Chapter - I

HOMOSEXUALITY - CONCEPTUAL AND THEORETICAL ANALYSIS

The LGBT community or GLBT community, commonly referred to as the gay community, is a loosely defined grouping of lesbian, gay, bisexual, and transgender (LGBT) and LGBT-supportive people, organizations, and subcultures, united by a common culture and social movements. These communities generally celebrate pride, diversity, individuality, and sexuality. LGBT activists and sociologists see LGBT community-building as an antidote to heterosexism, homophobia, biphobia, transphobia, sexualism, and conformist pressures thought to exist in the larger society.

Homosexuality is a feeling or desire involving sexual attraction to people of one’s own sex. In common usage, the term homosexual is used to refer to both same-sex oriented males and females. The word ‘Gay’ is often used as a synonym for male homosexual behaviour while the term ‘Lesbian’ is referred to a woman who is sexually attracted to another woman. In terms of sexual orientation of individuals, a bisexual person is sexually attracted to both men and women. Transgender is another category who is neither a complete man nor a complete woman and are
called ‘Hijras’ in Hindi and jovially referred to as ‘neither here nor there’. Gays and lesbians emphasise the cultural, social and identity aspects of homosexuality.

Sexologists and sociologists are becoming increasingly aware that society cannot be divided into compartments such as homosexual and heterosexual, gay and lesbian, male and female. There is an entire sexual spectrum out there including bisexuels, transsexuals and transgendered people. In fact, sexuality is turning out to be a complex mix of biology, behaviour and identity.

Although homosexuality has a long history in India, the gay movement is relatively nascent. Until recently, most homosexuals in India did not have many social and cultural avenues to express their sexuality. This is changing now, thanks to greater awareness and education. Many men of homosexual orientation are choosing to identify themselves as 'gay' and embracing a lifestyle that resists marriage and other conventions of an otherwise heterosexual society. They remain largely invisible and form networks that shy away from the public glare for fear of social and familial backlash.

The word 'Gay' is associated with several stereotypical images and ideas, like the way they act and dress. Thus, whether correct or not, we have a certain awareness of gays in our consciousness, like feminine men wearing tight, leopard prints. However, there is no real image of lesbians
in our consciousness. They are denied any kind of identity and it could just as well be that they don't exist at all. This is another kind of silencing that we see taking place. Lesbian women cannot speak for themselves, because according to society, they don't exist at all. Female sexuality has always been as taboo-something not to be discussed, something which is a matter of the "domestic sphere". This new angle to female sexuality will obviously be hard to accept. Furthermore, this also punctures male supremacy as the need for the males get rejected here. Women are forcibly married off to men so as to "cure" them. They are suffocated by ideological discourses and glorified expectations of women as custodians of "morals, tradition and culture".

With this environment and backdrop, the Lesbian movement has crawled along with the gay initiatives for its sustenance and growth. For a better understanding of the different facets of homosexuality, there is a need to visit the conceptual, cultural, social and legal aspect of homosexuality as well as to ascertain its acceptance status in various countries.

**Conceptual and Historical Aspects:**

The shift in the understanding of homosexuality from sin, crime and pathology to a normal variant of human sexuality occurred in the late 20th century. The American Psychiatric Association, in 1973, and the World Health Organisation in 1992, officially accepted its normal variant
status. Many countries have since decriminalised homosexual behaviour and some have recognised same-sex civil unions and marriage.

The new understanding was based on studies that documented a high prevalence of same-sex feelings and behavior in men and women, its prevalence across cultures and among almost all non-human primate species. Investigations using psychological tests could not differentiate heterosexual from homosexual orientation. Research also demonstrated that people with homosexual orientation did not have any objective psychological dysfunction or impairments in judgement, stability and vocational capabilities. Psychiatric, psychoanalytic, medical and mental health professionals now consider homosexuals as a normal variation of human sexuality.

