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PROBLEMS FACED BY LGBTQ MINORS IN INDIA

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LGBTQ minors face a lot of problems while growing up in a heterogeneous family. When minors identify their sexuality and accept it, they do not receive any kind of support from their parents, or sometimes they are advised by their parents to keep their sexuality secret. LGBTQ minors face harassment and bullying by their schoolmates, and they do not get any support from their teachers, despite complaining that there are so many cases in Chennai. For heterogenous minor they need special care and attention from their parents than when we are talking about the LGBTQ children, they need more care from their parents but instead of care they face destitution or no support from family member which cause a mental health like depression, anxiety etc. their rights are violated as LGBTQ minor faces discriminated in juvenile justice board and as well law for children is in gender biased¹. For LGBTQ minors, there was no proper sanitary facility in a small city, as in Delhi, more than 100 toilets have been made for transgender people. In a hospital, LGBTQ minors face a lot of issues, like the doctor not checking properly, and even the doctor ignores them and does not prescribe medicine, and in case of admission, doctors are not able to make a decision whether they should be admitted to the male or female ward. There is one practice is followed in India called Conversion therapy which is against the wish of the LGBTQ minor, it is done by the unqualified doctors with the recommendation of the LGBTQ minor but this practice is discontinued by the order of the National Medical Commission as treated as a professional misconduct, this decision good for LGBTQ minor as it cause depression, mental trauma etc.

INTRODUCTION:

In India, minors age is less than eighteen years, LGBTQ minors face many challenges as it is hard to develop an LGBTQ child in India. LGBTQ minors face the problems of getting a good friend in school, and sometimes they find a precarious friend who gives them injury or

¹ Hindustan time, [Bullied by peers, India's LGBT+ children drop out of schools | Latest News India - Hindustan Times](#) (last visited on May 28, 2025).

insecurity. Whenever we are talking about the LGBTQ, it means Lesbian, Gay, bisexual, transgender and queer or sometimes it may be read as questioning but Lesbian, Gay and bisexual are categorised as sexual orientations and transgender is a gender but they have same struggle or they are sexual minority so all together are clubbed and known as LGBTQ. In this, we are discussing LGBTQ minors directly they get into their school life. LGBTQ minors face physical harassment and are bullied in school by their classmates or even some of their school teachers in India. They are so many difficult situations faced by LGBTQ minors in India as violation of their rights, no support in school by teachers and classmate, not support by family member, they are discarded out of their homes by their family member, sanitary facilities like toilet, no proper facility in hospital, lot of unfair in job and differentiation in criminal justice system.² All these challenges will be understood in detail with the case Laws.

In 2022 National Medical Commission banned conversion therapy for LGBTQ minors, stating that it is a “Professional Misconduct”. In case any doctor is found to do conversion therapy, disciplinary action to be taken by the State Medical Council.³ Conversion therapy is found to be a mental trauma for LGBTQ minors as their sexual orientation is to be changed against their wishes by their family member under pressure to maintain the image in society. As this news or good for LGBTQ minors as they are relieved from this conversion therapy, but despite the ban the conversion therapy by the National Medical Commission, there is a continuation of this conversion therapy by some unskilled doctors who pretend to be experts. LGBTQ minors face a lot of mental trauma from their families as well as from those they know who they expect a support them. As LGBTQ minors have been seen as a negative category. LGBTQ minors have a major problem in accepting their identity in front of their families and relatives, and fighting for their rights. In India, it is tough to bring up a minor, especially those who are categorized as LGBTQ. For LGBTQ minors, there is a battle against predilection, but till today, it has made notable development, but still, there is a long struggle for LGBTQ minors to live with pride in a heterogenous society. It is very difficult for LGBTQ minors to open their identity in front to their schoolmates and especially in front of their parents. We have been known for LGBTQ adult people struggle as they are shown in the media as well in the document but LGBTQ minor struggle is not shown in the media as well as in the document, their struggle is difficult to

² Sentinelassam, <https://www.sentinelassam.com/more-news/life/woes-of-indian-lgbtq-teenagers-633071> (last visited on May 28, 2025).

