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# Bound By Bias, Denied By Law - Unmasking How Marital Rights Absence And Prejudice Impact India's LGBTQ+ Experience

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#### **Abstract**

The aim of this research was to examine how the lack of marital rights and discrimination impacts the LGBTQ+ community in India. To conduct this study 10 participants of LGBTQ+ community were randomly selected. Pre-selected questions were asked to gain insight into 5 aspects- Impact of marital rights absence, societal and cultural impact, impact on mental health, coping strategies, and envisioning a more inclusive future. Through a focused-group study and thematic analyses, it was found that the marital right absence and discrimination towards LGBTQ+ community, negatively impacts their mental health, sense of belongingness and openness.

Keywords-LGBTQ+, India, Mental Health.

#### I. INTRODUCTION

In India, many believe that the LGBTQ+ community has only recently emerged in India from the "Western world". It is also often claimed that everything related to the LGBTQ+ community is "unnatural" and that our Indian culture does not mention anything of this. However, in ancient Indian texts and monuments, there are innumerable mentions and representations of queer relationships and people belonging to various genders. Delhi's "Jamali-Kamali" and the temples of Khajuraho are the most famous examples. In Jamali-Kamali, two men were buried together almost 500 years ago like a married couple. On the walls of Khajuraho, women and men can be seen embracing each other. Unfortunately, today many people belonging to LGBTQ+ community are bullied and ostracized from the society. The majority of people continue to frown down upon them and make them feel alienated. Their lives are also in constant danger from the fanatical groups in the country. People from Transgender communities are forced to beg on roads to support themselves. As a result, people from LGBTQ+ communities have been fighting innumerable legal and social battles just for their basic rights so that they can live a life of dignity like the rest. The Supreme Court of India decriminalized homosexuality in the country in 2018. Certain legal rights do exist in India for people from LGBTQ+ communities, such as The Transgender Persons Act, 2019 which prohibits discrimination against transgender individuals. Unfortunately, the absence of marital rights has denied so many queer people to lead fulfilling lives. The absence of marital rights has also denied them the choice to adopt children.

#### Purpose of the research

The purpose of this research is to assess multifaceted impact of marital rights absence and pervasive prejudice on India's LGBTQ+ community.

#### II. **METHODOLOGY**

#### **Participants**

To conduct this study 10 participants of LGBTQ+ community were randomly selected. Each participant voluntarily took part in the study upon being informed about the research's purpose. The study involved all age groups in India.

#### Material

Pre-selected questions were asked to gain insight into 5 aspects- impact of marital rights absence, societal and cultural impact, impact on mental health, coping strategies, and envisioning a more inclusive future.

#### **Data Collection**

This a focused-group study. The data was collected through online mode. The participants joined a group Zoom call to participate in the study. All the participants were informed about the aim of the study and given required instructions. The personal information given by the participants, along with their identities, was kept confidential.

#### **Process of Analysis**

The study is based on qualitative method, and to analyse the data, thematic analysis method was used.

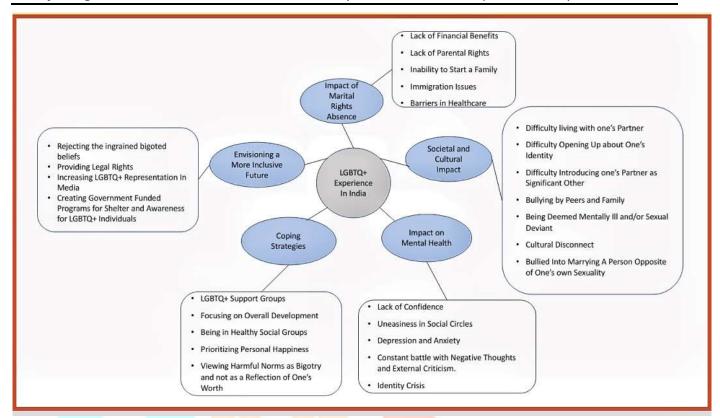
#### III. RESULT AND DISCUS<mark>SION</mark>

#### Result

Pre-selected questions were asked to gain insight into 5 aspects-

- 1. Impact of marital rights absence
- 2. Societal and cultural impact
- 3. Impact on mental health
- 4. Coping strategies
- 5. Envisioning a more inclusive future

IJCR To analyse the data, thematic analysis method was used, which yielded common themes which are depicted in Graph 1.



Graph 1. Summarises the salient themes found during the analysis of LGBTQ+ experience in India.

#### Discussion

The experience of LGBTQ+ in India explores the critical insight of the different issues that people within this community face, mainly in the absence of legal recognition of same-sex marriages and rampant societal prejudices. From the findings, it can be elicited that such experiences have multifaceted impacts on mental health and social interactions with law, just like what exists in the rest of the literature. This discussion draws together the dominant themes found from thematic analysis, situating these themes within prior research to shed light on the wider implications for LGBTQ+ rights in India.

