

Human Rights Field Report: the Section 377 Case in India

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Introduction

Brief

This case study focuses on the decriminalization of consensual same-sex relations in India through the 2018 Supreme Court case *Navtej Singh Johar v. Union of India*, commonly known as the Section 377 case. Section 377 of the Indian Penal Code, 1860, was a colonial-era law introduced during British rule. It criminalized “carnal intercourse against the order of nature” with any man, woman, or animal, and allowed punishment of life imprisonment or up to ten years in prison (India 1860, sec.377). Although the law did not directly mention homosexuality, it was historically used to criminalize and stigmatize same-sex intimacy, especially among LGBTQ+ people (Supreme Court of India 2018).

This case developed over nearly two decades. In 2001, the Naz Foundation filed a petition before the Delhi High Court, arguing that Section 377 violated constitutional rights and made HIV/AIDS prevention more difficult. The case was first dismissed, but the Supreme Court later asked the Delhi High Court to reconsider it. In 2009, the Delhi High Court ruled that Section 377 could not be used to punish consensual same-sex relations between adults. However, the Supreme Court reversed this decision in the 2013 *Suresh Kumar Koushal v. Naz Foundation judgment*, which brought criminalization back (Supreme Court of India 2018). After that, LGBTQ+ individuals, including Navtej Singh Johar, filed new petitions challenging the law. In 2017, the Supreme Court recognized privacy as a fundamental right and stated that sexual orientation was an important part of privacy and individual identity (Supreme Court of India 2017). Finally, in 2018, a five-judge bench unanimously ruled that Section 377 was unconstitutional when applied to consensual same-sex relations between adults (Supreme Court of India 2018).

There are two major transformations in this case study: the 2018 Supreme Court ruling that decriminalized homosexuality between adults, and the broader personal and social change represented by clinical psychologist Lata Hemchand. Legally, the Supreme Court of India ruled in 2018 that Section 377 could no longer be used to criminalize consensual same-sex relations between adults. This ruling changed the issue from a criminal-law matter into a question of constitutional and human rights (Human Rights Watch 2018). Socially, the case also reflected a

broader change in attitudes toward homosexuality in India. For example, clinical psychologist Lata Hemchand shifted from practicing aversive conversion therapy to becoming an LGBTQ-friendly therapist. Her story shows how legal reforms were connected to wider changes in psychology, public attitudes, and social acceptance (American Psychological Association 2020).

Rights at Stake and Affected Communities

The rights at stake included equality, privacy, dignity, non-discrimination, freedom of expression, and access to health (Supreme Court Observer 2018). Section 377 criminalized the intimate lives of LGBTQ+ people and placed them in an inferior legal and social position. It violated privacy because it allowed the state to punish consensual adult relationships in private. It marked LGBTQ+ identities as unnatural and shameful, which harmed dignity. It restricted liberty and expression by forcing people to hide their relationships and identities. It also affected health rights because criminalization increased stigma and made vulnerable communities feel reluctant to seek HIV/AIDS prevention, testing, and healthcare services.

Section 377 affected the LGBTQ+ community, notably targeting gay and bisexual men, categorized under MSM (men who have sex with men). These men faced harassment and abuse by the police. Additionally, it encouraged discrimination against minorities from lower caste systems, including prisoners, which harmed the LGBTQ+ community within these communities.

Field Mapping

This case involves five main fields of human rights: intergovernmental, state actors, non-governmental, community, and transitional.

In the intergovernmental field, the UN Human Rights Committee and the International Covenant on Civil and Political Rights (ICCPR) provided an international human rights framework for understanding criminalization as a violation of equality, privacy, and non-discrimination (United Nations 1966, arts. 17, 26). These institutions did not directly decide the Section 377 case, but they helped support the broader principles of decriminalization, anti-stigma work, and HIV prevention.

The Supreme Court of India was the main institution that protected rights through its final decision in the state actor field. It partially struck down Section 377 and decriminalized consensual same-sex relations between adults in 2018 (Supreme Court Observer 2018). The Union of India, or the central government, also played an important role because it was the state actor whose criminal law was being challenged. The central government did not strongly defend the criminalization. Instead, it stated that the validity of Section 377 should be left to “the wisdom of the Court”, while asking the Court to focus only on the constitutionality of Section 377 and not decide broader ancillary rights (Supreme Court of India 2018).