³ Sudipta Datta, The ban on conversion therapy for the LGBTQIA+ Community, THE HINDU (May 28, 2025, 8:00 P.M.), <https://www.thehindu.com/news/national/expained-the-ban-on-conversion-therapy-for-the-lgbtqia-community/article65853083.ece>.

understand as they are not aware much about the changing environment as they lived in between the heterogenous school mates and families, which is very difficult for them to open their sexual orientation or gender identity. For LGBTQ minors, it's a big problem that is homosexuality should understand homosexuality by their parents rather than by their schoolmates or teachers. Problems faced by the LGBTQ minors are-

VIOLATION OF THEIR RIGHTS:

Section 377 of the Indian Penal Code is discriminatory, but still, there is appreciable more development to feel safe for LGBTQ individuals based on their sexual orientation and gender identity. In this heterogeneous society, LGBTQ minors have been seen as a body without a soul; they are seen as sexual material, and most of them are sexually harassed by their known person, and they cannot take a stand for themselves as their voices are suppressed by their close one.⁴ As Article 21 of the Indian Constitution, "right to life," which includes the right to live with dignity, is completely violated for LGBTQ minors. In some years, violence against LGBTQ minors has rapidly increased, especially in the case of females, it has rapidly increases.

NO SUPPORT IN SCHOOL FROM TEACHERS:

It is unfortunate to say that there is a complete lack of support from the teachers when LGBTQ minors complain about their treatment in the school. When LGBTQ children used to go to school, they were harassed and bullied at school by their classmates.⁵ In such a case, LGBTQ students made a complaint to their teachers, and the teachers did not respond to them. And even they are seen as negative people by their schoolmates, which is completely results in a mental trauma for the students. When there is no support from teachers, then evidently there will be no support from their classmates, and even no one wants to be friends with LGBTQ students. Mainly, it is the problem of female where they are harassed or bullied by their friends, where they feel alone, and it causes depression. When student did not get moral support from their teachers or school, they would not willingly go to school and get educated. Most of the teachers suggested that to keep their sexuality secret, which results in they do not connecting to the other LGBTQ students. This makes them very lonely in the class or in school. There are many

⁴ Aashank Dwivedi, Problems Encountered by LGBT Youth in India, Times of India (May 28, 2025, 8:00 P.M.) [Problems Encountered by LGBT Youth in India](#).

⁵ Woes of Indian LGBTQ, *supra* note 2 at 2319.

LGBTQ students who drop out their school.⁶ In Chennai, Shemba, 6 years old raised as a boy by birth. His schoolmate used to bully him because he used to walk like a female. When he attained the age of ten, he used to wear a uniform like a girl. For shemba it is a normal or what he is doing it is characteristic gesture. Shemba did not understand what it is that he feels like being alone. When the schoolmate or classmate threw a stone at him at that time, he realized and after that, he dropped out his school. Shemba wants to become a Lawyer, but he gave up his dream of becoming a lawyer. Shemba thought that his future would be like a sex worker or will be like a beggar⁷.

As per the United Nations' cultural agency, UNESCO in Tamil Nadu survey was done which shows that there are more than 400 LGBTQ minors, of whom half of them dropped out of school due to being bullied or harassed by their schoolmates. In this harassment means there is fearsome of a rape, to thrashing, they were locked in a room and sometimes they stole their belongings. "These problems came out as a surprise, as it was known that bullying would happen." This statement was given by a trans woman a Jaya Gunaseelan, as she was a member of Saho Daran, a LGBT charity, and she helps UNESCO in their research. Jaya Gunaseelan was also a victim in his school. he was also harassed or bullied, and he used to hide the marks that he got through violence so that he would not be shamed.

Tamil Nadu Education Policy states that "they are focusing on strengthening the anti-bullying policy to include sexual and gender diversity". Even after the landmark judgement in 2018 to decriminalize section 377 of the Indian Penal Code, there is still a refusal by their schoolmates, families, and now finding difficulties in jobs, and at last they get into a sex work job or begging. The chairman of the sexuality and health research policy said that "Bullying in a school will take longer to resolve than changing a law. "⁸.

There is transgender student who left their schooling due to boys slapping her buttocks and bullying her, named Pragya. Three months before the exam, she decided to drop out her school due to bullying and harassment in school, and after that, she has been begging for a job.⁹

⁶ The Hindu, [Explained | The ban on conversion therapy for the LGBTQIA+ community - The Hindu](#) (last visited on May 28, 2025)

⁷ Reuters, bullied by peers, India's LGBT children drop out of School, Hindustan Times (May 28, 2025, 8:00 P.M.), <https://www.hindustantimes.com/india-news/bullied-by-peers-india-s-lgbt-children-drop-out-of-schools/story-DimhesqXdSQ53pLZJIEhP.html>.

⁸ *Id* at 2321.

⁹ India's LGBT, *supra* note 5 at 2320.

