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## DISCRIMINATION AND VIOLENCE AGAINST INDIVIDUALS WHO ARE IDENTIFIED AS, OR ARE PERCEIVED TO BE, LGBTQ

*-Meenu Nair*

### Abstract

Discrimination and violence against individuals who identify as, or are perceived to be, LGBTQ, i.e., Lesbian, Gay, Bisexual, Transgender, or Queer, are deeply rooted in contemporary society. These injustices happen in various forms, like social exclusion, discrimination in institutions, and even the denial of basic rights that are essential for every human being. This paper will analyze the people included in the LGBTQ community, their rights, and the historical context of LGBTQ rights in India. It discusses the challenges faced by the LGBTQ community, including torture, violence across various cultural, political, and legal settings. This paper examines the intersection of law and society in shaping the lived experiences of LGBTQ individuals and explores how the law is helping change societal mindsets. The study will also analyze how LGBTQ+ people are treated in other countries.

**Keywords:** LGBTQ Rights; Violence; Discrimination; Human Rights; Law; Social Justice; Equality

**Introduction**—We live in a society structured around ‘sex’ and ‘gender.’ There is constant categorization of people as either male or female. Everyone talks about the rights of men and women, but they often ignore members of the LGBTQ community. These individuals face societal prejudices that lead to violence, discrimination, and denial of fundamental rights that are accessible to others. Despite significant legal reforms and progress, social acceptance remains difficult. This is primarily due to deeply ingrained mindsets that view such identities as against the natural order. Human sexuality is diverse, and no set of rules can exclude LGBTQ community members.

Violence and discrimination take various forms: physical assaults, verbal abuse, workplace bias, healthcare disparities, family rejection, forced marriages, confinement, isolation, coerced termination of education, and more. Due to the fear of being judged, even by their own families, many hide their true identities and suffer in silence. Various instances come before us almost every day, where these community members are thrown out of their homes, and to survive, they resort to begging, prostitution, etc. Even though the courts have opened their doors for justice through various landmark decisions, including *Navtej Singh Johar v Union of India*,<sup>1</sup> stating that sexuality and gender identity are an essential part of one's freedom. Yet, unfortunately, outside the courtroom, the stigma persists, which is why the deep study of the struggles faced by these community members should be done, as the struggle is not only about discrimination of identities but also about the right to live with dignity and have a meaningful life.

### **Literature Review**

Discrimination and violence against individuals who identify as, or are perceived to be, LGBTQ—such as Lesbian, Gay, Bisexual, Transgender, or Queer—are deeply ingrained in today's society. The major issues faced by LGBTQ members can be examined using the following materials-

LGBTQ Rights in India- A Comprehensive Analysis, written by Sudha B.<sup>2</sup> In this paper, the author provides an overview of the history of the emergence of LGBTQ rights in India. It explains how the progress from the decriminalization of homosexuality to the recent judicial precedents has helped in changing the mindset of people. It also describes the deeply embedded social stigma and cultural norms that have led to discrimination against the LGBTQ community. It throws light upon the mental strain that these individuals go through due to family rejection. It includes the analysis of how the court is playing an important role in widening the concept of privacy to same sex relationships, which will impact their rights.

Victimization of the LGBTQ community in India by Mansi Dagrass<sup>3</sup>- In this paper, it talks about the Supreme Court judgment in the case of *Suresh Kumar Kaushal v Naz Foundation*, in which

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<sup>1</sup> *Navtej Singh Johar v Union of India* AIR 2018 SC 4321, (2018) 10 SCC 1

<sup>2</sup> B, S. (2024). LGBTQ RIGHTS IN INDIA- A COMPREHENSIVE ANALYSIS. *International Journal of Creative Research Thoughts (IJCRT)*, 12(1). <https://ijert.org/papers/IJCRT2401651.pdf>. (last visited on 27 October 2025)

<sup>3</sup> Dagrass, M. (2021). *Victimization of the LGBT Community in India*. SSRN:(last visited on 28 October 2025)

the court set aside the decision given by the High Court, calling same sex relationships illegal. It talks about the challenges faced by LGBT people in India. In this paper, the legal provisions and constitutional protection of the LGBT community in India can be understood. It mainly focuses on Article 14, Article 15 of the Constitution of India, and Section 377 of the Indian Penal Code. It not only focuses on the issue at the surface level but also investigates the reasons for the various problems that are faced by the LGBT community. Various recommendations, like creating legal funds and giving various recommendations for individuals as well as institutions, are given in this paper.

Navigating the Intersectionality of LGBT Rights:<sup>4</sup> Perspectives from Gender, Race, and Socioeconomic Status in India by Ishan Atrey- This paper focuses on how gender, socioeconomic status, and race have an impact on transgender individuals' experiences of discrimination. In this paper, the legal progress in the decriminalization of homosexuality and the rights of transgender persons has been discussed in detail. It talks about the persistent challenge, including social stigma, family rejection, and inequalities, which are hampering the growth of LGBT rights in India.

The bullying, even in schools or universities, has been a significant reason why they are not even accepting themselves. It investigates the lack of laws, be it personal laws or laws related to marriage and discrimination in terms of healthcare or in employment, which are acting as key barriers for improving the condition of LGBT individuals in India. It studies the landmark judgments, including NALSA v. Union of India, which have advanced LGBTQ+ rights in India, but have failed to provide social inclusion.

A Neglected LGBTQ Community in India<sup>5</sup>: Problems and Solutions by Ashish Sharma- This paper studies the reasons behind the non-acceptance of LGBTQ individuals in society. It points out that despite the existence of various laws and human rights protections, the rights of LGBTQ individuals are still overlooked. The scholar argues that even though there exist various judicial precedents, if there is no societal change, then these precedents cannot improve the condition of

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<sup>4</sup> Atrey, I. (2024, December 6). *Navigating the intersectionality of LGBT rights: Perspectives from gender, race, and socioeconomic status in India*. Social Science Research Network. (<https://papers.ssrn.com/abstract=5046204>)

<sup>5</sup> Sharma, A. (2023). A neglected LGBTQ community in India: Problems and solutions. *Biological Forum – An International Journal*, 15(4), 910–914

LGBTQ individuals. It gives recommendations like having various programs or awareness campaigns, making various policies, and enacting anti-discrimination laws. This paper emphasizes the need for combined efforts of the law, government, and society to give dignity to LGBTQ individuals. True equality requires respecting everyone's natural rights, regardless of gender or identity.

The Concept of 'Coming out' or 'Self-Disclosure' of LGBTQ in Western Countries, and Its Impact on the Indian Community by Anjana T<sup>6</sup>- In this paper, a comparison is made by the scholar between India and Western countries. In Western countries, when an individual accepts their sexual orientation and tells others about the same, which is called coming out, it is considered a positive step. In India, coming out is more difficult because of existing traditions, family pressure, and fear of social rejection. Due to shame, social rejection, and harassment, LGBTQ individuals hide their identity. The scholar suggests that awareness, education, and family support are needed in India so that LGBTQ people can come out safely. There is a need for society to be more supportive of LGBTQ people, which will make a safer space for these individuals.

The status of LGBT People in India: A Socio-Legal Examination by Bhaskar Choudhury and Karun Sanjaya<sup>7</sup>- In this, the scholar discusses how discrimination, stereotypes, social stigma, and legal gaps keep LGBTQ people marginalized. They consider LGBTQ individuals to be abnormal, but there is a need to treat them as equal members of society. This paper emphasizes sensitization campaigns to normalize LGBTQ identities, which will improve the conditions of LGBTQ individuals in society. It highlights the need for inclusive schemes for LGBTQ people by the government. The scholars explain the importance of NGOs and activist groups in raising awareness and providing safe spaces.

Rights of LGBTQ in India and the Struggle for Societal Acceptance by RACHIT SHARMA<sup>8</sup>- In this paper, the author talks about the changes that have been made for LGBTQ individuals through

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<sup>6</sup> Anjana, T. (2024). The concept of "coming out" or self-disclosure of LGBTQ individuals in Western countries, and its impact on the Indian community. *International Education and Research Journal*, 10(1). <https://doi.org/10.21276/IERJ24718917952999>.(last visited on 27 October 2025)

<sup>7</sup> Choudhury, B., & Sanjaya, K. (2022). The status of LGBT people in India: A socio-legal examination. *Indian Journal of Law and Legal Research*, 3(2), 1-10, [https://www.researchgate.net/publication/357687243\\_The\\_Status\\_of\\_LGBT\\_People\\_in\\_India\\_A\\_Socio-Legal\\_Examination](https://www.researchgate.net/publication/357687243_The_Status_of_LGBT_People_in_India_A_Socio-Legal_Examination),(last visited on 28 October 2025)

<sup>8</sup> Sharma, R. (2021). Rights of LGBTQ in India and the Struggle for Societal Acceptance. *International Journal of Law, Management & Humanities*, 4(3), 18–32,(last visited on 28 October 2025)

various landmark judgments. It explores the progress and ongoing challenges that are being faced by sexual and gender minorities in India. She also points out that while this judgment was a historic step toward equality, it has not been matched by strong policy action or widespread societal change. LGBTQ individuals still encounter stigma, discrimination, and limited opportunities, particularly in terms of employment, healthcare, and education, despite the Transgender Persons (Protection of Rights) Act, 2019.

A Psychological Exploration Research on the LGBT Community by Shivank Mishra<sup>9</sup>- In this paper, the scholar studied the experiences of LGBT people from a psychological aspect. He wanted to understand their everyday problems and how these problems affect their mental health. The study found that members of the LGBT community often deal with stereotypes, discrimination, and unfair treatment, which leads to stress, loneliness, and emotional struggles, due to which some end their lives, and others live a life hiding their true identities. Scholar explains that these challenges are not only social but also deeply psychological, as constant rejection and prejudice can hurt self-confidence and identity, and this could be the major reason why these individuals fear accepting their identity and still fight silent battles. His paper highlights the need for society to become more open, supportive, and accepting so that the LGBT individual can also live a peaceful life.

