



THE DISCOURSE OF THE STATE AND ITS INFLUENCE IN THE HOMOSEXUAL IDENTITY: IN THE CONTEXT OF INDIA

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RESEARCH ARTICLE



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Abstract

The idea of the homosexuality is one such conception, which is channelised and moulded in the viewpoint of the legal structure of the state, and within the proportion of the legal system. Homosexuality has been viewed as a social taboo, and it is mainly of the colonial draconian law, which was formed in the light of the western narration and religious norms. This paper tries to understand, how the idea of the homosexuality has been a familiar concept in the social system of ancient India, but how it has been made into a social taboo by the British imperial rule. This also attaches to the fact that even after going through the process of the decolonisation, the idea of the homosexuality is seen more as a form of disease, and how the people of this particular group are harassed and discriminated through various legal and social norms. Significantly this also address how globalization has effected both the span of the LGBTQA+ Movement in a manner, thus increasing the mobility of the movement. The paper tries to shed light on the idea of how the LGBTQA+ identity is seen and experienced all through the Indian social condition, following the repeal of Section 377 of the Indian Penal Code.

Keywords: *Draconian Law, Globalisation, LGBTQA+, Homosexuality, Discriminated, Community, Discourse*

Introduction

The way in which the homosexuality or the prevalent LGBTQA+ identity is seen, it is seen as an outcasted identity, which is trained up through discourses of power and authority.

The orientation of the homosexual identity has been seen as a form of abomination in the mainstream society and the social elements. This has been distinguished in from the conventionality and the conventional orientation of the sexual choices and the sexual practices of a major group of the society. The point of the departure in tabooing the homosexuality can be understood in and through the narrow norms of the colonial discourses, which have led to much segregation.

India being a major colony ruled by the British for over two hundred years have borrowed much from the colonial masters, in terms of the laws and the legal frameworks. When judging the *Draconian* façade of treating and tabooing the notion of the homosexual identity, it is again borrowed from the practice of the British, which led the birth and the continuation of the Section 377 of the Indian Penal Code, which reads on the following lines “*voluntarily has carnal intercourse against the order of nature*” fixates certain orientation for the sexual practices and tends to implement it as a form of the *grand narration* which is meant to be followed throughout the masses of the society. In other tones, it is certainly the state fixates the normality and the abnormality in terms of the discourses that is meant to be followed. As unrestingly followed the narration of the discourse, typically presents itself as “*pre-existing forms of continuity, all these syntheses that are accepted without question, must remain in suspense.*” (Foucault, p. 22) The nature of the Indian thinking and the idea of the social norms have changed with the narration of the colonial mindset, which have addressed to the discrimination against the practice of the homosexuality, and certainly the trend have turned more into the context of “*Heteronormativity stands for normal and preferred sexual orientation, like sexual relation is ought to be made between opposite sexes – male and female*” (Debnath, 2017. p. 108), which then gets represented through the mainstream politics.

The discourse of the homosexuality has been much of an emancipatory problem both in the social and the political norms of the nation, as democracy seems to favour the heteronorms. The movement of the homosexuality can best be described in the Indian

political system as seen in terms of the emergence of new sexual identities which were earlier suppressed by the heterosexual social norms and values and “straight” legal framework. (Srivastava, 2014. p.378)

The research mainly tries to allocate and uncover certain details, which are, mainly, understanding the complex of the homosexual identity, and in the aspect of the Indian social context. The other part, which is being focused on the idea of the homosexuality and how the norms of the homosexual community is intertwined in the contemporary Indian society, and possible development in the narration of the globalisation.

The research also tries to uncover the complex idea of the political assimilation and the identity construction, mainly by political groups, which is mainly understood through the conception of the homohindunationalism, or through the homonationalism.

