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# The Representation of Sexual Minority Groups in Indian Politics and Media

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Abstract: Sexual minority groups do not identify with the sexual inclination of the majority, who are heterosexual, cisgender, and non-intersex in nature. These groups are essentially known as the LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual) or the Queer community and have their sexual orientations and pronouns. Although the scope of Diversity & Inclusion (D&I) has broadened since COVID-19, and stronger allyship and reduced biases are the most pressing matters. More sensitization and awareness are essential to make sexual minorities have a sense of belonging amongst the mass. This paper attempts to find the representation of sexual minorities in the Indian political discourse and mainstream media (English News). Is it comical, criminal, or conventional? Even if the attitudes towards the Queer community have considerably improved since the decriminalization of Section 377 of the Indian Penal Code (IPC). A new empathetic and inclusive environment is still wanted and seeks the intervention of political leaders to ignite social change holistically. It is qualitative and quantitative research. Secondary data was collected from various sources like journals, websites, articles, and reviews of different newspapers, etc. This research was conducted amongst the people primarily pursuing education in Kolkata and Bangalore to collect primary data. A total of 50 responses were collected with the help of a questionnaire which was circulated digitally to get answers and the analysis is done to find out their views regarding the representation of the LGBTQIA+ community in the Indian political discourse and mainstream media; whether it is ethical or unethical.

*Keywords*: Sexual minorities, Heterosexual, cisgender, nonintersex, Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Diversity and Inclusion, political discourse, mainstream media, Section 377, Indian Penal Code.

#### 1. Objectives

- To trace the timeline of the visibility of the fight for LGBTQIA+ rights in India.
- To find the representation of the LGBTQIA+ community in the Indian political discourse and mainstream media; whether ethical or unethical?
- To find the measures taken by political leaders to improve the portrayal of the LGBTQIA+ community.
- To find whether the Indian society is creating an inclusive environment for these communities.

#### 2. Introduction

Sexual minority groups do not identify with the sexual

inclination of the majority, who are heterosexual, cisgender, and non-intersex in nature. These groups are essentially known as the LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Oueer, Intersex, Asexual) or the Queer communities and have their sexual orientations and pronouns. Homosexuality is generally considered a taboo topic by both Indian civil society and the government. Homophobia is widespread in India. The attitudes towards homosexuality have altered slightly since Section 377 got decriminalized by the Delhi High Court. On 6th September 2018, The Supreme Court of India ruled that consensual homosexual acts would no longer be a crime. The historic move removed Section 377 of the Indian Penal Code which was a legacy from the British colonial rule. The change was welcomed by Indian and global LGBTQIA+ communities as a move towards acceptance and equal rights, but what is the situation of LGBTQIA+ rights in India? Of course, the verdict by the court that it was on the side of the queer community has had a positive force in the discourse about sexuality. But the community still faces a tremendous amount of hostility, ostracism and discrimination. The LGBTQ rights movement started in 1991 by the ABVA (AIDS Bhedbhav Virodhi Andolan), and since then, it has gained momentum. Several institutions like the Naz Foundation (India) Trust, The National AIDS Control Organization, Law Commission of India, Union Health Ministry, National Human Rights Commission and the Planning Commission of India have either implicitly or explicitly come out in support of decriminalizing homosexuality in India and pushed for tolerance and social equality for Lesbian, Gay, Bisexual and Transgender people. India is one of the countries with the third gender social element. The statement of legal principles – that a queer person is entitled to the full protection of the laws without discrimination by the state – has also helped lay the foundation for future challenges to other discriminatory laws. But the Transgender Persons (Protection of Rights) Act, 2019 is very problematic as it does not allow for self-determination of transgender status. The act also does not offer reservations in public employment and education as had been directed by an earlier Supreme Court judgement and is discriminatory. Hence India is still largely in the closet, its draconian law still criminalizes homosexuality.

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#### 3. Methodology

This is a qualitative as well as quantitative research. The methodology adopted to find out the answers to above mentioned questions is a survey. Secondary data was collected from the internet, website, articles from different newspapers and scholarly journals etc. A Survey was conducted to collect primary data on a random sample of 50 people which included college students and employed people from Kolkata, Bangalore, Delhi, Indore, Chennai, Trivandrum, Siliguri etc. All of them are either pursuing a Bachelor's degree or have completed a Bachelor's degree.

In the first phase, the researcher collected data from the internet, scholarly journals, website, articles from different newspapers etc.

In the second phase to find the views of students regarding the representation of the LGBTQIA+ community in the Indian political discourse and mainstream media, to find the measures taken by political leaders to improve the portrayal of the LGBTQIA+ community and whether the Indian society is creating an inclusive environment for these communities. The researcher got a survey questionnaire filled from two categories of students.

