



LGBTQ Harassment: Understanding Rights and Remedies

Introduction

Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) individuals often face discrimination and harassment in educational institutions. Despite legal protections, misconceptions and biases persist, leaving many vulnerable. This guide is designed to help LGBTQ individuals understand their rights under Indian laws, such as the **POSH Act, 2013, Article 14** (Equality before Law), and **Article 21** (Right to Life with Dignity) of the Indian Constitution.

HARASSMENT

Harassment against LGBTQ individuals, such as bullying, threats, and physical harm, is a pervasive issue. As per Indian law:

- **Right to Protection:** Institutions are obligated to address harassment with the same seriousness as any other form of discrimination. Ignoring such incidents violates the **Right to Equality (Article 14)** and **Right to Life with Dignity (Article 21)**.
- **Reporting Mechanisms:** Students facing harassment should report incidents to the Institute's Internal Complaints Committee (ICC) or grievance cell. Institutions are legally bound to take corrective measures under the **POSH Act, 2013**, if harassment occurs.

PRIVACY

An institute cannot disclose someone's sexual orientation or gender identity without consent.

- **Right to Privacy:** The **Supreme Court's ruling in Navtej Singh Johar v. Union of India** and **Puttaswamy judgment** affirms that outing someone without their permission is unconstitutional.
- If your privacy is violated, you can escalate the matter to the National Human Rights Commission (NHRC) or State Commissions.

FREEDOM OF SPEECH AND EXPRESSION

Every individual has the right to express their identity and views, including wearing LGBTQ-themed symbols or discussing their orientation, provided it does not disrupt academic activities.

- Protected under **Article 19(1)(a)** of the Constitution, which guarantees freedom of speech.
- Any attempt by institutions to silence LGBTQ voices contravenes these protections.

TRANSGENDER RIGHTS

Under the **Transgender Persons (Protection of Rights) Act, 2019**:

- Individuals have the right to self-identify their gender.
- Educational institutions must ensure non-discrimination, inclusive facilities (e.g., gender-neutral restrooms), and respect for chosen names and pronouns.
- ICCs must be trained to address issues specific to transgender harassment.

LGBTQ SUPPORT GROUPS

Student-led LGBTQ support groups and alliances (similar to GSAs) foster inclusivity.

- Institutes must not obstruct the formation of such groups if other non-curricular clubs are allowed, ensuring equal opportunity under **Article 14**.
- For guidance, contact organizations like **Naz Foundation** or **Humsafar Trust**.

EVENTS AND PARTICIPATION

LGBTQ individuals have the right to participate in all institutional events (e.g., cultural festivals, elections) without bias.

- Denying participation based on orientation or identity violates the **Right to Equality (Article 14)**.

- Same-sex dates or non-binary participation in events like proms should be respected.

GENERAL TIPS FOR LGBTQ INDIVIDUALS

1. **Document Incidents:** Record details of harassment, including dates, locations, and witnesses.
2. **Seek Legal Support:** If institutional responses are inadequate, reach out to organizations like **Sangama**, **Queerala**, or the **National Commission for Protection of Child Rights (NCPCR)** for under-18 individuals.
3. **Stay Informed:** Awareness of your rights empowers you to demand fair treatment and accountability.