Historically Contextualising the LGBTQ+ in Various Trends of Indian History

Ancient Indian Point of View

There stands a total difference of perceiving LGBTQA+ community in ancient India. The identity of the LGBTQ was a particularly revered identity where there are description of the union of Shiva and Mohini (a female avatar of Vishnu), or about the characterisation of Shikhandini and there are other description in the sculptures of the Khajuraho and the Konark temple. In other words the same sex relationship was much of the well accepted relationship among the people of the ancient communities. *References to penalties including caste loss, hefty fines, and whippings for homosexual and lesbian activity may be found in the Manusmriti* (Krishna et. al. p.3) shows the instances where homosexuality was outlawed and outcast for the society. *The hijra, an institutionalized third gender role in India* (Nanda, 1986. p. 226) and are the most prevalent form of the transgender, or better the *emasculated men* (Debnath, 2018. p. 107). The *Kinner community or hijras* are still now revered and are considered as an important part in the ceremonies like the birth of a child, and in some cases the marriage. This slims the chances for the individuals to ‘other’ out the people, base particularly in their sexual preferences. In other words when recollecting from the different works like Kamasutra and Arthashastra, there can no such distinctions which can be found in the sexual preference or the orientation of the people. *Various ancient and medieval South Asian literary traditions have been mined by scholars for expressions of homoerotic love. This excavation starts, most obviously, with the Kama Sutra, an ancient Indian Hindu text attributed to the sage Vatsyayana, and dated around the fourth century.* (Bose, 2014. p. 501)

Colonial Legacy and Criminalisation of Homosexuality

The colonial law has been very brutal for the homosexuality or the LGBTQ+ as mainly a very unnatural thing, *as they Section 377, not only deals with homosexuals but also punishes heterosexuals couples engaged in sodomy* (Das, 2022. p. 374) as they mainly viewed the sexual intercourse which doesn’t correspond with the “natural norms” to be highly disoriented and much of a crime. This is mainly because in the order of the Draconian belief which manually formed a very specific orientation for all the occurrences and the way in which the sexual identity is to be formed. The regulation and the criminalisation of the homosexuality is itself a product of the colonial discourse.

The narratives formed by colonial conception, tends to be continued till the date. *Since the colonial era, laws criminalising same-sex conduct as well as gender expression have sought to curb the right of lesbian, gay, bisexual, transgender (LGBT) persons to freedom.* (Narain, 2018. p. 43) The idea of the colonial field and homosexuality can best be described *as the establishment at the beginning of the century of a new mode of exclusion and confinement* (Foucault, 1989. p. 44) and this exclusion separated them from the mainstream society, all due to some artificial knowledge and the ‘rational’ discourse orientation manufactured through the Western scientific knowledge system. *People tend to suppose that the prison was a kind of refuse dump for criminals, a dump whose disadvantages became apparent during use, giving rise to the conviction that the prisons must be reformed and made into means of transforming individuals* (Foucault, 1980. p. 40) and certainly the homosexuals were treated more as criminals and were tried for their sexual identity, where most of the time their liberty and the freedom were manually rejected, and treated as *abomination, or abnormality.*

Legal Landscape and the Role of the State

The very idea of the legal landscape, and furthermore, the technical position for the LGBTQ+ community has always been manipulated and oriented in the ‘abnormalised form of identity’. There have been much of the authority under the power of the state, which works to manipulate and create the very orientation of the ideology, oeuvres, and history in each progressive decade. There has been much of the problem, where the state, which it feels itself to be greatly normal, while making the other things largely irrelevant and unwanted. When getting an insight on the order of the working of the state, which is being made to be fulfilled with the orientation of the policy as *positing some identities as state-sanctioned acceptable citizens and others as not, certain ‘transgender’ individuals are conceptualised as bearers of rights while finding other facets of their identities discriminated against and maintained as illegal* (Yadav & Kirk, 2018. p. 672). The brief and most of the policies focuses in the orientation where the state forms the ‘identity’ or where the state produces the clear distinction between ‘normalised’ or, some lunitidal outbreak. The orientation of the policy are often ‘used’ by the state in order to normalised any orientation. *Constitutional morality in the judges’ reading requires that LGBT persons are treated as equal citizens of India, that they cannot be discriminated against on grounds of their sexual orientation, and that their right to express themselves through their intimate choice of partner must be fully respected. It’s only when the dignity of LGBT persons is respected that the Indian Constitution lives up to its foundational promise.* (Narain, 2018. p. 53)

