
PREVENTION AND RELEVANCE OF CRIME AGAINST LGBTQ+ IN CONTEMPORARY INDIA

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Abstract: The acronym LGBTQ+ originated in the mid-20th century, evolving from the term "homosexual," which was commonly used to describe same-sex attraction but often carried derogatory connotations. As the gay rights movement gained momentum during the 1960s and 1970s, the LGBTQ+ community adopted more inclusive and self-affirming terminology, with "gay" becoming widely accepted by the 1960s. By the 1970s, the acronym "LGBT" (lesbian, gay, bisexual, and transgender) was established, later expanding to include other identities such as queer, questioning, intersex, and asexual. This expansion reflects the growing recognition of diverse gender and sexual identities. This paper aims to explore the prevention and relevance of crimes against LGBTQ+ individuals in contemporary India, focusing on the ongoing challenges faced by the community and proposing strategies to address these issues. The study employs a qualitative approach, utilizing a combination of literature review and case study analysis to investigate the subject matter. The findings indicate that LGBTQ+ individuals in India continue to face significant challenges, including discrimination, violence, and inadequate legal protection. Key areas for intervention include legal reforms, public education, and the establishment of community support systems. The study underscores the importance of a multifaceted approach to addressing crimes against LGBTQ+ individuals in India, recommending comprehensive legal and social strategies to protect the rights and well-being of the LGBTQ+ community.

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INTRODUCTION

The LGBTQ+ acronym encompasses a broad range of identities, including lesbian, gay, bisexual, transgender, and queer/questioning individuals, each of which represents distinct experiences of sexual orientation and gender identity. "Lesbian" refers to women attracted to other women, "gay" to men attracted to other men, and "bisexual" to individuals attracted to both sexes. "Transgender" describes those whose gender identity differs from the sex assigned at birth, while "queer" serves as an inclusive term, embracing a wide array of gender and sexual identities beyond the conventional binary

(Beemyn, 2019; Stryker & Whittle, 2006). Over the years, this acronym has evolved to include additional identities such as asexual, pansexual, non-binary, and genderfluid, reflecting the dynamic and expanding understanding of gender and sexuality in contemporary society (Richards et al., 2016; Zimman & Hall, 2020).

Despite this progress in recognizing diverse identities, the LGBTQ+ community continues to face profound challenges, particularly in societies where traditional norms and patriarchal structures dominate. Research indicates that individuals within this community often experience significant discrimination, social exclusion, and violence, which are exacerbated by cultural and legal barriers (Diamond, 2020; Meyer & Frost, 2013). In India, these challenges are deeply rooted in both historical and contemporary contexts. Although ancient Indian texts and art depicted same-sex relationships without the stigma, the imposition of British colonial laws, particularly Section 377 of the Indian Penal Code, introduced criminal sanctions against "unnatural" sexual acts, including same-sex relationships (Vanita, 2002). This colonial legacy persisted until 2018, when the Indian Supreme Court's landmark ruling decriminalized consensual same-sex relationships, marking a significant victory for LGBTQ+ rights in the country (Bhaskaran, 2019; Narrain, 2020).

However, the legal victory has not fully translated into social acceptance or protection for the LGBTQ+ community in India. Discrimination remains pervasive, and incidents of hate crimes, including physical violence, sexual assault, and murder, continue to be reported across the country (Misra, 2021). These crimes are not only a violation of basic human rights but also contribute to the ongoing marginalization and stigmatization of LGBTQ+ individuals. Furthermore, the lack of comprehensive legal protections—such as anti-discrimination laws that cover sexual orientation and gender identity—leaves many within the community vulnerable to abuse and exclusion (Ghose, 2019).

In response to these challenges, there has been a growing recognition of the need for a multifaceted approach to addressing violence and discrimination against LGBTQ+ individuals in India. This includes legal reforms to ensure equal rights and protections, educational initiatives to combat prejudice and foster inclusivity, and support for LGBTQ+ organizations that provide critical resources and advocacy (Misra, 2021; Thoreson, 2020). Additionally, the role of law enforcement in addressing hate crimes and ensuring justice for victims is crucial, yet remains inadequately addressed (Jain, 2022).

This paper aims to explore the relevance and prevention of crimes against LGBTQ+ individuals in contemporary India, focusing on the legal, social, and educational strategies necessary to protect and promote the rights of this marginalized community. By examining the historical context, current challenges, and potential solutions, this study seeks to contribute to the ongoing discourse on LGBTQ+ rights and highlight the urgent need for comprehensive measures to ensure the safety and dignity of all individuals, regardless of their sexual orientation or gender identity.

METHOD

This study adopts a qualitative research approach to explore the relevance and prevention of crimes against LGBTQ+ individuals in contemporary India. The qualitative approach is selected to gain a comprehensive understanding of the social, legal, and cultural complexities affecting the LGBTQ+ community in India, as well as to identify effective strategies to address the discrimination and violence they face.

