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From Criminalisation to Social Surveillance: Religion, Gendered Normativity, Homosociality and the Production of Homophobia in Contemporary India

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Abstract: *The idea of homophobia solely as a personal prejudice or an unfounded fear of homosexual individuals actually fails to adequately elucidate the enduring animosity toward homosexuality. This paper argues that homophobia is better understood as a sociological apparatus through which heterosexuality, gender conformity and socially sanctioned forms of intimacy are continuously produced and protected in the society. Drawing on the sociology of sexuality, feminist theory, symbolic interactionism, and Foucauldian analyses of power, studies on homosexuality and recent researches on sexual minorities in India, the paper explores the relationship between religion, sex-role conservatism, gender segregation, law and everyday forms of social surveillance. Particular attention is given to the Indian context of Section 377 of the Indian Penal Code and the constitutional transformation brought about by Navtej Singh Johar v. Union of India (2018). While the decriminalization of Section 377 removed the criminal sanction attached to consensual same-sex intimacy between adults, it did not automatically dismantle the familial, religious, cultural and institutional frameworks through which heterosexuality continues to be treated as the expected form of adult life and experience.*

The central argument developed here is that homophobia is a boundary maintenance apparatus. It defines the boundaries of the masculine and the feminine, the heterosexual and the homosexual, legitimate and illegitimate intimacy, the respectable and disreputable family, public and private sexuality. Religion may be involved in this process when specific understandings of sexuality transform moral disapproval into social exclusion, and when gendered institutions perpetuate the expectation that men and women should assume complementary and reproductive roles. These boundaries may also be policed within homosocial spaces, such that masculine belonging becomes dependent on a demonstrable distance from homosexuality. Violence, ridicule, gossip, forced heterosexual marriage; hiding and self-surveillance are therefore not just individual malice but interconnected practices reproducing heteronormativity.

The paper also problematizes a simplistic binaries of “Western” sexual modernity and “Eastern” or “Indian” traditionalism. In the cultural histories of South Asia, historical scholarship has demonstrated the presence of same-sex intimacies and gender variance. Contemporary lesbian and gay identities are also formed within global vocabularies, digital cultures, and transnational movements. The Indian case, therefore, is not just a transition from tradition to modernity; it is not only a conflict between the indigenous culture and the Western influence. Instead, it exposes a complex negotiation between inherited social institutions, colonial legal histories, constitutional rights and emergent forms of sexual selfhood. The paper argues that decriminalization is necessary, but not sufficient, for sexual citizenship. To reduce homophobia we need not only legal change but a transformation of the social institutions, gender expectations and everyday practices that make heterosexuality seem natural, compulsory and socially beyond question.

Key words: Homophobia, homosexuality, heteronormativity, homosociality, religion, gender roles, Section 377, India.

Introduction- Homophobia is often defined as hatred, discomfort or fear of homosexual people, in day-to-day discourse. These descriptions address part of the phenomenon but do not sufficiently explain its sociological importance. Hostility to homosexuality is not simply a function of individual minds. It is also produced and reproduced in the family, the religious institution, the educational institution, the peer group, the workplace, law, the media and everyday interaction. A person may find out that homosexuality is “wrong” long before he or she meets a homosexual person. You don’t have to tell a child explicitly what heterosexuality is for them to learn that boys are boys, girls are girls, men marry women in the end, and marriage is for having children. Heterosexuality is so embedded in everyday assumptions, It often seems not one of several possible ways of being intimate, but the natural consequence of adult life.

Here is the beginning of the sociological problem. If heterosexuality is natural then homosexuality has to be explained, named, categorised and often regulated. The regulation may take a direct legal form as it did in the past by way of Section 377 of Indian Penal Code. It may take a religious form, if particular interpretations of religious doctrine define same-sex intimacy as sinful or morally unacceptable. It can take a familial form when parents demand a son to marry a woman or a daughter to perform conventional femininity. It can take an interpersonal form, for example, jokes, insults, rumours, bullying and physical violence. It can even be internalized, leading to anxiety about recognition, fear of exposure and constant monitoring of one’s speech, dress, gestures and relationships.



The paper therefore begins with a very simple but important proposition: that homophobia is not only just a negative attitude to homosexuality; it is part of the social organisation of heterosexuality. The significance is in what it does. It draws lines. It tells people what relationships are legitimate, what bodies are worthy, what behaviours are masculine or feminine, what forms of intimacy can be publicly displayed and which must be kept hidden. In this sense, homophobia is closely related to what Dana Britton (1990) conceptualised in the relationship between homophobia and homosociality. Britton's influential analysis linked homophobia to the maintenance of sex-segregated institutions, arguing that attitudes towards homosexuality could not be separated from the organisation of gender relations itself.

