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## “NORMALISATION OF ABUSE AND ROLE OF MEDIA EMPHASIS ON LGBTQ+ COMMUNITY”

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### ABSTRACT

LGBTQ has now been widely accepted community of minorities based on sexual and gender orientation. However, they got representation in the eyes of the law. However, still, a kind of prejudice and discrimination is prevailing around us, which could be seen in people's behavior towards them. This research Article will specifically deal with various aspects about '**Normalization of Abuse and Role of Media**', which will include its meaning and scope of the topic underlined with multiple sub-topics that include impact in the world and specifically in India due to the prevailing prejudice and discrimination within the society against the people of LGBTQ+ community across the globe. Security of the individual is a fundamental human right, and the protection of individuals is, accordingly, a primary obligation of Government. The article will attempt to make a comprehensive study on the impact of culture and religion on the survival of LGBTQ+ people, how Modernization and other factors are also affecting Quality of Human Right of people belonging to this community, how the film industry is influencing thoughts of people globally and increasing awareness and how media and Politics influence it. We will limit the time zone from 20<sup>th</sup> to 21<sup>st</sup> century with citing incidents from the past that is reflected in the current scenario too. The authors will make an ideology about

morality and public behavior and present a survey which would depict people's perspective on "Normalization of abuse and Role of Media."

Any conclusion arrived at shall be further be supported with relevant case laws, relevant facts and figures shall also be give weight-age for a better understanding of this socio-legal nuisance.

**Keywords:** Media, Political Influence, Morality, Religion, LGBTQ+ community

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## INTRODUCTION

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LGBTQ+ has now been widely accepted community of minorities based on sexual and gender orientation. However, they got representation in the eyes of law but still, a kind of prejudice and discrimination is prevailing around us which could be seen in people's behavior towards them. Since time immemorial, society has been distinguished between different genders, assigning them specific roles. People are expected to behave in the same manner as the prejudicial notions have prescribed. The rampant discrimination, injustice and deep seeped thought process of people through generation to generations has led to many Psychological Challenges for the individuals who belonged to the LGBTQ community. LGBTQ stand for lesbian, gay, bisexual and transgender people who are subject to prejudice that is rooted in the beliefs and traditions about sexuality and gender. LGBTQ is a community or a group of people who has come together with an intension to emphasize a diversity of sexuality and gender identity – based cultures. The saddening fact is before the sexual revolution of the 1960s there was no common vocabulary for defining the non-heterosexuality the closest term which was used to identify or acknowledge them, the closest such term was third gender, which was used by people around the world until today. This definition or acknowledgement made them feel segregated from rest of the people around the world; another aspect of this term was it was regarded as a negative connotation towards the homosexual community. In almost all the countries around the world, homosexuality was illegal and punishable by fines, imprisonment, life imprisonment, death penalties, which are still prevent in certain parts of the world. The similar situation was in India as well before the NAVTEJ JOHAR JUDGEMENT, which abrogated and partially struck down section 377 of IPC which used to impose punishment on LGBTQ community for their sexual orientation. LGBTQ has been widely accepted community of minorities based on sexual and gender orientation. LGBTQ people as a member of a social minority group are suffering from various socio-

economic and cultural injustices, this is because lack of social recognition given to these people to fully access and enjoy their rights as citizens.

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### **UNITED NATIONS ON LGBTQ**

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Many countries have made significant changes and strides in human sexuality in human rights advocacy in their domestic laws however LGBTQ still struggled to find their rights under international law as a sign of universal acceptance.<sup>1</sup> Universal Declaration of Human Rights UDHR which was drafted in 1948 does not specifically included different sexual orientation. The declaration does state that “everyone is entitled to all the rights and freedom set forth in this declaration without distinction of any kind<sup>2</sup>.” Influential international human rights organization such as Amnesty International and human rights watch continues to run affective campaigns.

As globally the countries are trying their best to eradicate the injustice that has been cause to LGBTQ community by establishing different kind of NGO’s and agencies. Similarly the United Nations also has introduced a global federation of LGBTQ organization that is *ILGA* which conducts work in various United Nations fora<sup>3</sup>. IGA has a consultative status with the UN economic and social council (ECOSOC) it uses to help and secure the rights of LGBTQ persons everywhere. They do multiple works which includes: 1. Giving visibility and raising funds to support LGBTQ+ issues globally by conducting advocacy and out rich at the human rights council, making oral interventions and making panels on various subjects. 2. Having members work with their government on improving LGBTQ human rights in the country in the frame of universal periodic review provides support and guidance to NGO’s engaging in treaty bodies, which are working to ensure LGBTQ persons, are not forgotten in an international law<sup>4</sup>. 3. Engaging with UN special procedures to ensure human rights violation at domestic level and also to provide input and guidance on their work. 4. Advocating LGBTQ issues at the commission on the status of women.

