ABSTRACT
This paper argues that gay dating platform-facilitated crimes and abuses in India are produced and perpetuated by structural queerphobia and sex-negativity in Indian society. We illustrate how sex-negativity and queerphobia are embedded in Indian families, neighborhoods, criminal law, and the criminal justice system, which help produce/exacerbate these crimes. We offer some recommendations as to how these can be changed and posit that future empirical studies should focus on reforming societal structures producing/exacerbating these crimes. We also suggest that framing safe dating advice in a more sex-positive light will reduce self-blame and better address these issues. Overall, we contend that a sex-positive queer-criminological theoretical lens will offer more effective approaches on which to base preventative measures and assist in supporting those experiencing such crimes.

KEYWORDS
Gay dating apps; queer criminology; sex-positive criminology; victimization; India; queerphobia; sex-negativity; gay dating platform-facilitated crimes

INTRODUCTION
In recent years, gay dating platform-facilitated crimes have received considerable media attention in India (see Ansar, 2018; Bhattacharya, 2018; Orinam, 2014; Times News Network, 2014). Typically, cases involve blackmailing, extortion, physical and sexual assault, image-based sexual abuse, robbery, or theft, perpetrated by an individual met via a gay dating platform. Some of these crimes, like image-based sexual abuse or blackmail, involve abuse that continues beyond the initial encounter. NGOs, community groups, and people who experience such incidents have taken to social media to highlight the existence of these victimizations (see, for example, Harmless Hugs, 2019; Queer Friendly Lawyers Network-West Bengal, 2020; Queerhythm, 2019; Yes We Exist, 2019a, 2019b). Recently, there have been arrests of small gangs of people involved in victimizing users of gay dating platforms (see Jaiswal, 2019; Singh, 2019; Times News Network, 2019). People who experience these crimes are often reluctant to report the incidents or seek help owing to the social stigmas around casual sex (see Shivanand et al., 2019) and queer sexualities (Boyce, 2006) in India.

Despite the seriousness and frequency of these crimes, and their impacts on the users of these platforms, to date, there is a dearth of empirical research on this issue in the Indian context. Moreover, there are no official statistics on these crimes, perhaps owing to the diverse nature of harms and abuses involved, and that no separate class of offenses exists for them. A mixed-methods study involving MSM (men who have sex with men), transgender women, and hijras in India confirmed what we have outlined before—that sexual partners met online were often the perpetrators of a range of victimization, including asking for money after sex, theft, physical assault,
forced sex, extortion, and blackmail (Li et al., 2017). Another qualitative study with 35 MSM around Mumbai, India reiterated multiple risks and challenges on gay dating platforms, including information security and identification by others and blackmail (Birnholtz et al., 2020). Beyond this, though, little is known about these issues.

This paper responds to this lack of research, setting out the empirical and theoretical parameters within which research on this issue ought to proceed. We suggest that these crimes are produced and perpetuated by the structural queerphobia and sex-negativity in Indian society, and argue that it is important that these factors are considered in future research and theorizing in this context. Our paper is positioned in relation to multiple bodies of thought in criminology. It contributes to Queer Criminology, which explores the role that an individual’s sexuality or gender identity plays in victimization and offending (Dalton, 2016). It also adopts a “sex-positive” approach (Wodda & Panfil, 2020), which suggests that, in the context of crime and victimization involving sex and sexuality, criminological studies need to shift from a moralizing understanding of sex that sees it as a site of danger and vulnerability, toward one that recognizes sex as pleasurable and as a right (Wodda & Panfil, 2020). We situate our discussion in the socio-legal context of India and illustrate how the crimes can be understood as produced, perpetuated, and sustained by systemic queerphobia and sex-negativity in that specific context. In so doing, we argue that future research and theorizing on these experiences should be clearly positioned within these theoretical and contextual coordinates. Such a focus will increase criminological understandings of these crimes and contribute to developing prevention strategies and support programs, thereby improving queer individuals’ overall experiences with the criminal justice system in India.

We begin by providing a broad overview of gay dating platforms and other queer online spaces in India and outline the socio-cultural context of India within which these platforms operate. We then discuss a range of abusive practices and crimes perpetrated through or enabled by, gay dating platforms in India, throughout which we show how structural queerphobia and sex-negativity underpin these crimes and the variety of responses to them. We suggest that safe dating advice in this context is largely sex-negative and could be framed more clearly in a sex-positive framework. Throughout, we highlight the need for more research on these issues in the Indian context, establish the importance of focusing on the systemic factors that perpetuate such harms.