The term homophobia is a relatively new coinage. George Weinberg is often credited with coining the term in the 1960s, and his 1972 book *Society and the Healthy Homosexual* helped popularise it. Later scholarship, however, has questioned the adequacy of treating hostility to homosexuality primarily as a psychological "phobia." Herek (2004) has called for a broader understanding of sexual prejudice that incorporates, among other things, the cultural, institutional and ideological aspects of anti-gay attitudes. The conceptual shift from 'phobia' to 'prejudice', 'heterosexism', 'sexual stigma' and 'heteronormativity' is important in that it shifts the focus from the allegedly abnormal individual who hates homosexuality to the social structures that make such hostility intelligible and reproducible.

This is very important in the Indian context. Section 377 is a strong example of the relationship between law and sexual normativity, but the history of homosexuality in India is not just the history of Section 377. Section 377 was introduced into the Indian Penal Code by the British colonial government in 1860, criminalizing "carnal intercourse against the order of nature". Although the clause was not written to apply exclusively to same-sex acts, in practice it became a key instrument in the policing and stigmatization of same-sex intimacy. Geetanjali Misra's analysis of the Indian decriminalization struggle demonstrates how the provision was used to harass, blackmail, and inflict violence on sexual minorities and the organizations that worked with them, thereby exposing them to vulnerability.

The 2009 ruling of the Delhi High Court in *Naz Foundation v. Government of NCT of Delhi* was a significant constitutional intervention, the effect of which was later overturned by the Supreme Court in *Suresh Kumar Koushal v. Naz Foundation* (2013). The constitutional position changed decisively in 2018 when the Supreme Court in *Navtej Singh Johar v. Union of India* held that criminalization of consensual same-sex intimacy between adults was unconstitutional. The ruling linked sexual orientation to constitutional protections for equality, dignity, liberty and privacy.

But the importance of the 2018 judgment also reveals the limits of law as a tool for social transformation. Decriminalization changes the relationship between the citizen and the state, but does not automatically change the relationship between the individual and family, community, religion, neighbourhood or peer group. A gay man may no longer be a criminal for having consensual sex with another adult male, but he can still be a source of family shame. The Constitution offers some protection to lesbian women from discrimination, but they still face pressure to marry a man. A young person may have a right to privacy but may not be able to secure it at home. The main argument of this paper is a distinction between legal recognition and lived recognition.

This differentiation is borne out by recent Indian scholarship. Coming out in metropolitan India is a psychosocial process mediated by heteronormativity and not a mere decision to "tell the truth" about one's sexuality (Achar & Gopal, 2021). Studies of Indian families also indicate that reactions to same-sex sexuality may range from shock, disappointment, rejection, hostility and violence, to family acceptance, which is itself a complex process rather than a single event (Ranade et al., n.d.). Moreover, studies of digital platforms in India show that queer people negotiate visibility and privacy in relation to family reputation, social stigma and fears of involuntary disclosure (Pinch et al., 2022).

I extend these observations into a larger sociological argument in this paper. It asks: How do religion, gender-role conservatism, homosociality and legal regulation interact in the production and reproduction of homophobia? And, why does homophobia continue to persist even after the decriminalization of consensual same-sex intimacy in India? It poses a second question: How does the Indian experience complicate the assumption that legal reform necessarily leads to social acceptance of homosexuality?

The argument here is that homophobia is a process that runs through three mutually reinforcing processes: normative production, boundary maintenance and surveillance. Compulsory heterosexuality is naturalized by normative production. Homosexuality is conceptualized as deviant as a way to protect gender and sexual differences through boundary maintenance. Surveillance leads people to look at themselves and



one another for signs of gender or sexual nonconformity. In this process religion and law may be important sites of institutionalization, but neither should be presumed to be internally uniform. There is a plethora of interpretations and historical representations of sexuality in religious traditions. Law is a tool of repression or a resource for emancipation. Thus, the paper does not assume that 'religion' or 'Indian culture' is homophobic.

This method also does not draw too simplistic a distinction between East and West. To say that Western societies go from repression to sexual freedom while Eastern societies remain culturally conservative is historically and sociologically insufficient. Western societies have a long history of extensive legal and religious regulation of homosexuality, and many still show high levels of sexual prejudice. In contrast, South Asian histories have a variety of same-sex intimacies, homoerotic expression and gender variance. For example, Ruth Vanita's historical work documents same-sex unions and relationships within Indian social, literary and religious contexts, rather than considering homosexuality as an entirely foreign import.

