PREFACE

Human Rights are the cardinal necessity of all the individuals of all ages to live with dignity, as life means something more than mere animal existence. The violation of Human Rights on any ground is a matter of great concern. International and National Human Rights Mechanisms have witnessed great strides towards the protection of human beings against discrimination of various kinds. Nonetheless, the violence and discrimination based on sexual orientation and gender identity continue to be a threat to humanity. Despite the mandate of International Human Rights law, the instances of discrimination, violence and violation of the basic human rights on the grounds of sexual orientation and gender identity have been documented in various States.

The Draconian law criminalizing consensual same-sex acts between adults continue to exist in many countries including India. The arbitrary interference with the right to privacy and discrimination in the enjoyment of various economic, social and cultural rights on the grounds of sexuality and transgenderism is a serious concern in the present legal scenario.

The present work seeks to elucidate the causality of such grievous violation of Human Rights, witnessed in almost all the parts of the world. The critical analysis of various provisions of the International Human Rights law and other legal systems has provided an insight into the lacunae existing in the present legal system. With this work an attempt has been made to overcome the lacunae present in the existing legal systems and also the impediments in the implementation of laws for the protection of the basic rights of sexual minorities have been acknowledged.

Talking about sexuality or anything related to sex is still a taboo in our society and we did not grow up talking about the same, therefore an empirical study in the given research would not yield accurate results and the researcher had to rely on the Doctrinal method of legal research. There is also not much literature on the given subject. Nonetheless, the statement of problem and research questions were formulated under the guidance of my supervisor. It was an arduous task to conduct research on the issue dealt with in my thesis but extensive investigation has allowed me to answer the questions identified in the present research. I was able to complete my thesis only because of the incessant encouragement and guidance provided to me by my
supervisor. Prof. (Dr.) Mridul Srivastava was always available and willing to answer my queries. I would like to thank her for the guidance and support during this process of writing the thesis.

In the end, I am grateful to my family for their avowed support in all the pursuits of my life.

Shilpa Rao Rastogi