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Right to Live a Dignified Life: A Jurisprudential Analysis of LGBTQ+ Rights under Indian Constitution

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ABSTRACT

Human dignity occupies a central place in modern constitutional democracies. The Indian Constitution enshrines fundamental rights with the intent of protecting the dignity, equality and liberty of every individual. Prominently, Article 21 guarantees the right to life and personal liberty, which the Supreme Court has interpreted broadly to encompass the right to live with dignity. Progressive judicial interpretation has widened the scope of this right to include various aspects of human existence such as privacy, autonomy, identity and freedom of personal choice. Despite these constitutional guarantees, individuals belonging to the LGBTQ+ community have historically been subjected to discrimination, socially stigmatised, and excluded from many domains of the public and private spheres. The paper analyses the development of LGBTQ+ rights in India in the context of jurisprudence, specifically the connection between dignity and constitutional rights. It studies the major cases through which the courts have recognised LGBTQ+ rights and discusses whether the process has succeeded in enhancing the right to a dignified life. The paper suggests that even though constitutional jurisprudence has gone a long way in acknowledging the rights of sexual and gender minorities, further legal reform and greater social understanding are needed so that the constitutional pledge of dignity and equality becomes a reality for all citizens. Securing normative status for LGBTQ+ rights is an essential step towards a more welcoming and fair society. The procedural safeguarding of the dignity of each person is not merely a constitutional requirement but also a noble principle of a democratic society. The reinforcement of legal safeguards, a culture of inclusivity and enhanced social awareness will be important in ensuring that the right to live with dignity is meaningfully realised for the LGBTQ+ community in India.

Keywords: LGBTQ+ Rights, Dignity, Right to Life, Transformative Constitutionalism, Justice

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I. INTRODUCTION

Human dignity is a basic tenet of modern constitutional democracies. Under the Constitution of India, Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Over the decades, the Supreme Court has progressively broadened the meaning of this guarantee to cover not mere animal existence but a life lived with dignity.¹ Progressive judicial interpretation has expanded the ambit of the right to include privacy, autonomy, identity and freedom of personal choice. Despite this constitutional guarantee, however, LGBTQ+ individuals have historically been discriminated against, socially stigmatised and excluded from public and private life.

The movement of LGBTQ+ persons for recognition and dignity has evolved along a complex historical and legal trajectory. Historical accounts, including the one the Supreme Court set out in its 2014 judgment in the *National Legal Services Authority* case, suggest that gender diversity was not an alien concept in ancient Indian society. Ancient literature and culture contain references to persons who did not conform to a strict male-female binary. The notion of a “third nature” appears in classical literature, and various mythological narratives present images of gender transformation and fluidity. The Hijras are one of the communities that have been present in the Indian subcontinent for centuries and have traditionally played a cultural and religious role within Indian society. These sources suggest a measure of social recognition of gender diversity in earlier times.

The colonial period, however, dramatically changed the legal and social status of sexual and gender minorities in India. Laws introduced under British colonial rule reflected Victorian moral values and criminalised certain forms of sexual expression. One such law was Section 377 of the Indian Penal Code, which criminalised consensual same-sex relations as an “unnatural offence”. This legal regime reinforced social prejudice and marginalised individuals whose identity did not conform to heterosexual norms. Many people in the LGBTQ+ community concealed their identity for fear of legal consequences and social rejection.

After independence, the debate on the rights of sexual and gender minorities slowly gained prominence among scholars, in the judiciary and in civil society. Activists, scholars and human rights organisations played a significant role in drawing attention to the discrimination faced by LGBTQ+ people and in advocating legal reform. These efforts later culminated in constitutional challenges that brought the concerns of LGBTQ+ persons before the Indian courts.

¹ INDIA CONST. art. 21; see *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608 (India).

Indian constitutional jurisprudence has played a central role in advancing LGBTQ+ rights. A major landmark was the *National Legal Services Authority* case (2014), in which the Supreme Court recognised transgender persons as a “third gender”. The Court held that gender identity is a constituent of personal dignity and autonomy and that transgender persons are entitled to the fundamental rights guaranteed by Articles 14, 15, 16, 19 and 21 of the Constitution. The ruling affirmed the right of persons to self-identify their gender and directed the State to take affirmative steps to mitigate the social and economic disadvantages faced by transgender persons. It was the first milestone in the constitutional recognition of the dignity and identity of transgender individuals. Another significant development came in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), in which a nine-judge Bench of the Supreme Court recognised the right to privacy as a fundamental right guaranteed by the Constitution. The lead opinion grounded privacy in the protection of personal choice and individuality and described sexual orientation as an essential attribute of privacy and discrimination on that ground as offensive to dignity. This laid significant constitutional groundwork for the recognition of LGBTQ+ rights in later cases.