### 4. Timeline of the Visibility of the Fight for LGBTQIA+ Rights in India

During the British rule in 1860, homosexual intercourse was considered unnatural and was declared a criminal offence under chapter 16, section 377 of the Indian Penal Code. After Independence, on November 26, 1949, the right to equality was implemented under Article 14 but homosexuality was still a criminal offence.

On August 11, 1992, decades after Independence, the first known protest for gay rights was conducted. It was held outside the police headquarters in the ITO area of Delhi. It was sparked off by the police picking up men from Central Park in Connaught place on suspicion of homosexuality, in those days this kind of harassment was still a 'normal' practice. But activists from an organisation called AIDS Bhedbhav Virodhi Andolan (ABVA) decided not to let it pass this time and blocked the entrance to the police headquarters to protest the harassment. Nothing came of it.

Two years later, in 1994, a medical team landed up at Tihar Jail to investigate the high incidence of sodomy reported from the quarters. ABVA activists wanted to distribute condoms but Kiran Bedi, then Inspector General of Prisons, refused permission. Bedi argued that it would amount to a tacit admission that homosexual relations were prevalent in Tihar; more pertinently, that availability of condoms would encourage the practice. Tihar decided to deal with the "menace of homosexuality", as Bedi termed it, by mandatorily testing inmates for HIV and segregating those found positive.

In 1994, ABVA filed a public interest litigation (PIL) in Delhi High Court, challenging the constitutional validity of Section 377. It was one of the first legal protests against government repression of the LGBTQ community.

In 1999, Kolkata hosted India's first Gay Pride Parade. The parade, with only 15 attendees, was named Calcutta Rainbow Pride

In 2009, a landmark Delhi High Court decision in the Naz Foundation v. Govt. of NCT of Delhi case held that treating consensual homosexual sex between adults as a crime is a violation of fundamental rights protected by India's Constitution.

In the Suresh Kumar Koushal and another v. NAZ Foundation and others case in 2013, the Supreme Court overturned the Delhi High Court Naz Foundation v. Govt. of NCT of Delhi case and reinstated Section 377 of the Indian Penal Code.

In late 2015, MP Shashi Tharoor introduced a bill to decriminalise homosexuality but it was rejected by the Lok Sabha.

In August 2017, the Supreme Court upheld the right to privacy as a fundamental right under the Constitution in the Landmark Puttuswamy judgement. This gave renewed hope to LGBT activists.

On September 6, 2018, in the landmark decision of Navtej Singh Johar v. Union of India, the Supreme Court ruled unanimously that Section 377 was unconstitutional "in so far as it criminalises consensual sexual conduct between adults of the same sex" and decriminalized consensual homosexual intercourse by reading down Section 377 of the Indian Penal Code and excluding consensual homosexual sex between adults from its ambit.

Transgender people in India are allowed to change their legal gender post-sex reassignment surgery under legislation passed in 2019 and have a constitutional right to register themselves under a third gender.

The battle against Section 377 has ended but the bigger battle for equal rights for the LGBT community is still ongoing. Despite strong political movements in favour of LGBTQIA+ rights, there remains a significant amount of homophobia present among the Indian population, with around one in four Indians objecting to same-sex relationships according to an opinion poll.

#### 5. Understanding the Representation of the LGBTQIA+ Communities in the Indian Political Discourse and Mainstream Media

Political Discourse is distinguished by its participants and authors. The majority of studies in political discourse are about the writings and conversations of professional politicians or political institutions, such as presidents and prime minister and other members of government, parliament or political parties both at the local, national and international levels. This way of defining political discourse is hardly differentiable from the recognition of medical, legal or educational discussions with the relevant stakeholders in the domains of medicine, law or education. Even though actors and authors of political discourse are crucial in Political science and apart from other political activities. Politicians are not the only ones involved in the political sphere. From the International point of view of discourse analysis, we should also include the various recipients

in political and communicative events, such as the public. Hence the term 'Political Discourse' is quite broad if we describe practices by all participants in the political process.

Media is one of the formidable tools to launch a robust political commentary in any society. The information that is imparted and then consumed by the audience has a direct effect on public opinion. This information is crucial for a democracy to survive and dissent to thrive.

However, the increase in representation of gay people in news, television, and movies on popular streaming platforms has increasingly covered gay rights and influences attitudes towards homosexuality cast by casting a positive portrayal of LGBTQ people in Mainstream media.