Although many steps has been taken to normalize their status in society around the world still this community is more likely to experience intolerance, discrimination, harassment and the

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<sup>1</sup> United Nations, <https://ilga.org/united-nations>

<sup>2</sup> Lesbians, Gay, Bisexual and Trans Gender Health,( may 25<sup>th</sup>,2019), [www.healthypeople.gov/2020/topics-objectives/topic/lesbians-gay-bisexual-and-transgender-health](http://www.healthypeople.gov/2020/topics-objectives/topic/lesbians-gay-bisexual-and-transgender-health)

<sup>3</sup> United Nation, <https://ilga.org/united-nations>

<sup>4</sup> Shambhavi Saxsena, how many of these do you know about Indian LGBTQ, YOUTH KI AWAZ ( july 17th, 2017) <https://www.youthkiawaaz.com/2017/07/lgbtq-movement-in-india-91-facts/>

threat of violence due to their sexual orientation more than those people who identify themselves as heterosexual. This kind of discriminatory behavior by the people around the world is due to prevailing homophobia, i.e., a kind of fear or hatred of homosexuality. Some of the factors that may reinforce homophobia on a large scale are religious, moral, political, psychological beliefs of a dominant group.

### **PROBLEMS FACED BY LGBTQ COMMUNITY PEOPLE**

Society has been deuced with homophobia and trans-phobia, because of which many times cruel and brutal devices were used to enforce gender norms. This act was internalized by children at the very younger age, it has considerably worsen the growth of teenagers who were unable to internalize their sexuality and express their sexual desires due to the sense of being dirty, inferior, being wrong and causing incalculable damages not only to society but also to their family and themselves.<sup>5</sup> They continue to face discrimination and exclusion across the world in all spheres of life. Homophobic violence and abuse which mainly targeted LGBTQ people directly or indirectly occurred on regular basis in almost every way possible.

One of the recent example for political discrimination and injustice can be seen in most EU member's states where, the same sex couples do not enjoy the same rights and protection as compared to opposite sex couples and consequently suffered from discrimination and disadvantage to accesses social protection schemes such as health care and pensions<sup>6</sup>. Similarly in labors market around the world a majority of LGBTQ people managed to hide their sexual orientation out of the fear of losing their jobs.

In order to understand the health issues and mental challenges which are faced by LGBTQ individuals, for this we have to go through the history of oppression and discrimination this community has faced. Social determinants which are affecting the health of LGBTQ individuals largely related to oppression and discrimination<sup>7</sup>. Some of them include:

1. Legal discrimination- Access to Employment, Marriage, Housing, Adoption.
2. Lack of social programs for the LGBTQ youth, adults, and elders.
3. Physical environment also contributes to challenges such as: Schools, Neighborhood, Health Services and so on.

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<sup>5</sup> Chaterjee Subhrajit, Problem faced by LGBTQ people in main stream society, IJMS, Vol-1, 337-350 (2016)

<sup>6</sup> OWN JONES, Hatred to LGBTQ people still infect society, THE GAURDIANS, Jul. 27,2017

<sup>7</sup> Chaterjee Subhrajit, Problem faced by LGBTQ people in main stream society, IJMS, Vol-1, 337-350 (2016)

## **MARGINALISATION AND SOCIAL EXCLUSION**

It is a core of exclusion of LGBTQ from fulfilling their social lives at individual and societal levels. People who are marginalized have relatively little control over their lives and they may be traumatized by the negative comments and public attitude<sup>8</sup>. Somewhere the media is also responsible for such social exclusion because people are much more influenced by social media and media channels hence, when these platforms do not discourage or represent the miseries faced by these people, the society tends to normalize such behavior and continues to marginalize them and harass them mentally by excluding them. The exclusion and discrimination has major impacts on their lives of these individuals as such behavior results: a. dropping out from school early, unable to find regular jobs, being isolated, unable to access various services, suicidal attempts, decides to follow their parents to marry.

