need greater effort on the part of the authorities at various levels, if their rights are to be protected.

Conclusion:

Any change in law in terms of recognising same-sex relations or understanding self-identification of gender must be complemented by an attitudinal change in society at large.