This is very much applicable to the notion where the individuals can work by internalising the order, provided the state authorises it. *During the 157 years of section 377 the LGBTQ+ community of India suffered terrible atrocities. There were countless of blackmail, police brutality and gang rape and murder of gay men, and lesbian women beaten to death. In 2003 the Indian Government refused to decriminalize homosexuality, claiming it would open the floodgates of delinquent behaviour* (Das, 2022. p. 374) which are some mere attempts that were “legally” produced from the governmental side, in order to facilitate the correction of the identity and the diversity of the identity, into a single idea of the homogeneity. The state and the legal framework has mainly established certain obstacle for the LGBTQ+ community:

1. Diversification to Homogeneity- the idea of the LGBTQ+ serves as the way where it is an umbrella term housing a variety of the gendered identity. But it is the legal framework, which have relied more upon the criteria for the ‘othering’, as *the process of ‘othering’ sometimes triumphs without facing minimal resistance while sometimes lead to confrontation and power based identity conflict.* (Debnath, 2018. p. 104). And during this process of ‘othering’ have brought all the diverse sexual identity merely as, “queer” which itself is a very pejorative and homogenous terminology.
2. Marginalisation and alienation- the way in which the law have criminalized the LGBTQ+ population, it have spanned toward the way where the whole community were discriminated and alienated in a very different angle, as there was no such ways in which these people could be protected or their rights could be safeguarded.
3. Influencing the very private sphere of the common citizen- the rights and the choices of the citizen are justified and cannot be interfered by the state. But the orientation of the Section 377, is itself is problematic. This is mainly because, the state directly influences or ‘naturalises’ the *sexual preference of the people.*

Section 377- A Legislative Debate

“Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with ¹ [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

The above statement is the Section 377 of the Indian constitution, which was established by the British administration, and especially in the wake of the Victorian practice, where the homosexuality was seen particularly as an offense. There have been much debate in regard to the contradiction with the other basic human rights promised in and through the Indian constitution like the right to liberty or the right to equality. *Section 377 was a weapon to dominate the LGBT people* (Choudhury & Sanjaya, 2022. p.3) and was particularly used by the Indian state for revoking the rights and the authorities of the LGBTQ+ communities in way where they were subjugated and furthermore discriminated with the orientation of their sexuality.

The notion of the Section 377 served mainly as a satire that homosexuality has already been Decriminalized in United Kingdom (UK) by the ‘Sexual Offences Act 1967’ (England and Wales), ‘Criminal Justice (Scotland) Act 1980’ and ‘Homosexual Offences (Northern Ireland) Order 1982’ respectively (Debnath, 2018. p. 117) which generally references to the way where, the Indian constitution have failed to address the changing span of the norms and ‘legacy’ which within have persisted in span of the contemporary legislation as well, thus deriding the very clause of ‘uniqueness’ of the Indian politics. In a nutshell the orientation of the homosexuality is mainly decriminalised in several of the Western legal frameworks, where the social taboo evolved in response to the homosexual exclusivity. But it is also evident that they were also the one, who legalised the norms of the ‘same sex relationships’ or the idea of homosexuality. But the question of the amendment forms a greater part of the question, as the Section 377 leads to the very orientation, where it pushes one to question the *soundness* or the level of acceptability of the Indian legislative framework.

The thrust of Section 377 is to criminalize sexual acts which are “against the order of nature” (Sankhyan & Hussain, 2022. p. 9907) and one of the important façade of this section of the Indian Penal Code was allied or grouped up with the other heinous orientations, which includes the article 376 and 376A which are both meant for the punishment for the sexual assault and rape cases. This orientation from the side of the legislators shows the attitude towards the homosexuality, or the orientation of the people of the LGBTQA+ community, which in itself is rudimentary and derogated, which is fuelled with the post-colonial narrations.