Legal Issues Surrounding LGBTQ+ Rights and Discrimination by Adv. Rasika Tushar Sangle<sup>10</sup>- In this paper, the scholar explores the relation between homosexuality and religion. It helps to understand the extent of acceptance of LGBTQ individuals by society in those times. The paper also explores how fundamental rights under the Constitution, such as equality before the law, freedom of expression, and the right to live with dignity, apply to LGBTQ+ individuals, but are often denied in reality. It stresses that it is the responsibility of the state to frame policies, of institutions to ensure safe spaces, and of society to embrace diversity

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<sup>9</sup> Mishra, S. (2022). A psychological exploration research on LGBT community. *International Journal of Indian Psychology*, 10(2) <https://ijip.in/wp-content/uploads/2022/07/18.01.068.20221002.pdf>, (last visited on 26 October 2025)

<sup>10</sup>Sangle, R. T. (2024). Legal issues surrounding LGBTQ+ rights and discrimination. *Journal of Emerging Technologies and Innovative Research (JETIR)*, 11(10), October 2024. (last visited on 28 October 2025)

Legal Acceptance of LGBT in India: Review on Its Implication on Having Equal Opportunities, Family Acceptance, and Better Mental Health by Priyanka Chawla<sup>11</sup>- In this paper, the scholar mainly focuses on the mental health of LGBT youth. She uses a minority stress theory, which talks about the sexual minority mental health disparity. This paper examines how the legal recognition of LGBTQ+ rights in India significantly affects equal opportunities, family acceptance, and their mental health. The author states that legal reforms have given visibility to sexual minorities, but true progress can only be attained if there is a change brought within families and society towards them. The study emphasizes that LGBTQ+ individuals are likely to suffer higher rates of anxiety, depression, and other mental health issues compared to their heterosexual peers, due to the embedded stigma and discrimination in the minds of people.

A Quick Overview Of LGBTQIA+ In India by Gaurav Prakash Dixit, Mohit Shukla, Jitendra Kumar Verma<sup>12</sup>- In this paper, the scholar examines the LGBTQIA community in the Indian context by focusing on cultural history, social challenges, and legal progress. The author points out that the widespread stigma and discrimination continue to plague the LGBTQIA community in India. This paper also introduced basic LGBTQIA terminologies, which will help in understanding and reducing the misuse associated with these identities. The author states that LGBTQIA individuals are more prone to commit suicide than heterosexual individuals. It talks about how the government's role can improve the condition of these individuals.

A Qualitative Exploration of the Role of intersectionality in Health Disparities Faced by Indian transgender persons by Harleen Kaur and Tushar Singh<sup>13</sup>- In this paper, the author examines how intersectionality shapes health disparities among transgender persons in India. The author has done in-depth interviews with twelve participants from rural, semi-rural, and urban areas. Afterward, the author reveals that transgender health inequalities cannot be explained by gender identity alone, as there are multiple factors — such as age, caste, socio-economic status, skin color, educational

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<sup>11</sup> Chawla, P. (2022). Legal acceptance of LGBT in India: Review on its implications on having equal opportunities, family acceptance, and better mental health. *ARIPLEX – Indian Journal of Research*, 11(3), March 2022, (last visited on 28 October 2025)

<sup>12</sup> Dixit, G. P., Shukla, M., & Verma, J. K. (2022). A quick overview of LGBTQIA+ in India. *Journal for Peace and Justice Studies*, 31(2), 126–135, (last visited on 23 October 2025) [https://www.researchgate.net/publication/370654784\\_A\\_Quick\\_Overview\\_of\\_LGBTQIA\\_in\\_India](https://www.researchgate.net/publication/370654784_A_Quick_Overview_of_LGBTQIA_in_India)

<sup>13</sup> Kaur, H., & Singh, T. (2024). A qualitative exploration of the role of intersectionality in health disparities faced by Indian transgender persons. *Indian Journal of Health and Wellbeing*, 41(1), (last visited on 24 October 2025)

access, and family support. The author states that stigma is not only external but also often reinforced by family rejection and lack of community support.

Exploring LGBTQ+ Equality in India: A comprehensive examination from anthropological and legal perspectives. *Sexuality, Gender & Policy* by Kaur L. In this paper, the author argues that while there has been a shift in the legal system toward inclusivity, through cases like *Navtej Singh Johar v. Union of India* (2018), social realities continue to lag far behind. The study shows how embedded cultural traditions, family structures, caste dynamics, and societal norms still disseminate exclusion and stigma. Even though our constitution provides equality, the absence of specific protections in areas like marriage, adoption, inheritance, healthcare, and employment continues to deny LGBTQ+ rights.

A qualitative study on concerns faced by the homosexual community (LGBTQ) in India- by Vashisht A, Ahsan A, Manglani A<sup>14</sup>- This qualitative study explores the concerns of LGBTQ individuals in India through in-depth interviews with 40. The authors have used semi-structured interviews and reflexive thematic analysis. At the end, the authors point out that they go through various issues like family rejection, social isolation, and a lack of acceptance, which leads to disownment. The findings also show that they have to go through mental health challenges, such as anxiety, depression, and lowered self-esteem, arising from constant stigma and discrimination. The author states that societal attitudes severely affect the quality of life and sense of happiness of these individuals. The author urges that there is an urgent need for greater awareness, acceptance, and institutional support to improve the psychosocial well-being of the community in India.

A Comparative Study of Countries that Passed LGBTQ+ Protection Bills and Comparing Them with the Present Rights Provided Under India by Richa Tiwari<sup>15</sup>- In this paper, the author does a comparative analysis of LGBTQ+ protection frameworks in other countries and contrasts them with the current legal and policy protections in India. It shows that many nations—including the

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<sup>14</sup> Vashisht, A., Ahsan, A., & Manglani, A. (2024). A qualitative study on concerns faced by the homosexual community (LGBTQ) in India. *Journal of the Indian Academy of Applied Psychology*, 50(1), 282–290. <https://jiaap.in/a-qualitative-study-on-concerns-faced-by-homosexual-community-lgbtq-in-india/>, (last visited on 22 October 2025)

<sup>15</sup> Tiwari, R. (2023). A comparative study of countries passed LGBTQ+ protection bills and comparing it with present rights provided under India. *International Journal of Global Research Innovations & Technology (IJGRIT)*, 1(3), 121–125, <https://www.inspirajournals.com/uploads/Issues/232796103.pdf>, (last visited on 25 October 2025)

United States and Canada—have enacted comprehensive protection bills that secure rights of these individuals in areas like marriage equality, adoption, and anti-discrimination in education, healthcare, and workplaces. The author highlights that India’s legal landscape is still relying on judicial pronouncements rather than legislative guarantees. The author urges that there exists a need for a comprehensive protection bill that will ensure the dignity of LGBTQ individuals.

**Research Gap-**While there is focus on decriminalization and constitutional rights of LGBTQ individuals, fewer studies focus on transgender individuals who are facing healthcare discrimination, and most studies focus on what legislation is made and implemented, but little research is done into the lived realities of trans people in the case of housing, employment, and healthcare.

**Research Objectives –** 1. To explore the various types and levels of discrimination and violence experienced by LGBTQ+ individuals, and why underreporting of such incidents of violence goes unnoticed.

2. To analyze the effectiveness of legal provisions and their implementation in society.

3. To understand how much the judiciary has played a role in improving the condition of LGBTQ individuals.

### **Research Questions**

1. Why does the underreporting of incidents of violence and discrimination go unnoticed?

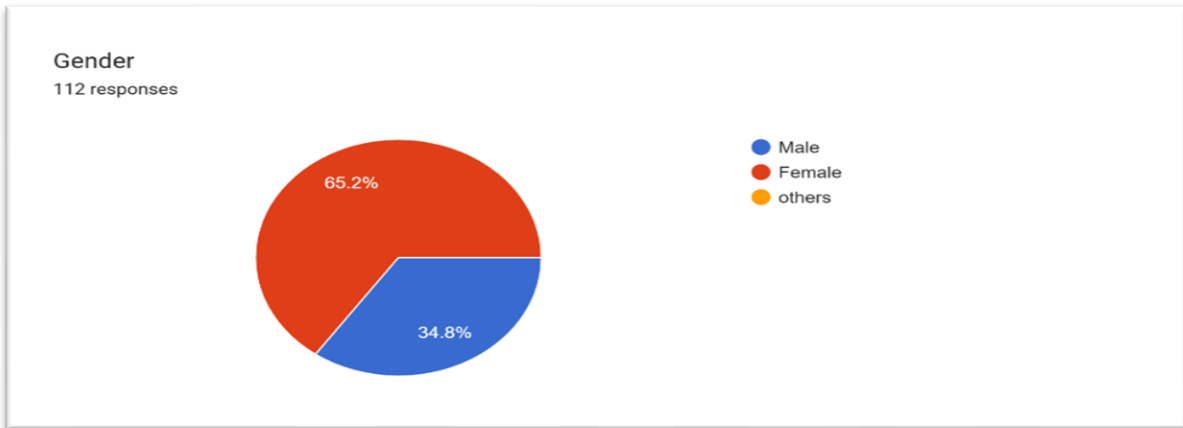
2. Are the provisions only on paper, or are the guidelines given by the Judiciary being implemented?