The paper therefore conceives of sexuality as historically and socially constructed and not just biologically given. That is not to say that sexual orientation is socially "chosen." Sexual orientation is defined as long-term patterns of emotional, romantic and/or sexual attraction and contemporary scientific and professional organizations do not view homosexuality as a mental disorder. The sociological question is rather how societies interpret, classify, value and regulate different forms of sexuality; and the question of how they do so in particular, historic and geographic contexts.

Theoretical orientation: sexuality, power and social boundaries- The argument is sociological but draws on feminist and queer theory. Michel Foucault's analysis of sexuality is particularly useful in that it challenges the notion that modern societies have moved from a time of sexual silence to liberation. Foucault (1978) proposed that modernity produced increasingly complex discourses about sexuality. Sexuality was made the object of confession, of scientific classification, of medical knowledge, of administrative regulation and institutional surveillance. The important thing was not so much what societies forbade or permitted as sexuality, but what they produced of knowledge about sexuality and how they used this knowledge to categorize persons.

This perspective alters the meaning of sexual regulation. Power doesn't work just by saying no. It also works through the creation of categories like normal/abnormal, healthy/pathological, masculine/feminine and heterosexual/homosexual. When sexuality becomes a field of knowledge, the individual becomes more and more a person who is expected to know what kind of sexual person he or she is, and to say it. Hence, the modern homosexual is not simply a person engaging in a particular sexual act but rather an identity that can become a constitutive part of the self (Foucault, 1978).

This is particularly relevant to the issue of homophobia because the policing of homosexuality often also polices masculinity and femininity. A boy perceived as feminine can be teased as gay even if he does not identify as gay. A man who does not conform to traditional masculine behaviour may have his sexuality challenged. Women who refuse to conform to traditional notions of femininity and heterosexuality are also likely to be viewed with suspicion. Homophobia thus is often a mechanism through which gender conformity more generally is enforced.

Judith Butler's (1990) notion of gender performativity takes this argument further. Gender is not simply an internal identity expressed through behaviour; it is a continuous construction through repeated social acts and norms. The requirement that men look masculine and women look feminine is reinforced through repetition and social sanction. Homophobia becomes one of the ways in which this repetition is enforced. The homosexual figure can be the symbolic limit by which heterosexual masculinity and femininity define themselves.

Here Britton's concept of homosociality is particularly useful. Homosociality is the social preference and/or association of members of one's own sex/gender. It does not necessarily imply erotic attraction. In many male-dominated institutions, male bonding might be organized around practices that simultaneously distance men from femininity and homosexuality. Showing that one is "not gay" can thus become part of showing masculine belonging. Homophobia does not have to arise as a direct fear of homosexual intimacy on the part of heterosexual men, but it can arise because the label of homosexual threatens the social boundaries through which masculinity is organized. Britton's empirical work directly linked homophobia to sex-segregated institutions, religious conservatism, and sex-role conservatism.

Erving Goffman's (1963) concept of stigma offers another dimension. Stigma is more than just a negative personal characteristic. It is relational. It occurs when an attribute excludes a person from full social



acceptance. Sexuality is stigmatized, because heterosexuality is the unmarked norm and homosexuality is the marked difference. Hence the person who expects to be stigmatized may begin to manage information about the self. Concealment, selective disclosure, strategic speech and avoidance are the usual tools of social survival.

This is closely related to the notion of the 'closet' developed in queer studies. Sedgwick (1990) has shown that the closet is not simply the private state of a person who has not revealed his/her sexuality. It is a social structure of organization based on knowledge, secrecy, disclosure and uncertainty. People may know, may think they know, may deny knowing, may fear that others know. The effect is a volatile social climate in which sexuality is constantly being read.

Not always are the results of these conditions confined to social embarrassment. Meyer's (2003) minority stress model explains how stigma, prejudice, and discrimination create chronic social stress for sexual minorities. The important sociological aspect is that the worse outcomes are not the result of homosexuality per se. They have to be seen in the light of the social environment in which sexual minorities live.

This is also supported by recent research from India. One research study on Indian homosexual males in groups before and after decriminalization in 2025, found that the internalized homophobia of these males was associated with depression and suicidal tendencies. The 2023 group reported lower levels of internalized homophobia than the 2015 group. What this means is that it shows what legal reform can and cannot do: decriminalization can change the symbolic terrain, but deep-seated stigma does not disappear overnight.