Human sexuality is complex. The acceptance of the distinction between desire, behaviour and identity acknowledges the multidimensional nature of sexuality. The fact that these dimensions may not always be congruent in individuals suggests complexity of the issues. Medicine and psychiatry employ terms like homosexuality, heterosexuality and trans-sexuality to encompass all related issues, while current social usage argues for lesbian, gay, bisexual and transgender (LGBT), which focuses on identities.

The prevalence of homosexuality is difficult to estimate for many reasons, including the associated stigma and social repression; the
unrepresentative samples surveyed and the failure to distinguish desire, behaviour and identity. The figures vary between age groups, regions and cultures.

Anthropologists have documented significant variations in the organisation and meaning of same-sex practices across cultures and changes within particular societies over time. The universality of same-sex expression coexists with variations in its meaning and practice across cultures. However, recent research argues that psychological and interpersonal events throughout the life cycle explain sexual orientation. It is unlikely that a unique set of characteristics or a single pathway will explain all adult homosexuality.

The argument that homosexuality is a stable phenomenon is based on the consistency of same-sex attractions, the failure of attempts to change and the lack of success with treatments to alter orientation. There is a growing realisation that homosexuality is not a single phenomenon and that there may be multiple phenomena within the construct of homosexuality.

Anti-homosexual attitudes, once considered the norm, have changed over time in many social and institutional settings in the west. However, heterosexism, which idealises heterosexuality, considers it the norm, denigrates and stigmatises all non-heterosexual forms of behavior, identity, relationships and communities, is also common.
In addition to the challenges of living in a predominantly heterosexual world, the diversity within people with homosexual orientation results in many different kinds of issues. Sex, gender, age, ethnicity and religion add to the complexity of issues faced. The stages of the life cycle (childhood, adolescence, middle and old age), family and relationships present diverse concerns. In most circumstances, the psychiatric issues facing gay, lesbian and bisexual people are similar to those of the general population. However, the complexities in these identities require tolerance, respect and a nuanced understanding of sexual matters. Clinical assessments should be detailed and go beyond routine labelling and assess different issues related to lifestyle choices, identity, relationships and social supports. Helping people understand their sexuality and providing support for living in a predominantly heterosexual world is mandatory. People with homosexual orientation face many hurdles including the conflicts in acknowledging their homosexuals feelings, the meaning of disclosure and the problems faced in coming out.

Gay-affirmative psychotherapies have been developed, which help people cope with the awareness of being same-sex oriented and with social stigmatization. There is no evidence for the effectiveness of sexual conversion therapies. Such treatments also raise ethical questions, In fact, there is evidence that such attempts may cause more harm than good, including depression and sexual dysfunction. However, faith-based
groups and counsellors pursue such attempts at conversion using yardsticks, which do not meet scientific standards. Clinicians should keep the dictum “first do no harm” in mind. Physicians should provide medical service with compassion and respect for human dignity for all people irrespective of their sexual orientation.

There are a few small case series in psychiatric literature detailing homosexuality in males and its treatment with aversion therapy. It places the responsibility on the individuals without critically examining the social context, which is stigmatising and repressing. The medicalization of sexuality and the political impact of labelling and its role in social control are often discounted. The ubiquitous use of disease models for mental disorders is rarely questioned.

There is a dearth of Indian psychiatric literature that has systematically investigated issues related to homosexuality. Data on prevalence, emotional problems faced and support groups and clinical services available are sparse.

Research into these issues is crucial for increasing our understanding of the local and regional context related to sexual behaviour, orientation and identity in India.

Despite medicine and psychiatry arguing that homosexual orientation is a normal variant of human sexuality, mental health
fraternity and the government in India are yet to take a clear stand on the issues to change widely prevalent prejudices in society. The fraternity needs to acknowledge the need for research into the context-specific issues facing LGBT people in India. The teaching of sexuality to medical and mental health professional needs to be perceptive to the issues faced by people with different sexual orientations and identities. Clinical services for people with such issues and concerns need to be sensitive to providing holistic care. A positive and a non-judgemental attitude will go a long way in relieving distress. Professional societies need to increase awareness of these issues, transfer knowledge and skill and provide opportunities to increase the confidence and competence of mental health workers in helping people with different sexual orientations and identity. Psychiatrists and mental health professionals need to be educated about the human rights and possible abuses. The emphasis should not just be on education but also on a change of attitude.

