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A FACTUAL CONTEMPORARY RESEARCH ON THE SOCIAL EXCLUSION OF HOMOSEXUALITY DECRIMINALIZATION: A SPECIFIC EMPHASIS ON THE STATE OF TAMIL NADU, INDIA.

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ABSTRACT

This factual contemporary research explores the social exclusion impacts of the decriminalization of homosexuality and the study delves into the challenges faced by homosexuals even after the Supreme Court's decriminalization, examining how both social and cultural factors influence the aftermath of this legal change and its potential impact on future generations. The paper aims to analyze the validity of homosexuality despite its decriminalization. The research methodology section outlines a mixed-method approach, combining both descriptive quantitative and qualitative methods. The study conducted in Chennai, Kancheepuram and Thiruvallur districts in the state of Tamil Nadu, India. The primary research data collected through face-to-face and online interviews, involving diverse participation consists of two basic types 1. Natural participants and 2. Artificial participants, Natural participants includes people from the respective locality and the members from the artificial participants are drawn from Local Representatives, Social Activists, LGBT Community, Feminists Groups, Journalists, Researchers and Legal Practitioners from various communities in total 238 individuals participated in this research comprising 215 quantitative data, Qualitative interview of 18 key participants and 5 stakeholders with expertise in these matters from diverse backgrounds. The analysis and findings section present demographic profiles of respondents and highlights the problems faced by homosexuals. The Chi-square and ANOVA tests reveal associations between variables, providing insights into age, educational qualification, marital status, and locality. The study suggests several recommendations, including education and awareness campaigns, inclusive counseling services, legal advocacy, diverse representation in media, and strengthened mental health support. The conclusion emphasizes the need for ongoing efforts to combat discrimination and bias, particularly among older generations, and underscores the importance of addressing cultural and social factors.

Key Words: Decriminalization, Discrimination, Hate Expression, LGBT, Social Exclusion.

Introduction

The progression of this subject across various regions globally has given rise to a culture characterized by secrecy and discrimination. Laws against same-sex relationships endured for centuries, fortifying stigma and discriminatory practices. The initial phase saw the emergence of the decriminalization movement in the mid-20th century, key events include the decriminalization of homosexuality in England and Wales in 1967 and the pivotal Stonewall Riots in 1969 marking a turning point in LGBT rights advocacy. As the visibility of decriminalization increased, so did acceptance of LGBT individuals and their rights. Legal recognition paved the way for the acknowledgment and protection of same-sex relationships, encompassing the right to marry, adopt and inherit contributing to the reduction of discrimination. The cultural and social impacts coupled with decriminalization prompted greater representation of LGBT individuals in media, literature and the arts. This challenged societal norms, stereotypes, labelling, shaming, fostering empathy and understanding. Although strides have been made LGBT rights remain an evolving issue in many parts of the world. The ongoing struggle seeks to combat discrimination and promote equality. The prevailing trend in decriminalization often correlates with increased societal acceptance of LGBT individuals. The fundamental shifts in culture resulting from decriminalization manifest in altered norms and values with greater LGBT visibility in media, art and entertainment. Recent governmental initiatives aim to raise public awareness about LGBT issues contributing to cultural attitude shifts. These campaigns focus on reducing stigma, fostering acceptance and providing support to LGBT organizations. Government support including funding, resources, policy making and framing legislations plays a crucial role in these organizations which in turn provide vital support and education. Efforts may involve updating educational curriculum to include LGBT issues promoting inclusivity, combat bullying and discrimination in educational institutions.

In this research paper, researcher extensively discuss the social exclusion impacts of the decriminalization of homosexuality emphasizing the reasons and causes leading to homosexuality in India within its cultural and social context. The Government and Judiciary have played pivotal roles in addressing social issues that persist in India contributing to cultural erosion. While the Indian Judiciary upholds the ends of justice and social problems which persist posing a significant challenge to the Nation's integrated identity. The study delves into the challenges faced by homosexuals even post-decriminalization by the Supreme Court. It examines how both social and

cultural factors influence the decriminalization of homosexuals and explores their potential impact on future generations. The paper aims to analyze the validity of homosexuality despite its decriminalization, considering social exclusion impacts in India.