Religion, morality and the social production of sexual difference- Religion has to be dealt with special sensitivity since the relationship between religion and homosexuality is not something that can be reduced to say that "religion causes homophobia." Religions have internal diversity. Religions change over time and are interpreted in different ways by different communities. The sociological problem is not religion as such, but the way in which certain interpretations of religion become associated with social authority, morality, the organization of the family, and the regulation of politics.

Religious discourse is especially effective when it connects sexual practices to ideas of purity, reproduction, family continuity and moral order. Sexuality is therefore no longer considered a matter of personal intimacy, but of collective morality. The family is identified with the community and the individual body with the family. A same-sex relationship can then be interpreted not only as a personal choice but as a rejection of family values, religious expectations or social traditions.

This helps to partly explain why the pressure on sexual minorities in India so often operates through the family. The family is more than a private institution. It is a basic mechanism of socialization, inheritance, reproduction, caste continuity, kinship, and social reputation. Expectations about marriage then, become powerful mechanisms for the production of heterosexuality. A youth may be told that marriage is the precondition of adulthood, that marriage to the opposite sex is the precondition of family honour, or that same-sex attraction is fleeting and will pass after marriage.

This arrangement is important when it is understood that marriage in Indian context is not only intimate relationship. It is inscribed in the networks of kinship and social expectation. Thus, refusal to marry in heterosexual norms can be experienced as refusal to reproduce the family itself.

What is important about Vanita's scholarship is that it questions the assumption that Indian cultural traditions are devoid of same-sex relations. Her historical study of same-sex unions demonstrates that intimate relationships between people of the same sex have existed in a variety of Indian contexts, ranging from those represented in literature and religious traditions to social practices and reported unions. This is not to say that pre-modern India was uniformly tolerant. This does not mean, either, that historical same-sex relationships necessarily equate to modern identities such as 'gay' or 'lesbian'. Instead it indicates that sexual practices and identities do not easily conform to a straightforward dichotomy between the traditional and the modern.

That's the crucial difference. Gay and lesbian identities today are historically specific ways of understanding oneself, but same-sex intimacy itself is not new. Contemporary sexual identities form in relation to urbanization, print culture, law, medicine, activism, digital media and global circulation of language. Thus the modern Indian subject who identifies as gay or lesbian can participate in both local cultural traditions and global queer vocabularies.

The expansion of digital spaces has only exacerbated this. The immediate local environments may not provide the anonymity, information, community and opportunities for relationship formation that are

potentially available through the online platforms. But the digital exposure involves new exposure risks. Research on geo-social networking among queer people in India has revealed that family reputation, social stigma, and fear of disclosure are all those factors that affect visibility, privacy and trust concerns (Pinch et al., 2022). Thus digital technology does not just free people from traditional social structures. It opens new spaces for the exploration of identity, but also generates new forms of surveillance.

Gender roles, homosociality and the policing of masculinity- Religion is one language of justification for sexual norms, gender roles another. Heterosexuality is sustained with not only expectations about sexual attraction, but also a complementary model of masculinity and femininity. Men are supposed to be masculine, women feminine, and heterosexual relationships are often depicted as the natural institutional arrangement in which these identities are given meaning.

Homophobia is therefore often a form of policing gender. It tells gay people what they should not do as much as it tells men what they should not be. A man who is seen as 'too feminine' can be called gay whether he is or not. A woman who will not act in a stereotypical womanly fashion may be challenged or stigmatized. So homophobia works to protect the gender order by making some performances costly.

Here is where Britton's (1990) argument about homosociality becomes relevant. Where gender segregation is intense, same-sex interaction is socially valued, but erotic same-sex intimacy is taboo. The line between homosociality and homosexuality has thus to be constantly drawn. Male friendship must be recognizable as 'masculine'; emotional intimacy may be restricted; physical affection may be rendered suspect. Homophobia is one of the means by which this boundary is policed.

Therefore, the association between homophobia and masculinity is not accidental. It is the result of a social system in which masculinity is often defined in opposition to femininity and homosexuality. The insult "gay," for example, can be used against a straight person as a disciplinary tool. The insult does not have to be a factual claim about sexuality. Its role is to declare that the person's behaviour has transgressed the accepted bounds of masculinity.