The Naz Foundation Vs NCT of Delhi

The background of the Naz foundation case has been much alike the orientation where the organisation which overly worked for the welfare for the LGBTQA+ community and in making the people conscious about the transmission of the HIV/AIDS have questioned about the soundness and the orientation of the true freedom which is totally alienated from the people belonging to the LGBTQA+ community. *The petitioner argued that Section 377 of IPC violated their fundamental right to life and liberty, right to privacy and dignity, right to health, right to equality and freedom of expression* (Sharma, 2021. p. 25) and these were the values which is ensured to all the people, irrespective of their background, sex, or race and even gender, without any form of the discrimination. The main agenda for the Naz Foundation case was mainly the way in which the Section 377 dehumanises the orientation of the people belonging to the homosexual community, and how they are treated as second class citizen or as mere aliens (based on their sexual choices). The way in which the Naz Foundation functioned was mainly by making people aware of the risk of the HIV/AIDS and also parallelly, normalising the social condition of the homosexual community, while demonstrating the ways by which the people can describe and express their own sexual preferences, often on the contrary of the

Article 377. It can be both for the orientation of the homosexual and the heterosexual people as well, and their consent is briefly avoided.

The orientation of the Naz Foundation can best be oriented in the single instances, i.e. *the state in its legal framework does not allow any space to the alternative forms of sexuality and this is what is meant by „disciplining“ desire. In this process, the state through its legal mechanisms tends to exploit, discriminate, and harass those having homosexual tendencies, that is, those who do not adhere to the gender schema.* (Srivastava, 2014. P. 369) which shows how the case sponsored to create a way for the representation for the common people, was thwarted and furthermore rejected without any specific reason. In other words, the intensity with which the Naz Foundation case started, it was not properly recognised and accepted by the Indian judicial system.

Socio-Cultural Challenges and the Advocacy in the Terms of the LGBTQA+ Identity

The grand narrative for the *homosexuality* has always been counted as more specific and segregated from the greater masses of the society, and mostly in a derogated way, or as criminalised path. Although there have been many of the accounts based in the idea of the mythologies or through the oral histories, it was found to be greatly accommodated deeper within the society. Many a times, it was seen that the idea of the homosexuality was defied based on the idea where the people are often accustomed to the legal or socio cultural norms, and it was rather intensified with the colonial advances which have named the homosexual experiences as mainly a taboo. *Homosexuality is a topic of conversation since antiquated occasions to present day times. Hindu writings had taken positions with respect to the gay characters and topics.* (Sankhyan & Hussain, 2022. p. 9905) instigating how the idea of the homosexuality has been one of the most common thing in the sphere of the ancient or the medieval India, and this is seen in the account of the characters like Shikhandi, or Vrihanalla. But this order of the acceptance of the homosexuality is seen to be rudimentary or in a way described to be a form of the abomination. This is also described how the culture and the social build up has mainly disposed the homosexual community in much more separated or a form of the segregated manner. It is quite a common idea that the idea of the homosexuality is perceived to be more acceptable in the urban areas rather in the rural areas (Varma, p.9). The treatment of the homosexuality has been undermined to be in the order where the people are often treated as mere aliens and stripped from their own presence of the basic necessities or in the basic needs that are necessary for their livelihood. It is often seen as the political groups have often treated the homosexual community as per their own communism, which can be exemplified through the idea of *the homopopulist lens allows a critical reading of political party and policy promises to make state actors accountable to marginalized queer and trans persons and collectives, alongside calling out homonationalist and homohindunationalism agendas.* (Banejea, 2022. p. 8) which talks how the idea was used to push the vote banks and form a more absolute way of securing victory, while maintaining a more ‘inclusive’ identity as a whole. It is also seen that the idea of the homosexuality has been seen to be politicised and also victimised in the greater span of the society.

Judicial Activism in the LGBTQA+ Rights

The way in which judiciary functions over the sphere of the Indian system, is unique and quite overwhelming in nature. It is not only because of the reason for the judiciary is established in the sequence of the justice and establishing the correct form of any order, but after independence, judiciary has evolved more in the active front where they have didn't limited themselves to the judicial matter, but have also sponsored to the facts of the legislature and the executives.

