This day last year – not at the stroke of the midnight hour, but somewhere around 11.30am – LGBT Indians "awoke to life and freedom". Passing its judgment in Navtej Singh Johar vs Union of India, the Supreme Court of India struck down Section 377, India’s colonial-era sodomy law. For LGBT Indians, this was the moment of moving from a colonial legal regime to the Indian Constitution’s promises of equality, dignity and fraternity.

To quote the Johar judgment, there was an "unbridgeable divide between the moral values on which [Section 377] is based and the values of the Constitution." The Constitution’s promises have now been made true for LGBT Indians. One year is a good time for introspection. The moment of freedom has been savoured, the shift begun from a mentality of fear to the confidence to assert citizenship rights, though the trauma of criminalisation may last a lifetime.

It is also a good time to reflect on the work that remains. The past year has seen dramatic changes. Dutee Chand – India’s fastest woman! – came out. When her partner asked her what name they would give their relationship, she responded by telling the world about her sexual orientation. Hats off to her.

Bollywood is seeing changes, too. Film has the power to create a moral narrative that reaches all corners of the country. Ek Ladki Ko Dekha Toh Aisa Laga hit the right note – especially in depicting the bullying and depression that many young gay people face. It was also special in showing a father moving from bewilderment to supporting his lesbian daughter.
Amritsar and Jalandhar held their first Pride parade. Same-sex couples have been approaching courts all over the country asking for protection. The courts have responded by directing the police – who a year ago would have been enforcing 377 – to protect them.

But these in the public domain only happen because of changes within us – as we learn to let go of fear and hesitation and embrace our ambitions and aspirations for a full life.

The clamour is for civil and political rights. The right to adoption, to something as simple as buying medical insurance for your partner, to visit your partner in a hospital and make medical decisions – relationship recognition that opposite-sex couples take for granted. But same-sex couples remain strangers in law.

The other big step is anti-discrimination in the workplace. In the past year, companies have directed advertising at sexual minorities. Now is the time to put your money where your mouth is: offer same-sex couples the same employee benefits as opposite-sex couples. Corporate India also needs to make it clear that they will not discriminate in matters of hiring and promotion.

These steps require social change. The question that I am asked most frequently is: “The law has changed – but will society change?” My answer is – society changes because LGBT people are changing and gaining the confidence to live the lives they dreamt of. I look forward, in the coming years, to seeing LGBT people from every walk of life in positions of leadership – from government and business, to academia, media and the judiciary.

But social change needs to be backed by legal and legislative change. Until we participate in the electoral process – as voters and as candidates – legislative change will be slow to come. Numbers matter. In the Johar case, the Supreme Court estimated that India’s LGBT population was 7%-8% of the general population. This makes LGBT people one of India’s largest minorities. LGBT Indians need to ask their elected representatives what they are doing for them.

If anything, we are moving backwards on the legislative front. The Surrogacy Bill – awaiting assent from the president – is a blow to the LGBT community. The bill does not ban only commercial surrogacy. It allows only married couples – by implication, only opposite-sex couples – to have a child via surrogacy. Only married women who have a child can act as surrogates.

What does this mean for same-sex couples? Or a single woman who wants to have a child, but can’t carry one herself? This is a blatant violation of the right to equality, telling single women and same-sex couples that they are unequal to married women and opposite-sex couples. But it also indicates that we have a long fight ahead, to challenge the idea underlying this bill – that the only families worth protecting are traditional, opposite sex families.

At the end of the day, this ignores the reality of young Indians – who want to live in India, but also to fulfil their aspirations for life and love. The prime minister noted in a recent speech that young Indians are marked not by their surnames or where they come from but by their aspiration. This is true for young LGBT people as well. Faced with a tanking economy and no civil rights, those who can are asking themselves whether they should migrate to enjoy a better life. We owe them more than this.

DISCLAIMER: Views expressed above are the author’s own.

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