The turning point came with the judgment in *Navtej Singh Johar v. Union of India* (2018), in which the Supreme Court read down Section 377 of the Indian Penal Code and decriminalised consensual same-sex relations between adults. The Court held that constitutional morality must prevail over social prejudice and that people cannot be deprived of their fundamental rights merely because their identity does not accord with that of the majority. The ruling firmly upheld the guarantee of dignity, autonomy and equality to LGBTQ+ individuals under the Constitution, and held discrimination on the ground of sexual orientation to be inconsistent with the ideals of a constitutional democracy. The present paper undertakes a jurisprudential analysis of these leading precedents.

Even with these positive judicial advances, social discrimination and exclusion continue to shape the lives of most LGBTQ+ persons in India. Members of the community often face rejection by their families, restricted access to education and employment, and barriers to healthcare and housing. Social stigma and ignorance further contribute to the marginalisation of sexual and gender minorities. Therefore, even though legal recognition has increased in recent years, LGBTQ+ people remain unable to enjoy fully the freedoms the Constitution provides. Jurisprudentially, the notion of dignity offers a valuable framework for explaining the rights of sexual and gender minorities. Modern human rights thinking rests on the principle that all human beings have inherent value and are entitled to equal respect. According to philosophers such as Immanuel Kant, persons should be treated as ends in themselves and never

merely as means to an end. In constitutional law, this principle means that everybody, irrespective of gender identity or sexual orientation, is entitled to live freely and with dignity. This understanding has gained increasing acceptance in Indian constitutional jurisprudence, which recognises that the right to life in Article 21 means not only the right to stay alive but also the right to live with dignity, self-respect and freedom of identity. The difficulty lies in ensuring that these constitutional values do not remain confined to the text but are realised in daily social life.

This paper makes a jurisprudential study of the evolution of LGBTQ+ rights in India, linking the guarantee of dignity under Article 21 of the Constitution, and the rights that flow from it, with the doctrinal development of the rights of sexual and gender minorities. It discusses the key precedents through which Indian courts have recognised the entitlements of the LGBTQ+ community, reviews the philosophical basis for dignity as an organising constitutional value, and examines how far formal legal equality has been realised as lived equality. The paper argues that though constitutional jurisprudence has made considerable progress in recognising the dignity and rights of sexual and gender minorities, the guarantee of Article 21 remains substantially unfulfilled in the absence of accompanying legislative reform and meaningful social transformation.

II. HISTORICAL ANTECEDENTS OF GENDER AND SEXUAL DIVERSITY

Pre-colonial Indian society did not hold a monolithic notion of gender and sexuality. Gender-fluid and gender non-conforming figures appear frequently in classical literature and mythology. As the Supreme Court recorded in *National Legal Services Authority v. Union of India*, the concept of *tritiya prakriti* (a “third nature”) forms part of Vedic and Puranic literature, gender-variant persons are referred to in the epics and in Jain texts, and Hijras played a prominent role in the royal courts of the Mughal period.² The Hijra community, which finds mention in Sanskrit literature and in local folklore, has played an important and in some instances ritual role in the Indian subcontinent, and for centuries its members have taken part in customary activities at ceremonial and religious events. On these accounts, earlier society extended a measure of social acceptance to gender variance, in contrast to the criminalisation that followed under colonial rule.³

² *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 (India) [hereinafter *NALSA*] (Radhakrishnan, J.) (tracing the historical presence of transgender persons in India, including the concept of *tritiya prakriti* in Vedic and Puranic literature, references in the epics and in Jain texts, and the role of Hijras in the royal courts of the Mughal period).

³ *Id.* (Radhakrishnan, J.) (noting that the situation of Hijras and transgender persons “changed drastically” with the onset of colonial rule, and referring to the Criminal Tribes Act, 1871).

Everything changed during the colonial era. The Indian Penal Code, enacted by the colonial legislature in 1860, reflected Victorian moral categories, which were thereby imported into Indian criminal law. This legal architecture treated same-sex intimacy and non-normative gender expression as deviant and punishable, rather than as difference to be accommodated. The inheritance proved enduring, influencing legal doctrine and social attitudes long after independence.