3. Is there a need for more laws, or is the existing law sufficient?

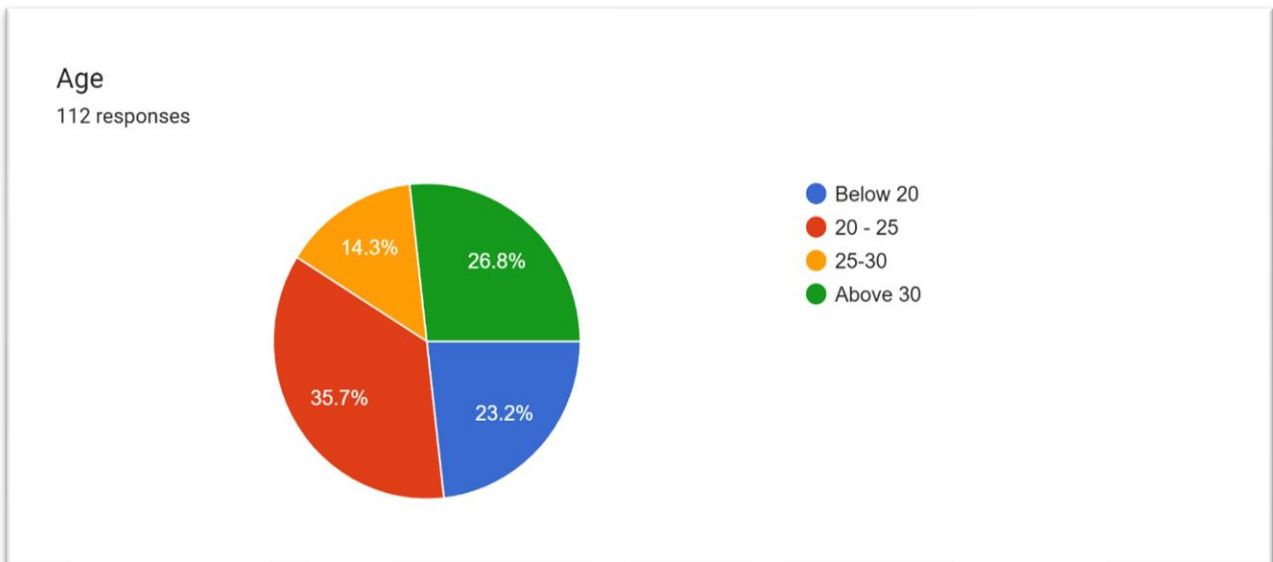
### **Research Methodology**

This study employed a mixed-methods research design, i.e, Doctrinal, which includes books, articles, and govt sites, and empirical research, which involved questionnaires that were given to around 100 people to fill out and interviews with people, which provided a comprehensive understanding of the implementation of the existing laws and to understand in depth the treatment of LGBTQ individuals in India.

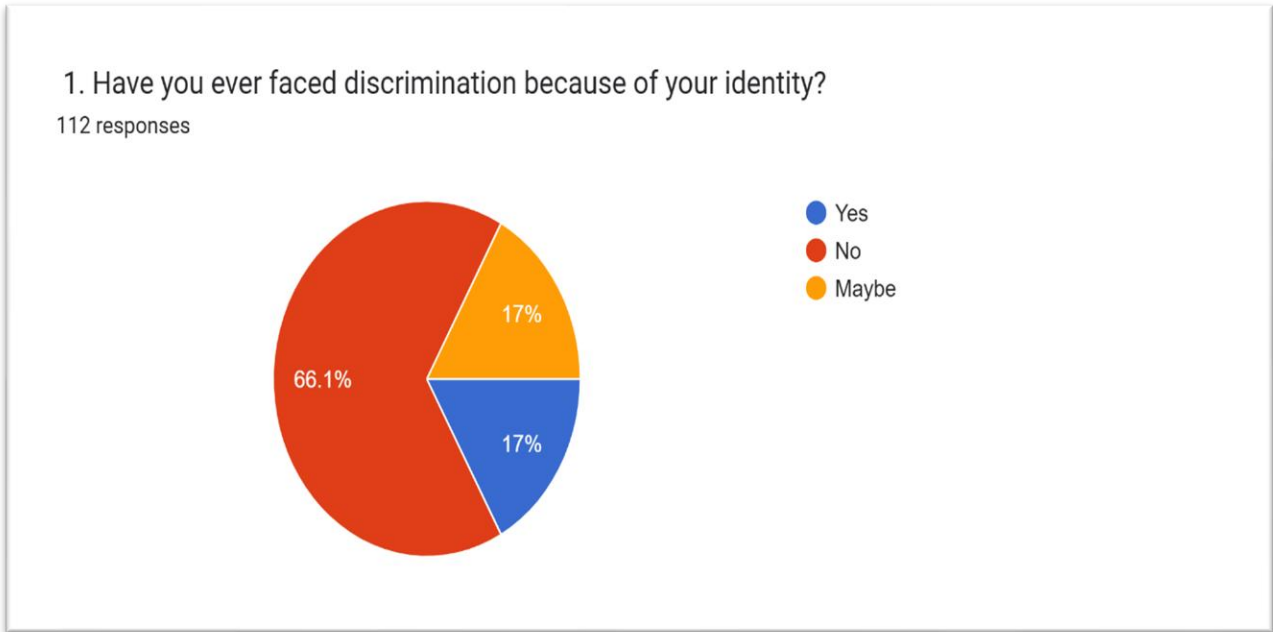
## Analysis and Discussion



This pie chart shows that out of 112 respondents, 65.2% were female and 34.8% were male. No participants were identified under the “others” category. This indicates that the majority of responses were received from female participants, which reflects a higher level of engagement or willingness among women to share their views on LGBTQ+ issues than men.



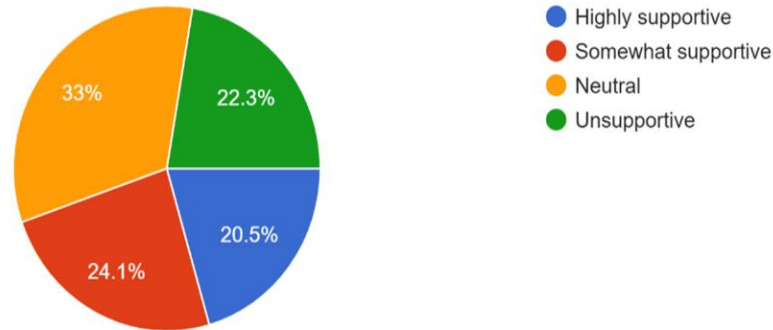
The survey sample was diverse in age, with the largest group being individuals aged 20–25 years (35.7%), followed by those who are above 30 years (26.8%), below 20 years (23.2%), and 25–30 years (14.3%).



This diagram shows that the majority of people (66.1%) have not undergone any discrimination based on their identity, wherein 17% stated that they had, and another 17% were uncertain or responded ‘maybe.’ This indicates that although a majority of respondents did not directly face discrimination, a significant proportion (around one-third) either experienced or perceived discriminatory treatment related to their identity. Such responses highlight that issues of bias and social stigma that is still there, which affects the majority of the population.

2. How do you perceive the general societal attitude towards LGBTQ+ individuals in India?

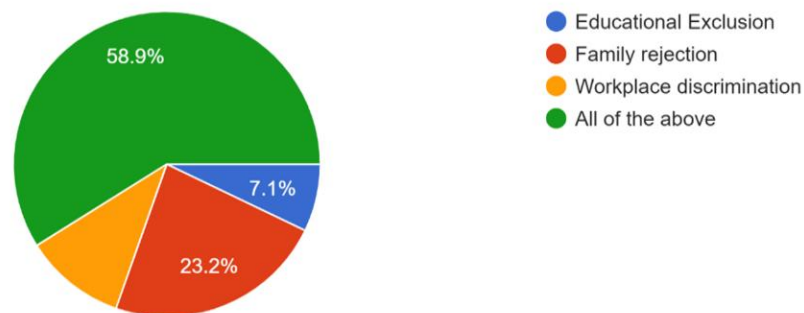
112 responses



This diagram shows the perception of people towards LGBTQ individuals. In this 33% people think that the society's attitude is neutral towards the LGBTQ individual, while 24.1% individuals think that society is somewhat supportive, and 20.5% people think it's highly supportive, while 22.3% think that it's unsupportive. This clearly portrays that while we think that the societal attitude towards LGBTQ individuals has changed with the evolving times but the reality is that there still exist societal norms and attitudes that cannot accept LGBTQ individuals yet.

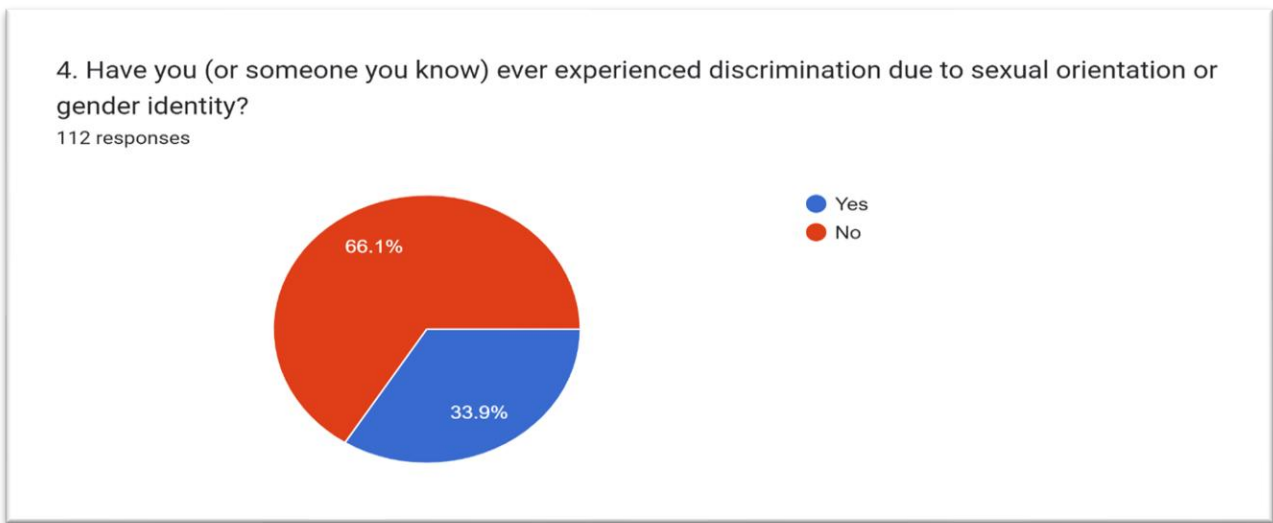
3. In your opinion, what are the most common forms of discrimination LGBTQ+ individuals face?