Anamika B. Panickar (2023) delves into the perceptions of the older generation regarding the LGBT community focusing particularly on individuals aged 60 and above. The research revealed that a significant portion of the elderly population held biased views towards the LGBT community. These attitudes were often influenced by factors such as heightened religiosity, limited awareness and the pervasive influence of heteronormative cultural norms. The implications of these findings extend beyond the realm of academia offering valuable insights for psychologists, researchers, medical professionals and social activists. By comprehending the origins of prejudice against the LGBT community this research contributes to the development of strategies aimed at understanding and resolving these issues in society. The study conducted by **Rishka Ahmad (2019)** focuses on exploring the role of sexual identity in shaping student perceptions of the LGBT community and also revealed a significant contribution of sexual identity to students' perceptions of the LGBT community. The implications of this research extend to the field of counseling, providing a foundation for counselors to assist students in avoiding sexual identity mismatches and addressing potential factors that may lead to positive perceptions of the LGBT community. The findings contribute valuable insights for educators and mental health professionals working to create inclusive and supportive environments within educational institutions. **Dr. Shilpa Abani's (2019)** research focuses on investigating the perceptions of the LGBT community among Asian Indians residing in the USA regarding their entertainment choices. The analysis and findings revealed significant differences in the perception of entertainment choices among LGBT Asian Indians, particularly in relation to their gender and the level of education acquired in the USA. This research contributes to the understanding of how factors such as gender and educational background influence the evolving perceptions of the LGBT community regarding entertainment preferences over the course of their residency in the United States. **Derek Lim's (2021)** research delves into the attitudes, acceptance and knowledge levels of family physicians towards homosexual individuals. Interestingly, despite the majority of family physicians expressing negative attitudes toward homosexuality and the results indicated that most of them still demonstrated a capacity for acceptance. This paradox between negative attitudes and a willingness to accept suggests a nuanced and potentially complex interplay of factors that influence the perspectives of family physicians on issues related to homosexuality. Lim's findings contribute to the broader literature on healthcare professionals' attitudes toward sexual minorities and highlight

the importance of understanding the intricacies involved in fostering more inclusive healthcare environments. **Gulevich (2023)** explores the presence of gender and sexuality disparities in attitudes towards gay individuals. The findings underscore that stronger gender identification, across genders and sexual orientations, correlates with more negative attitudes towards both gay men and lesbians. This research contributes valuable insights into the complex dynamics of attitudes towards individuals of diverse sexual orientations and shedding light on the potential influence of gender identification on such attitudes. **Geetanjali Misra (2009)** scrutinizes the significance of judgment which not only decriminalized same-sex relationships but also focused on granting legal and social rights to sexual minorities. This study contributes to the literature by documenting the legal strides made in dismantling discriminatory laws and advocating for the rights of the LGBT community in India. The research highlights the intersection of legal and social dimensions in the pursuit of equality and social justice for sexual minorities in the country. **Mansi Dagra (2021)** address the challenges, proposing recommendations, valuable perspectives and complexities surrounding the implementation of laws aimed at safeguarding the rights of the LGBT community.

Objective of the study

- To examine the challenges encountered by homosexuals post the Supreme Court's decriminalization and the impact of social exclusion.
- To determine the primary factors affecting future generations due to the decriminalization of homosexuality and analyzing possible solutions to foster acceptance of homosexuality.

Research Methodology Study Design:

A mixed method of descriptive quantitative and qualitative was utilized to explore the factors and impacts linked to decriminalization of Homosexuality among general public in the State of Tamil Nadu, India. This study adhered to established guidelines for qualitative and quantitative research specifically following the consolidated criteria for reporting quantitative research to ensure the accurate reporting of quantitative findings.

Study setting and period:

This research took place in Chennai, Kancheepuram and Thiruvallur districts situated in the southern part of Tamil Nadu, India. The study spanned from September 2023 to January 2024.