This observation also permits us to rethink violence. Beating up a homosexual is often referred to as an act of hatred. This is not wrong but the sociological analysis should go deeper. Violence can also be a message to the wider community. It communicates what occurs when lines are crossed. Violence has therefore a disciplinary function. It can punish the individual and at the same time reinforce the norm for everyone else.

Rumours work much the same way. Rumours of a man being gay or two women in a relationship can change their social standing even without proof. The accusation itself is a punishment. Sexuality is so bound up with family honour, marriageability and gender respectability that rumours can have repercussions far beyond the intimate life.

The person then learns to anticipate the possibility of being watched. Thus stigma is transformed into self-surveillance. You begin to think about gestures, clothing, friendships, speech, social media activity, and physical proximity to others. The gaze from outside comes in. Foucault's concept of disciplinary power is useful here, as surveillance works best when individuals begin to self-police.

Law, Section 377 and the limits of decriminalization- The history of Section 377 of the Indian Penal Code, is an example of the role of legal institutions in the social construction of sexual stigma. It was enacted in 1860 and criminalized certain forms of sexual activity under the colonial penal regime. Its language spoke of "carnal intercourse against the order of nature." This formulation made some sexual acts legally intelligible, by drawing a distinction between natural and unnatural conduct.

The importance of the provision went farther than prosecutions. Laws need not constantly enforce all these social meanings. It criminalizes certain forms of intimacy and thus marks those who engage in those practices as outside the bounds of legitimate citizenship.

Misra (2009), in his account of the decriminalization movement in India, describes how Section 377 has been used to harass, blackmail and make people vulnerable. It also shows how activists turned the fight into a broader movement by bringing in sexuality organizations, feminist groups, children's rights organizations and other civil society actors.

The 2009 Delhi High Court judgment was a landmark constitutional shift. But the Supreme Court's reversal in 2013 showed that how quickly judicial progress can be unmade. The landmark judgment was *Navtej Singh Johar v Union of India*, 2018. The Supreme Court ruled that the criminalization of consensual same-sex intimacy between adults was a violation of constitutional guarantees. It was not just about sexual acts, but about dignity, autonomy, equality, privacy and constitutional citizenship. Of course the legal transformation is very important. It decriminalized consensual same sex intimacy between adults. But



decriminalization should not be confused with sexual equality. This is important because the social institutions which regulate sexuality are independent of the criminal law.

One can be legally free to have a same-sex relationship and yet not free to broadcast it. A couple may not be criminalized but may still be unable to attain equal recognition in all spheres of family life. That gap was most visible in the Supreme Court's 2023 decision not to recognize a constitutional right to same sex marriage. Contemporary scholarship has thus emphasized that the post-377 landscape is one of on-going contestations over family, kinship, health, social recognition and equality.

This paper will therefore focus on the distinction between decriminalization and de-stigmatisation. Decriminalization alters the legal status of conduct. De-stigmatisation is a shift in social meaning. The former can be achieved through a judgment; the latter requires transformation across institutions and everyday relations.

Thus the legal history of homosexuality cannot be disentangled from questions of privacy. The constitutional recognition of privacy in Justice K. S. Puttaswamy v. Union of India and recognition of sexual orientation as tied to dignity and autonomy in Navtej Singh Johar fundamentally altered the relationship between sexuality and citizenship. But constitutional law privacy is not necessarily the same as privacy in everyday life. For example, in a family home, the individual may have little practical control over who learns about their relationships.

Thus, the present-day Indian sexual minority subject finds itself in a paradoxical situation. The state is increasingly recognizing sexual orientation as a dimension of dignity that is protected, while social institutions in everyday life may still require conformity. The law has often outpaced social institutions.

Homophobia, violence and alienation- The consequences of this gap can be understood in terms of the sociological concept of alienation. Erich Fromm's reading of Marx emphasised alienation as a state in which people are cut off from meaningful forms of connection and from their own human capacities. When applied to sexuality, the concept helps clarify what happens when people are forced to dissociate their public identity from their intimate desires.

It's not simply about stopping people from doing certain sexual things. It is because they could be prevented from incorporating sexuality in a coherent sense of self. They may be in love with someone. They may have another side in public. They have friends but hide intimate relationships. They may be part of family life but they expect to be rejected. That leads to a split social life.

Goffman's (1963) work on stigma is especially relevant here. A stigmatised identity requires information management. Some are able to hide the trait; others are more easily spotted. Sexual orientation is often potentially hidden, creating the particular issue of disclosure. "The individual has to constantly choose who to trust with knowledge."

