

Homosexuality and the Stigmatized Homophobia in Indian Society

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Abstract

India being a country with diverse culture, customs, religions, beliefs, and faith stands forth with its largest form of democracy giving its citizens the fundamental right of Equality and of Opportunity; Freedom of speech and expression, Freedom of Religion and guarantees cultural and educational rights by its very constitution. The equality clause (article 14 and 15) in our constitution debar from discrimination on grounds of religion, race, caste, sex or place of birth. Article 21 of the constitution gives the right to life and Personal liberty which is the eminent basis of the decriminalization of the age old section 377 of the Indian Penal Code, 1860, that banned homosexuality since the 19th century. Section 377 of the IPC violated the fundamental Rights (article 14, 19 and 21) guaranteed under our constitution. It is not that early but on the day of 6th September 2018 was when the Supreme Court ruled and declared its historic judgement by striking down and finally putting an end to the criminalization of section 377 in India.

Like heterosexuals, even the homosexuals have the same right to privacy and live with dignity in the society. It is after the historic judgement that the homosexuals in India got its recognition as Natural and attained the right to live and love with pride and choice. It is only after this judgement that the people in India started opening up about the issue on homosexuality more in the public sphere which remained a taboo since a long time. The awareness in the Indian population regarding homosexuality is helping to cope, adjust and accept the homosexuals into the inclusive society yet prejudice and different negative attitude towards the homosexuals are taking place due to different cultures and lifestyles incorporated into most religions that becomes a source of conflict in the society. The prejudice of Homophobia may also stem from stigmatized conventional social construct, authoritarian parents with homophobic views and from the large mass of people who lacks the knowledge and understanding regarding sex and gender studies. The study aims to find out the people's attitude towards the Homosexuals in today's India. It aims to find out the knowledge and understanding of the people towards homosexuality and to analyze their hidden homophobia. For the basis of this study, an online-cross-sectional survey through questionnaire method was used. Snowball sampling method was designed with question relating to sex education, knowledge on homosexuality, attitude towards homosexuality and relevant details to study and analyze the perception and views of the Indian Society regarding homosexuals and the need to understand, recognize and articulate the issues in-depth sight of homophobia was brought into effect. The data was collected using Googleforms. The participants had a fair and good knowledge towards homosexuality. They proclaimed a positive and supportive attitude towards the homosexuals. The study showed that the youth and adult population (within the age group of 18-35) were the major and active participants in the survey. The responses were mostly from educated class of people who are graduates

from universities in India. The results were that the participants were well aware that homosexuals exist and their acceptance is plurally and equally just, fair and valid in a society; but the personal and cultural homophobia attached still pertains to live somewhere inside them. The issues won't go away in a day. They are a product of centuries old stigma.

To live in a more inclusive society we need to shed our innocence – deconstruct the theories of conventional homophobia; accept the reality and strive forward towards more equal, free and fair environment. Practical suggestions like good parenting and positive attitude towards the homosexuals should be practiced to help in the inclusion of them in the society. Steps to inculcate 'gender and sex' education in school syllabus must be prioritized so that children from the very beginning learn about their existence and divergence towards normalcy to accept the homosexuals becomes universal. Extended knowledge, awareness in form of workshop, seminars and webinars etc. to discuss and talk about the concerns of the homosexuals should be encouraged. The knowledge must be reached out to the public so that revolution in the rights and freedoms of the homosexuality take place at a faster rate.

It is a long road ahead but it is not an impossible fight. Everyone, irrespective of their gender deserves the right to article 21 under the Indian constitution. Homosexuals deserve to live in an equal, just and dignified society. They must strongly be accepted to live with pride in a free and fearless India.

Keywords

LGBTQ+ (Lesbian, Gay, Bisexual, Transgender & Queer), IPC(Indian Penal Code), Homosexuality, Homophobia, India

INTRODUCTION

Homosexuality refers to the affective experience of same-sex attraction. It is a sexual attraction between sex; a sexual attraction as opposed to a gender identity such as male, female and non-binary. Homosexuals refer themselves as gay, lesbian, LGBTQ, queer and a number of other terms. This set of people experience same-sex love and relationship.