The decriminalization of homosexuality in India was not achieved by the Supreme Court alone. NGOs such as the Naz Foundation, The Humsafar Trust, and Lawyers Collective played key roles in the movement by challenging Section 377 through long-term legal advocacy, producing community-based evidence of its practical effects, and providing LGBTQ+ individuals with counseling, legal aid, and healthcare services (Naz Foundation n.d.; The Humsafar Trust n.d.). Their sustained efforts helped build the constitutional case against Section 377 (Naz Foundation n.d.).

As for the community and transitional fields, the Delhi Queer Pride Committee organized annual Pride marches in support of LGBTQ+ communities, while local groups such as Orinam provided educational resources and community support (Orinam n.d.). At the grassroots level, parents of LGBTQ+ children spoke against Section 377 before the Supreme Court, and organizations such as Sweekar–The Rainbow Parents and PFLAG India brought together parents to support their children's identities and advocate for acceptance (Sweekar n.d.; PFLAG India n.d.). Queer individuals also raised public awareness by sharing their personal experiences of discrimination and social exclusion. In addition, after the 2013 *Suresh Kumar Koushal v. Naz Foundation* ruling reinstated Section 377, LGBTQ+ activists and community groups organized public protests, including the "No Going Back" campaign and the Global Day of Rage, using demonstrations, Pride events, and legal advocacy to maintain public visibility and continue the movement for decriminalization (Human Rights Watch 2013).

Limitations and Current Legal Status

The 2018 judgment marked a major legal change, but its scope was specific and limited. The Supreme Court read down Section 377 so that it is no longer applied to consensual sexual relations between adults, but it did not completely remove the provision from the Indian Penal Code at that time. Section 377 remained formally in the Code until July 1, 2024, when the *Bharatiya Nyaya Sanhita* came into force and repealed the Indian Penal Code. Nevertheless, the formal repeal of Section 377 did not legalize or legally recognize same-sex marriage. In the 2023 *Supriyo v. Union of India* judgment, the Supreme Court held that the Constitution did not provide an unqualified right to marry and that legal recognition of same-sex marriage or a marriage-like civil union would require legislation. As a result, LGBTQ+ couples can legally form relationships and live together, but they are not legally recognized as married couples and do not automatically receive marriage-related rights, such as spousal inheritance, joint adoption, pensions, and other benefits. ([India Code 2023](#); [Supreme Court of India 2023](#))

In short, the Section 377 case was not only about changing one criminal law. It was about whether LGBTQ+ people in India could live openly without fear of punishment, discrimination, or state interference in their private lives. The 2018 ruling was an important human rights victory, but it did not fully resolve the problem. Equality, social acceptance, healthcare access, protection from discrimination, and recognition of LGBTQ+ people's dignity still need ongoing work beyond the courtroom.

Their Approach

Methodology

Historically, the Supreme Court approached section 377 using both positivist and interpretivist methodologies. It relied on HIV statistics, public health reports, and empirical study court submissions (Supreme Court of India 2018), which showed that criminalization reduced access to HIV prevention and healthcare services. However, the court also considered personal experiences shared by LGBTQ+ petitioners, which included depression, discrimination, family pressure, loneliness, and the need to hide their identities (Supreme Court of India 2018).

The Union of India primarily used doctrinal legal analysis, focusing on existing laws, court decisions, and establishing legal principles (McInerney-Lankford 2024). The government questioned the constitutionality of Section 377, the propriety of the earlier Koushal judgment, and the extent to which the Supreme Court should implement its decision. Instead of explicitly supporting or opposing decriminalization, it left the issue “to the wisdom of the Court” (Supreme Court of India 2018). Hence, the government focused more on legal rules, potential issues worth consideration, and the authority of the Court.

