

FLARE | OPINIONS (LAW, HUMAN RIGHTS AND POLITICS)

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Ankur Mutreja
(ankurmutreja.com)

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Introduction

Opinions are like flare, which can turn either way: they can spread like wild fire or encapsulate themselves within the bounds of personal integrity, and thus illuminate. I started writing opinions in the late 2008 through my blogs. I admit at times I did go wild with unsubstantiated accusations and surmises, leading to risky speculations and irresponsible opinions. Recently, I published a comprehensive book of my writings entitled a **Writings @ Ankur Mutreja**, and the present book is a short selection of my opinions presented therein with emphasis on responsible writing.

I am an advocate by profession; therefore, most of my opinions have a tint of law; in the first part, the expression is simple; so, it is for lay persons who won't mind a little exercise of mind in the legal arena; whereas, in the second part, I have gone whole hog with law, and I admit those without formal legal training may find it convenient to ignore.

My style of writing is terse and pointed, but at times I have gone overboard like in one particular opinion on **Aarushi** murder, where emotions and logic intermingled in an expanded narrative. Rights, especially privacy and equality, are my area of focus; therefore most of my opinions herein; i.e., the ones discussing **Brain Research**, **NCTC**, **Sting Operations**, **LGBTs**, **Prostitution**, **SC/ST quotas**, and **AADHAR/NPR**; are focused on these two areas.

In my selection, I have tried steering clear of politics, but politics is nevertheless all encompassing; however, one opinion on tussle between **Delhi Police** and **AAP** is majorily political; another political opinion, but with a strong emphasis on law, is the discussion of **Zakia Jaffrey** case.

There were few very big events in the recent past; one amongst them is the **Nirbhaya** murder, and I have also discussed it, though my take is slightly different: I think the murder has been manipulated by the vested interests.

I am a resident of an unauthorized colony; therefore, my opinion on **Unauthorized Colonies** has found place in the present selection; though I admit had the case been different, I wouldn't have included it; so please bear with my little bias.

Though I have no expertise in international affairs, I have taken a plunge into it albeit within the ambit of my legal training; the topics discussed are **Indo-Pak** relationship and **Julian Assange**.

Finally, in the second part, I have discussed various judgments and laws. I would recommend anybody to read at least my critique of **Aarushi Judgement**. Other than that I have critiqued **Binayak Sen Judgement** and **Aruna Shaunbaug Judgement**. In the second part, I have also critiqued **RTI Act** and **Amendments in IPC post Nirbhaya** murder.

Enjoy Reading! Ankur Mutreja.

Please note that this book was published in July 2015, but I have added a comment dt. 25.09.2015 in the "Chapter: Aarushi Murder Case Judgment: A Critique" – an advantage of Indie Authorship.

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Chapter 1: Opinions (General)

Chapter 1.1: The Danger of Brain Research

(March 2014)

Brain research is a fledgling area. The documented objectives of the research include understanding the complex working of the brain for medicinal, surgical and artificial intelligence purposes. The undocumented objectives include mind control, especially for the purpose of □ intelligence and security□ the surreptitious research in this area has already advanced quite a lot mainly because of the use of innovative engineering techniques involving wave physics and computer modeling. According to the conspiracy theorists, it is now possible to read the thoughts of a person, with or without bugging the brain or any other part of the body. In fact, the research carried out after bugging the brain is well documented, and the visual and vocal images originating from the brain of the guinea pigs have been transferred to LCD screens and speakers respectively □ this means that what a person speaks to himself can be heard, and what he dreams in his mind in the form of images can be seen.