Perhaps unsurprisingly, marital rights lack significantly in revealing a deep barrier to access, greatly affecting essential financial benefits and legal protections to the LGBTQ+ community. According to Rahman (2024), this is an infringement upon basic rights and lays a landscape of inequality within marriage, depending on sexual orientation. Sharma & MDU-CPAS (2023) relate similarly about how decriminalization in 2018 still did not consider recognition for same-sex marriages or civil partnerships; in other words, the actual pervasiveness of discrimination against these people is not altered with criminal laws. The economic importance is too high because gays are disallowed from some elementary benefits, including inheritance and the ability to access health care, which makes them financially vulnerable as well. Coupled with social stigma, loneliness and anxiety grow greater in their minds, which resonates with Sinha (2022), who states that systemic issues are leading to queer kinship.

Apart from this, denial of parental rights is an important barrier to conceiving a family, which is caused due to lack of acknowledgment of being LGBTQ+, an individual might face for LGBTQ+ people who wish to conceive a family. As Sharma & MDU-CPAS (2023) further say that same-sex couples, without the legal acknowledgment, cannot cross the hurdle while adopting and forming parental rights. Thereby pointing out that due to the lack of acknowledgment it prevents the formation of families as well as upholds societal prejudices against LGBTQ+ people that deny them their parental rights. It is, therefore, on account of this failure to create a family unit based on law that the depth of exclusion and despair in the face of what might be perceived as an insatiable drive by society towards forcing heteronormative families into being comes to predominate.

depicts discrimination within the health care system based on sexual orientation and gender identity as constituting an all-pervasive problem, usually at the instigation of the lack of training among healthcare providers. Another aspect, such as stigma, has been addressed by Rahman (2024) and Sinha (2022), where it shows that nowadays LGBTQ+ identities are being stigmatized within healthcare settings. It makes people fearful and warns them to stay away from the medical services that are required to be done immediately. This marginalization impacts not only the physical health of the people but reaches extensive effects on the mental health. The emotional toll of navigating a prejudiced healthcare system is part of what heightens anxiety, depression, and alienation among the LGBTQ+ community, as depicted by Sharma & MDU-CPAS (2023).

The consequences for society and culture are also a serious impact experienced in India since individuals suffer at the hands of other forms of discrimination and bullying from peers and family members. Through literature, it is well articulated that there is a universal understanding regarding the psychological suffering of individuals who cannot lead a truthful life due to pressures from society. Rahman (2024) postulates that bullying and stigmatization of the LGBTQ+ community gives rise to internalized homophobia and mental illness, which coincides with the observations of Sinha (2022), who observes that cultural stigma creates isolation and emotional distress for LGBTQ+ individuals. This social pressure, to abide by the norms of heteronormativity, sets up a lifelong struggle for validation, which exacerbates feelings of inadequacy and despair.

The themes of mental health also come forth against the backdrop of experience of the LGBTQ+ in India according to which it was found that not being recognized in law bears a strong co-relativity to poor mental health. According to Sharma & MDU-CPAS (2023), financial inequality combined with stigma in society makes it even more susceptible to mental health disorders. This would confirm findings from Rahman (2024) that the psychological toll of negotiating against a hostile environment may lead to depression, anxiety, and identity crisis. In addition, Sinha (2022) further articulates the need for closing mental health gaps in the LGBTQ+ people and increasing access towards more affirmative mental health services and environments.

Given such challenges, LGBTQ+ people must use coping skills and strategies that are diverse to help them navigate through such experiences. The findings of the study indicated that support networks and community groups specifically for LGBTQ+ people provide ample support towards resilience and belonging. Rahman, (2024) attributes these support systems as the important step in the fight against the loneliness and in ensuring good mental health. Moreover, Sharma & MDU-CPAS, (2023) suggests education and awareness programs to fight against so-called social prejudice and misconceptions related to LGBTQ+ identities. These coping methods are reflective of the broader theme of resilience, where the individuals navigate the societal challenges and seek affirmation and acceptance within their communities.

In the Indian subcontinent, the discussion calls for envisioning a future that includes LGBTQ+ persons. Legal reform in terms of the recognition and legal protection of same-sex relationships is called for; representations of LGBTQ+ persons increase within the different spheres of society; and, of course, revisions of marriage laws as suggested by Rahman (2024). Sharma & MDU-CPAS (2023) also share similar views by asking for an inclusive environment promoting equity and acceptance of LGBTQ+ persons in society. Sinha (2022) looks forward to a greater visibility and presentation of LGBTQ+ persons in media and public discourse by considering increased awareness as a transformative component against societal norms.

The view regarding societal beliefs and the LGBTQ+ individual is not minimized at all. The findings portray how the prejudice and cultural disconnection is still an entity that stands in the way of changing things for the LGBTQ+ community. According to Rahman (2024), rejection of the harmful beliefs comes along with moving forward with equality and acceptance. This follows through with Sinha, who indicates that social change is actually required for creating an ambiance where the LGBTQ+ will be safe from persecution and violence. The literature supports continued dialogue among policymakers, civil society, and religious communities where prejudices deeply rooted are challenged in order to ensure mutual understanding.

