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## LGBTQ+ RIGHTS AND CULTURE OF SCIENTIFIC TEMPERAMENT

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### Abstract

In the fast-paced global world today, the notion of sexuality in the individual holds an important aspect of their personal identity. The notion of homosexuality is also embedded in the very being of an individual. In this paper, we discuss the history of the queer community in India and the importance of education related to sexual orientation in the country. We also discuss the current situation of the fight for the right to marriage of same-sex couples in the judicial arena of India.

**KEYWORDS**-LGBTQ+, scientific temperament, homosexuality, queer, pride, rights of queer, awareness, same-sex.

### Introduction: Homosexuality

In the fast-paced global world today the notion of sexuality in the individual holds an important aspect of their personal identity. Earlier people used to hold the notion that only heterosexual couples meaning members of the opposite sex can establish a relationship and be together. But with the change in times and the coming up of ideologies like individualism, the idea of same-sex couples is being promulgated in society, and slowly but surely society is starting to accept that two members of the same gender can have a relationship together. Under the umbrella term of LGBTQ+, homosexuality is also placed under the labels of gay and lesbian.

#### I. LGBTQ+

The term LGBTQ+<sup>167</sup> stands for Lesbian, Gay, Bisexual, Transgender, and Queer all under the umbrella

<sup>167</sup> The Center, *Defining LGBTQ*, THE LESBIAN, GAY, BISEXUAL & TRANSGENDER COMMUNITY CENTER (2018), <https://gaycenter.org/about/lgbtq/>.

community. The community shelters the individual's sexual orientation and gender identity and provides them with a form of classification so that they can feel a sense of belongingness.

The community has made several strides in representing itself via the medium of media, politics, and society as a whole. Their main aim is to provide a status of equality and a platform for growth for all. Equity, in order to bring the to a position of equality at the starting line of the race with heterosexuals, is the need of the hour.

#### A. The Pride

The community is based on the thresholds of equality, solidarity, and love therefore it is important to represent and make people aware. Being in a relationship with a same-sex individual or being a third gender is not at all a social evil rather not letting an individual have any sort of freedom of choice is a social evil that needs to be done away with. To represent their ideas the month of June every year is celebrated as hashtag Pride<sup>168</sup> Month where individuals freely express themselves and come in solidarity to spread the message far and wide.

#### B. Their Rights

The concept of homosexuality was criminalized under Section 377 of the Indian Penal Code, 1860 but in the case

<sup>168</sup> Library of Congress, *About | Lesbian, Gay, Bisexual, Transgender and Queer Pride Month | Library of Congress*, THE LIBRARY OF CONGRESS (2015), <https://www.loc.gov/lgbt-pride-month/about/>.

of NAZ Foundation V. Government of NCT of Delhi, 2009<sup>169</sup>, it was held to be unconstitutional by Delhi High Court. However, the order was questioned in the case of Suresh Kumar Koushal V. NAZ Foundation, 2014<sup>170</sup> where the Honourable Court did not vitiate Section 377 of the Indian Penal Code rather, they questioned the ability of the High Court to strike down the provision of law.

Finally, on 6 September 2018 in the case of Navtoj Singh Johar V. Union of India<sup>171</sup> on the grounds of Article 14, 19, and 21 violation the section was declared unconstitutional and homosexuality was decriminalized.

The transgenders got formal recognition by the Indian society only after the case of the National Legal Service Authority (NALSA) V. Union of India, 2014<sup>172</sup> where they received the category of third gender added to the structure of the society. This speeded up the process of acceptance in society since now the third genders are also able to avail of all the government benefits as well as be secure in their own identity rather than choosing between the predominated two.

Furthermore, currently, the fight for the right to marriage of same-sex couples is going on in the judicial arena of India.

### C. The obstacle race

Even though members of the community have started gaining recognition and some have even gained powerful positions like the magnificent folk dancer Manjamma Jogati<sup>173</sup> was conferred with

the highest civilian award the Padma Shri Award by the President of India, Shri Ram Nath Kovind at Rashtrapati Bhavan. But there are still many others who are being discriminated against and are facing hardships in their daily lives. Even Dutee Chand<sup>174</sup> who got India an Olympic gold medal and is openly gay had to face a lot of backlash and turmoil when she told the world about her sexual orientation.

