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Editorial

Viewed from the perspective of evolution, different sexes originated from a single sex, biologically equipped to reproduce without any compulsion of getting engaged in sexual act. But it was in the story of evolution that different sexes would emerge and “meeting/mating” would be necessary for reproduction of similar creatures with occasional accidental outcome of some sexes bearing cross-sex physical or mental features. The story also included another principle of Nature—the principle of attraction and generated eco-biologically. The time it came to be included in human vocabulary under the umbrella term ‘love’, religion or organized social supervision started categorizing things under binary basis, of course, for the sake of exercising authority and control on the member of a group. The rest is a long history of such exercises from different institutions which into being as part of power mechanism. So it happened that every religion or sect condemned any form of sexual or mental relationship outside the binary male-female combination and ‘laws’ were passed favour of such authentication. But throughout the historical times the relationship outside the category always existed, not just among the human beings but also among the animal beings. So to call such relationship ‘unnatural’ is to go against Nature itself, which is full of contradictions and anomalies and accidents; for, because of those things evolution could take place as a dynamic process moving through selection and deselection.

It is apparent that the LGBTQ issues arose out of complex human condition on this planet, and approaching the issues requires high level of multidisciplinary holistic researches and perspectives. Recently a verdict of the Supreme Court of India recriminalizing same-sex relationship brought into forefront the LGBTQ issues in India. Criticism of the verdict burst out across the media followed by symbolic protests and violations of the law, and the honourable judges came under sharp criticism from many corners. People, however, must bear in mind that the judges just interpreted what is coded in the constitution in the form of law. The Section 377 IPC was, in fact, imposed under Judeo-Christian codes in 1861 during the British rule. What has been ruled out as “against the order of nature” is actually supposed Judeo-Christian injunction on any form of sexual relationship outside the institution of marriage following heterosexual norms.

Earlier many ‘progressive’ people rejoiced in the 2009 judgement of the Delhi High Court allowing consensual homosexual act between adults. It is everybody’s fundamental right to approach the court, and to expect the court to go beyond the structure of the constitution may not be prudent. One question can be raised here: whether law can properly understand and address the complex issues of LGBTQ questions. The court can deliver only if it is equipped with the necessary provisions supplied by the Parliament through comprehensive multidisciplinary researches, discussions and conclusions fit for our age. The state must take up such initiatives to minimize the rising frustrations of certain sections of the society.