Now let us see where the research is headed. The documented research till now has been able to demarcate the areas of brain responsible for various activities like smell, language, visual images, etc. They also know that the brain activities take place in the form of electrical impulses. The brain emits waves of low frequency, which can be read by proper modulation, and that is how the vocal and visual images are read. However, the complex processes of brain and/or nervous system, like consciousness, are yet unknown. In fact, there are certain quantum physicists who believe that consciousness is not a neuron function at all, but a microtubules function, and is thus inherently unpredictable in accordance with the laws of quantum physics, and thus artificial intelligence is impossible. Nevertheless, even if it is assumed that the current research is headed in the right direction, and, by researching the neural interconnections, one can unravel the mysteries of the brain, this task is next to impossible because the number of interconnections between the nerves in a human brain are more than the number of atoms in the universe □ just imagine how daunting a task it is. Then, why should the corporate and the governments throw so much money into this field?

The answer lies in the undocumented mind control research. They all know they are never going to achieve anything in the field of artificial intelligence, and the benefits in the field of surgery may also not arrive in the concrete form ever. However, the benefits in the field of mind control are enormous. If the conspiracy theorists are to be believed, there are tools and techniques through which any human brain can be read using wave technology; so, what is required is the strategic location (say in a police station) of the right machines, tools and implements in the residential neighborhoods in densely populated cities; now combine this with the organized harassment through the politicians and the police agents: well, one can potentially control each single mind. The USA has, in the past, carried out extensive research on this aspect and also executed the same under the codename □ Cointelpro□ , wherein the black rights activists were targeted by the State through organized stalking and electronic harassment. The USA has officially shelved this program, but, if the conspiracy theorists are to be believed, the program has been institutionalized across the globe for targeting prospective rebels and rebellion. However, the more distressing is the prospect of direct penetration of minds using the Nanobots; the

Nanobots are microscopic robots invisible to human eyes and, when diffused in the air, can be inhaled. Logical extrapolation makes me believe that the objective of the future brain research will be to unravel as many mysteries of the brain as would be necessary to effectively employ Nanobots for controlling the human mind through computer commands: This would be an alternative way of achieving artificial intelligence by converting humans themselves into robots.

I don't know whether the above objective is achievable, but look at the prospects of human right violations even if such a research is carried out, and we never know what other methods of mind control may be under contemplation or discovered. **Last but not the least, what about the unwilling guinea pigs, who are left no more than zombies?**

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Chapter 1.2: Legalising Prostitution

(November 2014)

As per the Immoral Trafficking (Prevention) Act, 1956, of India, prostitution means a *the sexual exploitation or abuse of persons for commercial purposes or for consideration in money or in any other kind, and the expression "prostitute" shall be construed accordingly.* However, it is to be noted that the Act doesn't criminalize prostitution *per se*; it only criminalizes certain instances of prostitution; it criminalizes prostitution in brothels; i.e., any place where two or more prostitutes practice their trade or a single prostitute practices her trade for the gain of another person, not for her own gain; it criminalizes living on the earnings of a prostitute with a rebuttable presumption that any adult habitually in the company of a prostitute is living on her earnings; it criminalizes prostitution in vicinity of a public place; it criminalizes soliciting clients in a public place; and it obviously criminalizes all kinds of trafficking, explicit or implicit, for the purpose of prostitution; however, the most controversial provision is the one providing for removal of prostitutes from any place, whatsoever, by a DM/SDM/Executive Magistrate within his local jurisdiction in **General Public Interest** it is to be noted that police officers are often given the powers of executive magistrates.

From the above, it clearly emerges that prostitutes, irrespective of their mode of practice, are considered as out-castes. They are not allowed to associate with the community at large as of right, and, even in the cases of individual interactions, there is hardly any chance for them to interact with the people other than those from their own profession, for anybody seen habitually with a prostitute runs the risk of being called her parasite and thus a criminal; they also can't form partnerships or solicit clients freely, thus restricting their practice of their profession.

It seems there are already talks to amend the Act. In 2006 as well, a bill was introduced but it lapsed (Re: <http://www.prsindia.org/billtrack/the-immoral-traffic-prevention-amendment-bill-2006-143/>). The bill deleted the provisions putting restrictions on soliciting clients and providing for removal of prostitutes.