**TERMINOLOGY IN THE INDIAN CONTEXT**

Before we begin, a note on terminology is in order. Throughout this paper, we use the term “gay dating platforms” to include a range of mobile applications and web-based platforms that are marketed as providing a range of services, including dating, social networking, and chats for the gay community. Such platforms act as spaces for social networking, dating, or arranging sexual encounters (Dasgupta, 2017, pp. 8–9) and are used by not only gay, bisexual, transgender, or queer-identifying people, but also by straight identifying men looking primarily for casual sex (see Rhoton et al., 2016). While we recognize the diverse users of these platforms, we adopt the term “gay” when sometimes referring to these platforms because this is the dominant way these platforms are referred to in academic research, and popular media (Bhattacharya, 2018; Salaria, 2020). Many of these platforms also market themselves as gay-oriented, by making their gay target audience clear in their homepages by using phrases like “gay dating that goes deeper” (PlanetRomeo, n.d.a), “one world, one social gay app” (Blued, n.d) and “gay social network” (Hornet, n.d). Although other platforms market themselves in more inclusive ways (Grindr, n.da; Taimi, n.d.), the platforms mostly reproduce a form of visibility and identity which aligns more

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1These platforms are variably referred to in the literature as gay male social networking applications (Tziallas, 2015), geosocial networking (GSN) apps (Rhoton et al., 2016) and sometimes, also as gay hookup apps (Ahlm, 2017).
with gay tropes than anything else. Example gay tropes include fields for sexual positions (top, bottom, versatile) or dick size or circumcision details in profiles. In this sense, these platforms are markedly different from other platforms catering to women seeking women (regardless of gender identity).

We use the term “people who have faced crimes/abuses” throughout this paper to refer to those who have experienced victimization or abuse through these platforms. We acknowledge that people who face crimes or trauma can self-identify with a range of labels, including victim, survivor, thriver, overcomer, and these identities can change across one’s lifetime (Ben-David, 2020). For the purposes of this paper, we do not use any of these specific labels unless citing from a source that specifically uses one of these labels.

Finally, we use the term “queer” to refer to the multitude of non-heterosexual sexualities and non-conforming gender identities in India. We acknowledge that this is a contentious term and that it might not resonate with all those we are seeking to include here. Many non-heterosexual and/or transgender people in India might not identify with labels like queer or gay or bisexual (for sexual orientation) or transgender (for gender identity). The usage of “queer” in the Indian context has particularly been criticized for being elite and foreign or Western (Tellis, 2012). Individuals might identify with more local labels like kothi, panthi, double-deckers, jogappa, hijras, or might not self-identify with any label at all (Boyce, 2007). However, some have critiqued these terms themselves as essentializing (Boyce, 2007). To address this, some have used the term MSM (Asthana & Oostvogels, 2001; Mimiaga et al., 2015) or same-sex attracted (Vanita & Kidwai, 2000) to refer to the wide variety of sexualities in India. However, there are also problems with those terms, as “MSM” risks excluding people who do not identify as men (transgender women, hijra, or jogappa communities, for example) and hence, are unlikely to be “same-sex” attracted. The word “queer” has already been used in the Indian context to refer to a diverse set of sexualities and gender identities (Narain & Bhan, 2005, p. 4) and, in line with that, we use “queer” to capture both concrete sexual and gender identities (like gay, bisexual, kothi, panthi, trans-woman, or genderqueer), as well as non-heterosexual desires and behavior which do not come with labels. This challenge highlights a limitation of language that perhaps no single term would adequately reflect the multitude of sexual desires, sexual behaviors, and sexual identities (or lack thereof) in India. The word “queer,” in its ambiguity and fluidity, might just be able to encompass the varied sexualities and sexual behaviors lying outside the purview of heterosexuality in this context.

GAY DATING PLATFORMS, QUEERPHOBIA, AND SEX-NEGATIVITY IN INDIAN SOCIETIES

To begin the discussion on crimes and harms enabled by gay dating platforms, one of the key aspects to discuss is the techno-social context in which the crimes happen. In this section, we begin by discussing the platforms themselves: their history, popularity, and the stigma around their use in India. Before gay dating platforms existed in app form, digital queer dating in India consisted of chatrooms (yahoo or MSN) and messaging services on social media platforms like Orkut, Facebook, or Hi5 (Chakraborty, 2012; Das, 2019a; Tellis, 2007). PlanetRomeo, a popular web-based dating platform aimed at gay men, dominated the Indian market from the early 2000s. Around 2011, gay dating apps like Grindr and Scruff expanded to India (Das, 2019a). These apps are applications on mobile handheld devices that use Global Position Systems to identify other app users based on locational proximity, and to facilitate “satellite dating” or “location based dating” (Quiroz, 2013). More recently, Blued, a Chinese-made app, entered the Indian market, with a number of features claiming to ensure the safety of its users (Sharma, 2019). Similarly, Delta, an Indian-made app for LGBT+ dating which launched recently promises to be more inclusive than other app companies (Das, 2019b; Mahale, 2018). Although official statistics are
not readily available to the public, India reportedly had 1.3 million PlanetRomeo users in 2015 and 11,000 Grindr users in 2013 (Dasgupta, 2017, pp. 8–9). Contemporary India, thus, features several dating platforms, both mobile and web-based; some exclusively catering to the queer population, and others, like Tinder, not catering exclusively to one community.