Moreover, the research revealed that human rights consciousness and the global LGBTQ+ rights movement are gaining momentum to become an indispensable factor in the debate over LGBTQ+ issues in India. Notes Rahman (2024) as giving recognition to LGBTQ+ rights, and in doing so, forming part of a larger process of acceptance and understanding. Sharma & MDU-CPAS (2023), which indicated the need for continued

advocacy on legal recognition and protection for same-sex relationships toward moving society forward in the direction of increased acceptance. The global movement for LGBTQ+ rights has worked to provide a framework for local activism, challenging people to voice their rights and to challenge unreasonable practices.

Education acts as an enabler to acceptance and understanding. Sharma & MDU-CPAS (2023) argue for education and sensitization initiatives to end prejudices and misconceptions toward the LGBTQ+ groups. This is in line with what Sinha pointed out for the sake of creating an educational program that promotes inclusivity and understanding of the school and the community. Promoting awareness and empathy through education may likely transform and rebuild the way society treats its LGBTQ+ constituents as part of a more accepting society.

Investigation into the Indian LGBTQ community and its inherent exclusions necessitates legislative reform towards the establishment of more integrated laws for reducing systemic, institutionalized, and other forms of discrimination and inequality. The marriage laws must be reformed at the earliest, as discussed in Rahman (2024) study to include provisions for the legalization of legal same-sex marriages in the country. Such reforms are importantly significant in terms of giving legal recognition and protection for the LGBTQ+ individual, hence making them socially acceptable, with their relationships no longer stigmatized.

These findings further weigh the need for more representation and visibility of LGBTQ+ persons in various settings, such as media, politics, and education. Sinha (2022) explains that having a representative make a difference since they break stereotypes, while at the same time, belongingness among the members of a certain LGBTQ group is created. Society would then get on its way of breaking barriers before this culture can be seen being acceptable and understood.

### IV. CONCLUSION

The present study focused on the various dimensions of challenges that LGBTQ+ people in India were facing with regard to legal recognition, societal stigma, and mental health implications. One of the critical findings of this research is the very strong role that the recognition of the legal aspect plays in improving the lives of LGBTQ+ people. Legal rights, including same-sex marriage, the absence of which will deny LGBTQ+ couples some very important rights like inheritance, tax benefits, and decision making over issues touching on health. Their denial strikes at the very heart of the LGBTQ+ individual's lack of a fair share of marital rights compared to the heterosexual couples; it also symbolically ostracizes them. By focusing on this, the study achieved its purpose of demonstrating how legal reforms are a great way to institutionalize an inclusive society. The recognition of law might be an important step in reducing the societal prejudices and making equity that would give confidence and identity to LGBTQ+ persons.

Not only the legality, but it also went into the broader societal stigmas that LGBTQ+ persons face. This stigma is felt across all facets of life: from workplace discrimination to access to health care. Judgment and exclusion defined the existence of LGBTQ+ lives, making them become alienated and eventually internalize stigma. Social pressure, as a means of forcing the majority of LGBTQ+ people to 'closet', increases social isolation and negative mental health effects. By taking attention to such issues, the study underlines how legal exclusion feeds into social stigma and vice versa, fostering an environment in which members of the LGBTQ+ community are discriminated against and marginalized. This fulfills one of the objectives set out by the study, namely, giving a comprehensive view of the structural and interpersonal barriers to LGBTQ+ acceptance in India.

A further deeper analysis of their mental health impacts is another important area under investigation in the study. Legal exclusion and social rejection could influence the rates of depression, anxiety, and suicidal thinking among LGBTQ+ persons. The mental health resources which are affirming and accessible to the populations of LGBTQ+ often become inaccessible for these individuals with the problems added. These results emphasize the need for providing mental health care that takes into account the unique needs of LGBTQ+ individuals. The study has really helped to throw into the limelight the deeper psychological impacts that are seen as a result of the unacceptance within society and the legal system, calling for both structural and social changes.

#### **Limitations and Critique**

Several limitations stand out from this study. Being an internet-based online focus group, it involved people with the right technological infrastructure and who were at ease speaking of their experiences via video conferencing, which could have indeed constrained the diversity of voices in the representation. The methodology itself poses another limitation. This is beneficial in capturing personal narratives in deep detail. However, it cannot provide quantifiable data that could illustrate trends or measure prevalence regarding specific issues within the LGBTQ+ community.

#### Area of Future Research

Future research studies should continue with this design with the inclusion of participants representing different socio-economic classes, religious groups, and geographies to further provide a representative picture of the more realistic challenges that the LGBTQ+ community faces. Using a mixed-methods approach that combines qualitative data with numbers, the issue can be understood better as a more considerable framework-one permitting the gathering of in-depth accounts from individuals while also conducting statistical analysis of larger trends in the community.

#### V. ETHICAL COMPLIANCE

## **Funding**

The authors have no funding to disclose

# Compliance with Ethical Standards

- Informed Consent: Ensure all participants provide informed consent before participating in interviews.
- Anonymity and Confidentiality: Guarantee the anonymity and confidentiality of participants' identities and responses to protect their privacy.
- Respect and Sensitivity: Approach the topic with sensitivity, acknowledging the diversity of beliefs and ethical perspectives among participants. IJCR

#### **Conflict of Interest**

The authors declare they have no conflict of interest.

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