Recent Indian scholarship reveals the process within families. A qualitative study of family members in Mumbai by Ranade, Shah and Chatterjee shows that family reactions to same-sex sexuality can be shock, disappointment, disapproval, rejection, hostility and violence, but can also change over time as family members try to make sense of sexuality. This is an important finding because it avoids portraying the family as merely oppressive or accepting. Families are also places where meanings are negotiated.

Marriage is also tied to the pressure to hide sexuality. To many sexual minorities in India, heterosexual marriage is an alternative to homosexuality and not a life choice of its own. Marriage is supposed to "fix" sexuality, have kids, and restore respectability to the family. Such expectations can put a great deal of emotional pressure on the individual and on any heterosexual partner he or she may have.

These pressures have psychological sequelae which must not be interpreted as evidence of the pathologic nature of homosexuality per se. The American Psychological Association makes it clear that homosexuality is not a mental illness and that prejudice and discrimination can lead to harmful psychological effects. The relevant distinction then is between sexual orientation and the social conditions imposed on sexual minorities.

Meyer's minority stress framework is particularly useful here. It suggests that sexual minorities may experience sexual minority stressors such as prejudice, discrimination, expectations of rejection, secrecy and internalized stigma. The framework changes the explanatory focus from minority identity to the social environment. This is particularly important in interpreting violence. Violence is more than just an extreme form of interpersonal dislike. It is part of a larger continuum that may include jokes, insults, exclusion, threats, forced disclosure, blackmail, family coercion, institutional discrimination and physical assault. The practices differ in intensity, but they can share a common logic: the production of sexual difference as socially consequential.



The present-day global landscape shows that legal reform is still uneven. According to ILGA World's 2024 data, 62 UN member states criminalised consensual same-sex sexual activity, with the death penalty legally prescribed in seven UN member states and legal uncertainty around capital punishment in several additional states. This figure is markedly different from the oft-quoted '72 countries' with which previous ILGA reports are associated and which referred to a previous period. This distinction explains why statistics of global criminalization must always be dated. The continued criminalization shows that law remains a potent tool of sexual regulation. But the Indian experience suggests an opposite problem: even if criminalization is removed, the social mechanisms through which stigma operates may remain.

Beyond the East–West binary- A further problem with conventional discussions of homosexuality is the tendency to divide the world into a sexually progressive West and a sexually conservative East. Such a distinction is historically misleading and sociologically reductive.

Western societies have themselves experienced long histories of criminalisation, religious condemnation, medical pathologisation and social violence against homosexual people. In some western countries the emergence of sexual rights is a relatively recent phenomenon. But at the same time, South Asian societies have not always been uniformly heterosexual in their cultural representations or in their intimate practices.

The history of sexuality in India is thus better viewed as the co-habitation of multiple sexual cultures. Same-sex relationships, homoerotic representations, gender variance and forms of intimate friendship have existed alongside powerful institutions of heterosexual marriage and procreation. Vanita's work in history demonstrates how same-sex unions have been negotiated through religious practices, social customs, literary traditions, and familial arrangements. It would be equally problematic to romanticise India's past as uniformly tolerant. Recognising same-sex intimacy in history doesn't automatically translate to an embrace of homosexual identity now. Today's identities are formed by contemporary institutions, global movements and new forms of political language.

The analysis of the transformation of intimacy by Giddens (1992) is useful here. He argued that modern sexuality is increasingly divorced from reproduction and increasingly tied to individual identity, intimacy and reflexive selfhood. This transformation is especially important for same-sex relationships because it challenges the assumption that sexuality must be ultimately organised around reproductive marriage.

But the Indian context shows that the move towards "plastic sexuality" is uneven. Urbanisation, higher education, digital media and migration can open new avenues for self-definition whereas family structures, religious norms, caste practices and marriage expectations continue to constrain them. Contemporary Indian sexuality is neither purely traditional nor purely westernised. It is a product of the interaction of multiple cultural and institutional systems.

This also accounts for Western LGBTQ+ categories as both enabling and constraining. Terms such as 'gay', 'lesbian', 'bisexual' and 'queer' give people language to make sense of experience that otherwise had no name. But the meanings attached to these categories do not always match local understandings of sexuality. Some may experience same-sex attraction without adopting an identity label. Some may adopt English identities and culturally specific understandings of relationships.

What is sociologically interesting, then, is not the question of 'authenticity' (which identity is 'real') but how people play with the vocabularies of selfhood on offer. Contemporary queer identity in India is thus best understood not as a "thing" but as a process of translation through local histories and global sexual cultures.