NO FAMILY SUPPORT:

Some figures showed that most of the LGBTQ minors did not receive any kind of mental support from their family. As LGBTQ minors are children of today's generation, they are not kids of tomorrow. So, their right should be taken seriously as well they should be treated with high regard. Some of the demography shows that they have been mistreated by their family member when their kids found to be a Gay, Lesbian, Bisexual, Transgender or Queer. Whenever the LGBTQ minor came to know about their sexuality and wanted to accept their identity but most of the parents do not trust their children to make their own decision regarding their sexuality¹⁰. Most of the parents of LGBTQ children deliberately insult them regarding their sexuality, which hurts them mentally. Most of the parents force them to conceal their identity. Some of the parents advise their LGBTQ children to go for conversion treatment. And parents used to enrol their LGBTQ kids for Conversion therapy. This conversion therapy begins with anxiety, psychological tension, and even depression, and sometimes it results in suicide among LGBTQ children. And Conversion therapy is now banned in India, but it has still been continued by some unskilled doctors and pretending to be experts in conversion. As this is a psychological tension that creates fear in the mind of the LGBTQ children but they are still forced to go for conversion therapy so that the community or the family cannot reject them.¹¹

DESTITUTE:

LGBTQ minors face disgust from their family member, and they are forbidden by their family member to save their reputation in the community, or they are forced to leave home¹². Which results in them being homeless now, they do not have any sources of earning, and they are minors; they did not gain any knowledge and did not become any professional expert to earn money, so they have to go for a job like a sex worker or beggar. Another issue is that they must look for a hotel to stay at night or to get a room on rent, but for LGBTQ minors, no one is ready to give them a room on rent as everyone will be afraid to give them a room on rent as owner have fear of the locals' peoples. If the local people are aware of their sexual orientation,

¹⁰ The sentinel, <https://www.sentinelassam.com/more-news/life/woes-of-indian-lgbtq-teenagers-633071> (last visited on May 28, 2025).

¹¹ Joe Mc Carthy and Pia Gralki, What Is LGBTQ+ Conversion Therapy It and How Can We End It?, Global Citizen (May 28, 2025, 8:00 P.M.) [What Is LGBTQ+ Conversion Therapy It and How Can We End It .pdf](#)

¹² The Hindu, [It is dangerous and unethical, but queer people continue to be subjected to 'conversion therapy' - The Hindu](#) (last visited on May 28, 2025).

then they may face eviction, which may cause tension, anxiety, or sometimes they attempt suicide. For their livelihood, like food or payment of rent, they had to indulge in sex work, which may cause health issues or diseases like AIDS, etc. As LGBTQ minors after destitution, they do not have that much knowledge to get a job in another sector.

SANITARY FACILITIES:

Whenever we are talking about sanitary facilities in a school, hospital, or any other accommodation. Whenever we use the toilet in any place, we see three options, i.e., Male, Female, and Person with disabilities, where this sexual minority minors, go. This creates an issue as they need to use a toilet in a comfortable manner. And now the Delhi High Court has delivered a judgement that more than 100 toilets should be made for Transgender people in Delhi, but what about the other cities or places where LGBTQ minors are living in each place¹³. There might be construction of toilets for transgender people in big cities, but small places are missing. I think that LGBTQ minors will face issues while using the toilets.

HOSPITAL FACILITIES:

Today's time there has been a lot of development taken place in hospitals, but still, LGBTQ minors have to face a lot of problems in medical facilities, as LGBTQ minors are ignored by doctors for medical check-ups. Another issue for LGBTQ minors is that they are not eligible to get insurance. Insurance companies used to escape providing the Insurance facility to LGBTQ minors, as many of the Insurance companies thought that they would incur financial loss or goodwill loss if they provided the insurance facility to LGBTQ minors. In that case LGBTQ minor already faces homeless issue if they need any medical facility that is properly or not provided by the doctor, if doctor do the check-up of LGBTQ minor than they do not have any insurance it is very difficult for LGBTQ minor to make the payment as they do not have any sources of income.¹⁴.

There is the case in west Bengal one LGBTQ member is raped by three men in 2013 after that she had taken in to the hospital which was nearest but the doctor did not inspect her properly even the doctor tease her "that how she will get raped," and even did not provide any medicine or medicine which is for prevention of HIV. Hence, LGBTQ minors had to fight for their basic

¹³ SwachhIndia, <https://swachhindia.ndtv.com/over-100-toilets-constructed-for-transgenders-in-delhi-government-tells-high-court-82471/>, (last visited on May 28, 2025).