In contrast, grassroots organizations preferred an interpretivist approach, as their research focused on testimonies, the social implications of Section 377, and the lived experience of the LGBTQ+ community. Organizations, including Voices Against 377 and the Humsafar Trust, critiqued the legality of Section 377 and provided evidence on how this law affected the experiences of the LGBTQ+ community. This evidence included accounts of discrimination, blackmail, police violence, and stigmatization, which showed the rights violations that occurred within the LGBTQ+ community through an interpretivist lens rather than using statistical and legal documents (Voices Against 377 2013). The local LGBTQ+ community organized Pride marches, public storytelling, support groups, and campaigns. The LGBTQ+ community organized "No Going Back" protests and participated in the Global Day of Rage, during which LGBTQ+ supporters protested as an act of queer resistance (Al Jazeera 2013) following the Koushal ruling that restored Section 377 in 2013. Similarly, Orinam, a grassroots organization, advocated for legal gender changes and provided other services related to queer health to the LGBTQ+ community. These acts show how grassroots organizations translated human rights principles into action and practical support(Orinam n.d.).

Additionally, non-governmental organizations that challenged Section 377 also prioritized an interpretivist approach by emphasizing the experiences of LGBTQ+ instead of relying only upon court statements (Voices Against 377 n.d.). Through personal testimonies, counseling records, and interviews, NGOs demonstrated that Section 377 created widespread fear, discrimination, and social exclusion among the LGBTQ+ community (Voices Against 377 n.d.). The Naz Foundation filed the original Public Interest Litigation (PIL) challenging Section 377 in 2001, which argued

that the law violated constitutional rights. The Naz Foundation documented accounts from affected communities to highlight the social consequences of Section 377. For example, they documented how criminalization discouraged LGBTQ+ individuals from accessing HIV/AIDS healthcare services. (Voices Against 377 n.d.).

Other NGO's, such as The Lawyers Collective, encouraged constitutional litigation by working closely with LGBTQ+ individuals and advocacy groups to obtain evidence for their arguments against Section 377. Lawyers such as Anand Grover argued that "Section 377 violated the constitutional rights to equality, dignity, privacy, and freedom". Ultimately, their combination of legal analysis and personal narratives strengthened the process of challenging Section 377 to decriminalize same-sex relations in 2018 (Voices Against 377 n.d.).

Assessment of Their Human Rights-Based Approach

Lawyers Collective, the Naz Foundation, and grassroots organizations such as the Humsafar Trust and Voices Against 377 followed the do no harm principle to some extent by obtaining consent to represent and advocate for the LGBTQ+ community (Human Dignity Trust). These organizations shared a common goal to fight against Section 377 and for the LGBTQ+ community, whom they protected.

However, participation in interviews, legal cases, or public advocacy could still create risks. Although NGOs and grassroots organizations, in our case, aimed to help the LGBTQ+ community, it is possible that these individuals faced trauma after participating in research. Many individuals suffered from psychological harm, as disclosure caused them to be discriminated against in society, such as in their workplaces or families (Human Rights Watch). Research notes that due to the social stigma LGBTQ+ individuals may face when disclosing their identities, it is important to regard the ethical perspective of sharing personal information (UCLA).

Additionally, both Government and non-governmental organizations followed the interdisciplinary principle. The Section 377 case was not treated as just a legal issue, as it combined several fields, including legal and constitutional, public health and psychology, as well as social and community fields.

The Supreme Court of India, as well as the Naz Foundation and Voices Against 377, treated Section 377 as a violation of constitutional rights rather than a law that criminalizes individuals. The Naz Foundation, NACO, and mental health professionals argued that Section 377 pushed gay men and other MSM communities underground and made HIV/AIDS prevention, testing, and treatment access harder for them (Voices Against 377 n.d.; International Commission of Jurists n.d.). From the psychology side, Lata Hemchand's change from practicing aversive conversion therapy to becoming an LGBTQ+ friendly therapist tells us how attitudes towards homosexuality were also shifting outside the courtroom (Clay 2019). Community groups also helped people understand how Section 377 affected daily life through protests, public education, and personal stories.