Homosexuality in India has its roots since ancient times dating back to the 13th century. The homo-erotic sculptures depicted in temples in different parts of India remains as an evidence to India's presence and acceptance of homosexuals in the past. The writings in the religious text of Vedic period and the Kama Sutra devotes a whole chapter on homosexual sex, the ancient epics, scriptures to medieval prose, poetry, art and architecture are all the traces and sources which suggest that homosexual activities in some and many different forms did exist in ancient India. During that time, homosexuality was considered more to be a part of religion and spirituality and not as a sin.

It was during the British rule period that the discriminatory law on homosexuality took over. Section 377 of the Indian Penal Code, 1860 was brought into force which criminalized all sexual acts "against the order of nature". Therefore, it criminalized gay sex and homosexual activity giving rise to a big fight, activism and movement for the LGBTQ+ community.

It was not until 6 September, 2018 that the British Colonial law was struck down making homosexuality legal all over India. The removal of the homosexuality from the list of Mental Health Disorder by the

Indian Psychiatric Society also took place and effect in the same year. Of late, the homosexuals in India attained their right to life and personal liberty under Article 21, the right to equality under article 14 and the right to freedom under article 19 of the Indian Constitution. Justice Indu Malhotra, on her verdict on September, 2018 stated that the society owes the LGBTQ+ Community an apology for the historical wrongs perpetrated against it.

The practice of homosexuality being criminalized under section 377 of the IPC which stands violative of article 14, 19 and 21 of the constitution has been strikedown while the other aspects of section 377 which deals with unnatural sex with animals and children remain in force and is considered to be an offence.

The equality clause (Articles 14-18) in our constitution debar from discrimination on grounds of religion, race, caste, sex or place of birth. Like heterosexuals, even the homosexuals have the same constitutional right. The right to privacy and the right to live with dignity is a basic fundamental right which cannot be ignored to the homosexuals simply on the basis of their sexual orientation.

It is after the historic judgement that the homosexuals in India got its legal recognition as Natural and attained the fundamental right to live and love with pride and choice. It is only after the judgement that the people in India have started opening up about the issue on homosexuality more in the public sphere which remained a subject of taboo since a long time.

The opening up of the homosexuals and the awareness among the Indian population regarding homosexuality is helping to cope, adjust and accept the homosexuals into the inclusive society yet prejudice and different negative attitude towards the homosexuals are taking place due to different cultures and lifestyles incorporated into the most religions that becomes a source of conflict in the society.

The prejudice, discrimination and violence leveled at people with same sex desires are conceptualized as homophobia. It is also considered as the irrational fear of homosexuality. Homophobia or heterosexism exists when heterosexuality is expected and assumed and any other form of sexuality is rendered invisible or actively discouraged. Society is homophobic when it is organized and structured so that heterosexual dominance is reinforced at all levels (in our institutions, policies, culture and interactions). The prejudice of homophobia may also stem from stigmatized conventional social construct, authoritarian parents with homophobic views and from the large mass of people who lacks the knowledge and understanding regarding the sex and gender studies.

OBJECTIVES

- 1) The study aims to find out the people's attitude towards the homosexual's in today's India.
- 2) It aims to find out the knowledge and understanding of the people towards homosexuality and to analyze their hidden homophobia.

METHODOLOGY

For the basis of the study, an online cross-sectional survey through questionnaire method was used. It is a method of primary data collection that has helped in drawing and bringing out the statistical analysis to the responses in the research.

A total number of 66 participants has been an active member in the present study. The questionnaire developed was distributed by sharing the links through whatsapp and facebook messenger whose responses were collected through Google forms. The participants were requested to circulate and forward the link of survey to other friends for the collection of data required for the survey report and that way response number of participants were added to the research study. The collected data gets recorded in the Google spreadsheet automatically which made the evaluation of the data process faster and easier.