There are various reasons why queer and trans people from every state should get seats in elections. Most people think that LGBTQ+ people are incapable of doing anything. If they walk into a police station today, Justice is hard to come by. Rights are also often denied to them, and safety is a serious concern for these people. The kind of reality that Queer people live with, needing a strong, political influence, will help gain momentum on the queer rights movement in India. A Queer Representation in the parliament will give them a voice in parliament.

#### 6. The Measures Taken by Political Leaders to Improve the Portrayal of the LGBTQIA+ Community

Engaging queer voices in politics is an essential pass in the direction of acceptance. Politicians have the power and position to enforce alter on an intensive scale. At the very least they can make sure that the circumstance concerning discrimination towards the LGBTQ+ community doesn't surge. Considering India's records of passing bills that distress the queer community, queer voices have to weigh in on positive decisions ("7 Openly Queer Indian Politicians"). Some of the Indian Politicians who spoke out in opposition to discrimination towards transgender humans, Lesbians, Gays, Hijras, eunuchs, and raised awareness about HIV/AIDS are:

Shabnam Mausi: Shabnam 'Mausi' Bano is the primary Transgender Indian to emerge as an MLA. She became elected as a member of the Madhya Pradesh State Legislative Assembly from 1988 until 2003. Her father gave her away quickly after her birth to shield his social image. While she became a member of the Legislative Assembly, she centred on preventing corruption, poverty, unemployment, and hunger. She additionally spoke out in opposition to discrimination towards transgender human beings, hijras, eunuchs, and raised awareness about HIV/AIDS ("7 Openly Queer Indian Politicians").

Madhu Kinnar: Madhu Bai Kinnar is India's sole transgender mayor. She is the mayor of Raighar in Chhattisgarh, India. Madhu won the mayoral election of the Raigarh Municipal Corporation status as an independent candidate. She belongs to the Dalit community and abandoned her circle of relatives to enrol in the neighbourhood transgender community as a teenager ("7 Openly Queer Indian Politicians").

Gopi Shankar Madurai: Gopi Shankar Madurai became the primary overtly intersex and genderqueer candidate to contest withinside the Tamil Nadu Legislative Assembly election in 2016. In August 2020 he was appointed as the South Regional representative withinside the National Council for Transgender persons. Shankar is a social activist and the founding father of the Srishti Madurai Volunteer Movement. It released India's first helpline for Intersex, genderqueer and LGBTQ+ human beings at Madurai ("7 Openly Queer Indian Politicians").

Apsara Reddy: Apsara Reddy is a transgender female who's a flesh presser and journalist. She got selected as the National General Secretary of All India Mahila Congress on 8th January 2019. Reddy has endeavoured with The Hindu, BBC World Service, New Indian Express, and Deccan Chronicle ("7 Openly Queer Indian Politicians").

Gautam Raghavan: Gautam Raghavan is a brazenly gay Indian American political advisor. He served as the associate director of the office of Public Liaison withinside the Obama administration. Currently, he's the Deputy Director of the White House Presidential from Personnel Office. When he became the associate director, he facilitated conversations on problems that impacted the LGBTQ+ network ("7 Openly Queer Indian Politicians").

Sneha Kale: Sneha Kale is the primary transgender female to contest Lok Sabha polls from Mumbai. She ran as an unbiased candidate specializing in the rights of the transgender community and other overlooked communities ("7 Openly Queer Indian Politicians").

Jatin Mummy: Jatin Mummy is a transgender flesh presser Jogati Devdasi Samaj who contested for the Lok Sabha elections ("7 Openly Queer Indian Politicians"). There have been 123 transgender voters in Mumbai North East, and the majority of them decided to campaign door-to-door with the help of Jatin.

Laxmi Narayan Tripathi: Laxmi Narayan Tripathi is a transgender/Hijra rights activist, Bollywood actress, Bharatnatyam dancer, choreographer and motivational speaker in Mumbai, India. Laxmi has served at the forums of numerous NGOs which oversee LGBT activist work. In 2002 she became president of the NGO DAI welfare society, the primary registered and operating organisation for eunuchs in South Asia. In 2007 she commenced her very own Association, Astitiva. Laxmi often offers interviews and represents the LGBTQIA+ community in well-liked media.

Shashi Tharoor: Shashi Tharoor is an Indian Politician, author and previous International Diplomat. He has tried to introduce several Private participants Bills in Parliament. Notably his attempt to amend section 377 of the Indian Penal Code.