This case was also context-specific. This case was connected to India's colonial legal history, since Section 377 was a British colonial-era law that criminalized "carnal intercourse against the order of nature." Moreover, for many LGBTQ+ people, Section 377 was connected to fear of being exposed, police harassment, healthcare barriers, family pressure, and the difficulty of living openly. Because of this, NGOs, public health actors, community groups, and the Court connected the legal issue to the real social conditions faced by LGBTQ+ people in India. However, the main legal and public-health discussions could not fully show every experience within LGBTQ+ communities. The case was context-specific in many ways, but it still could not fully represent every affected group or solve every problem faced by LGBTQ+ people in India.

The decriminalization of homosexuality was an incremental and gradual process that took decades to achieve. People and advocates worked for ages to fight for their proper rights. From the Naz Foundation's first challenge in 2001 to the Supreme Court ruling in 2018, lawyers, NGOs, activists, and LGBTQ+ communities continued to build on earlier efforts. Nonetheless, the 2013 judgment reversed the progress made in 2009, which demonstrated setbacks in this whole process. This showcases that human rights progress is often slow and does not always move in a straight line. Although the 2018 judgment ended the criminalization of consensual same-sex relations between adults, there are still consistent challenges demanding prompt solutions.

However, this process is not fully replicable in every country or context. Some methods, such as building partnerships between organizations, challenging unfair laws in court, using scientific evidence, and including the experiences of affected communities, may also be useful in other places. However, the same methods may not lead to the same result because every country has a different legal system, political situation, social environment, and history. India's Constitution, colonial history, and Supreme Court were especially important in the Section 377 case. Hence, activists in other countries may need to use different legal arguments and methods.

Finally, the NGOs adhered to the principle of protecting rights holders in several ways. They considered Section 377 a legal problem for many individuals who are not able to seek protection by themselves. They tried to ensure the protection of the rights of LGBTQ+ people as right holders through challenging the statute, providing prevention of HIV/AIDS, providing legal help, counseling, and documentation of different types of blackmailing, harassment, and physical violence.

Nevertheless, they did not protect the rights of all right holders equally, as some of the groups were underrepresented within this movement. It is obvious that during the first stage of this initiative, much attention was paid to gay men and MSM communities due to the connection with prevention of HIV/AIDS, while the other groups might have been less included, such as queer women, transgender people, sex workers, prisoners, migrants, and lower-caste people of the LGBTQ+.

Our Approach

Our Methodology

Our research methodology combines interpretivist and positivist approaches. It includes legal documents, NGO reports, narratives from LGBTQ+ individuals and organizations, and psychological research. This mixed methodology allows us to examine both the legal and social dimensions of the decriminalization of homosexuality in India (Supreme Court of India 2018; American Psychological Association 2020).

Within this methodology, our study draws on legal texts, court judgments, and official records. In addition, we use news reports, NGO publications, community-based accounts, and interviews to

better understand the lived experiences of LGBTQ+ individuals (Human Rights Watch 2018; Naz Foundation n.d.; The Humsafar Trust n.d.). By combining these different types of evidence, we obtain a more comprehensive understanding of how legal reforms have influenced the experiences of sexual minorities in India.

We gained legal knowledge from *Section 377 of the Indian Penal Code* and *the 2018 Supreme Court judgment in Navtej Singh Johar v. Union of India*, since these sources provide objective information on the ruling, partial repeal of the law, and constitutional rights involved. Human Rights Watch reports provide an organizational perspective by describing the social, psychological, and physical harm caused by Section 377. We also studied materials from the Voices Against 377, the Naz Foundation, and the Humsafar Trust, which share common perspectives and intentions with those of the affected community. Together, these sources allowed us to study information about harassment, blackmail, fear, and social exclusion from all levels of involvement with the human rights case.

However, our methodology also has some limits. It cannot fully represent the diversity of affected communities, as individuals who are willing to participate will be more visible, resulting in the underrepresentation of certain LGBTQ+ communities who remain hidden because of stigma, fear, gender, rural location, or limited access to advocacy. In addition, it is difficult to determine which factor mattered the most in creating this social change. The legal law, NGOs, and other sources we used all played a role in shaping changes such as LGBTQ+ visibility and public attitudes. Our methodology can identify these interacting forces, but it cannot precisely measure their relative importance or prove which one was the main driver of broader social transformation.