Population Requirements:

The present investigation aims to ascertain the validity of the decriminalization of homosexuality by examining the social exclusion in the state of Tamil Nadu. The current legalization of homosexuality in Indian society has given rise to challenges within the social and cultural fabric of the nation. The primary research data collected through face-to-face and online interviews, involving diverse participation consists of two basic types 1. Natural participants and 2. Artificial participants, Natural participants includes people from the respective locality and the members from the artificial participants are drawn from Local Representatives, Social Activists, LGBT Community, Feminists Groups, Journalists, Researchers and Legal Practitioners from various communities in total 238 individuals participated in this research comprising 215 quantitative data, Qualitative interview of 18 key participants and 5 stakeholders with expertise in these matters from diverse backgrounds.

Data Collection:

To understand the challenges faced by the homosexuals including all sorts of social exclusion impact, a research tool prepared for interviews. The semi-structured interview questions and key Participant interview questions were developed in the local language after reviewing literature sources. Before collecting data, the questionnaire underwent a pre-test with five participants leading to some modifications. The interviews covered demographic information, the extent of social exclusion impact in reference to decriminalization of homosexuals. The data collected through face-to-face interviews, telephonic and online in-depth interviews and the interview schedule formulated in English and then translated into local language. An in-depth interview was conducted by the researchers through note taking. Interviews were scheduled at participant's convenience often during daytime.

Initially, the researchers reached out to a diverse group of Local Representatives, Social Activists, LGBT Community, Feminists Groups, Journalists, Researchers and Legal Practitioners from three districts of Tamil Nadu, Southern India. Researchers conducted telephonic interviews, online and one to one with the participants. The hidden facts about decriminalization of homosexuals came to light through these interviews. The 215 quantitative data is collected using questionnaire and 18 key participants interviewed across three districts of Tamil Nadu from the month of September 2023 to January 2024 in their respective localities with each one-to-one interview lasting between one and a half to three hours. Initially the plan was to interview only general public but due to the gravity of the issues related to decriminalization of homosexuals. An additional 5 key participants

interviews were later included to facilitate more in-depth research. In total 238 individuals participated in this research comprising 215 quantitative data, qualitative interview of 18 key participants and 5 stakeholders with expertise in these matters from diverse backgrounds.

Trustworthiness:

To ensure the credibility of the study a regress mixed methodology was employed experts from Saveetha School of Law reviewed and evaluated the in-depth questionnaire and interview schedule ensuring its quality. Prior to data collection, a pre-test was conducted with five general public leading to necessary modification in consultation with experts and co-researchers. Diverse study participants selected based on socio economic characteristics were interviewed to capture a wide range of perspectives on decriminalization of homosexuals with respect to cultural and social impact in the Indian society.

To maintain transferability of the overall research process, study setting and study participant characteristics were well stated in the methodology part. During data collection a set of questions and probing interview techniques were used between each question which involved posing further questions to delve deeper into the decriminalization of homosexuals, the problems faced by them and the impact of social exclusion in the society. Researchers kept filled questionnaire and detailed field notes to document interviews creating a rich and comprehensive description.

To ensure conformability multiple strategies were used, Researchers employed self-reflection and bracketing. The second, third and fourth researcher also brought a background in Criminal Justice, Law, Criminology and Victimology to the table. The researchers boasted considerable experience in the domain of mixed methodological research.

The study's context differed from the researcher's familiar environment and in some interviews participants were unfamiliar with the researcher and to reduce potential bias measures were taken. The researcher consciously set aside assumptions, perceptions, values and prior knowledge during data collection and analysis. Proficiency in the local language was a valuable asset in reducing interpretative bias. Interpretation of findings was approached cautiously aiming to balance it with direct quotations from study participants. Researchers employed peer debriefing, focusing on analyzing qualitative and quantitative data. They also engaged extensively in the study locale, validating insights from quantitative data and qualitative in-depth interviews of key participants. During extended presence they observed and confirmed the issues such as problems faced by the

homosexuals and the solutions that could be considered and provided by the social and cultural impact for their considerable standard of living in the society.