Gay dating platforms are popular around the world for several reasons. One of the main reasons that queer people use such community-focused dating platforms is because they may experience isolation from society and the platforms afford a connection with one’s community while maintaining significant anonymity (Narin, 2018). Other reasons for their popularity include difficulty in identifying queer people in the physical world, fear of rejection, and the possibility of queerphobic backlash (Fox, 2014). These dating platforms free people from not only these limitations, but also the locational confines of conventional queer venues like bars (Blackwell et al., 2015; Brubaker et al., 2016). The simplicity, privacy, and anonymity afforded by the platforms are especially welcomed in the Indian context as there is considerable social stigma and taboo around queer identities and sexual behavior, and because conventional queer venues are almost non-existent (Dasgupta, 2017). Gay dating platforms are also particularly popular as they are visually driven consumerist spaces. Hence, conventionally attractive bodies, sometimes represented in the form of self-made pornographic images (Phillips, 2015, p. 72), make up most of the user interface on many of the platforms. Such sexually attractive images on user profiles act as both the “narcissistic gaze of the subject” and “the voyeuristic gaze of the other” (Mowlabocus, 2010, p. 94) and add to the popularity of the platforms. To retain people’s interest for a longer time, the platforms use the gaming logic of rewards and punishments (Tziallas, 2015, p. 761). Here, receiving an intimate image, being asked on a date, or continuing chats are seen as gifts or rewards, while being ignored or blocked are seen as punishments (Phillips, 2015; Tziallas, 2015).

The dominant public perception is that gay dating platforms are primarily used to find partners for casual sex or hooking up: a “distinctive type of social encounter, a quick sexual encounter between strangers based on location awareness” (Licoppe et al., 2016, p. 2555), sometimes referred to in the literature as “digital cruising” (see Mowlabocus, 2010). This perception is evidenced both through research with users of these platforms in the US and France (Ahlm, 2017, p. 368; Sam Chan, 2018, p. 2572), as well as popular culture discourses around such platforms, including those in India (see for example Duffy, 2019; Singh, 2018). However, research indicates that people use gay dating platforms for a variety of goals and objectives, like arranging immediate sexual encounters, finding romantic partners or friends (Corriero & Tong, 2016) or just chatting (Blackwell et al., 2015), and, indeed, not all identify as gay (see, for example, Rhoton et al., 2016). Some users use them for merely killing time (see Rice et al., 2012). These goals and motivations for using dating platforms are often overlapping, fluid, temporally inconsistent, and ambiguous (see Fitzpatrick & Birnholtz, 2018; Sam Chan, 2018). This is because users aim to maximize the potential of dating platforms, and are “open to” a far greater number of possibilities than the specific goals mentioned on their profiles (Sam Chan, 2018).

The limited research that has occurred in India supports this research that there is a diverse array of reasons that people use these platforms. Dasgupta’s study of the politics of digital queer male sexualities indicates that dating platform users use them to form a variety of “virtual and physical intimacies” like sexting, posting in semipublic groups, chatting with other people on these platforms, and, specifically, hooking up (Dasgupta, 2017, pp. 41, 45, 52, 73). A Mumbai-based study reported that queer individuals use multiple gay dating platforms to search for potential partners for sex (Rhoton et al., 2016). However, despite the diverse ways in which these platforms are used, there is an overarching perception in India that those using these platforms are engaging in “digital cruising” for sex. The perception of “digital cruising” sometimes causes moral judgment from society, as using a gay dating platform is seen as an active attempt to act out one’s queerness. This is perceived to be more socially transgressive as it involves queer people expressing themselves sexually and seeking out sexual pleasure as opposed to “benign”
queer desire. For example, Ranade et al. (2020, p. 158) observe that parents often discuss their children’s same-sex partners but have “severe hesitation” when thinking about them having a sexual relationship. This needs to be understood in light of homonormative, queerphobic, and sex-negative traditions in India.

Like other neoliberal economies, in India, media representations (Das, 2018), activism (Ghosh, 2015), as well as the Supreme Court judgment that decriminalized “gay sex” (Kumar, 2020) privilege homonormativity—that is, a de-politicized queer community that privileges certain practices like domesticity, monogamy, marriage, and sexual restraint (Duggan, 2002). This consequently brackets other practices like polygamy, or casual, anonymous, or public sex as “bad” or less desirable (Peterson & Panfil, 2014, p. 549). Seeking anonymous sexual encounters on gay dating platforms is not seen as “respectable.” This homonormative framework overlaps with Rubin’s hierarchization of sexual relations in society. Rubin contends that sex taking place within the limits of a “charmed circle” that is marked inter alia by monogamy and privacy is good or respectable, whereas other types of sexual activity that lie outside of this charmed circle are less respectable or good (Rubin, 2012) and hence, stigmatized. Applying this framework to the context of gay dating platforms helps illustrate the stigma that surrounds users who are perceived as being promiscuous and hence, less respectable. It has been reported that users of gay dating platforms manage respectability in this context by employing a variety of techniques, such as blocking familiar people (like colleagues or neighbors) or not displaying their face in their profile picture (Ahlm, 2017).