The American psychological Association is urging mental health professionals not to shun the assumption that gays and lesbians can change their sexual orientation through therapy or other treatments, insisting that it will not work.

A new resolution adopted by the group states that parents guardians, young, people, and their families would also be wise to avoid
sexual orientation treatments that portray homosexuality as a mental illness or developmental disorder.

The group adds that people should instead seek psychotherapy, social support, and educational services “that provide accurate information on sexual orientation and sexuality, increase family and school support and reduce rejection of sexual minority youth.”

Researchers have not firmly concluded to what extent homosexuality is genetically inherited, but many think it is a mix of nature and nurture.

However, a number of studies have suggested the involvement of genes in homosexuality. Glassgold said that though conflicting research on the therapy issue is cited by some, studies have found that “sexual orientation was unlikely to change due to efforts designed for this purpose.”

Based on this review, according to a statement issued by the APA, the task force suggested that mental health professionals better avoid misrepresenting the efficacy of sexual orientation change efforts (SOCE) when providing assistance to people distressed about their own or other sexual orientation.
The task force examined 83 peer-reviewed journal articles on the topic of SOCE written from 1960 to 2007, along with other recent studies on the psychology of sexual orientation.

‘Therapy can’t turn gays and lesbians straight’

Analysing the studies conducted in the past, the task force could not reach any conclusion on whether SOCE is effective, or on whether the methods might be safe or harmful.

Without such information, psychologists cannot predict the impact of these treatments and need to be very cautious, given that some qualitative research suggests the potential for harm. Practitioners can assist clients through therapies that do not attempt to change sexual orientation, imposing a specific identity outcome.

The Task force also identified some clients seeking to change their sexual orientation may be in distress because of a conflict between their sexual orientation and religious beliefs.

It suggested that licensed mental health care providers treating such clients help them “explore possible life paths that address the reality of their sexual orientation, reduce the stigma associated with homosexuality, respect the client’s religious beliefs, and consider possibilities for a religiously and spiritually meaningful and rewarding life.”
Homosexuality as a cultural phenomenon is not new. Sappho, a Greek poet and teacher of arts, who lived between 630 and 612 BC in the Greek city state of Lesbos, was known for her preference for women and had affairs with several of her female protégés at her Centre for Arts. Yet she was highly respected, both for her artistic sensibility and her poetry, which combined reference to lesbians love. Plato extolled her as the tenth Muse and the coins of her times were embossed with her image.

It was with the advent of Christianity that homosexuality came to be stigmatized and segregated to the borders of the mainstream sexuality. The meta narrative of Christianity demonized homosexuality. Later, in the early twentieth century, the sexological discourses pathologised it in the West. The Biblical account of destruction of Sodom and Gomorrah is well known across the Christian world. Sexologists, such as, Karl Westphall, Karl Ulrichs, Richard von Krafft-Ebbing and Havelock Ellis considered homosexuality as inversion. Gays and lesbians were, therefore, scorned, discriminated against and victimized. Surprisingly, therefore, lesbians and gays remained ‘closeted’, and there was hardly a gay/lesbian literature.

Since the middle of twentieth century, the attitudes towards homosexuality have undergone a change. Gayism/lesbianism has not only been de-bounded and decriminalized but also a large number of countries, such as, Netherlands, South Africa, Canada, Hungary, Iceland, Belgium,
Spain, Germany, France, Mexico, a few federal units of the United States and several others have legalized gay marriage.