For several decades after independence, the question of the rights of sexual and gender minorities remained largely outside mainstream constitutional discourse, confined to the margins of medical, criminological and, occasionally, literary writing. Only from the late twentieth century did activists, scholars and community-based groups begin to record and document the lived consequences of criminalisation, bringing the issue into the spotlight of civil society and, in time, the courts. The HIV/AIDS epidemic greatly influenced this advocacy. Organisations working in public health argued that the criminal law, used against men who have sex with men, impeded public health measures by pushing affected communities underground and away from medical assistance. This combination of public health concern and rights advocacy was crucial to the litigation that eventually reached the higher judiciary.

III. COLONIAL CRIMINALISATION AND THE MAKING OF A LEGAL STIGMA

Section 377 of the Indian Penal Code (IPC), enacted in 1860, punished “carnal intercourse against the order of nature”, an offence that extended to consensual same-sex relations between adults.⁴ The provision did more than regulate conduct: it raised a presumption of criminality against an entire class of people for being gay or lesbian, compelling many to conceal their identity for fear of prosecution and social ostracism.

The constitutional challenge to Section 377 was a long and tortuous process. In *Naz Foundation v. Government of NCT of Delhi*, a Division Bench of the Delhi High Court held that Section 377, insofar as it criminalised consensual sexual acts between adults in private, violated Articles 14, 15 and 21 of the Constitution.⁵ Some four years later, a two-judge Bench of the Supreme Court reversed that decision in *Suresh Kumar Koushal v. Naz Foundation*, upholding the constitutional validity of Section 377 and observing that “a miniscule fraction of the country’s population constitute lesbians, gays, bisexuals or transgenders”.⁶ That line of reasoning was widely criticised for its failure to embrace the principle of equal dignity guaranteed by the

⁴ The Indian Penal Code, No. 45 of 1860, INDIA CODE (1860), § 377 (repealed 2024).

⁵ *Naz Foundation v. Government of NCT of Delhi*, (2009) 160 DLT 277 (Del. HC) (India).

⁶ *Suresh Kumar Koushal v. Naz Foundation*, (2014) 1 SCC 1, ¶ 66 (India).

Constitution, and the plurality opinion in *Puttaswamy* later held that it “is not a sustainable basis to deny the right to privacy”.⁷

IV. THE EXPANDING RIGHT TO LIVE WITH DIGNITY UNDER ARTICLE 21

The progressive expansion of Article 21 laid the foundation for the constitutional path that ultimately led to the restoration of the equality guaranteed by the Constitution. Since the 1970s, the Supreme Court has interpreted the “right to life” as a right not merely to survive but to a life of dignity, encompassing entitlements such as livelihood, health, a clean environment, privacy and personal autonomy. This doctrinal expansion laid the basis for securing the rights of sexual and gender minorities: once dignity was embraced as an incident of Article 21, the State would need a solid constitutional justification for denying dignity to any group of citizens.

It is against this backdrop that the three decisions discussed below acquire their significance. Each contributes a distinct doctrinal element: the first, that gender identity is part of personal autonomy; the second, that privacy is an inherent right that includes sexual orientation; and the third, the lifting of the criminal prohibition that had made the exercise of that autonomy unlawful. This was not, however, a single doctrinal stride. Earlier decisions on the right to livelihood, on prisoners’ rights, and on bodily integrity in the context of medical treatment had already established the interpretive method that later courts would apply to questions of gender and sexuality: namely, that the enumerated text of Article 21 sets a floor rather than a ceiling, and that the content of “life” and “personal liberty” must be understood in light of evolving social understanding rather than frozen at the moment of the Constitution’s adoption. This interpretive method, sometimes described as the “living tree” approach to constitutional construction, proved indispensable in extending dignity-based reasoning to a class of persons who had been entirely absent from the framers’ contemplation in 1950.

V. THE JURISPRUDENCE OF DIGNITY: *NALSA* AND *PUTTASWAMY*

The first major landmark was *National Legal Services Authority v. Union of India*, in which the Supreme Court recognised transgender persons as a “third gender” and held that gender identity forms an integral constituent of personal dignity and autonomy.⁸ The Court upheld the right of a person to self-identify their gender, held that any insistence on sex reassignment surgery for declaring one’s gender is “immoral and illegal”, and directed the State to take positive steps to alleviate the social and economic hardship faced by the transgender community.⁹ Most

⁷ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India) [hereinafter *Puttaswamy*] (Chandrachud, J.) (plurality opinion).