## **IMPACT OF LACK OF FAMILY AND SOCIAL SUPPORT**

Families and care givers have a major impact on the life of their children, and the individual who is either gay, lesbian, bisexual needs more attention and care from their parents and care givers because of lack of social acceptance. According to researches it has been seen that there is very few numbers of adolescence who have come out or expressed to their families about their sexual orientation, this is because they have the fear of rejection and overwhelming reactions may lead to serious challenges in future<sup>9</sup>. It has been seen that lack of communication and misunderstanding between parents and their LGBTQ children increases their family conflicts. These problems with communication and lack of understanding about sexual orientation and gender identity can lead to fighting and family disruption that can result in homelessness of LGBT youth. However the advent of internet and openness in school about LGBTQ youth group, has helped them to find accurate information, guidance and support, morally and physically. Hence we can see that more and more children are now opening about their sexual orientation because of such boost we can see major changes in discriminatory legislations around the world.

## **PROBLEMS OF HOMOPHOBIA**

There is no single definition of homophobia as it covers different viewpoints. However in a layman term homophobia is fear of gay people or having negative feelings or attitude towards non heterosexual behavior. Lesbian, gay, bisexual and trans gender people are more likely to

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<sup>8</sup> Chaterjee Subhrajit, Problem faced by LGBTQ people in main stream society, IJMS, Vol-1, 337-350 (2016)

<sup>9</sup> Chaterjee Subhrajit, Problem faced by LGBTQ people in main stream society, IJMS, Vol-1, 337-350 (2016)



experience intolerance, discrimination, harassment due to their sexual orientation as compared to those people who identify themselves as heterosexuals<sup>10</sup>. This phobia generally forces LGBTQ people to conceal their sexuality for the fear of negative reactions and other challenges. Homophobia can be manifested in different forms some of the examples are homophobic jokes, physical attacks, discrimination in the workplace and negative media representation. Such attitude directs LGBTQ individuals to stress, loneliness and dissatisfaction from their lives which led to psychological distress.

## **ROLE OF MEDIA**

The role of media comes into play within the gender arena as it is very interesting to observe that the media is more active towards assault against women and injustice faced by them are extravagantly covered by the media while the different types of sexual harassment that the transgender community have endure daily is normally goes unnoticed in main stream media<sup>11</sup>. This form of gender response can also be seen in film industry where although movies have been made to showcase the presence and the difficulties faced by LGBTQ community but still we can notice the lack of representation of people of this community in main stream media or films.

However, it would be wrong to say that Indian media has not taken any step towards this issue some of the best step taken by Indian Media which includes: Television channels, dating apps, Magazines etc. are as following:

### **TELEVISION**

- One of the most famous shows Satyamev Jayate<sup>12</sup>, which was hosted by Amir Khan, aired an episode on “Accepting Alternative Sexualities.” This was the first time when Indian Television openly talked about the challenges faced by LGBTQ community. The episode was broadcasted nationally and delivered an important message about challenges which are gone through by people of LGBTQ community and also openly discussed the prevailing stigma in the society. Not only had this Star team also published a book which had personal narratives of Trans and queer Indians.

<sup>10</sup> Chaterjee Subhrajit, Problem faced by LGBTQ people in main stream society, IJMS, Vol-1, 337-350 (2016)

<sup>11</sup> Chaterjee Subhrajit, Problem faced by LGBTQ people in main stream society, IJMS, Vol-1, 337-350 (2016)

<sup>12</sup> Shambhavi Saxsena, how many of these do you know about Indian LGBTQ, YOUTH KI AWAZ ( july 17th, 2017) <https://www.youthkiawaaz.com/2017/07/lgbtq-movement-in-india-91-facts/>

- In 2016 an LGBTQ-centric web series, titled “All about Section 377” was granted permission to air on national television.

### **INDIAN CINEMA**<sup>13</sup>

- Indian cinema is very vocal about the LGBTQ rights and miseries which were faced by them since then as in 1996, a 12 minute long film named BomGAY was released which had many storylines regarding QUEER INDIANS living in cities. Although the movie never released commercially but, still it has its importance in queer cinema of India.<sup>14</sup>
- India’s first silent movie on LGBTQ named SISAK has made its way to the prestigious Cannes film festival and is currently running in various online platforms due to Corona Outbreak.
- The year after the High Court decision proved to be a productive one for the community.– which is today one of India’s largest LGBTQ film fest- THE KASHISH MUMBAI QUEER FILM FESTIVAL was first launched in 2010 with the support of Bollywood actor Celina Jaitley just after the judgment of supreme court on NAAZ FOUNDATION CASE.