Contemporary India: from criminality to citizenship- The biggest change in India today, therefore, is not just the decriminalization of homosexuality in the limited way that Navtej Singh Johar laid down. The deeper change is the emergence of sexual orientation as a question of citizenship.

The constitutional language of dignity, equality, privacy and autonomy has provided a powerful vocabulary with which sexual minorities can challenge social exclusion. The 2018 judgment represented an important recognition that constitutional morality cannot be subordinated to majoritarian social morality. Yet constitutional rights become socially meaningful only when individuals can exercise them in everyday life.

This is where recent research on India becomes particularly significant. A scoping review of LGBTQI+ health research in India found that scholarship has historically been heavily focused on HIV, gay men/MSM and transgender women, while calling for more research into mental health, non-communicable diseases, the wider LGBTQI+ spectrum, rural populations, and life-course experiences. This is indicative of a significant research gap. Indian scholarship has generated a significant body of knowledge on legal rights,



HIV prevention and specific sexual minority populations, but there is a need for sociological work that links legal change to the everyday reproduction of sexuality through family, religion, gender norms and ordinary interaction.

More recent research also suggests the post-decriminalisation period cannot be read as a simple tale of progress. In 2024, The Lancet Regional Health – Southeast Asia analyzed the same-sex marriage ruling in 2023 and highlighted that both equality for LGBTQ+ people, and health equity remain hampered by the lack of legal recognition. Similarly, research on queer kinship has pointed to the ongoing regulation of intimate relations and the ways in which queer people recuperate and remake kinship outside of traditional heterosexual forms.

These studies suggest an important conceptual distinction: the legal subject and the social subject do not have to be one and the same. The legal subject can possess rights which the social subject can't easily exercise. Someone may have a right to privacy, but fear being found out. One has the right to equality but is afraid of being rejected by the family. A couple may not be criminalized, but may not have the social legitimacy that is associated with heterosexual marriage.

These contradictions persist and help illustrate why homophobia should be seen as relational and institutional rather than merely individual dislike.

Discussion: homophobia as boundary maintenance- We can now state more directly the main argument of this paper. Homophobia persists because it does social work.

First, it preserves the division between heterosexuality and homosexuality. Homophobia confirms heterosexuality as the norm by presenting homosexuality as abnormal, immoral or undesirable. Second, it sustains the distinction between masculinity and femininity. Homophobic language is used often to discipline men who aren't masculine enough, and women who transgress gender expectations. Third, it preserves the distinction between legitimate and illegitimate intimacy. The normative form of heterosexual marriage is presented as the proper institutional form of intimacy, because it brings together sexuality, reproduction, inheritance and kinship. This arrangement is called into question by same-sex intimacy, as it shows that intimacy is not necessarily contingent on heterosexual complementarity. Fourth, homophobia keeps the line between individual and collective identity. Sexuality is a family reputation matter. So the individual is not always allowed to experience sexuality as something private. Fifth, homophobia maintains the distinction between public and private. While heterosexual intimacy can be celebrated publicly through courtship, engagement, marriage and family rituals, sexual minorities are often expected to keep relationships private. Demand for privacy is therefore not neutral. It may be a mechanism of differential contact.

And finally, homophobia is the line between inclusion and exclusion. The charge of homosexuality can be a way of saying that a person has not fulfilled the requirements for membership in the group.

These functions account for the persistence of homophobia despite the decline of overt legal discrimination. If the basic boundaries are maintained, hostility may just shift from formal to informal institutions.

This argument also suggests that we should use the term “homophobia” carefully. Not all negative attitudes are irrational fears, and not everyone who reproduces heteronormative assumptions does so out of a conscious hatred of homosexual people. Some people might follow norms without seeing themselves as prejudiced. Some may support legal equality, but still believe that homosexuality is wrong in their own families. Some others may accept homosexuality but privately and not be willing to accept same sex relationships in public life.

The sociological problem then is to ask under what conditions prejudice becomes normal. Herek's conception of sexual prejudice is useful because it allows for concern about negative attitudes without assuming that every case is psychologically pathological.

This also makes the notion of heteronormativity especially useful. Heteronormativity operates through the normalization of expectations, not through explicit prohibitions. When parents ask a son if he has a girlfriend, when relatives ask a daughter when she is going to get married, when textbooks assume heterosexual families, when films portray heterosexual romance as the universal model of love, heterosexuality is reproduced without the need to be announced as an ideology.

When people don't fit the expectations, homophobia enters the system. The social response might be surprise, ridicule, correction, coercion, concealment or violence.