The stigma around queer sexualities and sexual behavior are not unique to India, but the Indian context produces specific factors that make it acute. Family honor and reputation hold important positions in Indian societies. The literature on inter-faith or inter-caste relations and honor killings in India (Baxi et al., 2006; Gupta, 2010) offers ample evidence toward this. Most Indian families maintain close ties with their relatives, sometimes despite the geographical distance (Mullatti, 1995). This leads to a unique control being exerted by family members, resulting in the heavy policing of social norms. Social stigma is also more pronounced, with any socially transgressive behavior being met with ridicule and disapproval from the extended family, family friends, and neighbors. Anthropologists refer to this as the “shame culture” in Indian societies (Vanita & Kidwai, 2000, p. 198). Hence, individuals and families in India are more sensitive to circumstances that can lead to losing their “reputation” in society (Srivastava & Singh, 2015). Indian societies are also considerably sex-negative. Any sexual behavior taking place outside of a family-approved marriage has a considerable social stigma attached to it (Shivanand et al., 2019; Singh et al., 2020). Unsurprisingly, “carnal intercourse against the course of nature,” which was a crime in India until September 2018, carries an enormous amount of social and familial stigma and shame (Mimiaga et al., 2015; Srivastava & Singh, 2015; Thompson et al., 2013). Hence, the power regimes within family structures try their best to promote compulsory heterosexuality (HT correspondent, 2020; Sinha Roy, 2016, p. 291).

In addition to the family, the State, social institutions, and the media also perpetuate prejudice against queer individuals in India. While decriminalization of “carnal intercourse against the course of nature” has meant that penetrative queer sex in private now avoids the formal scrutiny of the state, other facets of sexual being and expression continue to be scrutinized and proscribed by the State and society. There are many examples that illustrate blatant discrimination and atrocities against queer individuals, which suggest a broadly queerphobic culture in India, despite recent legal changes. Notable examples include “femme” gay men recently being arrested by the police on alleged suspicion of being sex workers (Bhattacharjee, 2020), a gay teenager being driven to commit suicide because of bullying (India Today Web Desk, 2019), queer people being forced to undergo “conversion therapies” by family (HT correspondent, 2020), and popular social media influencers blatantly promoting hate speech against queer individuals (Singh, 2020). It is in
this queerphobic social environment that gay dating platform-related crimes and abuses take place.

**ABUSIVE PRACTICES AND CRIMES ENABLED BY GAY DATING PLATFORMS: a PRODUCT OF STRUCTURAL SEX NEGATIVITY AND QUEERPHOBIA**

As highlighted in the introduction, gay dating platforms facilitate abusive practices and crimes. One recognizable reason for these is that these platforms seemingly afford unique pathways for the commission of crimes. These affordances can arise from the easy identification of queer individuals (Knight & Wilson, 2016, p. 67), user anonymity, and easy access to someone’s house gained through the pretext of a hookup. These affordances, coupled with the stigma that surrounds queer sexual identity or behavior in India, make users of gay dating platforms in India particularly vulnerable to crimes and abusive practices. This section discusses some of these crimes and the queerphobia and sex-negativity that produce or perpetuate this. Importantly, many of these crimes cannot always be identified as existing or occurring distinctly online (cybercrime/cyber-violence) or distinctly offline (physical crimes) (see Bluett-Boyd et al., 2013). What is of specific interest here, though, is the way that these platforms have enabled or enhanced the commission of these crimes. The following sections discuss a few of these crimes and abuses and illustrate their link to systemic queerphobia and sex-negativity.

**Image-Based Sexual Abuse**

Image-based sexual abuse, especially sexual extortion, is one such crime that often features as a prominent form of gay dating platform-enabled crime and exists both online and offline (see, for example, Press Trust of India, 2017). Image-based sexual abuse has been defined as a continuum of abusive practices that usually involve the non-consensual creation and/or threats of/actual distribution of private sexual images (Mcglynn & Rackley, 2017, p. 536; McGlynn et al., 2017). One form of image-based sexual abuse is sexual extortion (McGlynn et al., 2017, p. 34). Defined as the practice of threatening to distribute someone’s private sexual images to make them do something or exact revenge (Wolak & Finkelhor, 2016), sexual extortion features prominently as a form of gay dating platform-related victimization in India. Typically, perpetrators threaten to distribute private sexual images, sometimes created without the knowledge of those whose images are used and demand monetary or sexual favors (see for example Press Trust of India, 2017). Empirical studies based in other countries have also shown that non-heterosexual adults are at a higher risk of facing image-based sexual abuse than heterosexual adults (see Gámez-Guadix et al., 2015; Priebe & Svedin, 2012). Gay dating platform users mitigate the risk of image-based sexual abuse by typically cropping out identifying features from an intimate photo, sending intimate images after the recipient has shared theirs, or by chatting with a prospective recipient for some time to build trust before sharing intimate images (Waldman, 2019). Yet image-based sexual abuse continues to happen in India to those using these platforms.