112 responses



The majority of 58.9% agree with all the forms of discrimination that LGBTQ individuals go through, including educational exclusion, family rejection, and workplace discrimination. This

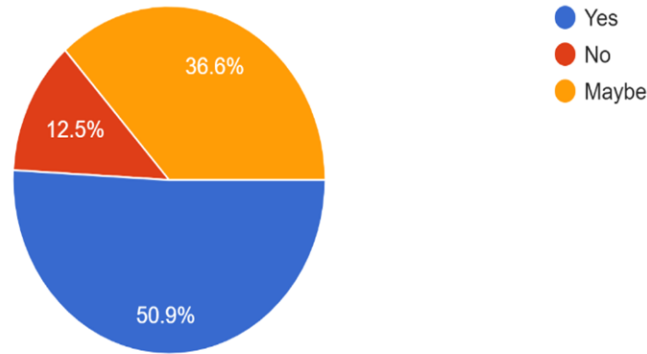
majority shows that a strong awareness of the broad and systemic nature of discrimination faced by the LGBTQ community. 23.2% of individuals chose family rejection as the most common form of discrimination, which shows that personal challenge is a major concern for many LGBTQ individuals, as they are not accepted in their own family, due to which they are forced to leave their home and go through all the hardships. Only 7.1% highlight educational exclusion, showing that while it is recognized, it is still perceived as less prevalent compared to other forms, and the remaining chose workplace discrimination as the most common form of discrimination. Overall, the data indicate that most people view LGBTQ discrimination as a multi-dimensional issue.



This diagram shows that about 66.1% people have not faced any discrimination due to sexual orientation or gender identity, whereas 33.9 % people have faced discrimination. This clearly portrays that even when we talk about the change in societal mindset yet the discrimination is still there based on sexual orientation or gender identity. The society hasn't yet accepted LGBTQ individuals and continues to discriminate against them due to their identity.

5. Do you think incidents of violence and discrimination against LGBTQ+ individuals are underreported?

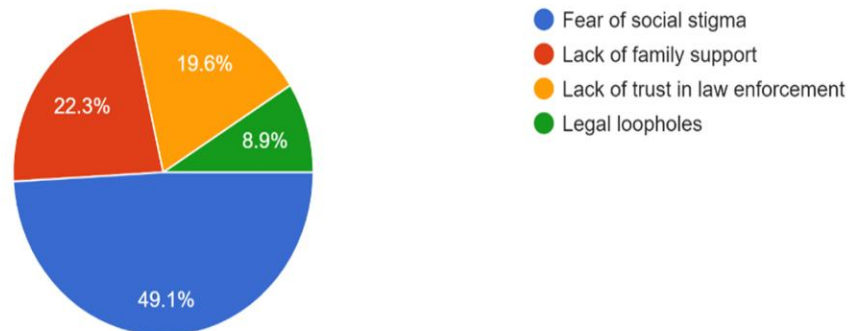
112 responses



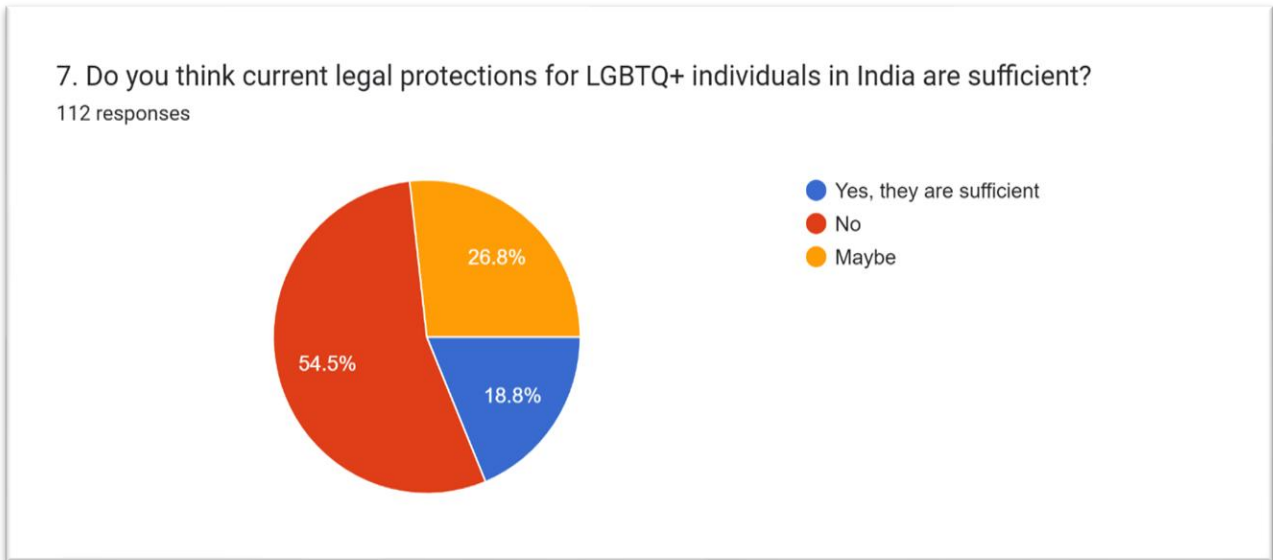
This pie chart reveals that a significant number of people (50.9%) think that LGBTQ individuals go through various incidents of violence and discrimination, which goes underreported, and 36.6% of people express uncertainty, indicating that a significant portion of people may be aware but are not fully informed about the extent of discrimination that is being faced by the LGBTQ community. The rest of the 12.5% people think that the violence faced by them is not underreported.

6. What factors do you think discourage reporting such incidents?

112 responses



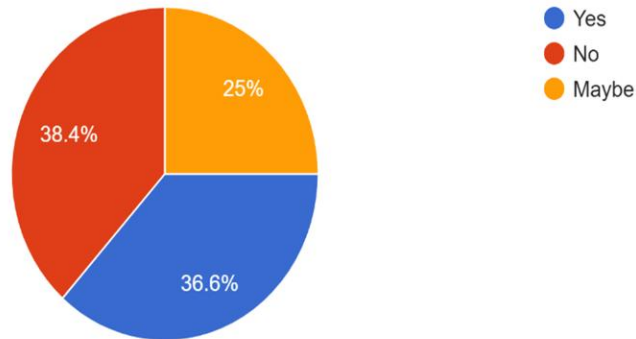
This data shows that 49.1% of people think that it is due to fear of social stigma that discourages LGBTQ people from reporting such incidents of violence or discrimination. 22.3% people have expressed that it is due to a lack of family support, due to which they hesitate to report these incidents. 19.6 % have expressed the reason of lack of trust in law enforcement, and the remaining 8.9% have chosen legal loopholes as a major reason why LGBTQ people refrain from reporting such incidents.



This pie chart shows that 54.5% people believe that the current provisions for LGBTQ individuals are not sufficient, and there is a need for more legal provisions that will help to protect the rights of LGBTQ individuals and will help to eliminate discrimination. Around 26.8 % are not sure, and 18.8 % people think that the existing provisions for LGBTQ are sufficient and there is no need to make more laws for them.

8. Are you aware of cases where LGBTQ+ people have been denied healthcare, housing, or employment due to their identity?

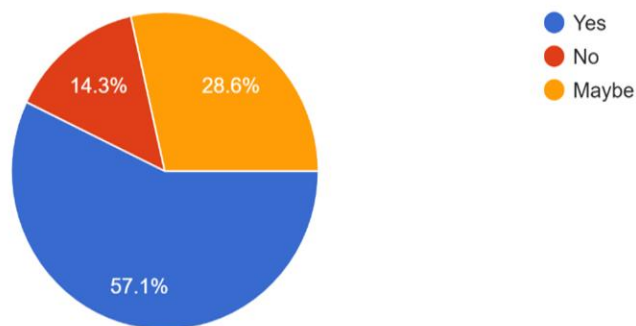
112 responses



In this pie chart, around 38.4 % people are not aware of any cases where LGBTQ people have been denied healthcare, housing, or employment due to their identity, whereas around 36.6% are aware of such incidents, and 25% are unsure.