Research Design

The research employs a case study method combined with an extensive literature review as its primary design. The case study approach is used to conduct an in-depth examination of specific incidents of violence and discrimination against LGBTQ+ individuals in India. This method allows for a detailed exploration of the contextual factors and dynamics that contribute to these crimes, providing a nuanced understanding of the challenges faced by the community (Yin, 2018).

Data Collection

Data for the case studies were collected from a variety of sources, including news reports, legal documents, and interviews with LGBTQ+ activists and community members. The interviews were semi-structured, allowing for flexibility in exploring the participants' experiences while ensuring that key issues related to discrimination, violence, and legal protections were covered (Kvale & Brinkmann, 2015). Additionally, the literature review included an analysis of academic articles, legal statutes, and reports from non-governmental organizations (NGOs) that focus on LGBTQ+ rights in India.

Data Analysis

The collected data were analyzed using thematic analysis, a method that involves identifying, analyzing, and reporting patterns (themes) within the data (Braun & Clarke, 2006). This method was chosen because it allows for the systematic exploration of both explicit and implicit meanings within the data, making it particularly suitable for understanding complex social issues like those faced by the LGBTQ+ community. The themes were developed inductively from the data, ensuring that the analysis remained grounded in the participants' perspectives and experiences (Clarke & Braun, 2017).

RESULT AND DISCUSSION

The results of this study provide a comprehensive understanding of the challenges faced by the LGBTQ+ community in contemporary India, contextualized within historical, social, and legal frameworks. The LGBTQ+ acronym, which includes identities such as lesbian, gay, bisexual, transgender, and queer/questioning, has expanded over time to incorporate a broader spectrum of gender and sexual identities, including asexual,

pansexual, non-binary, and genderfluid individuals. This evolution reflects the growing recognition of the complexity and diversity within the LGBTQ+ community (Richards et al., 2016; Zimman & Hall, 2020). However, despite increased visibility and recognition, the community continues to encounter significant discrimination, violence, and marginalization, particularly within societies that adhere to rigid traditional norms and patriarchal values.

Persistent Discrimination and Social Exclusion

The study reveals that discrimination against LGBTQ+ individuals in India is pervasive and manifests across various domains, including employment, education, healthcare, and everyday social interactions. This discrimination is deeply rooted in cultural biases and societal norms that stigmatize non-heteronormative identities as deviant or immoral (Diamond, 2020). For example, the case studies examined in this research highlight the widespread use of derogatory language, social ostracism, and institutional barriers that prevent LGBTQ+ individuals from fully participating in society. These findings are consistent with previous research indicating that discrimination against LGBTQ+ individuals is not only socially entrenched but also legally sanctioned in many instances (Meyer & Frost, 2013; Ghose, 2019).

The marginalization of LGBTQ+ individuals is further exacerbated by the intersection of their sexual orientation and gender identity with other social factors such as caste, religion, and socioeconomic status. For instance, LGBTQ+ individuals from lower socioeconomic backgrounds or marginalized castes often face compounded discrimination and are more vulnerable to violence and exploitation. This intersectionality underscores the complexity of the challenges faced by the LGBTQ+ community and highlights the need for policies that address these overlapping forms of discrimination (Misra, 2021; Bhattacharya, 2021).

The Legacy of Colonial Law and Contemporary Legal Frameworks

The historical context of LGBTQ+ rights in India is shaped by the legacy of British colonialism, particularly through the imposition of Section 377 of the Indian Penal Code. This law, which criminalized "unnatural" sexual acts, including same-sex relationships, entrenched homophobia and institutionalized the persecution of LGBTQ+ individuals for over a century (Vanita, 2002). Although the Indian Supreme Court's 2018 decision to strike down Section 377 marked a significant legal victory, the impact of this ruling on the lived experiences of LGBTQ+ individuals has been mixed.

The decriminalization of same-sex relationships has not necessarily translated into broader legal protections or social acceptance. The study finds that while there has been some progress in terms of public discourse and visibility, the absence of comprehensive anti-discrimination laws continues to leave LGBTQ+ individuals vulnerable to abuse,

harassment, and exclusion. Furthermore, the lack of legal recognition for same-sex partnerships and families means that LGBTQ+ individuals are denied fundamental rights and protections in areas such as inheritance, adoption, and healthcare (Narain, 2020; Thoreson, 2020).

Hate Crimes and the Culture of Violence

The analysis of hate crimes against LGBTQ+ individuals in India reveals a disturbing pattern of violence that is both pervasive and underreported. The case studies of Anjana Harish and Akash Rathod are emblematic of the broader issue of hate crimes that target LGBTQ+ individuals based on their sexual orientation or gender identity. These crimes, which range from physical assaults to murder, are not isolated incidents but rather reflect a systemic issue rooted in deep-seated prejudice and societal hostility towards non-heteronormative identities (Misra, 2021; Jain, 2022).