In the Indian context, the problem is exacerbated because even the consensual sending of “obscene images” is illegal under the literal interpretation of section 67 of The Information Technology Act (2000). Although there is no available precedent for such prosecution, the question remains whether people who encounter image-based sexual abuse would be prosecuted or stigmatized if they had voluntarily shared the images with anyone (a sexual partner, for instance). This also highlights the structural sex-negativity of the law itself. The law, especially section 67 of the IT Act (The Information Technology Act, 2000), has been criticized for being used to morally police and ban all forms of sexual expression through technology (Datta et al., 2017, p. 46). This is especially because there is no mention of consent in the language of the section. Lack of consent, or violation of sexual autonomy, is at the heart of the crime of image-based sexual abuse.
The Indian law overlooks this in its focus on responding to obscenity (Datta et al., 2017, pp. 44–47). This inherent sex-negativity of the law, along with the social stigma linked to any form of sexual expression (Singh et al., 2020) including sexting, make it challenging for people to seek redress through the criminal justice system. To address this, it is important that the law creates a distinction between non-consensual and consensual sharing of private sexual images. This will help the law to move away from its current abstinence-focused approach to a model that endorses affirmative consent and recognizes sexting as a valid form of sexual expression and media production (Henry et al., 2020, pp. 161–165). While this is important, it is only a small step, as queer people must also contend with additional stigma grounded in queerphobia when reporting image-based sexual abuse (discussed further next).

**Misuse of Photos and Other Identifying Information**

Gay dating platforms enable another type of abusive practice which is not unique to India but whose effects are exacerbated by the cultural context of queerphobia: misuse of photos and other identifying information. Photos voluntarily displayed on gay dating platform profiles are routinely used to commit a variety of offenses beyond image-based sexual abuse in India, including impersonation, blackmail, and extortion (Birnholtz et al., 2020). Perpetrators have threatened to “out” users to their family, as GPS functionality of the platforms sometimes allow people to pinpoint someone’s residence (Birnholtz et al., 2020). Similarly, users who furnish social media information on their profiles have been threatened with “outing” on social media (Birnholtz et al., 2020). Profile photos have also been used in the past to commit gross violations of privacy.

A pertinent example is the infamous 2011 TV9 sting operation, where a Hyderabad-based news channel aired a sensational news segment laden with moral panic around “rampant gay culture” in Hyderabad. This segment aired profile pictures of users of PlanetRomeo on live TV along with recorded excerpts from telephone conversations with users arranging hookups (Osserman, 2019). Although this generated huge outrage and opposition, resulting in the TV company having to air a public apology and pay a hefty fine (Singh, 2018), the incident goes a long way to illustrate the moral panic around queer sexualities and sexual behavior in India. Firstly, the broadcaster was catering to the queerphobic apprehensions of society (Osserman, 2019). This is clear from the usage of headings like “gay culture rampant in Hyderabad” or “boys chasing boys has become a new fashion in Hyderabad” (Osserman, 2019, pp. 179, 180). Secondly, the playing of telephonic conversation recordings where a TV9 investigator and a PlanetRomeo user were arranging a hookup (Singh, 2018) sought to cater to the sex-negativity and moral panic around sex in Indian society. This example shows that the culture of hypervisibility and/or surveillance on gay dating platforms, coupled with queerphobia in Indian society, exposes queer people to a range of abuses and crimes.

**Romance Frauds**

Another more direct abusive practice prevalent on dating platforms that cannot always be identified as distinctly online or offline is romance fraud. For users of gay dating platforms in India, this is again of unique concern. In recent times, the incidence of romance frauds through gay dating apps has increased manyfold in India (Chandran, 2021). Romance frauds/scams in the context of heterosexual dating platforms have been conceptualized as incidents where a person is defrauded through a perceived genuine romantic relationship (Cross et al., 2018). There are a number of ways in which these are operationalized (Rege, 2009), but studies based in the UK have reported that most typically romance frauds follow a few recurrent patterns (Gillespie, 2017; Whitty, 2013). In India, known incidences typically involve developing a relationship with a person (supposedly located in another country) over a period of time who plans to visit the person...
being defrauded. The perpetrator is supposedly detained at the airport by Customs and requires a significant amount of money from the person being defrauded to be released (Chandran, 2021). Once the person pays the money to those posing as “custom officers,” the perpetrator blocks the person being defrauded on all communication platforms (Chandran, 2021). Although not much research on romance scams exists in India, research conducted in Australia and the UK on heterosexual populations have reported that most romance frauds involve psychological abuse (Cross et al., 2018) and significantly affect the well-being of victims/survivors (Buchanan & Whitty, 2014).