In India the situation has been paradoxical. The stigmatization and circumvention of homosexuality are considered of the colonial import. So is homosexuality - this is what the Right wing forces believe. According to them, homosexuality is alien to Indian culture and is a source of moral corruption. The British colonial government introduced Article 377 in the Penal Code in 1868 criminalizing homosexuality and laying down stringent punishment of fine and/or life imprisonment for sexual acts against ‘the order of nature’. Earlier than that in Indian culture, lesbianism and gayism were acceptable forms of sexuality-the most ancient sculptural art of Khajuraho caves and the architecture of some of the Hindu temples in Orissa bear testimony. Influenced by colonial thinking, the non-heteronormative sexual identities came to be objected and outlawed in India.

The cultural environment has, therefore, been hostile to gays and lesbians in India. They are afraid to cross to boundaries and ‘come out’ for fear of physical violence, and social opprobrium and there is not much literature dealing with same-sex love. Any cultural expression of lesbianism/gayism engenders anger and retaliation, especially among the Right wing forces, who display abhorrence and complete intolerance of homosexuality, in art and literature. It must also be mentioned here
whether in films or literary works, the representation of gays/lesbians projects them as borderline bugs, criminals, mentally sick, or deprived of heterosexual coition.

In the nineties, the issue of identity assumed great importance both in the realm of lesbians and gay theory and the Movement. The idea of biological essentialism was found to be limiting and exclusionary as other nonheteronormative sexualities like transgenders, transsexuals, hijras, kothis, and panthics, who are women trapped in men’s bodies were ignored. Therefore, the overarching umbrella term ‘Queer’ came to be used for all these categories. Judith Butler’s theory of ‘performativity’, using post-structuralist tools of Jacques Derrida, Michel Foucault and Jacques Lacan, conceptualized gender/sexuality as ‘performatice, that is, a role performed by the subject, according to her/his choice which resulted in (i) pluralism of gender identities and (ii) considering gender/sex as fluid and a matter of choice. Its effect can be seen in India where the Gay Pride Marches in Delhi, Kolkata, Bangalore and Chennai include lesbians, gays, hijras, transgenders, and others who come together as ‘Queer’ to forge coalitional politics against the homophobic Indian society.

Homosexuality has an ancient history in India. Ancient scriptures like Rig-Veda which dates back around 1500 BC and sculptures and vestiges depict sexual acts between women as revelations of a feminine
world where sexuality was based on pleasure and fertility. The description of homosexual acts in the Kamasutra, the Harems of young boys kept by Muslim Nawabs and Hindu Aristocrats, male homosexuality in the medieval Muslim history, evidences of sodomy in the Tantric rituals are some historical evidences of same sex relationship.

However, these experiences started losing their significance with the advent of vedic Brahmanism and, later on, of British Colonialism. Giti claims that Aryan invasions dating to 1500 B.C. began to suppress homosexuality through the emerging dominance of patriarchy. In the Manusmriti there are references to punishments like loss of caste, heavy monetary fines and strokes of the whip for gay and lesbian behaviour. Manu's specifications of more severe punishments for married women can suggest either a wide prevalence of such relationships among married women or a greater acceptance of these practices among unmarried women. In either cases, these references point to the tensions in the norms of compulsory heterosexuality prescribed by Brahmanical partite. Both sexual systems coexisted, despite fluctuations in relative repression and freedom, until British colonialism when the destruction of images of homosexual expression and sexual expression in general became more systematic and blatant.

Various explanations of the origin of homosexuality have been proposed. Some of these explanations invoke biological factors, where as
others invoke social factors. Some argue that homosexuality is a chosen lifestyle, some believe that sexuality is socially constructed, and some make a case for homosexuality being multiple determined. Homosexuals are more likely than heterosexuals to manifest non right handedness. Therefore, one could say that homosexuality has a possible prenatal origin in some homosexuals. On the other hand, the majority of homosexuals are right-handed.

Recent studies on the concordance for homosexuality among identical twins have shown that identical twins are highly discordant for homosexuality; these studies have also consistently implicated the non shared family environment but not the shared family environment in the genesis of homosexuality.