In case for the rights of the homosexual community in India, although there have been issues with the legislature or the executives, but the judiciary have played an active role in addressing the plights and furthermore in legalising the trend of the same- sex marriage or in the terms of the same sex legislation. *The Delhi High Court passed the judgment in favour of Naz Foundation by mentioning that section 377 violates the fundamental rights of the Constitution and made this provision as unconstitutional* (Choudhury & Sanjaya, 2022. p. 8) focusing in this term this narrates to the view how the act of certain individual cannot be totally controlled or narrated directly through the conventional idea of the society, which in turn is to be judged in the light of the humanity, human rights and by the lens of the exploitation and protection. The idea of the intervention in the matters of the lives of the common individual was adjusted in the works of the Naz Foundation, who utilised the judiciary to refer to the weak footing and the discrimination of the LGBTQA+ community, and more over how the basic rights of the equality, i.e. Article 14 was hampered in the process. This is also to be remembered how this verdict given by the judiciary gave way to yet another milestone.

The NALSA vs the Union of India, 2014 emerged to be one of the most important standpoint for the description of the gender and adding a more diverse and broader narrative in the sphere of the gender identity. *The Court also said that gender identification must be made on the basis of psychological sex instead of biological sex* (Choudhury & Sanjaya, 2022. p. 8) describes in the manner where the idea of the third gender was clarified in the construction of a category by itself, in the way where the idea of the gender isn't rigidly a binary concept, but rather portrayed as the term for the fluidity or without any forms of the boundary over which the format of identity *has* to be formed.

This is not only described to be a form of the redemption for the LGBTQA+ but also opened door for the individual who are more in the norms of “*questioning*” or understanding their own form of the gender identity, which again is seemingly a very curious and complicated process.

In a broader framework the NALSA case has been much responsible for the liberation and the attainment of the freedom of the LGBTQA+ community.

Transgender Persons (Protection of Rights), 2019; Same Sex Marriage and Ongoing Challenges

The transgender have been one of the most discriminated groups among the LGBTQA+ community. This has been due to the reason that the *transgender are the visible most personalities* in the sphere of LGBTQA+ identity. This is mainly because of the reason where the transgender is mainly referred to the individual who have been assumed the identity, where the individual who are either born into male or female, are not satisfied with their identity, tends to visually tweak or change to their likable identity. This is often meet with the discrimination of them being labelled as *more womanly man, or as more manly woman*. Sadly they are being reduced into living in the slum or in the outskirts of the cities, or in the villages, where they are not at all acceptable in the social and traditional customs.

On the other hand, *being gay or lesbian*, can out and out be hidden from the attributes of the prevalent societies, which on the other hand is not at all suitable for the people under the transgender categories.

Following the NALSA vs Union of India case, the rights and the attributes of the LGBTQA+ community is perceived to be one of the utmost priorities for the legislature and the executives. But the *Transgender Persons (Protection of Rights), 2019 served as the most important landscape* in securing the rights of the individuals and furthermore addressing them with the idea of the *safety in the employment standards and furthermore in the encouragement of their own livelihood*.

In one of the compact manner, it is portrayed *as to protect the rights of the Transgender Community by prohibiting discrimination against them with regards to employment, education, healthcare, access to government or private establishments (Sharma, 2021. p. 28)* and certainly this posits to the idea how the social security also ensures them with a more secured lifestyle and thus resulting to much of the longevity of their lives.

Impact of Globalization on LGBTQA+ Rights in India

Globalization today is evident in almost every aspect of modern life, from fashion to finance, social media to supermarket merchandise, multinational corporations (McGrew, 2020. p. 20) this is very significant in the idea of the globalisation, which in turn signifies a form of the interconnection, and in this manner, there is a transformation of the culture and the social customs, moreover in the context of the different nations. This is significant in the idea of the 21st century, and much beyond the aspect of the single or any unilinear culture.