For the present study, snow-ball sampling method was designed with questions relating to sex-education, knowledge on homosexuality, attitude towards homosexuality and relevant details to study and analyze the perception and views of the Indian society regarding homosexuals and the need to understand, recognize and articulate the issues in depth sight of homophobia was brought into effect.

FINDINGS AND ANALYSIS:

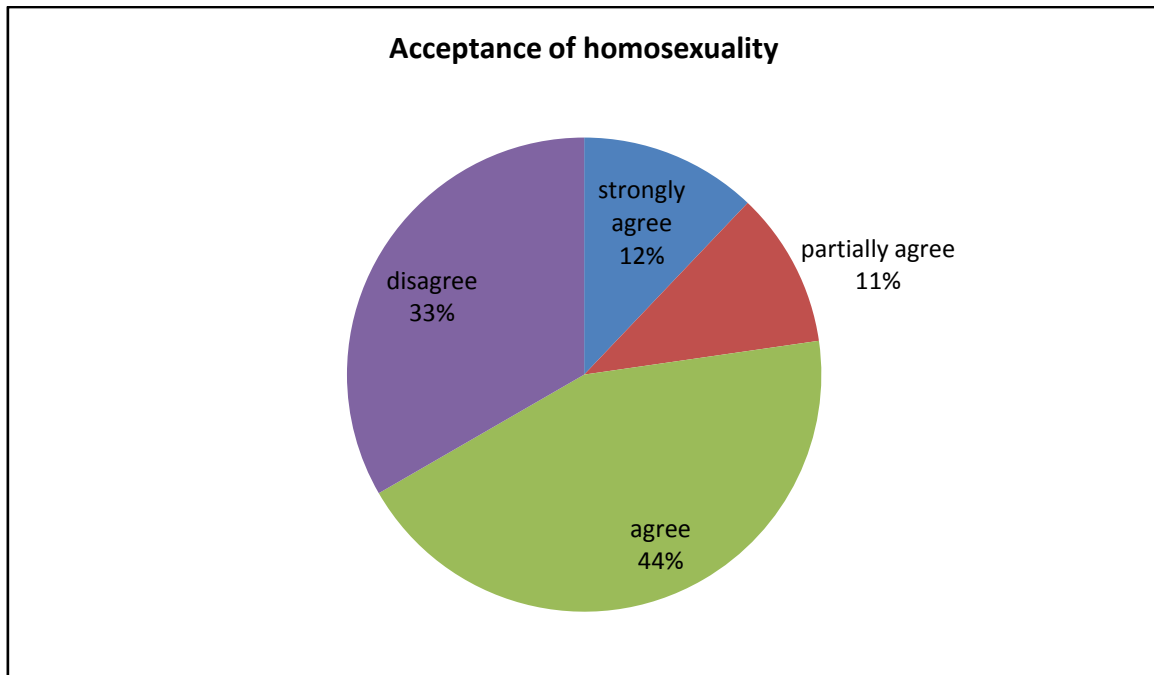
A small research based on questionnaire survey was participated by a sample size of 66 individuals, wherein the active and major participants were the young adults between the age group of 18-35 years consisting of 81.8% of the population; followed by the age group of 36-55 years with 10.6% who were mostly graduates from universities in India, and the lowest number of participants stands between the age group of 1-17years with 7.6% of the population.

The data acquired from the survey is the basis of the study according to which the facts and questions related to the study is analyzed. The male participants constituting of 48.5% and the female of 51.5% of the population showed their presence in the survey who were all heterosexuals. They proclaimed and consented to the view of accepting homosexuals in the society.