These frauds are a cause for unique concern for queer people. Although romance frauds are not overtly queerphobic, anxieties around sex-negativity and queerphobia underpin the experiences of those being defrauded, especially when it comes to their seeking help. This is not just because formal reporting of these incidents will require disclosure of someone’s sexual identity/preferences, running the risk of them being outed to family. Sex negativity and queerphobia also make it difficult to find queer affirmative support services, like counselors, bankers, or lawyers, whose services might be crucial to a person defrauded (see Chandran, 2021). More research focused on gay dating platform enabled romance frauds in India will elucidate the unique experiences and challenges that queer individuals face in India.

**Assault, Robbery, and Criminal Intimidation**

Direct abusive practices facilitated by gay dating platforms include criminal intimidation, robbery, physical and sexual assault perpetrated by individuals met via these platforms. News articles and community discussions on these crimes make it clear that these often occur in hookup situations (for example, see Bhattacharya, 2018; Mehta, 2018; Times News Network, 2019). A typical scenario involves a user arranging a hookup through a gay dating platform and, upon reaching the sexual partner’s house, being accosted by four or five people threatening to “out” or assault them if they do not hand over their valuables (see Bhattacharya, 2018; Queer Friendly Lawyers Network & Varta Trust, 2018; Salaria, 2020). Notably, such crimes (particularly blackmail and extortion) existed in India prior to the emergence of gay dating platforms (Gupta, 2011). Often, such crimes occur in popular cruising spots, and sometimes the perpetrators are police constables themselves, entrapping queer individuals (Cohen, 2009; Elouard & Essén, 2013).

What is unique about these crimes is their connection to queerphobia and sex-negativity. Perpetrators use queerphobia embedded in a variety of social structures: family or neighborhoods (by threatening to out to family or property owners), workplace (by threatening to out at workplace), or the criminal justice system (by threatening to call the police). In addition to queerphobia, perpetrators use sex-negativity and shame associated with casual sexual activities in Indian society to their advantage. Property owners and neighborhoods are known to be hostile to both queer individuals (Bhaskaran, 2004, p. 125; International Commission of Jurists, 2019, pp. 8–9) and casual/non-marital sexual behavior (Bernroider, 2018). They are reportedly extremely hostile to casual sex, with property owners and neighborhoods undertaking strict surveillance of unmarried renters, especially women (see Bernroider, 2018). Disclosure of someone’s involvement in casual sex or hookup, especially if they are queer, can lead to judgment, ridicule, or even eviction (Bernroider, 2018, p. 765). Hence, sex negativity becomes as relevant as queerphobia (if not more relevant) in producing and perpetuating these crimes in Indian society.

As heteronormativity and sex-negativity are ingrained in so many societal structures, a starting point for addressing this can be an inclusive educational curriculum in schools. Although the Draft New Education Policy 2019 of the Government of India mentioned sex education in schools (Ministry of Human Resource Development, Government of India, 2019), the final National Education Policy 2020 did not adopt it (Ministry of Human Resource Development, Government of India, 2020). Neither of these policies mentions the incorporation of sexual and
gender diversity in school curricula, although they do mention the inclusion of transgender students in schools. Some research has demonstrated a fair amount of public support for the implementation of comprehensive sexual education in Indian schools (see Das, 2014; O’Sullivan et al., 2019). Similarly, advertising campaigns by local government bodies and companies can help unsettle societal heteronormativity and bring about acceptance for diverse sexualities (Ayoub & Garretson, 2017; Chauhan & Shukla, 2016).

While these crimes or abuses are not unique to the Indian context, the issues of queerphobia and sex-negativity in the Indian context, coupled with the slow pace of cultural change after legal change has occurred combine here to create conditions that impact uniquely on the experience of these crimes, the ability of those involved to seek help, and their experience when they do so. Yet, while research on these issues has been undertaken elsewhere, only relatively few studies have been undertaken in the Indian context. This means that more empirical research in the Indian context considering the above factors of queerphobia and sex-negativity is required if a fuller and more accurate understanding of these issues is to be developed.