I think Section 20 of the Act providing for removal of prostitutes is extremely derogatory. A prostitute without being termed a criminal is, nevertheless, being treated like one. She is being left at the mercy of the community to be accepted as a regular resident/citizen, which, more often than not, is denied; and, thus, the prostitutes tend to congregate and live their limited existence in ghettos like G. B. Road, *Sonagachi*, *Kamathipura*, etc.; and then the community conveniently designate these areas as 'red-light' areas or, should we say the law regularized the derogatory practice of the society? So, the amendment deleting this provision was certainly welcome.

However, the other amendment deleting Section 8 of the Act providing for restrictions on soliciting clients in a public place was not welcome. The solicitation of clients for the purpose of prostitution would obviously not be decent because the society doesn't consider sex *per se* to be a decent activity, which, in a way, is also correct if ever, only nuns and popes would enter into disciplined decent acts; the rest would do sex passionately and wildly. So, the solicitation of clients for paid sex would naturally tend to be indecent: Who will ever go to a prostitute wearing black robe with wide collars? I

would say the solicitation of clients by prostitutes is a tricky issue; some kind of official list of prostitutes with contact details for further private communication displayed at public places, is the best way to advertise prostitution.

However, I think the pro-prostitution proponents want greater freedom for prostitutes in the practice of their profession: They would like them to form partnerships, appoint pimps and managers, and even open licensed brothels. There are certainly some very ulterior motives involved in all this. There are people who don't only want to earn huge Dollar/Rupee profits from prostitution but also want to use women as currency, which can be laundered and re-minted almost perpetually; and they are trying to shoot from behind the shoulders of prostitutes. Their motives are clear from the kinds of debates they hold in media: They keep terming prostitution as illegal —but which it is not as per law —and, in disguise of giving dignity to the prostitutes, they want to run industries where women would be labor, capital and goods, all at the same time, but, nevertheless, under the control of the capitalists; they want to make rape an industry. The present BJP Government was expected to help them in their motives, but this soon! That was not expected. I would say this debate has thrown up a very serious challenge before the real women rights activists against the fakesters. They will have to guard against any attempt, however indirect and remote, of the present government to legalize any kind of trafficking and/or industrialization of women. The *status quo* with respect to provisions restricting formation of prostitute partnerships or even restricting their free individual associations will have to be maintained for the better good of protecting women against their own commodification — in another of my writings, I have said that a prostitute has every right to get married like normal girls but only after leaving the profession, and, here, I reiterate it.

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Chapter 1.3: SC/ST Quota in Promotions

(September 2012)

A new debate has emerged on the Indian *newscape*: Should there be quota in promotions? Incidental to the debate is the legal question: Will the constitutional amendment introduced in the Parliament pass the test of judicial scrutiny? I don't intend to discuss the second question except to express a *prima-facie* view that there wouldn't be any challenge to the Basic Structure of the Constitution by introducing promotions in jobs for the SCs/STs; the logic is simple: the courts wouldn't look into the discretion of the Legislature to designate the SCs/STs as backwards, and, other than this, there won't be any challenge to the Basic Structure in reference to the **M. Nagaraj case** (Re: M. Nagaraj v. Union of India (2006 (8) SCC 212); download from <http://indiankanoon.org/doc/102852/>).

However, the real question, i.e. the first question, is clearly a political question. I have heard two sets of alleged material facts, which I believe to be true: First that there are no or negligible SCs/STs in the secretary level posts in the ICS, and, second that the SCs/STs generally join the services very late with a time gap of around 5-6 years to the general candidates. The ramification of the two facts is that the SCs/STs never reach the highest administrative grades.

I think there are no further relevant issues in the present debate. The SCs/STs have a genuine grievance that they are not represented in the higher echelons of the decision making, and, therefore, in spite of all the reservation benefits they get, they don't get to influence the decision making at the policy level — though it's another question whether an administrative officer should even be trying to influence the policy making given they are not supposed to make policy decisions as that's the work of the ministers; however, we all know how the Indian system works, and what competitiveness the ministers bring to the table.