1) Acceptance of homosexuality

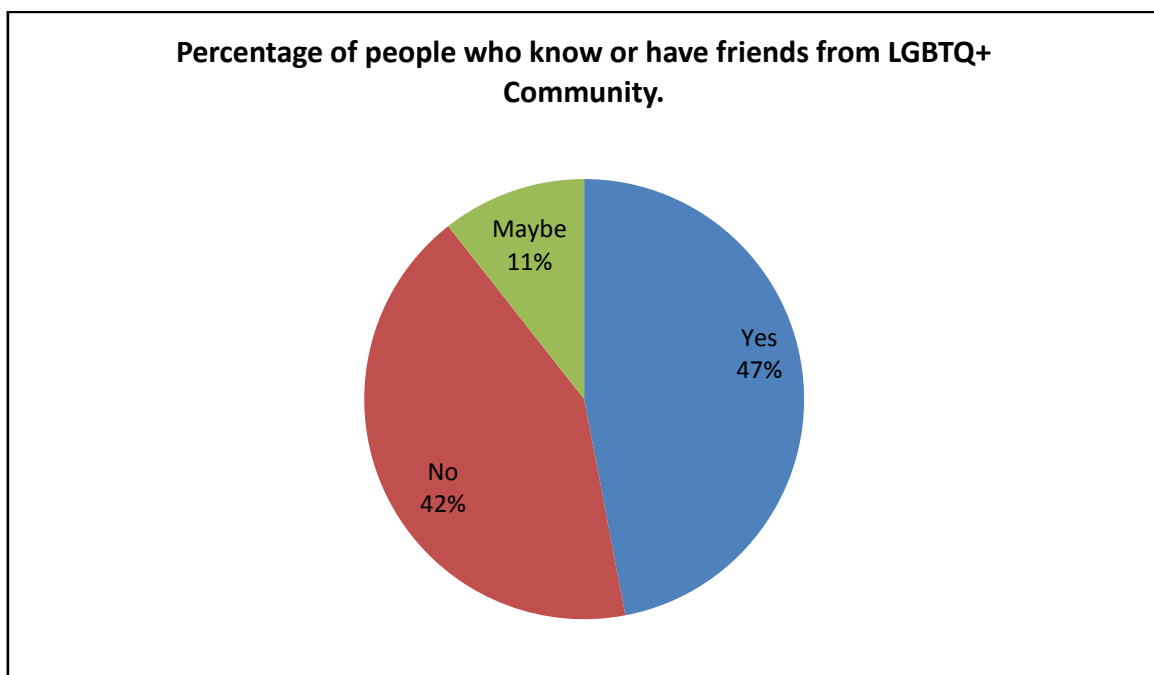
Out of 66 individuals from the survey, 12.1% of the population strongly agrees to the acceptance of homosexuality. While 10.6% of the population partially agrees, 43.9% agrees to it and the remaining 33.3% disagrees to accept the homosexuality.

The data helped in reviewing the percentage of acceptance of homosexuality. It can be drawn from the above chart that the maximum people i.e. 43.9% agreed to accept it while 10.6% partially agreed. Whereas it is the minds of 12.1% of the population that strongly agreed for the acceptance of homosexuality. Sadly, 33.3% of the population showed up negative attitude towards it. This set of participants disagreed and were not ready to accept the homosexuality. They couldn't deny to the fact that homosexuals does exist but it is their personal and cultural homophobia, conventional construct on homosexuality and the homophobic nature surfaced in their mentality that which stops them from accepting or agreeing to the concept of homosexuality.



