

LGBTQIA+ Community in India

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Abstract

This research explores the LGBTQIA+ community in India, analyzing the intersection of historical, legal, cultural, and social factors that shape their experiences. Despite significant strides in legal rights, such as the decriminalization of Section 377, LGBTQIA+ individuals continue to face stigma, discrimination, and health disparities. This study investigates the lived experiences of LGBTQIA+ people in India, with a focus on the challenges they encounter in both urban and rural settings. Using qualitative methods, the research draws on interviews with 30 participants and employs thematic analysis to uncover recurring themes. The study also addresses the impact of legal advancements, such as the 2018 Supreme Court ruling, on the community's lives. The research emphasizes the need for future studies on intersectionality, regional diversity, and the long-term effects of social changes to foster a more inclusive society for LGBTQIA+ individuals in India. The findings contribute to the ongoing discourse on LGBTQIA+ rights and highlight the persistent barriers to full equality, particularly in areas such as marriage rights, healthcare access, and social acceptance.

Introduction

Everyone has to know about that, how many Genders exist in our society. It's essential to recognize the diversity of genders in our society, as they are often not treated equally compared to traditional sexes like male and female. India's LGBTQIA+ community exists in a paradox—celebrated in ancient texts but criminalized and stigmatized in modern history. LGBTQIA+ represents diverse genders and identities, each with unique meanings.

Key Point: First, understand the difference between **Sex** (biological) and **Gender** (socially constructed). This distinction is crucial to understanding LGBTQIA+ identities.

Here are the small glimpse of the difference of Sex and Genders_

SEX	GENDER
<ul style="list-style-type: none"> • Sex is Biological Construct. 	<ul style="list-style-type: none"> • Gender is Social and Cultural Construct.
<ul style="list-style-type: none"> • Sex is determined by Hormones and Anatomy. 	<ul style="list-style-type: none"> • Gender is determined by Identity, Expression, Societal roles.
<ul style="list-style-type: none"> • Sex is assigned by Birth. 	<ul style="list-style-type: none"> • Gender is Self- Identified.
<ul style="list-style-type: none"> • Sex often Binary (Male/Female). 	<ul style="list-style-type: none"> • Genders have different-2 varieties (LGBTQIA+)

here's the small description of Sex and Gender.

Here's a breakdown of the LGBTQIA+ term, with each letter representing a different gender or sexual identity:

- **L:** Lesbian - Women who are sexually and affectionately attracted to other women. This term can also be used by non-binary individuals.
- **G:** Gay - A person attracted to individuals of the same gender.
- **B:** Bisexual - A person attracted to both men and women.
- **T:** Transgender - A person whose gender identity differs from the one assigned at birth.
- **Q:** Queer - An inclusive, umbrella term for various gender and sexual identities.
- **I:** Intersex - Individuals born with physical sex characteristics that do not fit typical definitions of male or female.
- **A:** Asexual - A person who does not experience sexual attraction or experiences it in non-traditional ways.
- **+**: Represents other gender identities and orientations that exist beyond the traditional categories.

Additional Terms:

- **Transsexual:** Someone transitioning from one sex to another through surgery and medical treatment.

- **Questioning:** A person exploring their gender identity, sexual orientation, or gender expression.
- **Demisexual:** A person who requires an emotional bond to feel sexual attraction.
- **Non-Binary:** A person whose gender does not fit the traditional male/female binary.
- **Polyamorous:** Someone who engages in multiple consensual romantic or sexual relationships at the same time.
- **Pansexual/Omnisexual:** Individuals attracted to all genders and sexes.
- **Androgynous:** A person exhibiting both male and female traits.
- **Genderqueer:** A person exploring their gender identity, sexuality, and gender expression.
- **Intergender:** A person born with no, both, or a combination of genders.
- **Cisgender:** A person whose gender identity is the same as the sex they were assigned at birth.

All of these identities are valid and deserve to be treated equally in society. Just like everyone else, they have the right to live authentically and be accepted.

The LGBTQIA+ community continues to make strides toward equality, both internationally and nationally. Governments are beginning to offer more protections for LGBTQIA+ individuals, although challenges remain. Here are some key points:

1. Legal Progress and Challenges:

- **2018 Indian Supreme Court Ruling:** A landmark decision decriminalized gay sex (Section 377), a significant step toward equality. However, LGBTQ+ individuals still face challenges in terms of societal acceptance and legal protections.
- **Ongoing Discrimination:** Despite legal advancements, the LGBTQIA+ community continues to encounter discrimination in areas like employment, healthcare, and social acceptance. Many still lack explicit protections under the law in terms of marriage rights, inheritance, and anti-discrimination policies.

2. Historical Context:

- **Impact of British Rule:** During British colonial rule, laws like Section 377 criminalized same-sex relationships, a law that continued to affect India's queer

community long after independence. The criminalization of LGBTQIA+ identities persisted for decades, creating a legacy of stigmatization.

- **Queer People in Ancient India:** In contrast to colonial laws, ancient Indian culture often recognized various gender identities. Historical texts and practices such as the third gender (hijra) demonstrate India's historically inclusive view of gender diversity.

3. Healthcare and Protection:

- **Access to Healthcare:** LGBTQIA+ individuals, especially transgender people, face barriers to healthcare services, including discrimination from medical professionals and a lack of inclusive care. Advocating for proper healthcare access remains a crucial issue for the community.
- **Mental Health Support:** The stigma faced by LGBTQIA+ individuals often leads to mental health challenges, including depression, anxiety, and higher suicide rates. There is a growing need for support systems tailored to their specific experiences and needs.