¹⁴ The sentinel, *supra* note 10 at 2322.

health care. It had become the standard for doctors to deal the LGBTQ minors with criticism, instead of providing the proper treatment for the LGBTQ patient. Sometimes doctors are also confused about admitting a LGBTQ patient to a male or female ward.¹⁵

LEGAL SYSTEM:

There are so many LGBTQ minor who faces discrimination in the juvenile justice system. And there is mistreatment of LGBTQ minors by correctional officers. LGBTQ minors are sexually harassed and bullied in the system. As per the POCSO Act, it includes male and female children but ignores the other gender, which includes sexual orientation and gender identity. So, in this Act, there are some loopholes in which sexual offences against LGBTQ minors are missing. However, there is a need to change the provision or introduce Laws which is in favour of LGBTQ minors.

EMPLOYMENT:

As we know, LGBTQ minors are not allowed to do a job or labour job as they are not allowed to do a job as per the law. But when they are destitute from the house by their family member in that case, they had to find a job but, in that case, also they are discriminated by the heterogenous people or they are sexually abused by them, however in that case they had an option to for begging or indulge in a sex work by early age, which result out to be that their future life had negatively affected¹⁶.

CONVERSION THERAPY:

For a long time, there has been one practice known as “Conversion therapy,” which is applied to LGBTQ children by their family members which causing depression, tension, and anxiety to the LGBTQ minor. This conversion therapy is the procedure where sexual orientation or gender identity is changed in LGBTQ minors while using drugs, and even this procedure is violent; this is also a psychological treatment of LGBTQ minors by the doctor.¹⁷

¹⁵ Ashwaq Massodi, accessing healthcare still an ordeal for LGBTQ in India, MINT (May 28, 2025, 8:00 P.M.), <https://www.livemint.com/Politics/w6C5ws5POJ7d1O590mP6mJ/Accessing-healthcare-still-an-ordeal-for-LGBTQ-in-India.html>.

¹⁶ ERA, [Teacher Burnout: Causes, Effects and Solutions to a Growing Crisis](#) (last visited on May 28, 2025).

¹⁷ Navamy Sudish, Shock treatment, exorcism, psychotropic drugs: behind: “conversion therapy” for queers, the Hindu (May 28, 2025, 8:00 P.M.), <https://www.thehindu.com/society/it-is-dangerous-and-unethical-but-queer-people-continue-to-be-subjected-to-conversion-therapy/article31922458.ece>

Fortunately, this conversion therapy had been banned by the National Medical Commission, its results out to be a relief to the LGBTQ minor but the actual problem is that this banned is on done on paper in actual situation is different there are some doctors which are unqualified they continue this practice as this practice after banned this become “professional misconduct” than action will be taken against that doctor. There are so many cases happened in India of conversion therapy that force LGBTQ minors to for suicide.¹⁸

CONCLUSIONS:

There is lot of challenges which is faced by minor which is identified as a Lesbian, Gay, bisexual, transgender and queer. The most important issue for LGBTQ minors is that they do not get family support, which results in a loss of physical and mental health for LGBTQ minors. Due to strict rules and regulations of the Indian society, LGBTQ minors face depression, anxiety due to isolation as they were forced to leave their home by family members.

By the decriminalization of section 377 of the Indian Penal Code by the Honourable Supreme Court UGC recognized the LGBTQ student in ragging under the anti-ragging policy. as there are so many challenges which is to be faced by the LGBTQ minor in their life as so many norms, rules and regulation by the government or courts are just made on paper but it is very difficult to under the situation of LGBTQ minor. Things around LGBTQ have been changed positively, but for LGBTQ major, but for LGBTQ minors there is still going on the same struggle continues, as they are not aware of the changing environment as well, they did not get any morally support from their parents as they want to maintain their reputation in the society. It is advised by the government to make a separate ward for the LGBTQ community so that whenever a case comes to admit, the LGBTQ minor in that case doctor should not deny doing the treatment.

Conversion therapy has been declared as banned by the Madras High Court after the National Medical Commission declared that any doctors who indulge in conversion therapy will be considered as professional misconduct, which results in relief to the LGBTQ minor. This was also one of the most important changes which is in favour of LGBTQ minors. But after banning, there are some doctors who used to continue this practice in that case, i.e., LGBTQ minors complain about that doctor.

¹⁸ Sudipta Datta, *supra* note 3 at 2319.