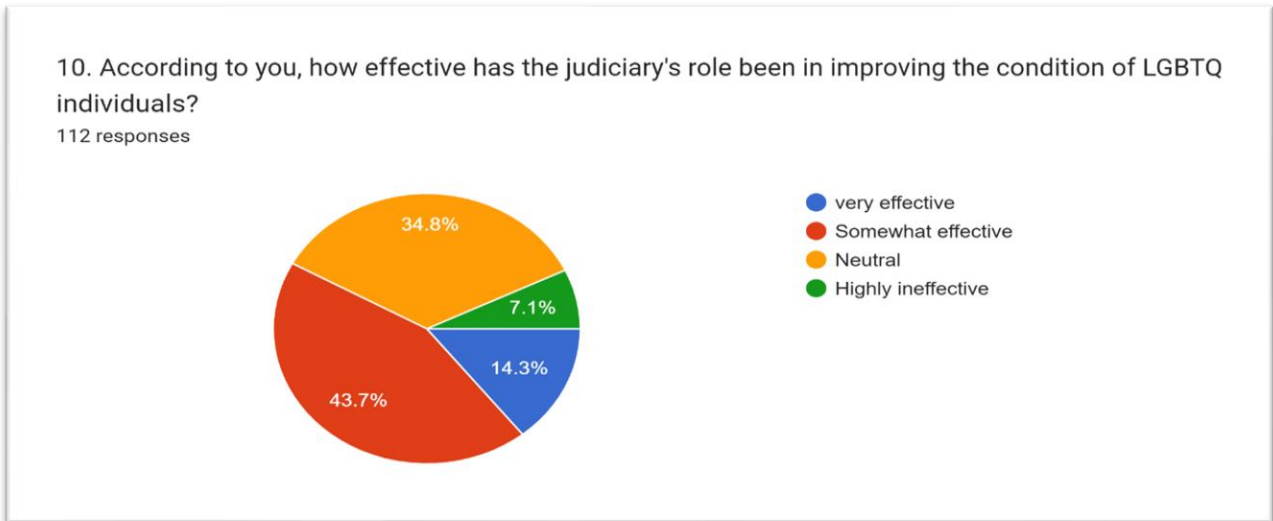
9. Do you think LGBTQ+ individuals are forced to hide their identity due to fear of stigma?

112 responses

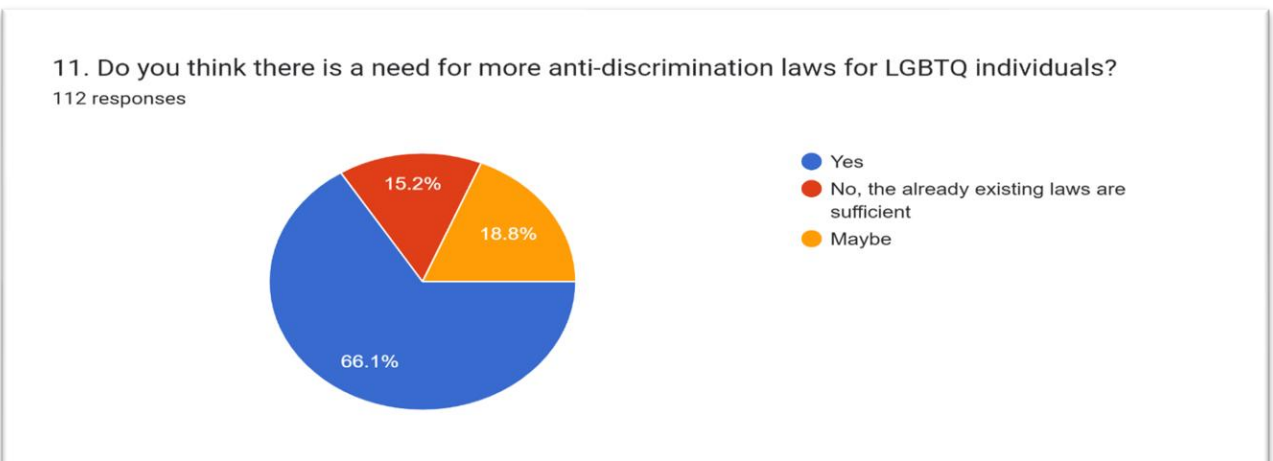


In this data, around 57.1% respondent thinks that LGBTQ individuals are forced to hide their identity due to fear of stigma. It is due to the deep-rooted mentality of the people towards the LGBTQ community. About 28.6 % people have chosen 'maybe', which shows less awareness

toward this issue, while 14.3% people believe that LGBTQ individuals do not have to hide their identity due to the fear of stigma.

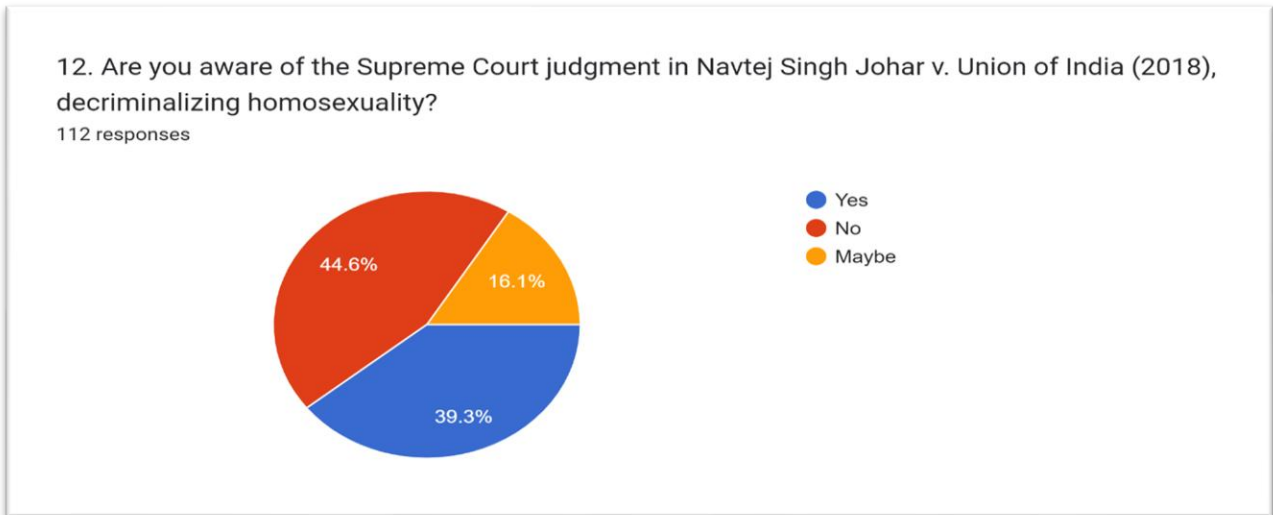


This data shows how effective the judiciary's role has been in improving the condition of LGBTQ individuals. Around 43.7% people believe that the judiciary's role has helped to improve the condition of LGBTQ people only to a certain extent; 34.8% people have chosen 'neutral'. 14.3% people think that the judiciary has played a very effective role in improving their condition, while only 7.1% people think that the judiciary was highly effective, through various precedents and decisions, to improve the condition of LGBTQ individuals.

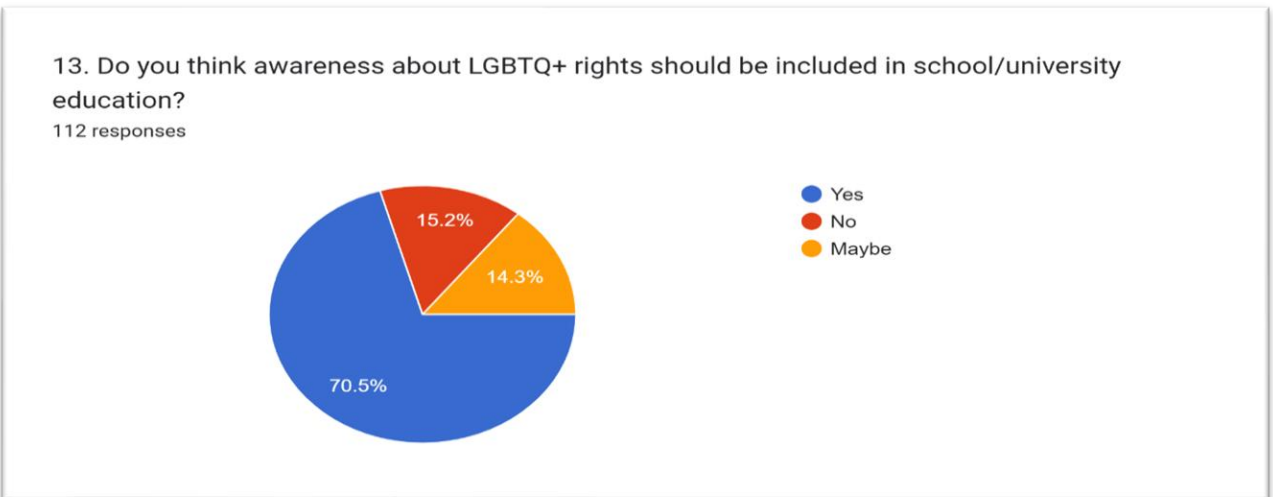


In this data, the majority of respondents, i.e, 66.1%, think that there is a need for more anti-discrimination laws to protect LGBTQ individuals, while 18.8% were uncertain and 15.2% felt

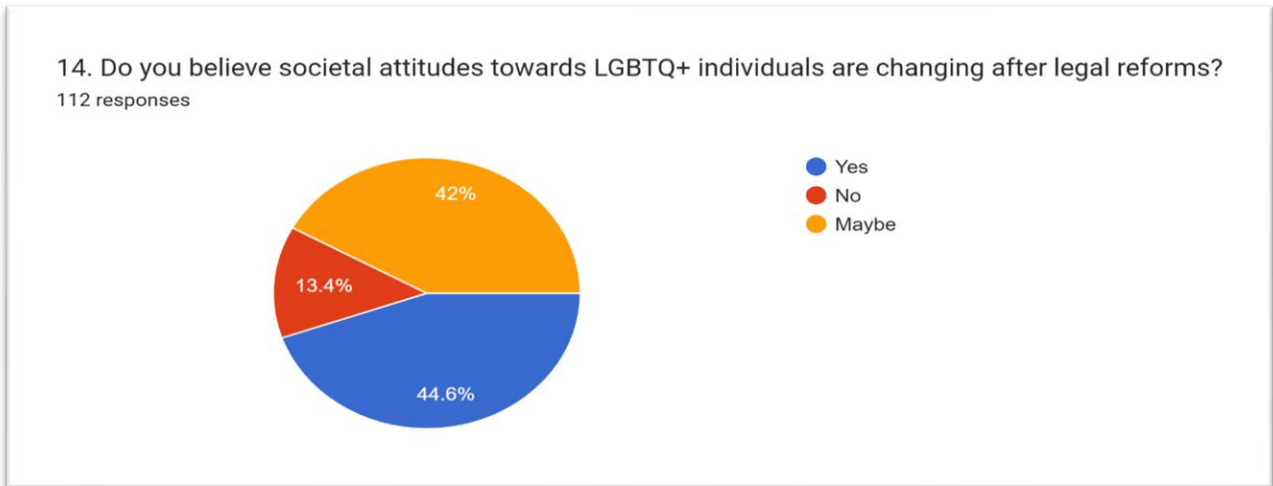
that existing laws are sufficient. This highlights there is an urgent need to enhance legal safeguards and inclusivity measures.