REPORTING AND HELP-SEEKING BARRIERS FOR GAY DATING PLATFORM RELATED CRIMES

Queerphobia and sex-negativity not only impact the experience of gay dating platform-related crime but also directly limits help-seeking and the reporting of such crimes. International literature on queerphobic crimes generally shows that their rates of reporting are low (Miles-Johnson, 2013; Robinson & Berman, 2010) because, when it comes to reporting queerphobic crimes, individuals face several unique barriers like fear of queerphobia that are grounded “within a broader social and political context” (Peel, 1999, p. 165). Such barriers have been referred to in the literature as a form of secondary victimization: additional victimization that victims/survivors of queerphobic crimes face at the hands of family, friends, workplace, and the State when reporting them (Berrill & Herek, 1990, pp. 401–402). Those victimized by crimes on or enabled by gay dating platforms run the risk of such secondary victimization as formal reporting would require one to disclose their sexual identity and interest in queer sexual behavior (which follows directly from their presence on a gay dating platform or arranging a hookup). Given the queerphobic and sex-negative socio-cultural context of India, this leads to severe stigma and ridicule at the hands of family, friends, relatives, workplaces, and the police themselves (Mimiaga et al., 2015; Srivastava & Singh, 2015; Thompson et al., 2013). So, it is likely that people are reluctant to report such incidents. This deprives people of an important mechanism for responding to victimization. The literature on queerphobic hate crimes finds that reporting is an important coping mechanism for victims/survivors, as it feels like an effective next step and seemingly a service to the queer community at large (Feddes & Jonas, 2016, p. 63). It can also be a necessary pathway to achieving formal justice.

Studies in different countries have identified several reasons behind the non-reporting of queerphobic crimes. Findings from such studies in the US indicate that police officers themselves believe that the police do not take queer individuals seriously and did not treat them equally to heterosexual individuals (Bernstein & Kostelac, 2002, pp. 317, 323; Culotta, 2005). Practicality, safety, self-blame (Peel, 1999), shame, and fear of prejudice (Knight & Wilson, 2016, p. 67) are additional reasons for non-reporting. In South Africa, Wells and Polders found that fear of not being taken seriously, perceived/actual ineffectiveness of the police, friends’ unpleasant experience with the police, fear of being abused by the police, “outing,” and embarrassment were common factors for non-reporting among LGB people (Wells & Polders, 2006, p. 26). In Australia, studies have found that the reasons for non-reporting included unfair treatment, fear of discrimination and being “outed,” procedural confusion, previous negative experiences and perceived police homophobia (see Miles-Johnson, 2013, p. 11; Robinson & Berman, 2010). In the UK, similar
findings were reported and included downplaying/normalizing the victimization experience, and a lack of awareness and clarity around the procedures and outcomes of reporting (Chakraborti & Hardy, 2015, p. 24). Likewise, in the Netherlands, a mixed-methods study found similar reasons for the non-reporting of crimes and found that a fear of further backlash from the perpetrators and a desire to leave the experience behind (Feddes & Jonas, 2016).

A recurrent theme amongst the barriers identified above is the belief or apprehension about prejudice and homophobia in the criminal justice system. This has been argued as a vestige of the complicated and violent history of policing queer individuals (see Wolff & Cokely, 2007; Dwyer, 2014). This applies to India very well as India has its own sparsely documented similar history of policing queer individuals. This is especially so because of section 377 of the Indian Penal Code (1860): the provision often dubbed the anti-sodomy law of India. Since its enactment in 1860, this infamous law (along with several others) gave the police the authority to harass and assault queer individuals (Rege, 1996) until its repeal in 2018. The actual number of reported judgments where section 377 has been used to prosecute people is seemingly low, given that only thirty cases were reported involving section 377 from the period between 1860–1992 (PUCL-Karnataka, 2001, p. 12). However, the police had routinely weaponized it to entrap, harass, blackmail, and extort money from queer individuals who cruised in public spaces (Li et al., 2017; Misra, 2009). The police have also illegally detained, abused, and sometimes “outed” queer individuals to their families (for some documented instances, see PUCL-Karnataka, 2001, pp. 13–14). These have been extensively documented in books (Narrain & Bhan, 2005; Shahani, 2021), journal articles (Dutta et al., 2019; Li et al., 2017), civil society reports (Bhandari et al., 1991; PUCL-Karnataka, 2001), newspaper columns, and queer periodicals (Bharat, 2014). Although the law criminalizing homosexual acts has been read down, the police continue to harass and commit atrocities against queer individuals in India (for some documented instances of recent police atrocities, see Bhattacharjee, 2020). This structural queerphobia of the criminal justice system deters queer individuals from approaching criminal justice agents in India, resulting in skewed or limited understanding of crimes affecting queer people in India.

This police culture makes the crimes unique in India to the extent that the perpetrators can exploit or take significant advantage of the vulnerability, shame, and social stigma around reporting crimes by queer people. Research in other countries have shown that strategies like respectful and appropriate engagement with queer people, creating liaison positions within the police force (Goldberg et al., 2019), third party reporting centers (Chakraborti & Hardy, 2015), increased queer representation in the police force and queer-friendly identity markers (like rainbow badges) (Robinson & Berman, 2010) would make queer people more comfortable in reporting hate crimes. Although not much literature exists in the Indian context, open discussions between community-based organizations and the police and sensitization of the police force have been shown to work quite well (see, for example, Times News Network, 2020) so far. More research focusing on police culture and recommendations around changing this culture of hostility and stigma will help devise strategies to improve crime reporting experiences for queer people in India.