Same-sex couple faces discrimination in all phases of life and sometimes the members of the community are ridiculed and defamed even. Also, when it comes to rights and recognition of the community almost everything still resides in the grey area and it is unclear. The need of the hour is to create a safe space for the community as well as provide education and awareness in society. Further, the religious fanatics are wholly against the ideology of the community and perceive them to be social evils of society. The marginalism and stigma associated with queer are of grave concern since the negative attitude destroys the life of many individuals and families in society.

## II. Scientific Temperament

Jawaharlal Nehru, the first Prime Minister of the Republic of India in his book, 'The Discovery of India'<sup>175</sup> coined the term 'Scientific temperament' which means an attitude comprised of logical, rational as well as scientific thinking to derive out a decision in one's life. The process is that of repeatedly observing and verifying a statement before terming it as fact and forming a hypothesis.

<sup>169</sup> NAZ Foundation V. Government of NCT of Delhi, (2009), 160 Delhi Law Times 277 <https://indiankanoon.org/doc/100472805/>.

<sup>170</sup> Suresh Kumar Koushal V. NAZ Foundation, (2014) CIVIL APPEAL NO.10972 OF 2013 <https://indiankanoon.org/doc/58730926/>.

<sup>171</sup> Navtoj Singh Johar V. Union of India (2018) AIR 2018 SC 4321; W. P. (Crl.) No. 76 of 2016 D. No. 14961/2016 <https://indiankanoon.org/doc/100472805/>.

<sup>172</sup> National Legal Service Authority (NALSA) V. Union of India, (2014) Writ Petition (Civil) No. 400 of 2012 <https://indiankanoon.org/doc/193543132/>.

<sup>173</sup> Bobins Abraham, *Manjamma Jogati: The Story Of Transgender Folk Dancer Who Was Conferred The Padma Shri*, INDIA TIMES (2021), <https://www.indiatimes.com/news/india/manjamma-jogati-story-of-transgender-folk-dancer-who-was-conferred-the-padma-shri-553805.html>

<sup>174</sup> India's first openly gay sprinter Dutee Chand posts photo with girlfriend, sparks marriage rumours, INDIA TODAY, <https://www.indiatoday.in/sports/other-sports/story/dutee-chand-announces-marriage-with-girlfriend-2304590-2022-12-02> (<sup>175</sup> JAWAHARLAL NEHRU, THE DISCOVERY OF INDIA (1946).

Even though the culture of scientific temperament is highly important in studying the rights and the LGBTQ+ community itself there is hardly any form of inclusion. It was only when queer rights started being placed and allowed in society did the scientific temperament evolve.

A. Need for the scientific approach

As a child, most decisions taken by an individual are based on desire and are abrupt unless and until their parents or guardians initiate and inculcate in them the golden concept of decision-making using a scientific approach and planning. This not only leads to growth and independence in the individual but the decisions taken are more bound to be towards the positive end of the spectrum. Similarly, society needs to inculcate the scientific analysis process in time for its decision-making so that the state can actually benefit from the progressive breakthroughs of science and technology.

Scientific temperament brings out a progressive where superstitions and irrational practices have no room for appearance. Due to such a form of temperament, the all-around growth and development of the society take place ranging from political and economic to even social sectors of the nation-state. The methodology used is based on facts and inquiry therefore people tend to rely on the outcomes and hypothesis derived which leads to more tolerance of new and diverse ideologies and thoughts in society.

B. Indian Scientific Temperament  
Article 51 A(h) of the Constitution of India, 1949 states that it shall be the duty of every citizen of India to develop a scientific temper along with humanism and the spirit of inquiry and reform. Therefore, it is the duty of all citizens of the nation to derive their decisions and outcomes based on thorough scientific analysis rather than a layman or orthodox judgment of norms.

Dr. Pushpa M Bhargava<sup>176</sup> an eminent scientist and Padma Bhushan Award winner states that Scientific Temperament is most important in children and the need of Indian society is to inculcate this practice as early as possible.

The basis of independent India's scientific development is based on reason and rationale after due process rather than the British model or that of the word of mouth.