The narration of the globalisation is mainly seen to be one of the major reasons, for which the nationalism have moulded itself into more of a sense of the *internationalism*, through which the cultures are shared, and their ideas are being assimilated into different contexts. This is somewhat similar to the idea where the different nations, and areas from the different parts of the world have interconnected. This is somewhat an unifying factor for the different communities around the world. Many times, the LGBTQA+ activism in Indian context is mainly seen to channelise various efforts and programmes, like the promotion of the same- sex marriage, or the idea of the *drag queen culture*, which naturalises the idea of the identity in a more familiar manner.

In significant idea, the way in which the LGBTQA+ movement have evolved, is mainly through the various efforts and modes that were actually used up by people of other European or the American region, and thus making the movement, deeply rooted in the idea of the international and more diverse view. The globalisation fabricated a more unified view, where there is a chance for representation and expressing the everyday experiences, in lieu of comparison or in terms of the sharing the plights to a much more expressive stage. This is indeed needed to be considered as the globalisation has also increased the chances to break the idea of the stereotyped conditions. *This is not a simple terrain in Indi and requires vigilance and rigorous and sustained critique if the sexual minority critique is to matter at all. We are situated in the lowest in the pecking order and have the least to lose.* (Tellis, 2012. p. 156)

From a perspective this has led to much of the alienation and diffracted idea of the sexuality, and thus effecting the totality of the population.

The Perspective of the Social Change & the Acceptance in the Mainstream Society

Although it may be too much of early to be conclude that the legalising of the homosexual identity, or the acceptance into the mainstream politics has led to the acceptance of the homosexuality into the households, as even in this point of the 21st century and the globalised world. *After a long and arduous battle by LGBT activists in India, aided in significant measure by a proliferation of creative work that sparked provocative, controversial discussions on alternative sexualities for over more than a decade, the High Court of Delhi in a historic judgment in the Naz Foundation case on July 2, 2009 read down Section 377 and decriminalized homosexual relations between consenting adults* (Bose, 2014. p. 498). Even till now, the LGBTQA+ community is outcasted and seen as perversion of the idea of the sexual expression. Just in the norms of the legal acceptance doesn't necessarily denotes to the fact of the social assimilation, it transcribes to the basic fact that the verdicts only helped in the legalising of the idea and the focus of the homosexual expression.

In one of the general inferences can be led towards the view, that India being the nation with the largest amount of population, needs to develop a more localised view and the narrative towards *the human body defines, by natural right, the space of origin* (Foucault, 1973. p. 2) much alike to the way in where the common masses have formed their own part of the domain, where the individuals create their own positions, and moreover, in this manner, the *queer community* is particularly outlasted from the society.

This is also ascribed to the idea of the activism, which were led by the people of the LGBTQA+ community has met with the rise of the hatred or the criticism among the common Indians. But it also to be accounted that the contemporary societies has led to much of the acceptance or the idea of the more inclusiveness, in welcoming of the *live-in relations, or the same-sex marriages, or even the terms of the Pride*, has been promoted to be quite natural. This is also accounted to the manner, where the LGBTQA+ community has been regarded as not an identity to be ridiculed, or to be dejected, but now it can be perceived in the idea where it is seen to be an ideology of the resistance or in the form of the revolutions, which shows how the provision of the gendered community is mainly seen as *purely orthodoxical*. But with the account of the data of the elections of the 2024, it is denoted that the legal and the cultural acceptance has led to much of the inclusion of the LGBTQA+ into (Bhattacharya) (Srivastava, September- December 2014) more of the mainstream society, and in this sense, it also denoted a more detailed identity of the life long exploitation and sufferings.

Conclusion

The idea of the homosexuality is mainly issued in the order, where the clause itself is regarded as certain form of *abnormality*. But although the issuance of the many laws, or in the idea of the many mainstream media images, which in itself is regarded as a form of the path towards the acceptance. Though there are many forms of the discourses and activism, but it is a constant reminder that the colonial past, and the prevalent form of the idea of the *normal* is mainly in the regard to the manner, which have left the idea of the homosexuality, or the idea of the LGBTQA+ community is mainly seen in the more exclusive manner. Although many of the literature, and literary works, have focused the orthodoxical thinking, but Indian condition, and the mentality of the people, can regarded to be in the middle of the acceptance and the total rejection of the homosexual identity.