⁸ *NALSA*, *supra* note 2.

⁹ *Id.* (operative declarations (2), (3), (5) and (7)).

significantly, the Court held that transgender persons enjoy the full protection of Articles 14, 15, 16, 19 and 21, placing gender identity firmly within the framework of fundamental rights rather than executive discretion.¹⁰

The second landmark, *Justice K.S. Puttaswamy (Retd.) v. Union of India*, arose from a reference made in the course of the challenge to the Aadhaar biometric identification scheme but produced a far-reaching holding: that the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21.¹¹ In the lead opinion, delivered on behalf of himself, Khehar CJ, Agrawal J and Nazeer J, Chandrachud J held that privacy is a constitutional value that protects for the individual a zone of choice and self-determination.¹² The opinion went further, expressly identifying sexual orientation as an essential attribute of privacy and observing that discrimination on that ground is deeply offensive to the dignity and self-worth of the individual.¹³ Although privacy was the immediate subject of adjudication, the Court's reasoning supplied the constitutional groundwork that would prove decisive in the subsequent challenge to Section 377.

VI. NAVTEJ SINGH JOHAR AND THE DECRIMINALISATION OF SAME-SEX INTIMACY

The culmination of this jurisprudential trajectory came in *Navtej Singh Johar v. Union of India*, in which a five-judge Constitution Bench read down Section 377 to exclude consensual sexual conduct between adults from its ambit, thereby overruling *Suresh Kumar Koushal*.¹⁴ The Court held that the criminalisation of private, consensual conduct between adults on the ground of sexual orientation was manifestly arbitrary and violative of Articles 14, 15, 19 and 21.¹⁵ Section 377 has since passed out of the statute book altogether: the Bharatiya Nyaya Sanhita, 2023, which repealed and replaced the Indian Penal Code with effect from 1 July 2024, contains no corresponding provision.¹⁶

Two features of the judgment merit particular attention for the purposes of this analysis. First, the Court expressly relied on the emerging doctrine of constitutional morality, under which the

¹⁰ INDIA CONST. arts. 14, 15, 16, 19, 21; *NALSA*, *supra* note 2.

¹¹ *Puttaswamy*, *supra* note 7 (order of the Court).

¹² *Id.* (Chandrachud, J.) (plurality opinion) (holding that privacy “is a constitutional value which straddles across the spectrum of fundamental rights and protects for the individual a zone of choice and self-determination”).

¹³ *Id.* (Chandrachud, J.) (plurality opinion) (“Sexual orientation is an essential attribute of privacy. Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual.”).

¹⁴ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

¹⁵ *Id.*

¹⁶ The Bharatiya Nyaya Sanhita, No. 45 of 2023, INDIA CODE (2023), § 358(1).

constitutional ideals of equality and liberty prevail over majoritarian social morality. Second, Chandrachud J, in his concurring opinion, placed sexual orientation within the constitutional value of dignity, observing that it is “integral to the identity” of members of the LGBT communities and “intrinsic to their dignity, inseparable from their autonomy and at the heart of their privacy”, and declaring that they are entitled, as all other citizens, to the full range of constitutional rights.¹⁷ In a separate concurring opinion, Indu Malhotra J observed that “[h]istory owes an apology to the members of this community and their families, for the delay in providing redressal for the ignominy and ostracism that they have suffered through the centuries”.¹⁸

The doctrinal structure of *Navtej Singh Johar* therefore rests firmly on the constitutional concepts of autonomy, as the basis for recognising gender identity, and privacy, as the basis for recognising sexual orientation; the removal of the criminal sanction followed almost as a given.¹⁹

VII. DIGNITY: THE JURISPRUDENTIAL FOUNDATION

The concept of dignity provides a coherent framework within which the rights of sexual and gender minorities may be explained and justified from a jurisprudential point of view. Contemporary human rights thought rests substantially upon the proposition that all persons possess inherent worth and are entitled to equal respect. Immanuel Kant’s formulation of the categorical imperative, requiring that persons be treated always as ends in themselves and never merely as means, provides an influential philosophical grounding for this proposition.²⁰ Translated into constitutional terms, this principle demands that no individual be denied the entitlements of citizenship on account of characteristics, such as gender identity or sexual orientation, that bear no rational relationship to their capacity for autonomous self-determination.