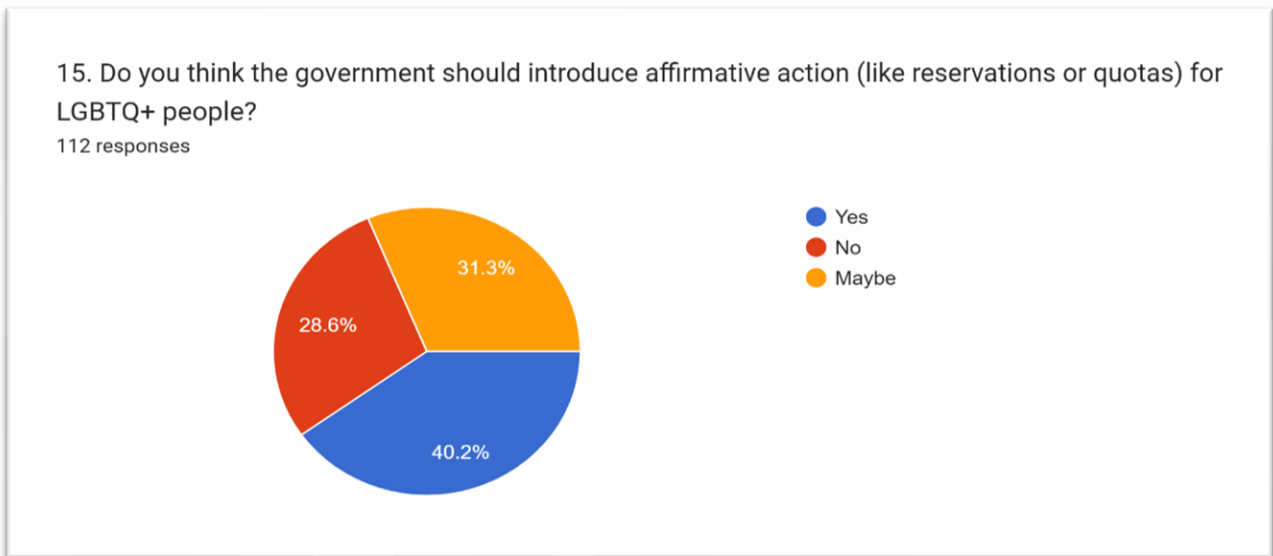
This data reveals a mixed level of awareness among people regarding the landmark judgment about the *Navtej Singh Johar v. Union of India* (2018), which decriminalized homosexuality. Only 39.3% of respondents were aware of this judgment, while 44.6% were not aware, and 16.1% were unsure. This suggests a gap in public knowledge regarding such landmark judgments.



In this data, around 70.5% of participants supported including LGBTQ+ rights awareness in school and university education, wherein 14.3% were unsure, and 15.2% opposed the idea. This portrays strong support for educational efforts, which will encourage equality and understanding from a very young age.



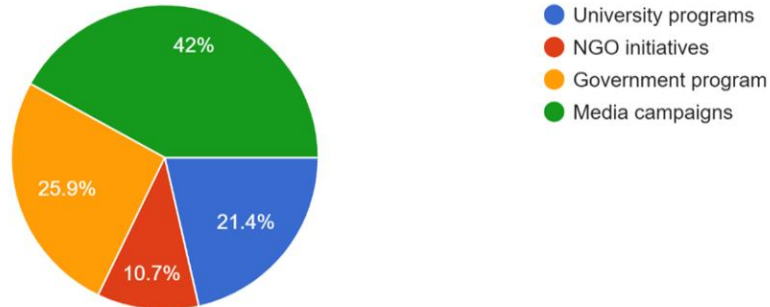
In this data, 44.6% of respondents believe that societal attitudes are changing towards LGBTQ individuals after legal reforms, while 42% people are uncertain whether there has been a change in societal attitudes towards LGBTQ individuals after legal reforms. 13.4% people do not believe that there has been any change in societal attitude towards LGBTQ individuals.



In this data, out of the 112 respondents, 40.2% are in favor of the introduction of affirmative actions like reservations or quotas, 28.6% are against it, and 31.3% are unsure. With a sizable percentage still unsure, this emphasizes the need for more discussion and awareness regarding inclusive policy measures.

16. According to you, what kind of campaigns are most effective in reducing prejudice?

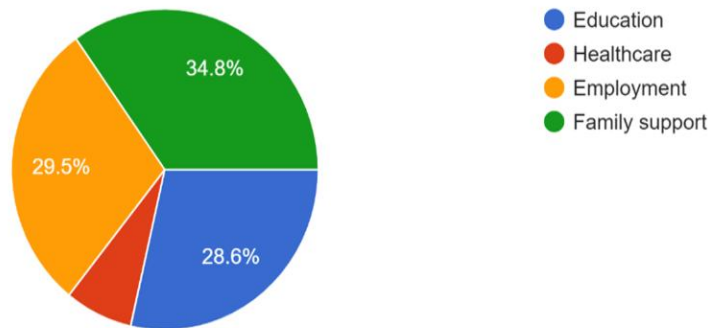
112 responses



In this, the majority of people, i.e, 42% people, have chosen media campaigns as the most effective in reducing prejudice. While only 25.9% people believe government programs as the most effective way, around 21.4% have chosen university programs as the most effective campaign, whereas 10.7% people have chosen NGOs as the most effective way to reduce prejudice faced by LGBTQ individuals.

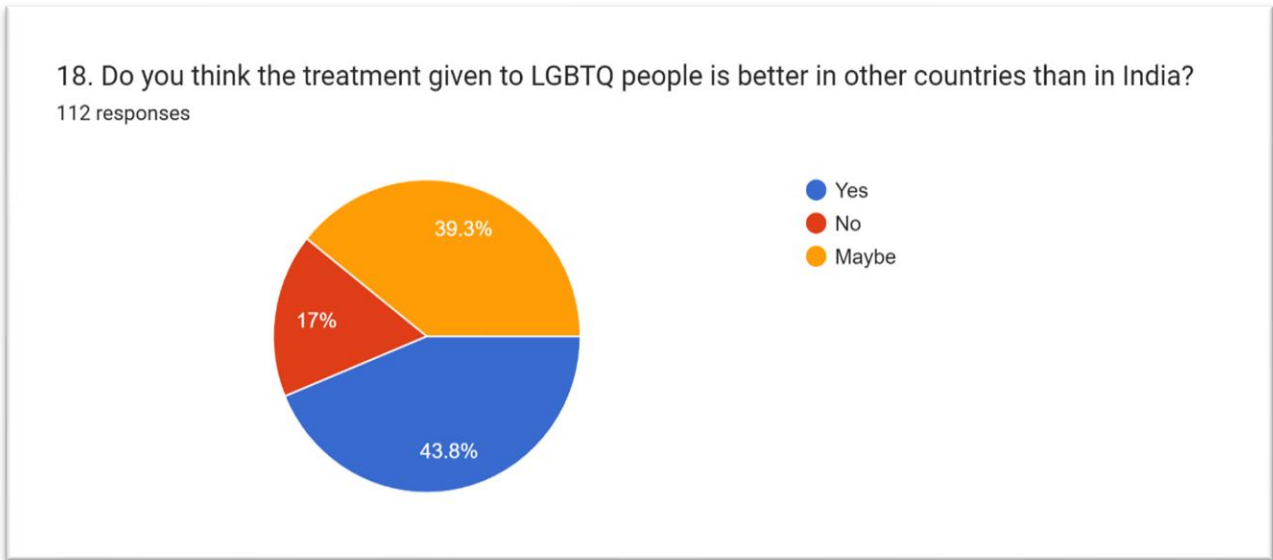
17. Which sector needs urgent reform for LGBTQ+ equality?