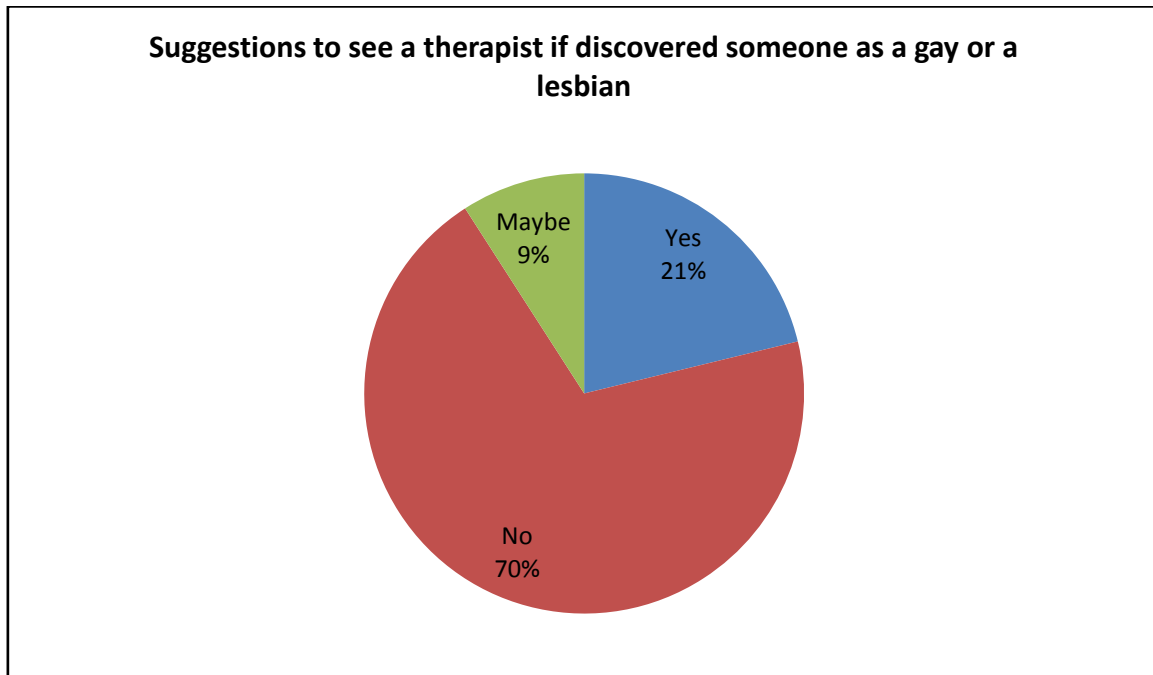
The data is skewed with each changing questions in the survey. The participants are well aware and have a fair good knowledge regarding the homosexuals. They do persist and acknowledge about their existence in the society. 47.7% of the population from the present study admits that they have encountered or have come in contact in terms of friends or know one as a person belonging to homosexuals in the society. While 42.4% of the population says 'No' to knowing or having friends among the homosexuals who are most commonly called as LGBTQ+ categories. The remaining 10.6% of the population in the study is not sure about and gives a confusing statement with 'Maybe' which expresses that they have a very less idea and lacks the knowledge regarding the homosexuals.

2) Percentage of people who know or have friends from LGBTQ+ Community.



The study shows that the participants are not biased in terms of sexualities when it comes to friendship and family. They are showing a warm and affectionate nature of care and support towards whatever pronoun the homosexuals want them to refer. They are positive and accepting nature is shown by them towards someone who ought to be born in their families or if a child happens to be gifted as one of the LGBTQ+; they are strongly favouring the acceptance of it.

3) Suggestions to see a therapist if discovered someone as a gay or a lesbian.