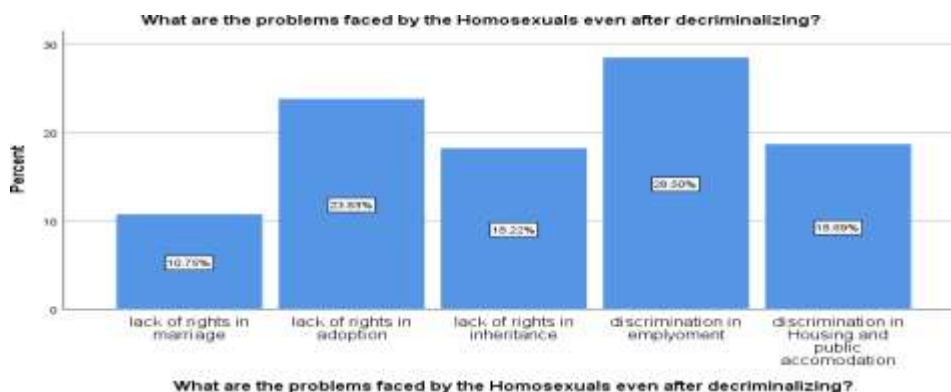
Analysis and Findings

Table 1 - Profile of Respondents

Variable	Category	Percentage
Age	below 20	14.5%
	21 - 30	41.6%
	31 - 40	22.4%
	41 above	21.5%
Gender	Male	35%
	Female	43.9%
Educational qualification	Higher Education	21.9%
	UG	29.4%
	PG	35.5%
	No formal education	13.6%
Marital status	Married	46.3%
	Unmarried	53.7%

The above table indicates the demographic profile of the respondents. It is clear from the table that most (41.6%) are in the age group of 21- 30 years and 43.9% of respondents are female.

Table 2 - Problems faced by the homosexuals even after decriminalizing:



The bar graph illustrates the challenges encountered by homosexuals’ post-decriminalization. Notably, 28.50% of the respondents acknowledged employment discrimination as the primary issue faced by homosexuals. Following closely is the lack of rights in adoption, identified by 23.83% of the participants, as the subsequent significant problem.

Table 3 - Cultural and social impacts affects the homosexuality after decriminalization:

Cultural and social impacts affects the homosexuality	Strongly disagree	Disagree	Neutral	Agree	Stronglyagree
Changes in marriage norms	5.14%	15.88%	13.08%	5.6%	60.8%
Lack of generation values	4.20%	10.7%	10.7%	64.9%	9.34%
Lack of natural birth	4.20%	10.7%	10.7%	64.9%	4.20%
Changes in religious customs	6.89%	23.15%	36.94%	31.52%	1.47%
Gender ratio will differ in society	29.9%	8.8%	4.2%	26.6%	30.37%

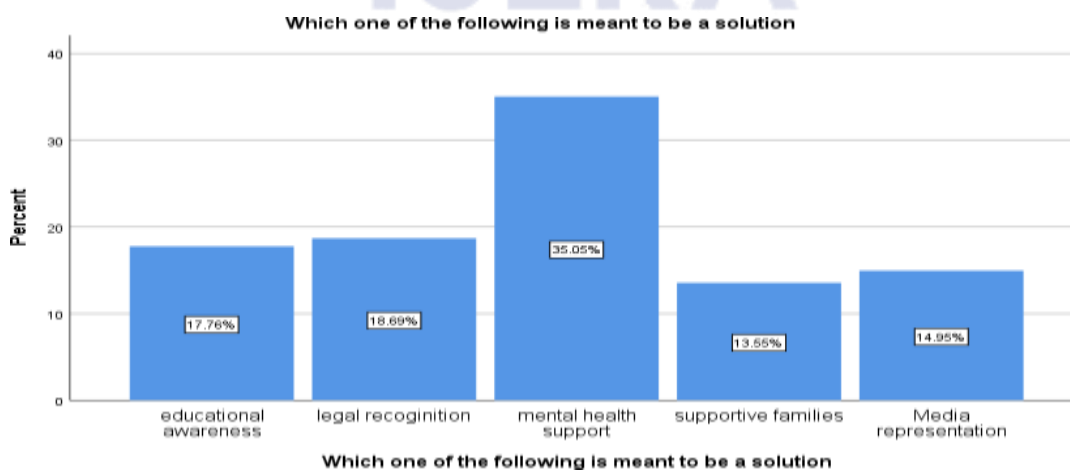
The table illustrates the cultural and social impacts influencing homosexuals, revealing that the highest percentage of respondents strongly agree (60.8%) with the statement about changes in marriage norms. Additionally, the highest percentage of respondents (64.9%) agree that the lack of generational values could be perceived as a significant social and cultural impact faced by homosexuals, even after decriminalization.