112 responses

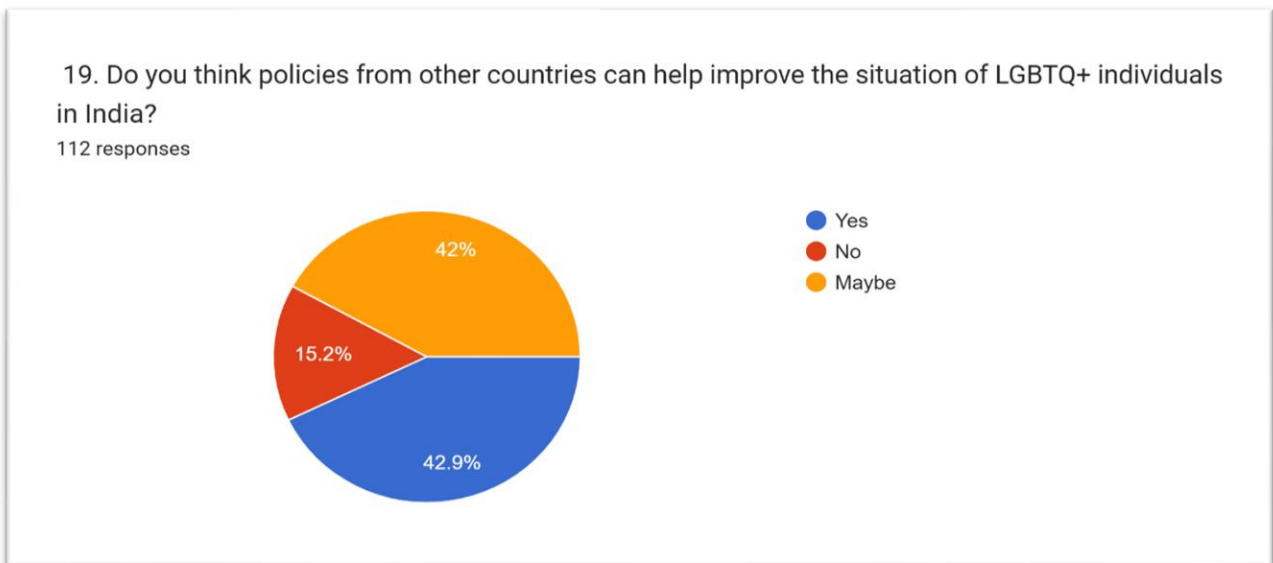


For the question about which sector needs urgent reform for LGBTQ equality, 34.8 % of the respondents believe that family support needs to be reformed to promote equality. 29.5% of the respondents believe that the employment sector has to be reformed, while around 28.6% think that

if the educational sector is reformed, it will enhance the condition of LGBTQ members and help to promote equality for LGBTQ.



In this data, around 43.8% respondents believe that the treatment given to LGBTQ people is better in other countries than in India, whereas around 39.3% people are uncertain about the treatment given to LGBTQ people in other countries, while 17 % people think that the treatment given to LGBTQ people is better in India than in other countries.



In this data, around 42.9% of the respondents think that adopting policies from other countries will improve the condition of LGBTQ+ individuals in India, while 42% of the respondents are uncertain about it, and 15.2% of people think that even after adopting policies from other countries, the condition of LGBTQ individuals in India will not improve.

20. Which global practices could India adopt to strengthen LGBTQ+ rights?

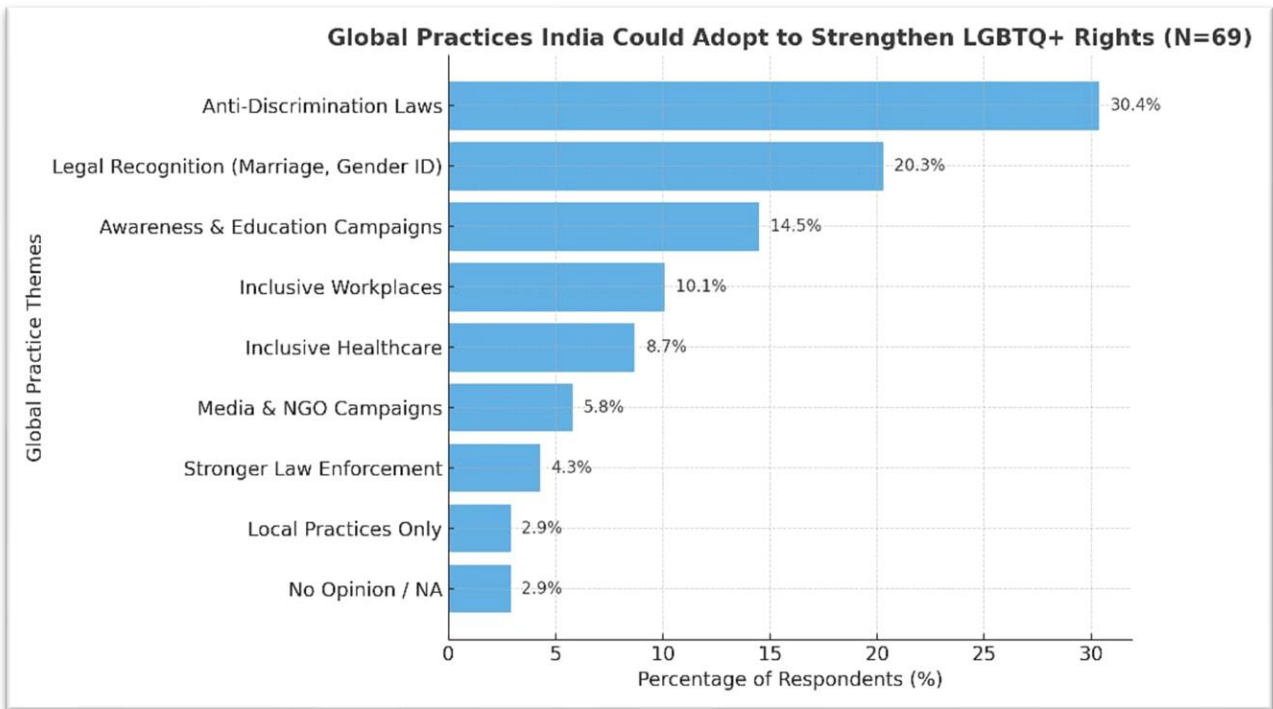


Figure 1 Shows the responses of people about which global practice should be adopted to strengthen LGBTQ rights.

The majority of respondents highlighted the urgent need for the adoption of anti-discrimination laws and legal recognition of LGBTQ+ rights in India. Around one-fourth highlighted that enforcing strong anti-discrimination measures in workplaces, educational institutions, and public life would play an essential role in promoting equality. Nearly one-fifth of the respondents believe that legal recognition of same-sex marriage, gender identity rights, and family protections, similar to the practice done in countries like Canada, Argentina, and the Netherlands, should be adopted in India. About 15% of participants believe that awareness and educational campaigns will promote acceptance and reduce stigma, while others underscore the importance of inclusive healthcare access, mental health support, and equal participation opportunities. A smaller segment

(about 5%) highlights the need for stricter law enforcement and penalties against harassment and violence. Only a minimal number i.e, around 2%) opposed adopting global practices, preferring locally developed approaches.

21. In your opinion, what is the most urgent step needed to ensure dignity and equality for LGBTQ+ individuals?

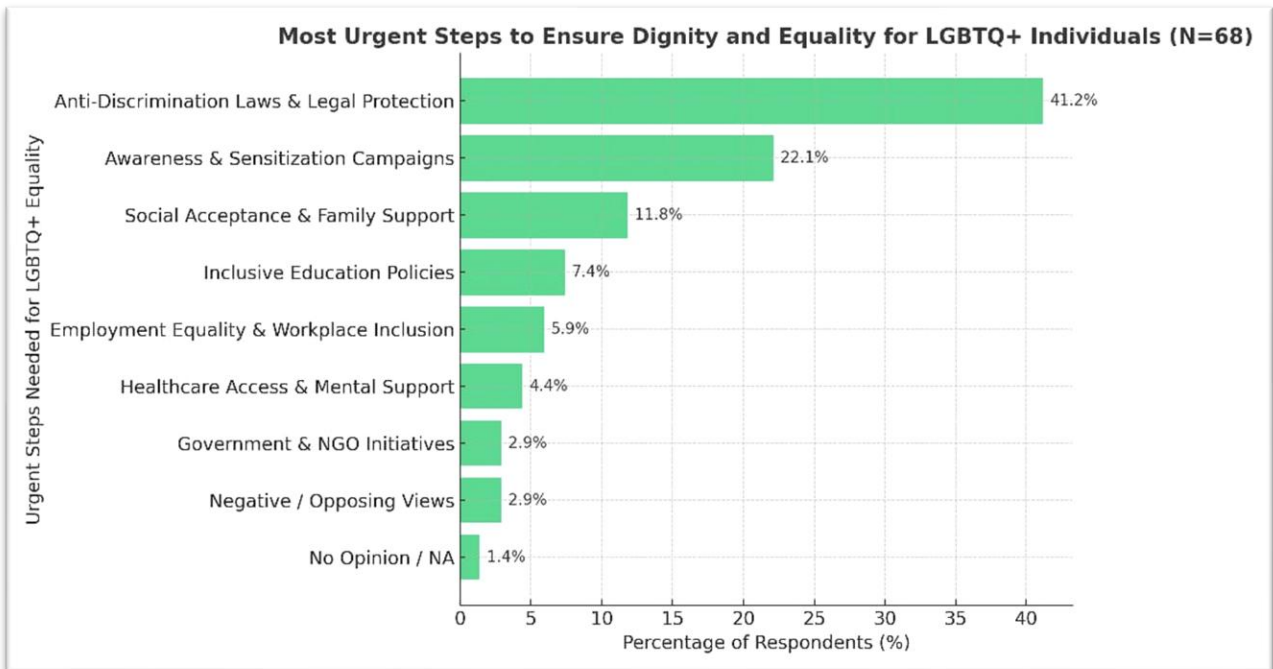


Figure 2 Shows the response of people on what urgent steps are needed for LGBTQ equality

The analysis of open-ended responses reveals that a majority (around 70%) of participants believe the implementation and strict enforcement of anti-discrimination laws is the most urgent step toward ensuring dignity and equality for LGBTQ+ individuals. Approximately one-fifth of respondents emphasized the importance of awareness programs, education, and sensitization across schools, workplaces, and communities to promote acceptance and reduce stigma. A smaller yet notable proportion highlighted the need for social and family acceptance, equal employment opportunities, and inclusive government initiatives as the most crucial step that has to be taken to ensure that the rights of LGBTQ individuals are protected. Only a minimal number expressed opposition to LGBTQ individuals.