#### 7. What is Queer Liberation?

Queer liberation is a perspective that is inclusive of a diversity of sexual orientations and gender identities beyond the dominant heterosexual and gender binary concepts. Queer liberation acknowledges the existence of Lesbians, gays, bisexuals, transsexuals, transgender, two-spirit people, intersex, queer and questioning as well as the fluidity of people's identities, behaviours and experiences regarding their gender and sexuality. Queer liberation also recognizes the intersectionality of sexual orientation and gender identity with

other characteristics that affect privileges and oppressions such as age, race, ethnicity, class, religion, (dis)ability, etc. By centralizing sexual orientation and gender identity issues, queer liberation challenges heteronormative ideations that serve to marginalize and/or oppress the gender and sexually diverse. Furthermore, and most importantly, queer liberation calls for the creation of a society that is inclusive, respectful and accepting of the gender and sexually diverse populations as those populations choose to define themselves and live their lives. Queer liberation commits its energies towards creating discourses and real-life experiences that best meet the needs of gender and sexually diverse communities as they define it and not necessarily according to status quo, heterosexually-based equality models.

A critical queer liberation perspective engages in a process of questioning, resisting and challenging. A questioning of the status quo that has been and continues to be dominated by heterosexuality and fairly defined gender roles allows for a deconstruction of such social structures. Resistance to heteronormative socialization and conditioning - in essence looking, acting and behaving like straight people to gain acceptance and respectability- is rejected. Challenged are the hegemonic notions that heterosexuality and traditional gender identities and roles are the norms. For queers, contorting ourselves to meet these expectations is not only a false endeavor but an insult to our integrity. Queer liberationists assert themselves by defining what is important to us based on our own needs. This is oftentimes in direct opposition to societal norms, a kind of countercultural assertion, in the hope that hegemonic discourses are challenged to make room for more diverse realities such as those identified by queers.

#### 8. Whether the Indian Society is Creating an Inclusive **Environment for these Communities**

Ashok Row Kavi, the most vocal gay activist in the country, estimates that there are over 50 million homosexuals in India. He goes by the Kinsey formula, which says that five per cent of the sexually active males in a country are permanently practicing homosexuals. Projected figures indicate that India will have around 2.3 million men alone who have sex with men and approximately 0.48 million transgender people in India. The LGBTQIA+ individuals are uniquely vulnerable to exclusion, violence and exploitation because of the cumulative impacts of social stigma, discrimination and hatred. The social stigma around the LGBTQIA+ community also makes several social opportunities and infrastructure unavailable to them. Gays argue that some policemen use the excuse of their sexual orientation to harass, assault and even blackmail them.

LGBTQ persons are vulnerable to homelessness as they are often forced to leave their homes due to conflict with the family, violence or threats of violence or abuse. The precarious economic and physical conditions that often affect homeless persons may also lead LGBTQ individuals to choose sex work and begging, despite the risk of criminal prosecution, as a means to meet their basic needs. This further exposes them to hostility and abuse from police and municipal authorities and makes it difficult to access government services.

The unemployment rate among transgender people is thrice that of the general population and even higher for the black transgender people. This puts them at a greater risk for poverty and homelessness.

During an interview with the International Commission of Jurists (ICJ) a transwoman from Chennai said, "With the upcoming monsoons, there will be heavy rains in Chennai and my house will also be flooded, because of which I can't even invite any of my friends from the community to my home. It's very difficult for a transgender person to get a house in the city, to make the house-owners understand. Hence, whatever be the issue, I'll stick with my current house because there's some understanding with its owner."

A recent advisory from the National Medical Commission (NMC) emphasized the need to avoid derogatory references to the LGBTQIA+ community in medical textbooks or teaching methods has underscored the value of institutional awareness on issues concerning queer and trans people. The circular represents the fruition of efforts by Justice N. Anand Venkatesh, who framed guidelines in an order in June, to protect the community's rights. He had expanded the scope of a writ petition filed by a Lesbian couple for protection against harassment into one that went into the status of those who did not conform to gender identity assigned at birth or to heteronormative sexual orientation.

The judge had directed the police not to harass sexual minorities but later noted with perturbation that such harassment was not only continuing but sometimes extended to NGOs and other allies of the LGBTQIA+ community. He mooted changes to the police conduct rules to provide for punishing erring police personnel in this regard. The queer and gender non-conforming people have found an ally in the court, but they would need greater effort on the part of the authorities at various levels if their rights are to be protected.

Therefore, queer liberation must be held up as a core concept and is imperative for achieving justice, safety, sensitization and inclusivity for the individuals belonging to the LGBTQIA+ community.

#### 9. Survey Assessment

Nineteen questions were asked to each respondent in this survey. Fifty respondents' opinions were taken into analysis. All the respondents were either employed or were college students. Twenty-eight of my respondents were girls, twentyone were boys and one fell in the third gender category.