Table 4 - Factors affecting the future generation:

Factors affecting the future generation	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Artificial birth techniques	14.4%	10.7%	7.47%	15.4%	51.8%
Health issues of the child	5.6%	18.2%	7.47%	35.5%	33.1%
Lack of future generation	8.4%	13.0%	41.5%	20.09%	16.8%
Lack of parenting care	19.15%	19.9%	13.08%	26.16%	19.15%

The table above illustrates the factors influencing future generations. Notably, the highest percentage of respondents (51.8%) strongly agree that artificial birth techniques play a significant role, while the highest percentage of respondents (26.16%) agree that the lack of parenting care is a notable factor.

Table 5 - Solutions for the problems caused by the social and cultural impact of homosexuals.



The table presented above highlights potential solutions to the challenges encountered by

homosexuals. The majority of respondents (35.05%) expressed acceptance of mental health support, while the second-highest response (18.69%) favored legal recognition. Consequently, it can be concluded that these two aspects are regarded as key solutions.

Table 6 - Gender-Problems faced by the homosexuals even after decriminalizing

Independent variable	Dependent variable	Chi-squarevalue	P value	Result
Age	Problems facedby the homosexuals	85.586	.000	H0 rejected

The Chi-square test is done to find the **association of problems faced by homosexuals between age groups even after decriminalization**. The p values indicate the rejection of the null hypothesis for all the challenges experienced by homosexuals. Likewise, the crosstab reveals that respondents aged 21-30 years emphasized discrimination in employment as the primary issue faced by homosexuals, while respondents aged 31-40 years pointed out discrimination in housing and public accommodation.

Table 7 - Educational qualification - Cultural and social impact affects the decriminalizationon homosexuality

Independent variable	Dependent variable	F value	P value	Result
Educational qualification	Changes in marriage norms	20.481	.000	H0 rejected
	Lack of generationvalues	2.074	.105	H0 is accepted
	Lack of natural birth	2.391	.070	H0 is accepted
	Changes in religious customs	12.459	.000	H0 is rejected

	Gender ratio will differ in society	30.145	.000	H0 is rejected
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The ANOVA test is done to **find the significant difference in social and cultural impacts of homosexuals of respondents between educational qualification groups** even after decriminalization. The p values indicate the rejection of the null hypothesis for all factors except lack of natural birth and lack of generational values. Examining the mean values, it is evident that individuals with an undergraduate (UG) qualification expressed that changes in marriage norms have a significant impact. Likewise, respondents with postgraduate (PG) qualifications indicated that changes in religious customs exert a major impact. Additionally, those with no formal education stated that gender ratios in society would differ.

Table 8 - Marital status - Major factor affects the future generation

Independent variable	Dependentvariable	F value	P value	Result
Marital status	Artificial birthtechniques	73.044	.000	H0 rejected
	Health issues ofthe child	5.230	.023	H0 is accepted
	Lack of futuregeneration	9.942	.002	H0 is accepted
	Lack of parenting care	.067	.795	H0 is accepted

The ANOVA test is done **to find the significant difference in major factors affecting the future generation of the society** even after decriminalization of homosexuals. The p values reveal that the null hypothesis is accepted, except in the case of artificial birth techniques. Analyzing the mean values, it becomes apparent that married respondents have indicated artificial birth techniques as the primary factor influencing future generations.