### **PRINT MEDIA**

- Not only Cinema there was quite a good representation of QUEER MEN community in print media as well. As in 1990 India’s first magazine for queer men named BOMBAY DOST was published and it’s still in circulation.<sup>15</sup>
- In 2015, India’s first illustrated anthology magazine about queerness named GAYSI MAGAZINE was published which had colorful and powerful artwork of over 30 artistes.

### **MOBILE APPLICATION**

- In 2016 a queer dating app named AMOUR, was launched. The app promised to personalize its matchmaking to suit the personal needs of it’s users, keeping in mind intersecting identities like disability, gender and sexuality orientation.

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<sup>13</sup> Shambhavi Saxsena, how many of these do you know about Indian LGBTQ, YOUTH KI AWAZ ( july 17th, 2017) <https://www.youthkiawaaz.com/2017/07/lgbtq-movement-in-india-91-facts/>

<sup>14</sup> Shambhavi Saxsena, how many of these do you know about Indian LGBTQ, YOUTH KI AWAZ ( july 17th, 2017) <https://www.youthkiawaaz.com/2017/07/lgbtq-movement-in-india-91-facts/>

<sup>15</sup> Shambhavi Saxsena, how many of these do you know about Indian LGBTQ, YOUTH KI AWAZ ( july 17th, 2017) <https://www.youthkiawaaz.com/2017/07/lgbtq-movement-in-india-91-facts/>

## NORLAMISATION OF ABUSE AND HETRO-NORMALISATION

Society is not only steeped in gender stereotypes and hierarchy, but each category of gender has its each forms of hierarchy and power play that results in marginalization and isolation of some group of individual. There is a kind of intimidation from group over other that is creating fear by using looks, actions, gestures and destroying personal items or photos<sup>16</sup>. Due to the frequent rise in the availability of internet there are many people who directly or indirectly with some intention or without any intention somehow creates a fear and hatred for lesbians, gay and bisexuals by controlling expressions of their sexual identity and connecting to the community outing sexual identity shaming. We have seen people using humor on their sexual orientation which indirectly has a great implication over the minds of not only children, adults but also it creates a sense of inferiority which makes it difficult to accept and to express one's sexual identity.<sup>17</sup> Jokes about LGBT frequently contain strong sexist language and can be quite offensive. Television shows and commercial advertisements that portrays violence and dark humor as funny can contribute to the ever growing problem of normalization and social desensitization which is somehow responsible for creating a sense of fear and forces individuals to not to reveal their identity publically, which is just to escape from shame and taunts of society as if they would come out with their desires and sexual orientation that could make their life more difficult and survival would be very challenging.

Although the whole world has created a hustle about the rights of LGBTQ and finally with such a long fight almost all the governments of international community has changed its laws and made it more gender neutral. In India with the judgment of *Navtej Johar case*<sup>18</sup> we won the long battle to eradicate a discriminatory law from IPC also in 2013. The legislature made various amendments regarding IPC victims of social abuse where they ensure that the words “any man “ and “any women” in sections relating to sexual offensives in the laws are changed to and red as “any person”. This amendment extended implementation of gender neutral laws and also depicted that protection of laws not only confines to women but also to transgender persons, men, any individual belonging to any other gender category.

Still in the recent controversy of *YouTube v. Tik-Tok* the major concern which arose was the normalization of use of language by the people around us which was gender biased and was

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<sup>16</sup> OWN JONES, Hatred to LGBTQ people still infect society, THE GAURDIANS, Jul. 27,2017

<sup>17</sup> SHALINE CHAUDHARY, Don't be too afraid to show off your true color, YOUTH KI AWAZ,(24<sup>th</sup> January,2018) <https://www.youthkiawaaz.com/2018/01/dont-ever-be-afraid-to-show-off-your-true-colours/>

<sup>18</sup> AIR 2018 SC, 4321.

also derogatory for the people belonging to LGBTQ community. The video that gone viral and broke all the records was taken down on the basis of derogatory language hence this shows that even though the legislature and the judiciary is making all the efforts to bring gender neutral laws but it is saddening to see that still there is an deep seeped mentality amongst the youth and the society regarding gender stereotypes and the thought process that it is normal to use gender abuse. Hence a minor change in language can help to chip away long standing gender inequalities. By using a gender neutral pronoun would reduce mental biasness that favors men and will boost positive feelings towards women and LGBT people. When we use language that actively includes women and LGBT people, it makes a real difference in reducing gender stereotypes.