Applying a Human Rights Based Approach

In addition to our methodology, we will use a human rights-based approach to guide our research. This approach will help us protect participants, consider different perspectives, and present the case responsibly.

Under the do no harm principle, we recognize that our fieldwork may create risks such as unwanted disclosure, emotional distress, or pressure to participate. We will design each method to reduce these risks and protect participants' safety, privacy, and freedom of choice. The specific ethical

concerns and protection measures for interviews, questionnaires, and public-event observation will be explained in the following methods section.

Our research will also be interdisciplinary and context-specific. We will study Section 377 from legal, historical, political, public-health, psychological, and social perspectives. We will compare court judgments and official reports with interviews, community materials, and observations. This will help us understand how court judgements or official reports are related to the experiences described by the affected communities. We will also study the case within India's own colonial history and social environment instead of directly applying ideas from other countries. We will consider differences in caste, gender, identity, location, family support, and access to healthcare.

Moreover, we will treat the research as an incremental and gradual process. We will first study legal and community sources, and then use what we learn to improve our interviews, questionnaires, and observations. We will compare different types of evidence and revise our conclusions when new information appears. At the same time, we will not assume that our methods can be copied exactly in every country, because different places have different legal systems, histories, political situations, and social attitudes.

Finally, we will try to protect all rights holders by avoiding broad claims about the LGBTQ+ community. We will not assume that one group's experience represents everyone. Instead, we will compare different sources, clearly explain whose voices are included, and acknowledge when certain perspectives are missing. We will also avoid presenting the 2018 judgment as a final solution or using traumatic stories only to make the report more emotional or attractive. This will help us present both legal progress and continuing problems in a more responsible way.

Research Methods, Ethics, and Risk Assessment

1. Documentary and Legal Analysis

For our research, one method we will use is documentary and legal analysis, which is based on the original text of Section 377, the *Naz Foundation* judgment of 2009, and the *Navtej Singh Johar* judgment of 2018. By studying these court cases, we will be able to trace the evolution of the legal status of consensual same-sex relations in India and understand how the issue changed from a

criminal-law question into a constitutional and human-rights issue. The documentary analysis will focus more directly on rights holders by studying community-related and NGO materials, such as NGO reports, public statements, affidavits, Pride-related materials, protest slogans, and media coverage of campaigns. While legal documents explain formal changes in the law, these community-based sources help us understand how Section 377 operated in people's daily lives. They may also show whether discrimination and other forms of harm continued after decriminalization.

However, this method may create potential ethical issues. First, legal documents may overemphasize the success of the Supreme Court decision and make the case appear fully solved after 2018. This could violate the principle of protecting all rights holders because it puts more attention on the achievement of the legal system than on the ongoing experiences of LGBTQ+ people, who are still experiencing all kinds of implicit mistreatments. Secondly, documentary sources may represent some rights holders more clearly than others. For example, NGO reports and court materials may contain more evidence about people connected to courts, NGOs, or advocacy networks, while less visible communities, such as rural LGBTQ+ people, lower-caste LGBTQ+ people, prisoners, migrants, and sex workers, may be underrepresented. A third issue is that some documents may contain personal accounts of violence, blackmail, or police abuse. Repeating unnecessary details could objectify the people involved or fail to respect their dignity.

To reduce these risks, we will avoid relying only on court judgments or treating decriminalization as the final solution. We will compare legal decisions with evidence about continuing social problems after decriminalization. We will also clearly state the limitations of our sources, especially when certain groups are less visible in the available documents. Instead of claiming that all LGBTQ+ people experienced Section 377 in the same way, we will recognize differences within the affected community. When using testimonies or traumatic examples, we will summarize general patterns of harm, such as harassment, blackmail, stigma, fear, and healthcare exclusion, rather than including unnecessary identifying details. In this way, documentary and legal analysis will not replace interviews with rights holders, but they will help us prepare better interview questions and interpret the interview results more carefully.

2. Semi-structured Interviews

We will conduct semi-structured interviews with NGO and public health workers, lawyers, and the affected LGBTQ+ communities. Our team will prepare a list of main questions before each interview, but participants will still have the opportunity to explain their experiences and discuss issues that they believe are important and worth telling. The interviews may be conducted either online or in person, and each will last around 30 to 60 minutes.