From the given data, the experiences, perception, and the challenges faced by LGBTQ individuals in India can be understood, and it helps to know the extent to which the current loss and societal attitude ensure equality and dignity to them. Analysis of the data.

**A. Demographic profile of respondents** - This data shows that out of 112 respondents, 65.2% were female and 34.8 %were male. It clearly shows that women are more likely to express their opinion on LGBTQ issues, and it also shows that their awareness about these issues is higher than compared of men. When it comes to the age factor largest group who participated were young people aged between 20 -25 (around 35.7%), which proves that young people are more aware of sexual diversity and gender than adults.

**B. Experience of discrimination** – 66.1% of the respondent have claimed that they have not faced any discrimination, while 33% have reported that they have faced discrimination based on their gender identity. Around 1/3 of the participants reflect the continued discrimination or stigma, and exclusion in society. It shows that despite legal recognition of LGBTQ individuals, the societal attitude still marginalizes LGBTQ people. Despite the progressive judicial rulings, discrimination continues in the family as well as the workplace. The majority of 58.9% have chosen family rejection, workplace discrimination, and educational exclusion as the most common forms of discrimination that LGBTQ individuals face.

**C. Societal attitude** – the majority of respondents i.e, 33% described societal attitude towards LGBTQ as neutral, whereas 24.1% believe it to be somewhat supportive, 20.5% as highly supportive, and 22.3% as unsupportive. It clearly portrays that while awareness has increased in society still society has not fully accepted them, and even the neutrality, i.e, 33% of the respondents, hides silent disapproval about the societal attitude toward LGBTQ individuals. The same could be seen in The Concept of ‘Coming out’ or ‘Self-Disclosure’ of LGBTQ in Western Countries, and Its Impact on the Indian Community by Anjana T, who highlighted that even now, the concept of coming out in Indian society is seen as a risk due to family pressure and culture. There are deeply rooted taboos and a fear of ostracisation. It shows that the journey from tolerating to acceptance is still far.

**D. Underreporting of incidence of violence and barrier to justice** – the majority of respondent (50.9%) believes that discrimination Against LGBTQ often goes unreported while (36.6%) were unsure the major reason of underreporting Such incidents were due to social stigma (49.1 % ), lack

of family support (22.31%), legal loopholes (8.9%) and distrust in law enforcement (19.6%). These results clearly reveal the whole cycle of silence, which is driven by fear and distrust. The victims of such discrimination refrain from reporting such incidents due to the fear of social stigma and lack of protection. They doubt whether they will get fair treatment from the police or the justice system. Such underreporting caused psychological issues and harmed their mental health, who ultimately decide to end their life or stay silent forever. Such underreporting continues institutional invisibility and lack of accountability. Thus, there is an urgent need for a safe and supportive reporting environment where they can seek justice without the fear of exposure.

**E. Adequacy of legal provisions** – More than half of the respondent 54.5% believes that the current provisions for LGBTQ individuals are not sufficient. Even after the landmark judgments like *Navtej Singh Johar v Union of India*<sup>16</sup>, which decriminalized all consensual sex among adults, including homosexual sex, and removed section 377 of the IPC. The court highlighted that LGBTQ individuals are also citizens; they should not be discriminated against based on their sexual orientation and gender. In the case of *Nalsa v Union of India* right of transgender person to decide their gender was upheld. The court urged the center and the State to grant legal recognition to gender identities like male, female, or third gender. But even after such landmark cases, the Supreme Court has recently rejected a review petition seeking to review the October 2023 judgment, which refused to legalize same sex marriage as the court stated that it did not find any apparent errors in the original judgment. Though the judgment recognized yeh discrimination faced by LGBTQ individuals, but deferred the issue of marriage to the legislature, highlighting that granting such rights was a matter for parliament. This outcome was viewed as a setback for marriage equality in India, highlighting the limits of judicial progress. There exists an urgent need to implement an anti-discrimination framework to safeguard the rights of LGBTQ individuals. Even the Transgender Persons Protection of Rights Act, 2019, was made to prohibit discrimination against transgender individuals and to protect their rights, but it still suffers from weak enforcement, and there exists poor awareness among people, due to which the effectiveness of the act still lacks.

**F. Global practices and reforms-** The survey sought respondents' opinions on what global reforms or practices have to be adopted to strengthen LGBTQ individuals' rights. The majority of

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<sup>16</sup> Navtej Singh Johar v. Union of India A IR 2018 SC 4321,

people supported implementing anti-discrimination laws and same sex marriage, similar to Canada, Argentina, and the Netherlands, while others highlighted the need to increase awareness and educational programs, which will increase inclusivity. Others emphasized more focus on mental health and the healthcare area, and only a small minority, around 2 %opposed adopting global approaches.

**G. Awareness of the issue-** as shown in pie chart no 12. When the respondents were asked about whether they are aware of the landmark case, i.e, Navtej Singh Johar v Union of India, the majority of the respondents, 44.6%, answered that they are not aware, where only 39.3 % people were aware of this judgment. This data highlights the urgent need to create awareness among more people, especially in schools and universities. Around 42% of the respondents have voted the media campaign as the most effective way to create awareness and hence to reduce prejudice.

**H. Introduction of affirmative actions by the government** – 40.2% people believe that there exists a need to take affirmative actions like giving reservations or quotas to LGBTQ individuals, while 31.3% are uncertain about whether these actions are needed or not. 28.6% are not in favor of giving such reservations or quotas to them.

**I. Adopting policies from other countries** – As shown in. Pie chart 19, 42.9% people believe that if we adopt certain policies from other countries, it will help to improve the condition of LGBTQ individuals in India, whereas around 42% are uncertain whether even if those policies are incorporated in India, it may or may not improve the condition of LGBTQ individuals. Before adopting certain policies, it has to be seen how well those policies can be accommodated in our country.

**J. Urgent steps needed to ensure equality** – In response to an open-ended question on the most urgent need for attaining LGBTQ equality, around 70% of people highlighted the need for strict enforcement of anti-discrimination laws, while 20% highlighted that there exists a need to create more awareness programs and educate people. Others stressed the need to give equal employment opportunities and acceptance by the family. Collectively, the respondents reinforce that in order to achieve equality, both legal enforcement as well as social transformation are necessary.

The analysis highlights the need for societal transformation, as even though there has been legal advancement but the society has not fully accepted the LGBTQ community. Respondents strongly

favor that awareness, family acceptance, and legislative reforms have to be made, which will help to achieve equality. The finding resonates with the literature, which urges a mismatch between societal acceptance and legal recognition.

### **Research Findings**

The research clearly portrays a paradox: India has made significant legal progress, but societal acceptance is still lacking. Even though the judiciary has laid the groundwork for equality still without legislative actions the LGBTQ individuals face discrimination in their day-to-day life. Family rejection and social stigma are considered the most common forms of exclusion. There is a need for a balance between judicial recognition, legal reforms, and social transformation, which will ensure equality for all.

### **Conclusion**

It is very evident that the LGBTQ community is facing discrimination, violence, and avoidance from society from the very beginning. It starts from simple personal relations and extends to social ignorance. Without addressing discrimination and violence faced by the members of these communities, there can be no equality, and for a country to grow, there is an urgent requirement to give equal treatment to LGBTQ individuals as well. In a country where our constitution itself talks about the right to equality for everyone, these people are left out. Even if various judgment comes for their protection still there is still a huge gap between the judicial decisions and their implementation. The mindset embedded inside the people is to be blamed for; for them, there exists only men and women, and recognizing a third gender is unimaginable for them; hence, the violence in these forms continues to occur, as these LGBTQ individuals are the ones who silently go through this discrimination without seeking help, considering various factors. Hence, reforms are essential to make sure that in a country where the supreme law guarantees equality to everyone, how come these individuals are being made an exception?

Both the literature and data analysis highlight that the journey from legal equality to lived equality is ongoing and incomplete. The majority of the collective voices of the respondents clearly echo the conclusions of almost all reviewed scholars: that equality cannot be achieved through judicial role alone; rather, there is a need for true transformation, which certainly requires a convergence of law, policy, education, and social acceptance. While India has taken notable steps in dismantling

legal barriers, the deeply rooted social mindset has not yet changed. To reduce this gap, there is a need to strengthen anti-discrimination laws, create more awareness among people, create safe reporting mechanisms, and promote positive representation through the media. Equality can only be achieved through coordinated efforts between the government, judiciary, and society. India should move from legal tolerance to genuine acceptance and dignity for all individuals, regardless of their gender or sexual orientation.

### **Recommendations**

1. There is a need for new laws that protect the LGBTQ community from discrimination.
2. There should be more awareness campaigns and programs organized by NGOs, etc.
3. Effective implementation of existing laws with accountability mechanisms.
4. Awareness camps in universities should be organized.

### **Scope for Future Research**

Future research can explore the discrimination faced by LGBTQ individuals based on caste, class, gender, or religion. Comparative studies with global contexts will help to identify effective strategies for inclusive law and policy.

Future research can focus on examining how the new criminal codes could handle offenses related to sexual identity, harassment, and hate crimes, and whether they ensure fair representation and justice for LGBTQ victims.

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