Sex-negative framing of safe dating advice and discourse

An important pathway to respond to these issues beyond the criminal justice system is through the platforms themselves. Dating platforms have acknowledged and taken steps to address crimes and abusive practices on their platforms. They generally do this by making users aware of safer dating practices by publishing “safe dating advice” on their websites (see for example Grindr, n.db; PlanetRomeo, n.db) or by continually adding new safety features to their platforms. For example, Tinder, a popular dating app (although not exclusively designed for queer people), recently started providing an optional photo verification feature, where all user-uploaded photos are verified with a selfie that users need to take through the app (Tinder, n.d). In India, Blued, a
gay dating app, has launched an “anti-cyberbullying” campaign and partnered with LGBTQIA+ organizations to provide helpline numbers to people who have faced “crises” (Blued, 2019). Similarly, promising to be safer than other platforms, Delta, an Indian-made queer dating app, offers a verification measure where users receive a trust score based on a number of disclosures, like identity documents, social media information, or selfies taken via the app (Das, 2019b). In addition to dating app companies, in India, civil society groups, NGOs, and online support groups have also worked hard to create more awareness around the issue by continually publishing flyers, pamphlets, and digital bulletins disseminating information on safe dating practices (see Brindaalakshmi, 2017; Good as You Bangalore, 2018; Queer Friendly Lawyers Network-West Bengal, 2020; Queer Friendly Lawyers Network & Varta Trust, 2018; Vasudevan, 2011).

While these moves offer a potential alternative to a criminal justice response, we suggest that much of this advice pivots around users self-regulating their desires and actions. Because of this focus on the “self,” we argue that these self-regulatory measures can easily feed into the stigma around casual sex and crime victimization, potentially leading to self-blame. This, we suggest, limits help-seeking, and impacts on how effectively these abuses can be prevented and the extent to which their impacts can be mitigated. For example, advice phrased as “Don’t rush into things” (Grindr, n.da) or “Keep your eyes open and stay safe” (PlanetRomeo, n.da) frame “rushed” and anonymous sex as dangerous, and subtly shift the responsibility for safety onto those who choose to partake in this “dangerous activity.” This shifting of responsibility opens a possibility of self-blame in the event of victimization and contributes to the barriers surrounding help-seeking and reporting. We do not suggest that such advice around self-regulation is not helpful or necessary, but that it is predominantly sex-negative. Such advice can be clearly contrasted to prevention advice and recommendations around crimes and abuses that happen to those positioned within Rubin’s charmed circle, like those who are married. For example, recommendations around prevention of domestic violence within heterosexual families in India include disrupting the acceptability of violence as a feature of marital homes and strengthening the ability of community groups to respond positively to the disclosure of such violence (International Center for Research on Women & The Centre for Development & Population Activities, 2000). Such advice focuses on changing structures like patriarchy or stigma around disclosure. They do not frame relationships or marriages as inherently dangerous, do not stigmatize those engaging in marriage, and nor do they urge people to “keep their eyes open” while entering a marriage or a relationship.

Advice around gay dating platform-related crime prevention needs more explicit acknowledgment of sexual pleasure as a right and sex in anonymous contexts as “good” as in other contexts. This can be done by foregrounding and normalizing help-seeking, irrespective of the amount of risk someone has taken or irrespective of how many safety precautions they have or have not followed. There are multiple ways that this can be furthered. To begin with, safe-dating advice columns/webpages can start with statements assuring users of non-judgmental support, irrespective of the risk that someone took, followed by helpline numbers and other contact details of support workers. Such strategies can begin to reduce self-blame and encourage more people to seek support.

CONCLUSION

In this paper, we have highlighted gay dating platform-related crimes and abuses in India, and the increased attention they are receiving. We detailed what is currently known about those crimes and practices, and highlighted the need for more academic engagement with the systemic factors producing and perpetuating these crimes and abuses, specifically sex-negativity and queerphobia. Building on sex-positive criminology, we argued that social structures in India, including the family, neighborhoods, criminal law, and the police perpetuate queerphobia and sex-negativity, which facilitate the commission of these abuses and crimes and structure the experience of
the crime or abuse. We also noted the points at which queerphobic and sex-negative cultures deter people from reporting these experiences to the police or seeking help, depriving them of access to formal justice mechanisms. We also showed how sex-negative framing of safe dating advice can lead to self-blame, and suggested that such advice be reframed in a sex-positive light. To develop these arguments, we have drawn from the extant literature, most of which has not, to this point, specifically focused on the Indian context. This paper serves not only to draw academic attention in queer criminology and related fields to these issues in the Indian context but also to highlight the need for further empirical research. Studies squarely positioned within queer and sex-positive criminology would provide insights that are more reflective of the Indian context. They would also uncover new approaches to preventing these abuses and providing support, thereby contributing to greater access to social and legal justice for those impacted by these abuses and crimes.

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