Activists, lawyers, and NGO workers may explain how the case was brought to court, what arguments and evidence were used, and how different parties contributed to legal change. We also want to learn more about how people reacted to important decisions, including the 2009 Delhi High Court judgment, the 2013 *Koushal* judgment, and the 2018 *Navtej Singh Johar* judgment. Besides, participants may describe their feelings of fear, anger, disappointment, pressure, or hope during the process. These interviews will help us learn how Section 377 affected LGBTQ+ people before decriminalization. Moreover, we will examine the current situation after decriminalization. We may ask whether the 2018 judgment improved the safety, freedom, and social acceptance of LGBTQ+ people and the barriers people still face in their daily lives.

The interviews may involve sensitive topics, such as sexual orientation, police abuse, HIV status, and discrimination. According to the no-harm principle, we must consider not only immediate emotional distress, but also indirect harm and long-term consequences. Participants may feel upset when remembering painful experiences, and there may be a risk of re-traumatization. Consent is another issue because agreeing to an interview does not automatically mean agreeing to recording, direct quotation, or public identification. Additionally, the framing of questions may influence interviewees' answers and create biases.

Before entering the community and doing interviews, we will learn about the historical and social forms of trauma that may affect participants. We will follow the FRIES model of consent by making sure consent is freely given, reversible, informed, enthusiastic, and specific. We will separately ask for permission to participate, record, use direct quotations, and reveal real names. During the interview, we plan to create a safe and respectful environment, begin with less stressful questions, and slowly move towards more sensitive topics, while also using open-ended and

neutral questions to avoid pushing participants toward a certain answer. Participants may skip questions or withdraw within an agreed period. We will protect their privacy, store data safely, follow required ethical review procedures, and use peer debriefing to reflect on possible bias and emotional effects caused by the research strategy.

3. Questionnaire

We will also use an anonymous questionnaire to study LGBTQ+ individuals' experiences of Section 377 and their views on legal and social change.

The purpose of this questionnaire is to better understand the experiences and perspectives of LGBTQ+ individuals regarding Section 377 and its impact on their lives. The questionnaire seeks to explore whether they faced discrimination or other challenges, and what changes they believe could better support LGBTQ+ communities. By collecting these perspectives, we hope the result highlights the lived experiences of LGBTQ+ individuals and identifies ways that legal and social policies can promote greater equality, dignity, and acceptance.

Similar to interviews, the questionnaire raises ethical concerns about informed consent, privacy, and emotional distress. Besides, because there is no interviewer present, participants may have less immediate support if a question makes them uncomfortable. Moreover, since the questionnaire is anonymous, it may not be possible to identify and remove an individual response after it has been submitted. Participants should clearly understand the purpose of the research, how their responses will be used, and that participation is entirely voluntary.

Before beginning the questionnaire, we can leave space for a brief consent statement explaining the study and inform them that they may skip any question or withdraw at any time without penalty:

You are invited to participate in a research study about the experiences of LGBTQ+ individuals in relation to Section 377. Participation is entirely voluntary. You may skip any question or stop the survey at any time without giving a reason. Your responses will remain anonymous and confidential, and no personally identifying information will be collected unless you choose to provide it. The information will be used only for research purposes.

To protect privacy, we will not collect unnecessary personal information such as names or addresses. Responses should be kept anonymous, securely stored, and reported only in aggregate form to protect participants' identities. If participants choose to provide contact information for follow-up interviews, it should be collected through a separate form so that it cannot be connected to their questionnaire responses.

Researchers must also minimize the risk of psychological harm. Questions about discrimination, family rejection, or harassment may remind participants of distressing experiences. To reduce this risk, the questionnaire should include a content warning that some questions may be sensitive, allow participants to skip questions they find uncomfortable, and avoid language that portrays LGBTQ+ identities as abnormal or problematic. Questions should be neutral so that participants feel comfortable sharing their experiences. Also, the questions should be neutral because misleading questions or careless statements might affect participants' responses. It is more preferable to ask: what happened? Then to ask: A happened like that, am I right? This avoids assuming that every participant had the same experience. We will acknowledge that online questionnaires may mainly reach people with internet access or connections to LGBTQ+ organizations, so the results may not represent all affected communities.