This creates a form of anticipatory conformity. People don't have to have been punished for real to be able to self-regulate. The threat of punishment is enough. That's why representation and jokes and rumours matter. They establish the limits of social acceptability.

The paper therefore uses the term 'post-criminalisation surveillance' to describe a situation where legal sanctions against consensual same-sex intimacy have been removed, but social mechanisms of monitoring remain. This is not to say that surveillance was introduced after decriminalization. Rather, it is a shift in the historical function of the state, where direct criminal control is diminished, but family, peer, religious and cultural surveillance can still play a role in determining sexual conduct.

This is the main theoretical contribution of the paper. The decline of juridical repression does not imply the decline of social regulation. It can instead move sexual regulation out of the criminal law and into everyday institutions.

The Indian experience is particularly relevant to our understanding of this relocation. Section 377 was an explicit regulation in the form of law. Since Navtej Singh Johar, consensual same-sex intimacy between adults is no longer criminalized in the same manner. But the heterosexual family, gender norms and religious morality still shape the social meaning of sexuality.

Thus the change is not complete because constitutional reform has failed but because law operates in a much larger social field.

Conclusion- Homophobia is often imagined as a problem that exists within individuals: a person's fear, hatred or discomfort of homosexual people. This paper has argued that such an explanation is inadequate. Homophobia must also be understood as a social mechanism that constantly produces and protects the heterosexual, gendered, family-respectability and legitimate intimacy.

The study of religion, gender roles, homosociality, law and social surveillance reveals that these aspects are inseparable. Religious readings can lend moral legitimacy to sexual norms; gender roles can enforce heterosexuality; homosocial institutions can police masculinity; law can criminalize or protect certain intimacies; everyday surveillance can ensure that formal legal change does not immediately translate into social acceptance.

The contradiction is especially clear in the Indian experience. Section 377 was a potent form of legal regulation of sexuality. Its colonial past reminds us that the current sexual politics cannot be read in terms of a simplistic opposition between Indian tradition and Western modernity. The 2018 Navtej Singh Johar judgment was a landmark constitutional transformation, cementing dignity, equality, privacy and autonomy for sexual minorities. Decriminalization did not, however, destroy the family, religious and gender institutions through which heterosexuality continues to be produced as the expected norm.

Perhaps the most important finding of the paper is this distinction between decriminalisation and destigmatisation. Legal reform is necessary, as criminalization permits social prejudice to become state policy. But the abolition of criminal punishment does not mean the abolition of social punishment. The law does not have to convert a person from being legally criminal to socially unacceptable in the everyday experience of exclusion.

The challenge, therefore, is not just to strike down discriminatory laws but to change the conditions which make discrimination possible. Such change needs to be made in education, in family socialisation, in media representation, in institutional practices and in public discourse. Schools have a particularly important part to play in this respect, as norms around gender and sexuality are learned long before individuals enter into adult relationships. Educators should thus tackle bullying, stereotypes and misinformation without viewing homosexuality as a problem to be fixed.

Religious communities have a role to play too, but this is no argument for substituting religious beliefs with secular ones. The more important task is to acknowledge the diversity of interpretation and to make sure that specific moral interpretations do not become tools of social exclusion or violence. In the same way, families have to be understood as spaces that can reproduce stigma and foster acceptance.

Attitudes can only be changed through a shift away from the language of tolerance and toward the language of equality and recognition. To be tolerant may mean that the majority graciously allows the minority to exist. Recognition goes further: it acknowledges sexual minorities as equal members in social life whose relationships, dignity and aspirations are not exceptions to the social order.

This is also why the goal should not be to make homosexuality "less visible" so that society can become more comfortable. A solution would be just the kind of boundary that creates stigma. The goal should be rather to make sexual difference socially ordinary without making it invisible.



Homophobia continues when heterosexuality is not questioned as the default mode of adulthood, intimacy and family life. Challenging homophobia, therefore, means questioning the institutional arrangements that make that default look inevitable.

The future of sexual equality in India, therefore, lies beyond the limited question of whether homosexual conduct is a crime. More basically: can people make intimate lives without having to defend, hide or sacrifice them? For sexual minorities, constitutional democracy is not fully meaningful until and unless the state no longer punishes them but also, social institutions no longer regard their existence as a problem to be solved.

The struggle is not simply one from criminalization to decriminalization. From the criminalization to the recognition, from the surveillance to the autonomy, from the compulsory heterosexuality to the authentic sexual citizenship.

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