At the same time, there is also an issue of reverse discrimination. The SC, in its wisdom, held in the **M. Nagaraj case** that "Catch-Up" and "Consequential Seniority" don't form part of the Basic Structure. However, that doesn't mean that the Legislature will completely ignore it. There ought to be some guidelines for promotions and "Consequential Seniority"; these just can't be caste based promotions and "Consequential Seniority", as is intended to be done. With respect to the challenge of equality, the logic of the SC judgment was that the two contradictory issues of affirmative action and reverse discrimination would get settled while ensuring controlling factors of backwardness and inadequate representation, which were held to be contextual to be determined on case-to-case basis in the light of the available **data**; the word **data** is very important because now the **E data** is being replaced by the "common opinion" of the Legislature, which, as already stated, won't be scrutinized by the courts within our existing constitutional scheme.

I think, in the current monsoon session, the Legislature doesn't represent the "general will" of the citizens of India with respect to "quota in promotions" because the parliamentarians are not debating but fighting; people in India are sane enough not to entrust the expression of their "general will" to such hooligans; the Parliament is in

Paglapur state these days.

The best thing for the parliamentarians will be to take a break, go for a picnic, and, may be, flirt with each other □better than flirting with the trust of the people.

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Chapter 1.4: Minority Report - an Indian Adaptation

(March 2012)

When I watched the movie "Minority Report", I was scared to death on the prospect of robot-police entering the bedrooms of people for taking their IRIS scans to catch an alleged criminal not because I am a criminal but because I don't trust the State, especially the Police. But, it was just a movie, and its chances of turning into reality were remote in India but, not really! The scary movie has already turned real in India, and there is no Hero in this movie, albeit there are plenty of villains.

The name of the villain/s will vary from person-to-person depending upon their discernment of facts. Nevertheless, I suggest the following names:

- 1) Mr. Manmohan Singh, the Prime Minister.
- 2) Mr. P Chidambaram, the Home Minister.
- 3) Mr. Pranab Mukherjee, the Finance Minister.
- 4) Mr. Nandan Nilekani, the UIDAI chief and ex-CEO, Infosys.
- 5) Mr. Montek Singh Ahluwalia, the Planning Commission's Deputy Chairman.
- 6) Mr. L. K. Advani, the Home Minister of the NDA Government in the year 2003-04.
- 7) Mr. Atal Bihari Vajpayee, the Prime Minister of the NDA Government in the year 2003-04.

I will just state the facts and leave it for the readers to choose their villain/s.

Minority Report u the FACTS

The movie started in 2004 when the politicians of this country, at the time of the NDA Government, amended (Re: <http://www.legalindia.in/the-citizenship-amendment-act-2003>) the Indian Citizenship Act by inserting Sec 14A, which made it mandatory for every citizen of India to register for National Register of Indian Citizen (NRIC) by providing his or her personal information. Sec 17 of the Act was also amended increasing the punishment for providing wrong information from six months to five years. No clues were provided in the Act as to what all will be collected for the registration. At the same time, the Registrar General, India, who is under Home Ministry, was also made the National Registration Authority. Subsequently, a division was created under him for collecting data of the usual residents of India to be entered in the National Population Register (NPR), which data is to be used eventually for preparing the NRIC. As per the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 (Re: http://mha.nic.in/pdfs/citizenship_rules2003.pdf), the following information will form part of the NRIC:

- (i) Name
- (ii) Father's name
- (iii) Mother's name
- (iv) Sex

- (v) Date of birth
- (vi) Place of birth
- (vii) Residential address (present and permanent)
- (viii) Marital status if ever married, name of the spouse
- (ix) Visible identification mark
- (x) Date of registration of Citizen
- (xi) Serial number of registration
- (xii) National Identity Number

