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Q4(c)

What do you understand by LGBTQ ? Comment on the issues concerning their marriage rights

UPSC Civil Services Mains 2019 · Sociology GS 2 · 10 marks · Perspectives on the study of Indian society
Perspectives on the study of Indian society: Indology (G.S. Ghurye); Structural functionalism (M.N. Srinivas); Marxist sociology (A.R. Desai).

Core demand of the question

- What do you understand by LGBTQ? Comment on the issues concerning their marriage rights
- Keep the note to a 10-mark length

Revision summary

LGBTQ refers to sexual and gender minorities beyond compulsory heterosexual kinship.

Navtej ended the criminal stigma of 377 for consenting adults.

Marriage equality was not granted as a judicial right in 2023.

Without marriage, partners lack many family-law protections.

Resistance is tied to caste endogamy and Seed-and-Earth kinship.

Introduction

LGBTQ names lesbian, gay, bisexual, transgender, and queer people whose gender or desire does not fit compulsory heterosexual kinship. Marriage rights in India remain the sharp edge of that exclusion.

Body

Understanding LGBTQ

- It is a political and social identity cluster, not a disease category. [Navtej Singh Johar \(2018\)](#) read down [Section 377](#) and affirmed constitutional privacy and dignity.
- Transgender persons have a statutory identity path, still entangled with family honour and police practice.
- Leela Dube's [Seed and Earth](#) family assumes a male seed and a female field; LGBTQ lives refuse that reproductive script.

Marriage rights

- Same-sex marriage is still not a statutory civil status. The 2023 Supreme Court majority in the marriage-equality petitions left the matter to the legislature.
- Without marriage, partners lack automatic inheritance, adoption, insurance, and hospital authority that the patriarchal family grants a husband-wife pair.
- Chosen families and contracts try to patch the gap. They do not equal the Hindu and Special Marriage architecture.

- **Social issues remain:** violence, workplace POSH gaps for gender-diverse persons, and caste-class differences inside the rainbow.

Sociological stake

- Marriage is how Indian society reproduces jati. Opening it threatens endogamy as Ghurye described it, which is why resistance is fierce.

Flow diagram

LGBTQ identities -> Dignity Navtej
LGBTQ identities -> Marriage still denied
Marriage still denied -> Gaps in inheritance care parenthood

Conclusion

LGBTQ names lives outside compulsory heterosexual kinship. Decriminalisation was a dignity win. Marriage rights remain incomplete, so citizenship in the family is still graded.

Facts & figures

Navtej Singh Johar

2018 judgment that read down **Section 377** for consenting adults.

Marriage equality petitions

2023 Supreme Court left same-sex civil marriage to Parliament.

Special Marriage Act

Civil marriage frame still built around a male-female pair.

Seed and Earth

Kinship ideology that treats only heterosexual reproduction as the family.

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