



Limits Of A Verdict

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Highlights

- It refers to the Supreme Court judgment in the Navtej Singh Johar vs Union of India case, which decriminalised gay sex among consenting adults.
- It notes, "LGBT communities can walk tall and openly with their heads proud and held high as equal citizens with dignity, liberty and fraternity".
- This, is a gross exaggeration.
- There is of, of course, no doubt that same sex partners will not be arrested for having consensual sex.
- But Indian society remains largely conservative and strongly disapproves of gay relationships.
- To say that the law does not prohibit something does not mean that society regards it as proper.

Social Stigma

- In the US, Anderson Cooper or Don Lemon of the CNN or Tim Cook, CEO of Apple, or James Fitterling, CEO of DowDuPont, can openly talk about their gay identity. But in India, homosexuality remains a matter of social stigma.
- A lot of Indians — even the educated ones — regard homosexuality as immoral, revolting and disgusting, law or no law.
- In the Obergefell vs Hodges case in 2016, a 5-4 majority of the US Supreme Court directed the legalisation of gay marriages all over the country.
- That verdict was accepted because a large section of the liberal American society agreed with it.
- In India, however, it is extremely doubtful whether the Supreme Court will go that far.

Why the judgment could be of very less significance

- We can refer to an example from the US.
- The Fourteenth Amendment to the US Constitution in 1868 and the decision of the country's Supreme Court in Brown vs Board of Education in 1954 mandated equality among all American citizens — much like Article 14 of the Indian Constitution.
- But even today, blacks are very often discriminated against in the US, as are Dalits in India.
- Therefore, what two consenting people do within the confines of their bedrooms may not be the concern of the law but it is doubtful if homosexuals will escape social strictures if they hug, embrace or kiss in public.