In the year 2011, a door-to-door enumeration was carried out, in which 15 personal details were collected. At the same time, Mr. Nandan Nilekani started collection of biometric information of the usual residents including IRIS scans for the purpose of issuing AADHAR cards. As per the National Identification Authority of India Bill (Re: <http://www.prsindia.org/billtrack/the-national-identification-authority-of-india-bill-2010-1196/>), the collection of information is not mandatory, and a resident may opt out of AADHAR registration; but, as per Mr. Nilekani in one of his interviews, the service providers like banks may make the mentioning of AADHAR numbers necessary for availing their services; the bill is still pending, and the collection of information till now is on the basis of a Cabinet nod. How exactly? I don't know.

The Home Ministry, led by Mr. Chidambaram, raised concern about the information to be collected by Mr. Nilekani and recommended collection of biometric information under the NPR only. From time-to-time, I have been visiting the FAQ section of the NPR website (Re: <http://ditnpr.nic.in/FAQs.aspx>) and also other relevant portals, and, as per my knowledge, the biometric information was not to form part of the NPR earlier. Also, the same is not necessary as the information forming part of the NRIC (mentioned above) doesn't include the biometric information. However, my recent visit to the NPR website leaves me bewildered as the **biometric information now forms part of the NPR to be collected compulsorily by the Home Ministry.**

As per the news reports (Re: <http://ibnlive.in.com/news/uid-nilekani-pc-reach-compromise-deal/224773-3.html>), a compromise has been reached between the Home Ministry and Mr. Nilekani, as per which *E [t]he NPR will continue to capture biometric data, but if a person says he/she has taken an Aadhar number, no biometric data will then be collected by the NPR.* However, the collection of biometric data would remain compulsory; those who don't get covered by the UIDAI shall be covered by the Home Ministry; and, it seems, it shall be ensured that the failure to provide biometric data would carry a punishment of five years u/s. 17 of the Citizenship Act, 1955.

Now the readers may make their own conclusions; however, I will offer the following hint: The villain is not always the one who appears to be so; in a conspiracy, it is always very difficult to identify the master-mind, and guesses have to be made.

India has now become the worst country of the world: The residents herein have to compulsorily divulge their biometric data to even live here. People need to learn running because, eventually, they will have to run away from this country.

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Chapter 1.5: Intelligence v. Investigation; In Reference NCTC

(February 2012)

There is a fine distinction between an intelligence agency and an investigative agency. Inclusion of the CBI in the list of exceptions under the RTI Act is a clear non-understanding of this fine distinction □ or, should I say, it was deliberate □ and the reason for this is the lack of respect for the privacy of people. In **R. M. Malkani case** (Re: R. M. Malkani vs State of Maharashtra, 1973 AIR 157, 1973 SCR (2) 417; download the judgment from <http://indiankanoon.org/doc/1179783/>), the privacy of an accused was infringed to record the conversation between him and the complainant, of course, without the knowledge of the accused; a contention was raised that the evidence was inadmissible for having being collected illegally by infringing the privacy of the accused; however, the Supreme Court overruled the contention. Here is where the problem lies: the collection of information by an investigative agency in the course investigation shouldn't be anything other than the public information or the private information collected by a procedure established by law. If not, it becomes intelligence, which by its very nature is intrusive □ assuming that the intelligence agencies never collect information by a procedure established by law, and it's no point debating it. If the investigative agencies are allowed to invade the privacy of people without following a procedure established by law, it would be anarchy, not law; and the investigative agencies will cease to be the institutions of a Democracy. However, the police forces in this country have Crime Investigation Departments (CID), which do nothing else but intrude into the privacy of people; so much so that they want to make everything public by installing cameras at each and every place, by collecting IRIS data of each and every Indian, etc. And, of course, there are also the National Investigative Agency (NIA), the Central Bureau of Investigation (CBI), etc., which also intrude into the privacy of people with impunity.