Scholars have described this development as part of a broader transformative project embedded within the Indian Constitution, one that seeks not merely to regulate the relationship between citizen and State but to reconstitute unequal social relationships inherited from a hierarchical past.²¹ Chandrachud J’s account of privacy as recognising “the ability of each individual to make choices and to take decisions governing matters intimate and personal” captures exactly this

¹⁷ *Navtej Singh Johar*, *supra* note 14 (Chandrachud, J., concurring).

¹⁸ *Id.* (Malhotra, J., concurring).

¹⁹ *Navtej Singh Johar*, *supra* note 14 (relying on *NALSA*, *supra* note 2, and *Puttaswamy*, *supra* note 7).

²⁰ IMMANUEL KANT, *GROUNDWORK OF THE METAPHYSICS OF MORALS* (Mary Gregor trans., Cambridge Univ. Press 1998) (1785).

²¹ See GAUTAM BHATIA, *THE TRANSFORMATIVE CONSTITUTION: A RADICAL BIOGRAPHY IN NINE ACTS* (HarperCollins 2019).

transformative vision: constitutional guarantees as tools for social change, and not merely barriers to State interference.²²

This analysis leads to two further observations. First, dignity is not a standalone right but an interpretive principle that infuses meaning into the enumerated rights in Part III of the Constitution, such as “personal liberty” and “equality before the law”. This has enabled the judiciary to extend constitutional protection to groups of people and activities that the framers did not expressly contemplate but that can nonetheless be derived from the constitutional text. Second, the dignity principle plays a transnational role: Indian courts have drawn on comparative constitutional experience, for example in interpreting dignity as it applies to sexual orientation and gender identity, and have thus participated in a transnational conversation about the constitutional status of sexual minorities.

VIII. THE GAP BETWEEN LEGAL RECOGNITION AND LIVED REALITY

Despite this judicial progress, social exclusion still shapes the everyday lives of most LGBTQ+ people in India more than constitutional protection does. Rejection by families, limited opportunities for education and employment, and limited access to housing and healthcare persist, and social stigma remains a force that marginalises sexual and gender minorities, one that formal legal recognition has not displaced. The Transgender Persons (Protection of Rights) Act, 2019, the statutory response to *NALSA*, recognised a right to self-perceived gender identity but routed legal recognition through a certificate of identity issued by the District Magistrate, and conditioned a revised certificate as male or female on a medical certificate of gender-change surgery; critics argued that this certification scheme diluted the self-identification principle affirmed in *NALSA*.²³ The Transgender Persons (Protection of Rights) Amendment Act, 2026, in force from 25 May 2026, has since amended this scheme: it omits the statutory right to self-perceived gender identity, substitutes a narrower definition of “transgender person”, and requires the District Magistrate to examine the recommendation of a medical board before issuing a certificate of identity.²⁴ Petitions challenging the amendments are pending before the Supreme Court, which in May 2026 declined to grant an interim stay.²⁵ The disjunction is also apparent at the level of institutional implementation. Despite the reading down of the criminal

²² *Puttaswamy*, *supra* note 7 (Chandrachud, J.) (plurality opinion).

²³ The Transgender Persons (Protection of Rights) Act, No. 40 of 2019, INDIA CODE (2019), §§ 4–7.

²⁴ The Transgender Persons (Protection of Rights) Amendment Act, No. 3 of 2026, INDIA CODE (2026), §§ 2–5, <https://egazette.gov.in/WriteReadData/2026/271438.pdf>; MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT, Notification S.O. 2620(E) (May 22, 2026) (appointing May 25, 2026 as the date of commencement), <https://egazette.gov.in/WriteReadData/2026/272895.pdf>.

²⁵ Debayan Roy, *Supreme Court Refuses to Stay Transgender Amendment Act*, BAR & BENCH (May 4, 2026), <https://www.barandbench.com/news/litigation/supreme-court-refuses-to-stay-transgender-amendment-act>.

law, harassment of LGBTQ+ persons by the police continues to be reported; in 2021 the Madras High Court found it necessary to direct that, where a missing-person complaint is found on enquiry to involve consenting LGBTQIA+ adults, the police must close it after recording their statements and without subjecting them to harassment.²⁶ Apart from the 2019 Act's prohibition of discrimination against transgender persons by any person or establishment, which extends to education, employment, healthcare and housing,²⁷ employers, landlords and healthcare providers generally owe no comparable statutory duty in respect of sexual orientation, and the constitutional guarantees set out in *NALSA*, *Puttaswamy* and *Navtej Singh Johar* bind the State directly and reach the private sphere only indirectly, through the slow and uneven process of horizontal application.