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References

1. Banerjee, N. (2022). Homopopulism: new layer of LGBTQ politics in India. *Sexualities*, 1-25.
2. Bhattacharya, S. (2020). The Transgender nations and its margins; The many lives of the law. *South Asia Multidisciplinary Academic Journal*, 20.
3. Bose, B. (2014). Notes on Queer Politics in South Asia and its Diaspora. In E. McCallum, & M. Tuhkanen, *The Cambridge History of Gay and Lesbian Literature* (pp. 498-511). London: Cambridge University Press.
4. Debnath, K. (2015). LGBT Movement as a New Social Movement: Indian Perspective. *Journal for Social Development*, Vol 7, No.3, , 45-50.
5. Debnath, K. (2017). LGBT Identity: The Illustration of "Othering" in India. *Sexuality, Gender, and Policy*, Vol. 1, Issue 1, 89-100.
6. Debnath, K. (2018). LGBTQ Movement in India: A Post-Civil Society Resistance? *The West Bengal Political Science Review*, Vol. XX, No. 1, 103- 124.
7. Fathima, A. (2024). *India's lost decade: How LGBTQIA+ rights fared under BJP, and what manifestos promise*. newlaundry.com.
8. Foucault, M. (1972). *The Archaeology of Knowledge (Translated from the French by A.M. Sheridan Smith)*. New York: Harper & Row.
9. Foucault, M. (May, 2002). *Archaeology of Knowledge 2nd edition*. Routledge.
10. Kaur, A. S. (2022). An analytical study of the challenges faced by the LGBTQ community in the contemporary Indian society. *Asian Journal of Multidimensional Research*, Vol. 11, Issue 8, 1-23.
11. Kirk, V. Y. (2018). State Homophobia? India's shifting UN positions on LGBTQ issues. *Globalizations*, 669-684.
12. Loh, J. U. (2018). Transgender identity, sexual versus gender 'rights and the tools of the Indian state. *The Feminist Review Collective*, 39-55.
13. Narrain, A. (2018). Vacillating between empathy and contempt: the Indian judiciary and LGBT rights. In N. Nicol, J. Adrian, R. Lusimbo, N. J. Mulé, S. Ursel, A. Wahab, & P. Waugh, *Envisioning Global LGBT Human Rights: (Neo)colonialism, Neoliberalism, Resistance and Hope* (pp. 43-62). London: Human Rights Consortium: School of Advanced Study.
14. R.A. Aswin Krishna, D. A. (2020). LGBTQ Rights and Legislation in India: The Status Quo. *Indian Journal of Integrated Research in Law*, Vol. III issue I, 1-15.
15. Sanjaya, B. C. (2022). The Staus of LGBT People in India: A Sociological Examination. *Indian Journal of Law and Legal Research*, 1-10.
16. Sharma, R. (2021). Rights of LGBTQ in India and the Struggle for Societal Acceptance. *International Journal of Law, Management & Humanities*. Vol. 4, Issue 3, 18-32.
17. Srivastava, S. S. (2014). Disciplining the 'Desire': Straight' State and LGBT Activism in India. *Sociological Bulletin* 63(3), 368-385.
18. Tellis, A. J. (2012). Disrupting the Dinner Table: Re-thinking the 'Queer Movement' in Contemporary India. *Jindal Global Law Review*, 142-156.

19. Zizek, S. (2002). The Real of Sexual Difference. In B. F. Suzzane Barnard, *Reading Seminar XX: Lacan's Major Work on Love, Knowledge, and Feminine Sexuality* (pp. 57-76). New York: State University of New York Press.
20. Zizek, S. (2008). *The Sublime Object of Ideology*. London: Verso.

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