Now comes the National Counter Terrorism Centre (NCTC), a nodal agency to coordinate the activities of all the investigative and intelligence agencies of the country with the perspective of controlling terrorism. An intelligence agency can't control the investigative agencies, but, definitely, it can collect legitimate information from them. I don't know what exactly this new agency is going to do, but if it is going to control the investigative functions of the police, then the concerns of the states are well-founded not only because it infringes upon the rights of the states but also because it will turn all police forces into intelligence bureaus, which is dangerous; but if such is not the case, the concerns of the states are obviously misconceived.

However, I have a fundamental problem with the growth of intelligence agencies because they are beyond law, non-answerable to anybody, working under no compulsions whatsoever. In India, they are created by administrative orders, but, even if assuming they were responsible to the Parliament, it doesn't change things much: Up there, they are all the same, and, since there are no privacy laws in India, they can very much do whatever they want. A citizen can go to the Supreme Court u/a. 32 r/w a. 21 of the Indian Constitution r/w a 21 for the protection of his Right to Privacy, but only if he has knowledge of its infringement: The activities of the intelligence agencies are completely secretive, and no one knows what they do and why they do it. In other words, the

presence of intelligence agencies in a country is inversely proportional to the happiness of the people residing therein.

I don't know what is the level of terrorism threat that India is facing, but the creation of any new intelligence agency directed towards blurring the distinction between intelligence and investigation is completely undesirable; however, if the creation is directed towards making the distinction obvious by taking the intelligence functions away from the police well, I think, it can be allowed, but only if the threat of terrorism is real and extreme.

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Chapter 1.6: Privacy and Sting Operations

(March 2010)

Privacy is derived from the word "private", which is an antonym of the word "public". There has always been a conflict between the society and the individual, so much so that some thoughts in sociology even consider privacy a disease. Though, obviously, such thoughts are corrupt because privacy is an essential ingredient of the personal liberty of an individual, and **No Privacy Means Slavery**.

The definition of privacy is easy and clear: All power with respect to the private information of an individual should remain with the individual subject to the norms of the society. Some of these norms are indeed set up by the powerful individuals, who use society as a medium to further their self interests. However, other norms are set up genuinely by the society, and one such norm is to not to allow complete privacy to individuals. No individual can exist in a society unless at least he discloses his identity to the society; so, some of his personal details like name, sex, age, etc., can never remain private. However, if an individual is a public figure or is involved in some public duty or is active in a public space/forum, he needs to disclose a lot more (a person active on a public street can hardly claim privacy from disclosure of his identity and acts; however, at the same time, nobody can disclose the identity of a *pardanasheen* though can disclose the acts), and if an individual fails to disclose appropriate information, the society find out ways to gather the same.

It may often happen that the same means are used by the society to gather both appropriate and inappropriate information: "sting operation" is one such means. So, the word "appropriate" becomes very important. There are some interest groups that consider the knowledge of private sex lives of individuals as appropriate public information, especially if the individual concerned is a public figure or is involved in some public duty. For example, some people in the Aligarh Muslim University consider the private sex life of their teacher as appropriate public information; yet some others elsewhere consider the sexual adventures of the movie stars, the religious gurus and the politicians as appropriate public information. It is hardly a debatable question whether society approves of it; at least the law doesn't, which means even the society doesn't. Under section 294 IPC, an obscene act in a public place is an offense, which obviously includes sexual intercourse in a public place. BTW, as per law, a public place means any place frequented by public, irrespective of whether the place is a private property or a public property; and "public" means any class of public or community: Even a single person can form a class, for example "the President of India". So, how can the law allow public display of the private sex life of an individual? Rather, the strictest punishment possible should be awarded under section 294 IPC to those who indulge in such public exhibition of sex lives of individuals. However, I know there is hardly any punishment that can be awarded under section 294 IPC; so, what we need is a strict comprehensive privacy law, in which the infringement of privacy is considered an offence, and the strictest punishments possible are provided for.