Several environmental factors have been implicated in homosexuality for instance, male homosexuals are more likely to report a dominant mother than male heterosexuals. On the other hand, not all male homosexuals report a dominant mother and some heterosexuals men have a dominant mother. Additionally, in a sample of homosexual men with borderline personality disorder, their fathers were more affectionate and their mothers was more emotionally distant, which is the opposite of the dominant mother, absentee father paradigm. Another environmental factor associated with homosexuality is childhood molestation. Homosexuals appear more likely to have been molested or raped by men
in childhood than heterosexuals. However, several homosexuals molested or raped in childhood recall experiencing same sex attractions before their molestation or rape. Additionally, how is it that whereas boys molested by men are more likely to be homosexual as adults, even girls molested by men are likely to be lesbians as adults?

Social constructivism as applied to understanding the origin of homosexuality in better known as 'Queer theory', though queer theory does not strictly concern itself with homosexuality; it aims to undermine any explanation that goes against the social constructionist paradigm. Queer theorists argue that "The Homosexual" is a 19th century social construction, and a product of medical discourse, an idea initially made famous by "Michel Foucalt". Queer theorists argue that prior to this date, some people engaged in homosexual acts but had no homosexual identity. Queer theorists also emphasize the instability of erotic targets in some individuals and the cross-culture variability of homosexuals expression to argue that homosexuality is socially constructed. The notion that the concept of a homosexual is a recent social reconstruction has been thoroughly debunked. Throughout recorded history, several European and non-European cultures have been aware of Individuals who sexually prefer partners of the same sex or both sexes. Such awareness has also often corresponded to a taxonomy of the types of people with sexual interest in the same sex, and such taxonomy has often classified both the receptive and the active partners in a male homosexual act. Middle-
Eastern cultures have even had terms for a different kinds of boy prostitutes. Some cultures have not developed a taxonomy of non heterosexual types or lack the concept of homosexual. However one can still find homosexuals among such cultures-Indeed a cat by any other name or by no name is still a cat.

The claim of the social constructionists that there are social sources of human sexuality cannot be easily dismissed. Surely, those who favour a biological explanation of homosexuality need to account for the cross-cultural variability in the tolerance and expression of various homosexual behaviours.

Since time immemorial and within all cultures of the world gays, lesbians, Transgendered and intersexed people have been described, acknowledged and even accommodated within society. From the "mahu" and "aikane" of Polynesia to the "berdache" of Native America Tribes; from the "sekhet" of prehistoric Egypt to the "eunuchs" of ancient Greece and Rome; from the "sares" to the Isralites to the 'mu omin' or trusted men of the Syrians, from the traditional third gender roles of aboriginal tribes in Africa such as among the Mbo people of Zaire to the place and harem guards of the Arabs and Chinese; from the cross dressing entertainers of Manila and Bangkok to the "Hijra" and "Jogappa" dancers and temple priests of north and south India; right down to our own modern gay and transgendered communities is san Francisco, London and
Sydney - persistent and unmistakable "third" or alternative gender subcultures have always naturally existed in one form or another. The existence of same sex romance and sexual desire in the past has been reported since ancient times.

Ancient Greece has long been portrayed as a homosexual paradise for today's modern gays and lesbians. The most famous historic gay culture, Greek society normalized same sex love among its male and female members. Homosexuals relations were believed to be above the lower-classes, reserved for the middle class and aristocracy.

HOMOSEXUALITY IN INDIA:

Homosexual people were somehow excluded or left unnoticed by Indian ancient Vedic civilization and its Sanskrit texts is neither reasonable nor fair to that great culture. India's ancient literatures are comprised of voluminous texts and their priestly authors were all known for their detailed accounts of all sciences, both godly and mundane. It is highly unlikely that they would omit or overlook any aspect of human nature. Rather we see in the Kama shastra full accounts of both men and women who had "Tritiya-prabriti" or "third-sexed" by nature and described as homosexually.

The present day "hijra or "eunch" class of Northern India is unquestionably comprised largely of homosexual and transgendered
people, with only very few who are truly intersexed. This has been documented through years of research and personal interviews conducted by professionals like Dr. Serena Nanda, the professor of Anthropology for the city University of New York. In her book "THE HIJRA OF INDIA". Sinhas (1967) study of hijra in Lucknow, in North India, acknowledges the hijra role as performers, but view the major motivation for recruitment to the hijra community as the satisfaction of the individuals homosexual urges.