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### **THE IMBALANCE BETWEEN LAWS AND MENTALITY**

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#### **NAVTEJ SINGH JOHAR V. UNION OF INDIA<sup>19</sup>- JUDICIAL INTREPREATION**

##### **FACT OF CASE-**

“Section 377 of the IPC, is a Victorian-era law which is being followed by people still in the 21st century. The major problem with this provision was that it talks about consensual sexual intercourse between same sex people and regarded it as an “unnatural offence” which is “against the order of nature<sup>20</sup>”. Also the provision provides punishment of 10 years imprisonment for the same which is against the Article 14 of Indian constitution and also Article 4 of UDHR which talks about equality.

In 2001, Naz Foundation Trust<sup>21</sup> for the first time raised voice against the injustice and discriminatory provision and challenged the constitutionality of Article 377 under Article 14, 15, 19 and 21 of Indian Constitution before the Delhi High Court. This case was filed in court because in 2001 in Lucknow HIV prevention workers were distributing condoms to homosexual men, and got arrested with the allegation that they were conspiring for the

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<sup>19</sup> Constitutionality of section 377, SUPREME COURT OBSERVER, <https://www.scobserver.in/court-case/undefined>

<sup>20</sup> Section 377 of IPC, 1960

<sup>21</sup> (2014) 1 SCC 1

committal of offence which is given under section 377 of IPC<sup>22</sup>. Hence, at this point of time NAZ FAOUNDATION raised their voice and argued about its constitutionality.

In 2009 The Delhi High Court held that Section 377 is derogatory in nature and is unconstitutional with regards to Article 14, 15, 19, 21 of Indian Constitution as it violates the right to privacy and personal liberty of Individual hence, section 377 violated human dignity which forms the core of the Indian Constitution.<sup>23</sup> However, this judgment was again challenged in Supreme Court of India by various organization and individuals.

The Supreme Court while dealing with Suresh koushal<sup>24</sup> case in 2013 reversed the Delhi High Court Judgment reversed the Delhi High Court's judgment and held that "*Decriminalizing homosexuality can only be done by the Parliament and not by the Court.*" It also held that Section 377 criminalizes certain acts and not any particular class of people." Again many curative petitions were filed by the organizations and individuals against such judgment by apex court.

### **DECISION-**

In 2018 a five-judge Bench partially struck down Section 377 of the Indian Penal Code, and decriminalized the Victorian era provision from IPC that is "same-sex relations between consenting adults." However the Court while decriminalizing and partially striking down the provision upheld provisions in Section 377 that talked about "*criminalization of non-consensual acts or sexual acts performed on animals.*"

### **PREVAILING MENTALITY IN SOCIETY**

The major concern which is still prevailing in India and around the world is mentality of people and society for such people as even if number of laws are been implemented but the implementation will only be regarded as successful if people and society makes it work however the deep seeped mentality of people about normalization of use of language which is gender biased and is also derogatory for the people belonging to LGBTQ community. Hence it is very important for our society to understand that only legislative changes are not the solution. There has to be some kind of efforts from their side too, one amongst of all is a minor change in language as it can help to chip away long standing gender inequalities. By using a gender neutral pronoun would reduce mental biasness that favors men and will boost positive

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<sup>22</sup>Constitutionality of section 377, SUPREME COURT OBSERVER, <https://www.scobserver.in/court-case/undefined>

<sup>23</sup> Constitutionality of section 377, SUPREME COURT OBSERVER, <https://www.scobserver.in/court-case/undefined>

<sup>24</sup> Naz foundation trust v. suresh kumar Kaushal, (2014) 1 SCC 1

feelings towards women and LGBTQ people. When we use language that actively includes women and LGBTQ people, it makes a real difference in reducing gender stereotypes.

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## **CONCLUSION**

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Since childhood, even toys are given to the children in a gender specific manner. gender neutrality is an idea that which says that languages and social institutions should avoid distinguishing roles according to people's sex or gender, in order to avoid discrimination arising from the impression that there are social roles for which one gender is more suited than another. Today homosexuality and queer identities may be acceptable to more Indian youth than ever before but it is still prevalent within the boundaries of family, home and schools. The main issue is that the acceptance is still remains a constant struggle for the LGBT people. It is saddening to confront the reality that still there are people who are afraid to come out to their parents about their choices. Many countries have legalized same sex marriage because they understand the need of having the freedom to love and the freedom to marry whoever one want. There are still many places in India where people are not aware of what LGBTQ stands for, because they have the notion that those who are gay are not allowed to be a part of the family hence to attract more attention towards this cause and to eradicate such injustice from society we need to normalize the discussions about gender and should also promote gender neutrality in our daily lives.