However, at the same time, some "sting operations" have also served useful purpose. The public disclosure of the illegal acts of the public servants in contradiction to their

well laid out public duties is definitely beneficial to the society. A politician or a bureaucrat caught accepting bribe doesn't call for any privacy. Moreover, the recording of these acts and making them public thereof doesn't infringe anybody's privacy. As per the law laid down by the Supreme Court in **Rajagopal v. State of Tamilnadu** (R. Rajagopal vs State of T.N., 1995 AIR 264, 1994 SCC (6) 632; download the judgment from <http://indiankanoon.org/doc/501107/>), a public servant has no right to privacy for the acts done in discharge of his public duties. So, if I record and make public my conversation with a public servant in which he demands bribe for discharging his public duty, I don't infringe his privacy as I only intended to record his public acts in the discharge of his public duties.

Thus, there is no dilemma between sting operations and privacy. Both can co-exist except that those carrying out these sting operations will have to stop calling them that when they don't infringe anybody's privacy; and, when they do, they should anyways be banned. In other words, the word sting should be banned.

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Chapter 1.7: LGBTs: Lesbians, Gays, Bisexuals, and Transgenders

(July 2009)

Are LGBTs actually a different sexual group, who are fighting for their rights to be treated equal to others? The only group which I have seen isolated and deprived is that of eunuchs, who earn their livelihood by dancing in social events and, lately, also by extortion and prostitution; they probably fit into the category of transgenders. Lesbians-Gays-Bisexual is not a different group, but, of course, unless they want to establish themselves as such; but, if they do, what is their identity? They say they follow different rules of love, and that is their identity; but, I wonder, can there be any different rules of love. I think the only thing which differentiates them from the others is their indulgence in unnatural sex, which, most of the times, is without much love. Yes, the Delhi High Court is correct in saying that they have the Right to Privacy, and it is nobody's business to know what happens within the confines of their bedrooms; but, unfortunately, it is not often limited to bedrooms: Gays and lesbians often proudly display their different identity (should we call it inferiority complex). This group *per se* differentiate themselves just on the basis of their sexuality, and, unless they publicize their sexuality, they are in the danger of losing their identity. This is the important question which the decision makers need to look into; i.e., whether the recognition and promotion of a group which indulges in unnatural sex is beneficial?

I think it is not beneficial. Even when we take the cases of transgender/eunuchs, there have been stories of forced conversion of normal people into eunuchs; they exist in close mafia like groups and often indulge in gang fights; they follow a very restrictive community culture in which all are subordinate to their respective mentors/gurus, and they follow the command of their gurus without questions. All in all, they live a very unnatural life, restrictive to any kind of creative growth of mind. Similar are the cases of gays. Though they don't have such restrictive lifestyles, but they do have distorted ones: Most of the full time gays indulge in prostitution; many of them spend most of their time searching for suitable sex partners; only a few like established fashion designers, corporate honchos, etc., do any thing worthwhile other than sex. Actually, the idea of equality of a group, whose only differentiating factor is its sexuality, while safeguarding the sexual privacy of the group members, is self-contradictory. A group which itself makes its sexuality public can't demand privacy for its sexual acts: If someone says he is a gay, then the obvious inference would be that he indulges in non-vaginal sex, and this information can't remain private; this information can remain private only if no group of gays exists, and the consenting individuals can continue to have whatever sex they want but within the confines of their bedrooms; of course, no policemen would ever get to know anything. I wonder if there is any healthy straight couple which doesn't indulge in non-vaginal sex (including oral sex) once in a while. So, unto this point, Sec 377 is definitely against Article 21 and has been rightly held void, but the recognition of LGBTs as a different sexual group and upholding of their Right to Equality especially under Article 15, which reads, *the state shall not discriminate against any citizen on grounds only of religion, caste, sex, place of birth or any of them*, is just not understandable. Can there be a different sexual group (biologically) because of a different sexuality

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