4. Public Event Observation

To understand which rules under Section 377 affect the LGBTQ+ community most, and which solutions are most effective, our researchers would attend public events, such as campaigns and protests organized by other NGOs or grassroots organizations. We will observe and take note of the rules that faced the most criticism and the solutions that inspire the LGBTQ+ community the most. This allows us to obtain authentic, real-world knowledge on the threats that LGBTQ+ individuals face, as we can pinpoint the rules that are most responsible for the discrimination and mistreatment that have occurred, allowing us to target more specific goals at once instead of eliminating discrimination as a whole. Additionally, learning about the solutions that the community supports will allow us to adopt and utilize strategic communication methods to form a stronger narrative. This will strengthen our advocacy for the legalization of same-sex marriage and other challenges faced by LGBTQ+ communities. This would give us a larger grassroots support population that backs stronger evidence on why our solutions are most necessary. Finally, observing public events enhances our understanding of the ways LGBTQ+ individuals and

activists resist the law, which is useful in determining their shared values and, in turn, allows us to adopt a solution that addresses the problems directly.

The non-intervening nature of the process lets our researchers see and experience the genuine process and ideas present in public events firsthand. However, this method may also create some ethical concerns. As we are not engaging in interviews or interactions with any participant while conducting the observation, informed consent is completely ignored. Therefore, we must be especially careful when sharing information about the public event, so that we can avoid sharing personal information. Additionally, since no one will discuss with our researchers on what to report, the reliability of the report depends on the researcher's integrity when sharing information.

Therefore, to avoid involving emotional and unconscious bias, this method should be initiated under a positivist methodology, where the data of the community is collected and ranked. Our researchers must not go beyond what they are meant to observe, as general observations are sufficient to determine the nature of protests, the nature of the solutions, and the forms of resistance within the LGBTQ+ community by taking notes of which ideas gained the most support.

Self-Care Plan

As researchers, we may experience emotional stress, burnout, or secondary trauma after repeated exposure to distressing stories, which may cause us to lose efficiency in our work on human rights due to mental anxiety. By extending beyond protecting participants from further trauma in our research, we can realize the necessity to protect oneself from emotional distress or secondary trauma.

Although empathy is essential for fostering trust and gaining insight into an individual's experience of discrimination, it may also evoke the deep trauma of the participant in the researcher themselves. Realizing this, researchers should receive trauma-informed training and think about their personal boundaries before beginning the fieldwork. As overly-emotional interviews and questionnaires are extremely prone to bias, a researcher should list for themselves a protocol that enforces strict and objective guidelines that they must follow under emotional distress.

Before fieldwork, each researcher will create a written self-care plan or and agree on clear professional boundaries. Rules such as not digging into the trauma of others and making sure everything connects back to understanding a specific worldview will allow for effective research even under emotionally tense situations. This can also prevent, for say, the event that an interviewee shares their trauma, and the researcher gets too interested due to the emotional desire to connect with another human being. In such an event, the researcher also follows the do no harm principle by not escalating the rekindling of trauma, which, as humans, is difficult, but much clearer when following a strict emotional and mental protocol. By doing so, the researcher has protected the well-being of the participant by protecting themselves. This ultimately protects the professionalism of human rights research and fosters a more appropriate relationship between the researcher and the participant.

Of course, the proper well-being of the entire research team is not achievable without the help of their organization and research team. An organization that enforces the rules and constitutions when doing human rights research can limit the trauma exposure that researchers experience. Additionally, promoting self-care as an organization will refine the sense of self-care within researchers. This allows them to recognize the dangers in research and avoid them beforehand, due to determined organizational safety standards. Finally, when researching human rights in sensitive and trauma-tied communities, the research team and organization should hold regular check-ins and peer-debriefing sessions, take breaks between difficult interviews, and avoid giving one researcher too much emotionally demanding work. Team members may rotate tasks such as interviewing, reviewing trauma documents, and taking field notes.