Table 9 - Locality - Solutions to the problems faced by the homosexuals even after decriminalizing

Independent variable	Dependentvariable	Chi-squarevalue	P value	Result
Locality	Solutions to the homosexuals even	28.067	.000	H0 is rejected

	after decriminalizing			
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The Chi-square test is done to find the **association of solutions to the problems faced by homosexuals between localities of the respondents even after decriminalization**. The p values indicate the rejection of the null hypothesis for all proposed solutions to the challenges faced by homosexuals. Likewise, the crosstab demonstrates that respondents from urban areas favored legal recognition and mental support as the primary solutions to the problems faced by homosexuals, while respondents from rural areas leaned more towards mental support as the solution.

Qualitative Insights

A 35-year-old man voiced his belief that **“homosexuality is fundamentally wrong in nature, expressing this sentiment in Tamil with the phrase "antha varthai intha ulagil oru thappu.”** Despite being probed with additional questions on the topic, he chose not to elaborate or provide further answers. The man's response indicated a reluctance to engage in a more in-depth discussion about his views on homosexuality. Without further elaboration, he promptly redirected the conversation and moved on to another subject. This brief exchange highlighted the individual's firm stance on the matter and his decision to avoid further discourse.

A 30-year-old woman conveyed an opinion characterized by a certain level of arrogance. She expressed the view that **“homosexuals should not be a part of society and advocated for their complete eradication. Using the Tamil phrase "antha maari iruka ellarum intha samuthayathula irunthu neekka padavendum,”** she emphasized her belief that individuals with a similar orientation ought not to coexist within the community. This statement reflected a strong and uncompromising stance against the presence of homosexuals in society. The woman's use of the term "neekka padavendum" indicated a desire for their elimination or removal. Overall, her expression underscored a rigid and exclusionary perspective on the inclusion of homosexuals in the broader societal context.

In expressing her perspective, a 25-year-old woman openly declared that **“the current situation is a direct result of divine will”**. According to her viewpoint, the circumstances at hand are intricately tied to the decisions made by a higher power, attributing the situation to a divine plan. The use of the term "manifestation of divine will" suggests that she believes the events are part of a larger, purposeful design orchestrated by a higher force. By stating that it is "something

determined by God," she emphasizes the notion that the outcome is a deliberate choice made by a higher spiritual authority. This perspective reflects a belief in the influence of the divine in shaping events, highlighting a faith-based interpretation of the situation. Overall, her statement underscores a conviction in the role of God in guiding or directing the course of events.

In sharing his perspective, a 28-year-old man articulated the belief that **"members of a particular group should be provided with sufficient support and recognition in society."** By stating that **they "must be properly supported,"** he advocates for the necessity of ensuring adequate assistance for individuals within this group. The use of the term "given recognition in the society properly" underscores his desire for these individuals to be acknowledged and accepted in a manner that aligns with societal norms. This expression of support reflects a broader call for inclusivity and understanding within the community. The man's statement suggests a commitment to fostering an environment where individuals from this group are not only supported but also acknowledged and valued within the social fabric. Overall, his viewpoint emphasizes the importance of creating an inclusive and supportive society for everyone.

From a street shop, a 48-year-old woman put forth the perspective that **"the phenomenon is a social virus."** By labeling it as such, she implies a belief that this aspect poses a negative influence on society. Moreover, she asserts that preventative measures should be taken to keep it from infiltrating Indian culture. The term "social virus" suggests her perception of it as a harmful force impacting the social fabric. Her statement implies a desire for safeguarding the traditional values and norms inherent in Indian culture by curbing the influence of this phenomenon. This viewpoint reflects concerns about potential societal repercussions and a proactive stance toward preserving cultural integrity. Her assertion underscores a belief in the need for protective measures to uphold established cultural norms in the face of perceived challenges.