Educational institutions also remain sites of exclusion: despite the constitutional protection that now extends to LGBTQ+ students, many still report bullying and institutional neglect. The result is a strange imbalance: a body of law whose constitutional values clearly favour inclusion, alongside a largely unchanged set of institutions, in the State and in the market, where most citizens live and work. The tension between doctrine and lived experience is a familiar problem in constitutional rights adjudication: a judicial declaration of entitlement, however firmly grounded in doctrine, does not by itself dismantle the social mechanisms of prejudice. The decades-long struggle against Section 377 was sustained as much by incremental social mobilisation and personal testimony as by courtroom argument, and the persistence of stigma after *Navtej Singh Johar* reflects the limits of adjudication as a vehicle for social transformation. The right to live with dignity under Article 21 is, in this sense, better understood as a continuing constitutional project than as a status conferred once and for all by a single judgment.

IX. TOWARDS SUBSTANTIVE EQUALITY: THE UNFINISHED AGENDA

Several reforms would help to narrow this gap. First, comprehensive anti-discrimination legislation covering employment, education, housing and healthcare would extend the constitutional guarantee of equality into domains that litigation alone cannot reach. Second, the implementation of *NALSA*'s direction on reservation and affirmative action for transgender persons remains uneven across States and requires more consistent administrative follow-through.²⁸ Third, the recognition of civil status entitlements, including marriage and adoption, remains contested. In *Supriyo @ Supriya Chakraborty v. Union of India* (2023), a five-judge

²⁶ *S. Sushma v. Commissioner of Police*, 2021 SCC OnLine Mad 2096 (India).

²⁷ The Transgender Persons (Protection of Rights) Act, No. 40 of 2019, INDIA CODE (2019), §§ 3, 9.

²⁸ *NALSA*, *supra* note 2 (directing the Centre and State Governments to treat transgender persons as socially and educationally backward classes of citizens and to extend reservation in admission to educational institutions and in public appointments).

Constitution Bench unanimously held that there is no unqualified fundamental right to marry and declined to read the Special Marriage Act, 1954 to include same-sex couples, leaving the question to Parliament; by a majority of three to two, it also declined to recognise civil unions for queer couples and upheld the bar on joint adoption by unmarried couples.²⁹ The Court recorded the Union Government's statement that it would constitute a committee chaired by the Cabinet Secretary to examine the entitlements of queer couples, and such a committee was constituted in April 2024.³⁰ Further progress on these questions therefore depends principally on legislative intervention, informed by the dignity principle articulated in the trilogy of cases discussed above.

Underlying each of these measures is the same jurisprudential insight that animated *Navtej Singh Johar*: that constitutional morality, rather than majoritarian preference, must govern the extension of rights, and that the transformative promise of the Constitution is realised only when formal guarantees are matched by substantive social change.³¹

X. CONCLUSION

The constitutional recognition of the rights of LGBTQ+ communities is a crucial milestone in the journey towards an inclusive and equal constitutional order in India. The judicial journey from *NALSA* to *Puttaswamy* to *Navtej Singh Johar* has been steady, if at times faltering, in establishing the rights of sexual and gender minorities as rooted in the constitutional right to dignity under Article 21. Yet the dignity of the person is not merely a doctrinal duty that can be discharged through a legal solution; it is an ongoing responsibility of a democratic society. If the Constitution's promise of dignity and equality is to be realised for the LGBTQ+ community in India, rather than remaining a footnote in the law reports, it is essential that legal protections are reinforced, a truly inclusive culture is fostered and social awareness is deepened.

²⁹ *Supriyo @ Supriya Chakraborty v. Union of India*, 2023 INSC 920 (India).

³⁰ *Id.*; LiveLaw News Network, *Centre Forms Committee to Examine Issues of Queer Community as per SC Judgment in Same-Sex Marriage Case*, LIVE LAW (Apr. 16, 2024), <https://www.livelaw.in/top-stories/centre-forms-committee-to-examine-issues-of-queer-community-as-per-sc-judgment-in-same-sex-marriage-case-255255>.

³¹ *Navtej Singh Johar*, *supra* note 14 (Chandrachud, J., concurring) (on the transformative power of the Constitution).