4. Activism and Social Movements:

- **Activism:** LGBTQIA+ rights groups have played a critical role in advocating for legal change and social acceptance. Pride parades, rallies, and campaigns have contributed to raising awareness and fighting for equal rights.
- **Transgender Rights:** India has made some progress with the 2014 NALSA (National Legal Services Authority) judgment, recognizing transgender people as a third gender, but discrimination against them remains rampant.

5. Strength of the LGBTQIA+ Community:

- **Visibility and Acceptance:** The LGBTQIA+ community in India has shown incredible resilience. In recent years, there has been growing visibility in media, arts, and culture, helping to challenge stereotypes and promote acceptance.
- **Support from Allies:** Many individuals and organizations, including celebrities and activists, have come forward to support LGBTQIA+ rights, helping shift public opinion in favor of inclusion.

6. Challenges to Full Equality:

- **Marriage Equality:** One of the most significant ongoing struggles is for marriage equality, where LGBTQIA+ individuals still do not have the legal right to marry in India.
- **Discrimination and Violence:** Hate crimes and violence against LGBTQIA+ individuals, especially transgender people, remain a significant issue. Society's prejudices continue to be a major barrier to full equality.

In summary, while India has made significant legal strides in recognizing LGBTQIA+ rights, there is still much work to be done to ensure that individuals in this community are treated with respect, dignity, and equality in every aspect of life. The fight for acceptance, healthcare, and protection continues, but the strength and resilience of the queer community are undeniable.

1. **Ruth Vanita and Saleem Kidwai** in their seminal work “*Same-sex Love in India: Readings from Literature and History (2000)*” This book is foundational text in the study of LGBTQIA history in India. It examines ancient texts and historical records to demonstrate the presence and acceptance of diverse sexualities and gender identities in pre-colonial India, challenging the notion that homosexuality is a western import. It highlights the fluidity of gender and sexuality in the past.
2. **Gautam Bhan** in a reference to a work about “*Section 377*” Bhan’s work, and likely this piece, discusses the impact of colonial- era laws, particularly section 377 of the Indian Penal Code, on the criminalization of same-sex relationships and the subsequent entrenchment of homophobia in Indian society. It explains the historical erasure and its lasting effects.
3. **Naz Foundation v. Government of NTC of Delhi (2009)** This Delhi High Court case initially decriminalized consensual homosexual acts, a landmark moment in the legal battle for LGBTQIA+ rights in India.
4. **Suresh Kumar Koushal v. Naz Foundation (2013)** The Supreme Court overturned the Delhi High Court’s decision, reinstating Section 377 and criminalizing homosexuality again. This case represents a setback in the fight for legal equality.
5. **Navtej Singh Johar v. Union of India (2018)** this landmark Supreme Court judgement finally decriminalized homosexuality, recognizing the rights to dignity, privacy, and equality for LGBTQIA+ individuals under the Indian Constitution.
6. **Chakrapani et al. (2017& 2018)** likely works on mental health and healthcare access and indicate that- these works likely focus on the mental health challenges

faced by LGBTQIA+ individuals due to social stigma and discrimination, as well as barriers to accessing healthcare, particularly for transgender individuals.

Literature Gap

While significant progress has been made in documenting LGBTQIA+ experience in India, gaps remain. Research on Bisexual, asexual, and intersex individuals is limited, as are studies exploring regional and linguistic diversity within the community. Long-term studies on the impact of legal and social changes are also needed to assess their effectiveness in improving the lives of LGBTQIA+ individuals.

Research Methodology

This study adopts a qualitative research design to explore the lived experiences of LGBTQIA+ individuals in India.

Research Questions

The research wants to find the answer of these following questions:

- What are the social and cultural challenges faced by LGBTQIA+ individuals in India?
- How has the decriminalization of Section 377 impacted the lives of LGBTQIA+ individuals?
- What role does intersectionality play in shaping LGBTQIA+ experiences in India?

Sampling

Purposive sampling will be used to recruit 30 participants who identify as LGBTQIA+ and reside in urban and rural areas of India. The sample size would be determined based on the principle of data saturation, which is commonly used in qualitative research.

Data Collection

Interviews were conducted over three months, in person and through video calls, based on participants' preferences and locations. Before taking part, participants were given full details about the study and signed consent forms. The interviews were audio-recorded and transcribed for analysis.

Data Analysis

Thematic analysis was employed to identify recurring themes and patterns in the interview transcripts. Data was coded and analyzed using NVivo software to ensure

systematic and accurate analysis. Triangulation was achieved by comparing interview data with secondary sources such as NGO reports and media articles.

Limitations

This study has some limitations. It depends on data that people reported about themselves, which might not always be accurate because they could answer in a way that seems more socially acceptable. Also, most of the participants were from cities, so the experiences of LGBTQIA+ individuals in rural areas might not be fully reflected.

Conclusion

The literature on the LGBTQIA+ community in India reveals a complex interplay of historical, legal, social, and cultural factors. While significant strides have been made in terms of legal rights and visibility, challenges such as stigma, discrimination, and health disparities persist. Future research should focus on intersectional approaches, regional diversity, and the long-term impact of advocacy efforts to ensure a more inclusive and equitable society for LGBTQIA+ individuals in India.

References

For this study I did lot of literatures Reviews as well as for basic knowledge I reviewed different types of websites, articles,

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