A 50-year-old, the man inquired about the **ability of homosexuals to have children and establish a family.** His question reflects a curiosity or concern about the traditional concept of family-building, which typically involves heterosexual couples. The query suggests a perception that family structures are closely tied to biological parenthood, and he seeks to understand how these fit within the context of same-sex relationships. This inquiry may indicate a genuine lack of awareness or understanding regarding alternative family-building methods commonly adopted by LGBT individuals, such as adoption or surrogacy. His question highlights a common societal assumption about family formation and prompts a consideration of diverse family models.

A 29-year-old man expressed the viewpoint that **“homosexuals should be treated impartially in society. A neutral and inclusive approach, suggesting that this acceptance could contribute to the promotion of adoption.”** His statement implies a recognition of the potential positive impact on adoption rates, as LGBT individuals could also be considered as prospective parents. Additionally, his perspective touches upon the broader societal benefit of population reduction, possibly alluding to the idea that diverse family structures can play a role in addressing demographic challenges. His statement reflects a call for equal treatment and highlights the potential societal advantages of embracing diversity in family-building.

The 52-year-old woman expressed a perspective suggesting that **“one's actions depend on the individual, emphasizing a subjective approach.”** She conveyed the idea that the acceptability of behavior hinges on its impact on another person's life. Her statement implies a casual attitude toward matters, suggesting a relaxed or nonchalant demeanor in addressing such considerations. Overall, her viewpoint implies a belief in personal autonomy while acknowledging the importance of considering how one's actions may influence others. The phrase **“acts very casually”** underscores her apparent non-judgmental stance on individual behavior.

The legal practitioner emphasized his thought of conveying the perspective of supporting the homosexuals and also shared his thought of law which now protects each and every individuals right by **“the existing law and justice provides the sufficient security and protection to each and every individuals in the community, especially the homosexuals community”**.

The male of age 29 years of old in the LGBT community proudly exhibits his approach towards **“the contemporary issue of homosexuals. He conveyed that more the obstacles against us from the social and cultural causes, we will overcome each and every situation with all the rights which we have in the world”**. This statement attests to their resilience in surmounting social ostracism, demonstrating the patience to await societal comprehension of their difficulties, problems, and challenges. It underscores their unwavering commitment to the concept of hope, embodying a steadfast belief in the possibility of positive change.

Suggestion and conclusion

1. **Education and Awareness Campaigns:** Conduct education and awareness campaigns to address misconceptions and biases regarding homosexuality, particularly among older generations.

2. **Inclusive Counseling Services:** Implement inclusive counseling services for individuals, considering the findings that stronger gender identification correlates with more negative attitudes towards the LGBT community.
3. **Legal Advocacy:** Continue legal advocacy for the rights of the LGBT community, emphasizing the need for comprehensive legal protections and social acceptance.
4. **Diverse Representation:** Promote diverse representation of LGBT individuals in media, literature, and the arts to challenge stereotypes, labeling, shaming, foster empathy and understanding.
5. **Support for Mental Health:** Strengthen mental health support services for the LGBT community, given that mental health support emerged as a major solution in the research findings.

In conclusion, the research provides valuable insights into the perceptions and challenges faced by the LGBT community. Despite advancements in legal recognition, discrimination and bias persist, necessitating ongoing efforts for societal change. The findings underscore the importance of multifaceted strategies, including legal advocacy, education, and mental health support. Addressing negative attitudes and fostering acceptance, especially among older generations, is crucial for building a more inclusive society. By recognizing the impact of cultural and social factors, and tailoring interventions accordingly, we can work towards a future where the LGBT community experiences equal rights and acceptance across all facets of life.

Limitation of the study

The data collection spanned a duration of three months, and the conclusions drawn pertain specifically to respondents in Chennai, Kancheepuram and Thiruvallur districts in the state of Tamil Nadu, India. These findings are not transferable to any other location and therefore should not be generalized.

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