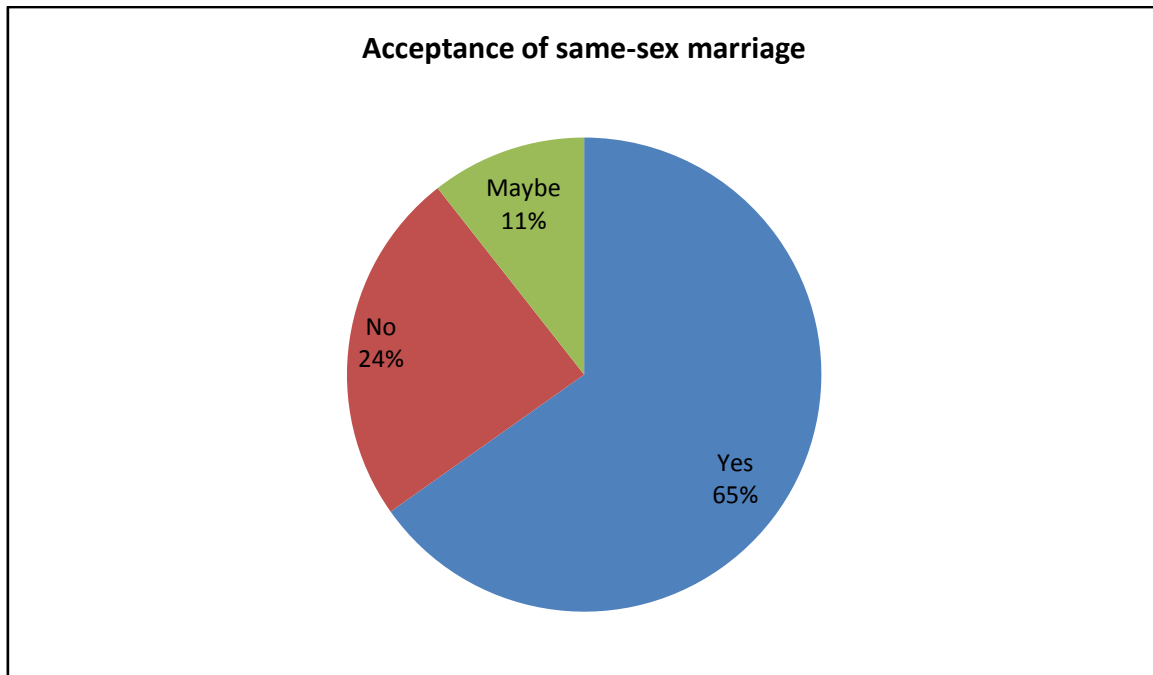


The evidence from the survey in the above pie-chart shows that, out of 66 individuals, 21.2% thinks that a therapist should be consulted; while 9.1% answers a 'maybe' and remaining 69.7% of the population answers that there is no need to consult a therapist if someone they knew confesses or is discovered that he/she is a gay or a lesbian.

The participants are aware of the fact that it is not a psychological disorder or mental illness influenced to behave as one rather it is the science of being born as a natural, i.e. as a homosexual. 69.7% of the population says that it is the nature of birth and thinks no suggestion is required to see a therapist if someone they cared about confessed on their being a gay or a lesbian. The percentage of 21.2% of the population thinks that they must suggest a therapist while the 9.1% of the population has not thought about this yet. They are blank and are yet to deal and experiment with it in due time and circumstances. While majority of the participants from the survey agrees and supports the marriage of same-sex couples. There are few who are opposed to the support of same-sex marriage.

4) Acceptance of same-sex marriage

From the sample size of 66 participants from the survey, 65.2% accepts the notion of same-sex marriage of the homosexuals while 24.2% disagrees to it and the number of 10.6% states as a 'maybe' to the acceptance and execution of marriage between homosexual couples.



Respondents however showed more positive attitude with respect to employment opportunities and social equality. They support the voice to equality and equity in terms of acquiring a job ; stating that a person irrespective of their sex-be it LGBTQ+ or a heterosexual ; all should be given equal opportunity to own a position in employment in terms of their skill, capabilities, qualifications, on merit basis and criteria of competency rather than being based on sexuality. Someone’s sexual orientation on gender should not be a ground for their not getting an entry in job positions. The responses suggest that selection or disqualification on the basis of sexual orientation does not accomplish competency. As long as they are qualified and eligible for the skills required, all job positions should be open to them equally. There are certain professions in which even women are barred from entering and there has been a long struggle on part of the women to be able to do those jobs. An individual’s sexuality should not be the basis to block and discriminate from employment.

In the U.S, the Supreme Court on October 7th, 2019, ruled by its decisions stating that worker’s can’t be fired for being a gay or a transgender. Advocacy groups, business leaders and politicians; all cheered the ruling. Kristen Browde, co-chair of the National Trans Bar Association, said in a statement that “This decision sends an unambiguous message that equal protection under the law applies to all and that an employee’s failure to adhere to an employee’s gender stereotype is not a license to discriminate”. Apple CEO, Tim Cook wrote, “LGBTQ people deserve equal treatment in the workplace and throughout society and today’s decision further underlines that federal law protects their right to fairness”. The court made a conclusion in the matter of employment decisions to not have something to do with person’s homosexuality and transgender status.