### III. LGBTQ+ Rights and Scientific temperament

Due to the lack of recognition as well as acceptance by society regarding the LGBTQ+ community, they do not have numerical strength in the limelight and are easily overshadowed. Since the lack of society's nod of approval directly affects the individual's personal lives, they are unable to contribute to any form of scientific innovation or discovery. Without support, these individuals are also unable to pursue a career in science and technology because there is prejudice and

<sup>176</sup> Dinesh C. Sharma, *Pushpa Mittra Bhargava – Conscientious Scientist And Advocate Of Scientific Temper*, OUTLOOKINDIA (2023), <https://www.outlookindia.com/website/story/pushpa-mittra-bhargava-conscientious-scientist-and-advocate-of-scientific-temper/299997>.

discrimination prevalent in all fields of life. All of this makes it difficult to have new discoveries and ideas do not emerge easily.

The flow of ideas and discoveries is affected by the less participation in the study and survey as well as the testing stages of the program to understand the community better since people prefer to live a closeted yet 'respectful' life rather than being out and living a life of discrimination.

#### A. The scientific fault

Further one of the main reasons that queer is not accepted in society is not only the pre-notion ideology and belief systems of the past but also the various scientific studies that stated LGBTQ+ to be a sort of evil and even treated it as a disease in the past. Various studies of the past which were in fact based on wrong assumptions did deliver wrong conclusions that led to many believing in half-analyzed theories. Due to the low or no participation by the members of the community, the researchers were incomplete and the hypothesis drawn was a setback to the progressive mentality of even science. Even though now studies like those of The Guardian produce facts that there is no scientific rationale to oppose such social institutions as same-sex marriage but in the past, scientists have divulged ideologies and studies that proved that such marriages are a harm to the structure of society.

#### B. The Indian Picture

Diversity is deeply rooted in the structure and composition of India and in such a culturally diverse nation the LGBTQ+ culture is perceived to be present for centuries like same-sex marriages according to some researchers. However, even in India, many face

marginalism and oppression along with discrimination for being a part of the community or sometimes even for extending support to the queers. It is due to the orthodox traditional belief and value system of right and wrong that people consider being a homosexual to be a crime.

#### C. The US story

According to scientific studies in the United States of America, queer students were victimized which led to them having depression, and anxiety and the tendency to commit suicide was higher. The bullying and non-acceptance also led to lower grades and a higher number of dropouts<sup>177</sup>. But with the coming up of laws and awareness along with inclusive sex education, the youth are now able to get a safe climate to get an education. The main aim of guidelines and laws is to create more inclusion among members of all sexual orientations as it is a right to personal choice and not something the society needs to determine.

#### D. The Global View

The LGBTQ+ community has been subjected to decades of exclusion, marginalism, oppression, and discrimination which led to rampant growth in psychological disorders amongst queers. They face the extreme which led to them being secluded and many times treated as outcasts in society. The orthodox cultural ideology of almost all religions around the globe is similar, they do not perceive homosexuals and transgenders to be on an equal footing with males and females who choose heterosexual relationships. Some religions claim it to be social evil and other people state it to be a phase

<sup>177</sup> Ilan H. Meyer, *Prejudice, Social stress, and Mental Health in lesbian, gay, and Bisexual populations: Conceptual Issues and Research evidence.*, 129 PSYCHOLOGICAL BULLETIN 674 (2003), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2072932/>.



of an individual's life that will soon pass away.

#### **IV. The Need of the Hour**

Gay affirmative researchers are important in the arena of scientific study so that there can be a better understanding of homosexuality and lead to scientific breakthroughs which will enable people to understand that they are not any sort of social evil and it will also help them to understand themselves more as well to promote the progress of other individuals. The need of the hour is to listen and understand the queers and their sexual orientation along with gender expression. Further, it is important to get them accepted by society and themselves.

#### **Conclusion**

The need is to create an inclusive environment where members of all sexual orientations feel safe and cared for. The government should lay down laws for the protection of the queer community as well as awareness drives should be conducted to educate people that being a homo is not a disease or a phase but something embedded in the very being of an individual. Further, the fact that no discrimination or marginalism should be spread in the country on any basis should be upheld as well as the right of choice of an individual should be considered supreme. In India, education related to sexual orientation is important so that people can progress toward a more equalized and safer society.

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