Anyone familiar with modern GLBTI (gay, lesbians, bisexual, transgender, intersexed) communities people will immediately recognize the correlation between them and the Vedic descriptions of the third sex. This is because their gender qualities and behaviours are universal and especially now a days quiet well known.

Homosexuality is generally considered a taboo subject by both Indian civil society and the government. Public discussion of homosexuality in India has been inhibited by the fact that sexuality in any form is rarely discussed openly. In recent years, however, attitudes towards homosexuality have shifted slightly. In particular, there have been more depictions and discussion of homosexuality in the Indian news media and by Bollywood. On 2 July, 2009, Delhi High Court, decriminalised homosexual intercourse between consenting adults and
judged **section 377** of 'the Indian Penal code to be conflicting with the fundamental rights guaranteed by the Constitution of India.

**Religion** has played a significant role in shaping Indian customs and traditions. While homosexuality has not been explicitly mentioned in the religious texts central to Hinduism the largest religion in India, some interpretations have been viewed as condemning homosexuality. Scholars differ in their views of the position of homosexuality within India's main religious traditions. There have been arguments that homosexuality was both prevalent and accepted in ancient Hindu society.

The **Manusmriti**, which lists the oldest codes of conduct that were proposed to be followed by a Hindu, does include mention of homosexual practices, but only as something to be regulated. Though homosexuality was considered a part of sexual practices, it was not always well accepted. There were punishments prescribed for homosexual behaviour, For instance, the verse referring to sexual relations between an older woman and a virgin (woman) reads".... a woman who pollutes a damsel (Virgin) shall instantly have (her head) shaved or two fingers cut off, and be made to ride (through the town) on a donkey", suggesting a severe punishment. However, the verse referring to sexual relationship between two virgins suggests a relatively milder punishment" ... a damsel who pollutes (another) damsel must be fined two hundred (panas), pay the double of her (nuptial) fee, and receive ten (lashes with a) rod". These provisions,
quoted out of context, seem homophobic, but in fact they are concerned not with the gender of the partners but with the loss of virginity that rendered a young woman unworthy of marriage. For instance, the punishment for a forced sex act between a man and a woman states ... "If any man through Insolence forcibly contaminates a maiden, two of his fingers shall be instantly cut off, and he shall pay a fine of six hundred (panas)", which seems more severe in comparison to the punishment prescribed for the same act between two virgins. There is also no penalty prescribed for two non-virgins who have sex together.

The skewed treatment may have been due to gender bias, considering that the Manusmriti is the same scripture that has stated that the status of woman in the society is the same (or even lower than) that of a man's land, his cattle and other possessions.

The unabridged modern translation of the classic Indian text Kama Sutra deals without ambiguity or hypocrisy with all aspects of sexual life including marriage, adultery, prostitution, group sex, male and female homosexuality and transvestism. The text paints a fascinating portrait of an India whose openness to sexuality gave rise to a highly developed expression of the erotic.

Actually, in classical India, the disparagement for the homosexuals was not devoid of compassion. The homosexual belongs to a deficient class of men called Kliba in Sanskrit, deficient because he is unable to
produce male offspring. The word (which has traditionally been translated as eunuch, but almost certainly did not mean eunuch) was a catch-all term to include someone who was sterile, impotent, castrated, a transvestite, a man who had oral sex with other men, who had anal sex as a recipient, a man with mutilated or deficient sexual organs, a man who produced only female children, or finally, a hermaphrodite. In short, Kliba is a term traditional Hindus coined to describe a man who is in their terms sexually dysfunctional (or in ours, sexually challenged). Kliba is not a term that exists any longer, but some of its remnant—the perception of a deficiency, and the combination of pity, dismay and a degree of disdain toward a man who is unable to marry and produce children—continues to cling to the Indian homosexual.