India on the other hand is still struggling to work with its laws on judicial interpretations. There are ample of cases where people are booked for their sexual orientation on grounds of ‘unlawful behavior’ and ‘deviant mischief’. There exists blockage and barriers due to societal bias plus stigmas attached as the homosexuals are the most vulnerable and targeted groups when it comes to dismissal of employment.

India lacks in providing safeguards to the people of LGBTQ community in terms of employment. In NavtejJohar case, the supreme court of India expanded the boundaries of the word sex and included the prohibition of sexual orientation with relevance to article 15 of the Constitution which debar discrimination on the basis of sex, religion, race, caste or place of birth. Articles 14, 15, 19 (1)(a) and 21 gives safeguard and protection to the LGBTQ+ community in various aspects of equality and freedom. The Ministry of Social Justice and Empowerment, implemented the Transgender Persons (Protection of rights) Act, 2019 which is for the protection of such rights for the LGBTQ+. It has been in effect since 10 January 2020.

It is high time that India must take more of such progressive approach to strengthen the equal status and opportunities towards the ignored and dejected people of the country. It has to bring regulations and reforms to uplift employment for all irrespective of their sexual orientation.

CONCLUSION AND RECOMMENDATIONS

In India, the attitudes towards homosexuality are rather complicated. The diverse culture and tradition exhibits different social attitudes and opinions towards homosexuals. The decriminalization of section 377 has been a remarkable move towards the positive approach of the issue regarding their recognition as Natural and Normal in the Indian society. To be discriminated and criminalized simply on their being born as one different from fitting the box of the gendered male and female is a grave injustice to the Indian LGBTQ community because the Constitution of India in its equality clause (article 14-18) talks about the freedoms and equalities to be received and the rights to be enjoyed by the people irrespective of sex, class, religion, caste or place of birth.

Heterosexuals being unaffected of such oppressions as faced by the homosexuals sometimes in different precepts tends to be homophobic in nature. It is the product of age-old centuries developed stigma that made their mindsets closed. It constructed boundaries in their behavior towards homosexuals. They tend to believe that sexual activity between homosexuals is sick, immoral, non-existent and impossible. Homophobia locks people into rigid gender based roles that inhibit creativity and self-expression.

To live in a more inclusive society, we need to shed our innocence – deconstruct the theories on conventional homophobia persisting around; we need to accept the reality that the homosexuals are as natural as heterosexuals and strive forward towards more equal, free and fair environment for everyone to live in. Efforts must be put in order to raise support as well as campaigns to stop homophobia, prejudice and violence. Practical suggestions like good parenting, and positive attitude towards the homosexuals should be practiced to help in inclusion of them into the society. The old mindsets need to be changed by sharing of experiences and with the help of meaningful interactions. Hence, the government should ask the entities to have such sessions regularly to ensure the proper behavior of co-workers with people of LGBTQ+ community.

Steps to inculcate ‘gender and sex’ education in school syllabus must be prioritized so that children from the very beginning learn about their existence and divergence towards normalcy to accept the homosexuals become universal.

Extended knowledge, awareness in form of workshops, seminars, webinars etc. to discuss and talk about the concerns of the homosexuals should take place and be highly encouraged. The knowledge must be

reached out to the public at large so that the revolution in the rights and freedoms of the homosexuality takes its positive and progressive turn at a faster.

It is a long road ahead, but it is not an impossible fight. Everyone, irrespective of their gender deserves the right to equality and freedom as a basic fundamental right under the Indian constitution. The right to love and live with dignity and choice cannot be denied to them which are the very basis of article 21 of the constitution. Homosexuals deserve the every right to live in an equal, just and dignified society. They must strongly be accepted to live with pride in a free and fearless India.

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