The study highlights the failure of law enforcement agencies to adequately respond to and prevent hate crimes against LGBTQ+ individuals. In many cases, police officers are either complicit in the violence or fail to take the complaints of LGBTQ+ victims seriously, resulting in a lack of accountability and justice. This institutional apathy is compounded by a broader culture of silence and stigma, which discourages victims from reporting crimes and seeking legal recourse (Ghose, 2019; Jain, 2022).

Strategic Interventions for Prevention and Protection

To address the challenges identified in this study, a multifaceted approach is essential. Legal reforms are a critical starting point. The study recommends the enactment and enforcement of comprehensive anti-discrimination laws that explicitly protect LGBTQ+ individuals in all areas of public life, including employment, education, healthcare, and housing. These laws should also include provisions for the legal recognition of same-sex relationships, ensuring that LGBTQ+ individuals have equal rights and protections in areas such as inheritance, adoption, and family law (Thoreson, 2020; Bhattacharya, 2021).

Strengthening hate crime legislation is another crucial step. Existing laws must be amended to include sexual orientation and gender identity as protected categories, and the implementation of these laws must be rigorously monitored. Additionally, the establishment of specialized units within law enforcement agencies to handle cases involving LGBTQ+ individuals could improve the response to hate crimes and ensure that perpetrators are held accountable (Misra, 2021; Jain, 2022).

Education and public awareness campaigns play a vital role in challenging societal prejudices and promoting inclusivity. Integrating LGBTQ+ issues into school curricula and conducting widespread awareness campaigns can help reduce stigma and foster a culture of acceptance. These initiatives should be designed to reach diverse audiences,

including rural and urban populations, and should address the intersectional nature of discrimination faced by LGBTQ+ individuals (Ghose, 2019; Bhattacharya, 2021).

Support for LGBTQ+ organizations is also essential for empowering the community and providing critical resources and advocacy. These organizations are often at the forefront of efforts to protect LGBTQ+ rights and provide safe spaces for community members. Increasing financial and institutional support for these organizations can enhance their capacity to address the needs of the community and advocate for systemic change (Narrain, 2020; Thoreson, 2020).

The Need for Ongoing Research and Advocacy

Finally, the study underscores the importance of ongoing research and advocacy to monitor the implementation of legal reforms and assess their impact on the LGBTQ+ community. Continued documentation of hate crimes, discrimination, and social attitudes towards LGBTQ+ individuals is necessary to inform policy decisions and ensure that interventions remain effective and responsive to the needs of the community (Misra, 2021; Jain, 2022).

In conclusion, while the decriminalization of same-sex relationships in India represents a significant milestone, much work remains to be done to achieve full equality and protection for LGBTQ+ individuals. A comprehensive approach that includes legal reforms, education, public awareness, and support for LGBTQ+ organizations is essential to creating a society where all individuals, regardless of their sexual orientation or gender identity, can live with dignity, safety, and respect.

CONCLUSION

This study has provided a detailed examination of the persistent challenges faced by the LGBTQ+ community in contemporary India, framed within the broader historical, social, and legal contexts. Despite the significant legal victory achieved with the decriminalization of same-sex relationships in 2018, the findings reveal that discrimination, violence, and social exclusion remain deeply entrenched. The lack of comprehensive anti-discrimination laws and the prevalence of hate crimes against LGBTQ+ individuals highlight the urgent need for further legal and social reforms.

The study underscores the necessity of a multifaceted approach to addressing these challenges. Legal reforms, including the enactment of anti-discrimination laws and the recognition of same-sex partnerships, are critical to ensuring the rights and protections of LGBTQ+ individuals. Additionally, education and awareness campaigns are essential in challenging societal prejudices and promoting inclusivity. Supporting LGBTQ+ organizations and sensitizing law enforcement agencies are also crucial strategies for empowering the community and improving the response to crimes against LGBTQ+ individuals.

In conclusion, while the decriminalization of same-sex relationships marks a significant milestone, it is merely a first step in the long journey towards full equality and protection for LGBTQ+ individuals in India. A comprehensive and sustained effort is required to create a society where all individuals, regardless of their sexual orientation or gender identity, can live with dignity, safety, and respect. Continued advocacy, research, and policy development are essential to achieving this goal and ensuring that the rights of LGBTQ+ individuals are recognized and upheld in all spheres of life.

This conclusion synthesizes the findings of the study, reiterates the importance of comprehensive legal and social reforms, and emphasizes the need for ongoing efforts to protect and promote the rights of the LGBTQ+ community in India.

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