- 1. What is your name? The respondents provided me with their names.
- 2. What is your age? The respondents provided me with their age.
- 3. What is your Gender? The respondents provided me with their gender.
- 4. Which city do you reside in? The respondents provided me with the names of the cities they reside in.
- Do you feel English News (Television News) can raise awareness about the atrocities faced by sexual minorities and shape our attitudes towards them?

- 29 (58%) respondents answered yes, 4 (8%) answered no and the remaining 17 (34%) answered sometimes.
- 6. The representation of the sexual minorities in the Indian Political Discourse and English News (Television News) will help change the public perception of the community and increase inclusivity. (Political Discourse is the text and talk of professional or political institutions.)
  - 10 (20%) of the respondents strongly agree, 27(54%) agree, 11 (22%) are neutral and 2(4%) of the respondents disagree.
- Do you feel that sexual minorities are discriminated against in the Indian Political Discourse and English News?
  - 27(54%) answered yes, 1 (2%) answered no, 21(42%) answered sometimes and 1 (2%) answered never.
- 8. Do you feel the Indian Society is creating an Inclusive environment for these communities? 5(10%) answered yes, 20 (40%) answered no, 23(46%) answered sometimes and 2 (4%) answered
- 9. Do you feel that the political leaders have taken measures to improve the portrayal of the LGBTQIA+ community?
  - 5(10%) answered yes, 33 (66%) answered no, 9(18%) answered sometimes and 3(6%) answered never.
- 10. How would you suggest bringing about a more inclusive environment for the sexual minorities in Indian society?
  - The respondents suggested some ways to bring about a more inclusive environment for the sexual minorities in Indian society.
- 11. Do you feel same-sex marriages should be given equal social and legal recognition to reduce the stigma attached to them?
  - 47(94%) answered yes and 3 answered sometimes.
- 12. Explain why you chose the previous option. The respondents explained why they chose the option for the previous question.
- 13. Do you feel sexual minorities should get reservations in jobs and educational institutions because otherwise there can be discrimination against these minorities and that will be highly unethical?
  - 27(54%) answered yes, 7 (14%) answered no, 15(30%) answered sometimes and 1(2%) answered
- 14. Explain why you chose the previous option. The respondents explained why they chose the option for the previous question.
- 15. Do you feel that the punishment imposed for crimes against Transgender people should be equal to the punishment imposed for crimes against cisgender people to reduce the bias?
  - 42(84%) answered yes, 2(4%) answered no and 6(12%) answered sometimes.
- 16. Explain why you chose the previous option. The respondents explained why they chose the option

- for the previous question.
- 17. Do you feel sexual minorities should have the same rights as heterosexuals? 47(94%) answered yes, 2(4%) answered no and 1(2%) answered sometimes.
- 18. Explain why you chose the previous option. The respondents explained why they chose the option for the previous question.
- 19. What is your position on the state of Sexual Minorities in the Indian Society? The respondents wrote about their position on the State of Sexual Minorities in the Indian Society.

#### 10. Conclusion

Sexual minorities are slowly finding their place in the Indian Society, but it is evident that there is widespread discrimination against them in the Indian society, but the decriminalization of section 377 has surely been a positive move to reduce homophobia and has acted as a balm for LGBTQIA+ community. Some politicians are surely raising their voices in opposition to discrimination towards the community. However, political leaders do not seem to have taken sufficient measures to improve the portrayal of this community according to the survey I undertook. Television news in English does raise awareness about the atrocities faced by sexual minorities and shape our attitudes towards them. The majority of the respondents have agreed that positive representation of sexual minorities in the news and political discourse will help change the public perception towards them and increase the inclusivity of this group. This research has helped me to understand the representation of the LGBTQIA+ community in the Indian political discourse and mainstream media and the measures taken by Indian Political leaders to improve the portrayal of the LGBTQIA+ community. I learned about the atrocities faced by the members of this community and how Indian society can create an inclusive environment for these communities. Sensitizing the public regarding this topic is imperative to provide the members of the community justice and safety. At the beginning of this research, I wished to learn more and increase my knowledge about the queer community and get sensitized regarding this topic as I feel that it is imperative for a Gen z like me to have an understanding of the queer community, be more sensitive regarding this matter and increase my overall knowledge and understanding about the Indian society.

#### 11. Suggestions

minorities like lesbians, gays, transgenders, queer, intersex, cisgender and other minorities are oppressed solely due to their sexual orientation or gender expression in India. English Television News and Political Discourse should suggest possible solutions to their problems and present their problems to sensitize the society. Their representation should be in a positive and conventional and not comical or criminal.

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