Dissemination and Advocacy

Public Storytelling

We will present our research through an interactive digital exhibition. The exhibition will use short videos, photographs, audio recordings, and legal documents instead of mainly using written reports or data charts.

The exhibition may begin with a short video combining images of protests, Pride marches, courts, and newspaper headlines. It will then use an interactive timeline to explain the colonial origins of Section 377 and the major court decisions in 2009, 2013, and 2018. At the same time, we want to include short interview videos, audio recordings, anonymous quotations, and photography to present the experiences of affected communities, while also showing how LGBTQ+ communities, activists, lawyers, and NGOs organized and helped challenge the law.

The ending part will compare the celebration after the 2018 judgment with the problems that still remain today. Although consensual same-sex relations were decriminalized, discrimination continues, and same-sex marriage is still not legally recognized.

We will only use personal stories, recordings, and photographs with informed consent and will avoid exposing participants' identities or causing additional stigma.

The findings and stories presented in the digital exhibition will also provide the foundation for our public campaign. While the exhibition explains the history of Section 377 and the experiences of affected communities, the campaign will use these findings to encourage broader social understanding and action.

Advocacy Campaign: Equal Recognition for Same-Sex Couples

Goal

While the 2018 *Navtej Singh Johar* judgment decriminalized consensual same-sex relations between adults, it did not provide same-sex couples with legal recognition through marriage or civil unions (Supreme Court of India 2018; Supreme Court of India 2023). LGBTQ+ people in India also continue to face discrimination in areas such as healthcare, employment, and family life (Human Rights Watch 2018; United Nations Human Rights Committee 2024). These wider problems show that decriminalization did not create full equality.

Our campaign will focus on one legal gap: the lack of legal recognition for same-sex couples. It aims to raise awareness and build public support for marriage equality, civil unions, or other forms of legal partnership. Through this, we will show that ending criminal punishment was a crucial first step, but equality also requires equal legal protection, security, and recognition.

Helpful Narrative

The issue of Section 377 is not a closed debate, and it is far from a resolved case. Many people may believe that the Section 377 issue was fully resolved in 2018 because consensual same-sex relations were decriminalized. However, freedom from criminal punishment is not the same as full legal equality. Same-sex couples can legally form relationships and live together, but they are still not recognized as married couples and do not automatically receive the same family-related rights and protections as heterosexual married couples (Supreme Court of India 2023). We must reframe this topic as a question for all people of our country. All couples need legal security when dealing with family decisions, inheritance, adoption, pensions, and other important aspects of life. A person's relationship should not receive less protection simply because their partner is of the same sex.

Values

The core values of our campaign are human dignity, equality, respect, and legal security. Human rights and legal protection are crucial, but they must be combined with efforts to create communities that allow LGBTQ+ people to form relationships openly without facing punishment, discrimination, or unequal treatment under the law.

Legal reform is important, but social acceptance also matters. Laws may provide protection, while communities, families, schools, and workplaces shape whether LGBTQ+ people can live openly and safely in their daily lives. Our campaign will therefore connect legal recognition with the broader values of fairness, respect, and belonging.

Audience

The main target audience for this campaign is university students and young adults in India. These individuals are active on social media platforms, and are still forming their social attitudes as they are prone to influence by their families and communities. Thus, we will encourage younger generations to recognize that the need for equality among the LGBTQ+ community is a necessary step to universal human dignity and collective equality.

The campaign will use clear language and everyday examples to help young people understand the difference between decriminalization and legal recognition. Instead of only discussing court judgments, it will show how the lack of recognition can affect real issues such as family rights, inheritance, adoption, and medical decisions.

Campaign Tool: Air Game–Social Media Campaign

One Air Game tool will be a social media campaign using short videos, visual posts, anonymous quotations, and explanations of the Section 377 case. Each post will begin with one shared value, such as dignity or fairness, present one challenge that exists in the current situation, and end with one specific action that a viewer can take. For example, viewers may share accurate information, attend a campus discussion, support local LGBTQ+ organizations, challenge misinformation, or express support for equal legal recognition of same-sex couples. In this way, the campaign will turn research findings into clear and practical public action.

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