In ancient texts, folktales and in daily conversations, mismatched lovers, generally these with vast differences in status (a fisherman or an untouchable falling in love with a prince), are reluctantly absolved of blame and the union gradually accommodated, because it is viewed as destined from a former birth. When a brave homosexual couple defies all convention by openly living together, its tolerance by the two families and the social surround generally take place in the framework of the rebirth theory. In 1987, when two policewomen in the state of Madhya Pradesh in central India got "married", a cause in Indian media, the explanation often heard from those who could no longer regard them as "just good friends sharing living accommodation" was that one of them
must have been a man in a previous birth and the couple prematurely separated by a cruel fate.

In ancient India homosexual activity itself was ignored or stigmatized as inferior, but never actively persecuted. In the Dharmashastras, male homoerotic activity is punished, albeit mildly: a ritual bath or the payment of a small fine was often sufficient atonement. This does not change materially in spite of the advent of Islam, which unequivocally condemns homosexuality as a serious crime. Muslim theologians in India held that the Prophet advocated the severest punishment for sodomy. Islamic culture in India, though, also had a Persian cast where in homoeroticism is celebrated in literature. In Sufi mystical poetry, both in Persian and later in Urdu, the relationship between the divine and humans was expressed in homoerotic metaphors. Inevitably, the mystical was also enacted at the human level. At least among the upper classes of Muslims, among "men of refinement", pederasty became an accepted outlet for a man's erotic promptings, as long as he continued to fulfill his duties as a married man. Emperor Babur's autobiography is quiet clear on his indifferent love for his wife and his preference for a lad. We also know that until the middle of twentieth century, when the princely states were incorporated into an independent India. There was a strong tradition of homosexuality in many princely courts in north India. The homosexual relationships were much
safer than relationships with mistresses whose children could be the source of endless divisive rivalries.

It seems that the contemporary perception of homosexual activity, primarily in images of sodomy, can be traced back to the Muslim period of Indian history. As we saw, the classical Hindu image of homosexual activity is in terms of fellatio. In the Kamasutra, for instance, the fellatio technique of the closeted man of "third nature" (the counterpart of the Kliba in other Sanskrit texts) is discussed in considerable sensual detail.

In Ancient India lesbian activity is described in the Kamasutra at the beginning of the chapter on harems, where many women live together in the absence of men. What the queens have is just one king, preoccupied with affairs of state, to go around. The women use dildos, as well as bulbs, roots or fruits that have the form of male organ. The implication is that lesbian activity took place only in the absence of the "real thing". There are hints on other kinds of lesbian activity in the ancient law books: The harsh punishment is not for the activity itself but for the "deflowering", the heinous crime of robbing a young girl of her chastity. Not surprisingly, it seems that female homosexuality was punished more severely than homosexuality among men; out of concern for the protection of women's virginity and sexual purity, traditionalists would say; to exercise control over women's sexual choice and activity, modern feminists would counter.
It is ironical that reactionaries, both Hindu and Muslim, who reject homosexuality as a decadent western phenomenon subscribe to the same foreign code that is so alien to the Indian tradition. The Indian tradition of indifferent or deliberate ignorance is also incompatible with the model of the western gay movement, which is beginning to make inroads into our metropolises. In its insistence on the politics of a gay identity, of a proud or at least defiant assertion of homosexual identity, this movement is beginning to compel the rest of society to confront the issue publicly.

Unlike the West, the Hindu society does not have the concept of 'sexual orientation' that classifies males on the basis of who they desire. However, there is a strong, ancient concept of third gender, which is for individuals who have strong elements of both male and female in them. According to Sanskrit texts such as the Naradasmriti, Sushruta Samhita, etc., this third sex or gender includes people we call today homosexuals, transgenders, bisexuels and the intersexed (LGBTI). Third genders are described in ancient Vedic texts as males who have a female nature- referring to homosexual men or feminine gendered males. The gender/sexual role of third genders has for long been predominantly associated with receiving penetration from men, just like the gender/sexual role of manhood has been to penetrate men, women or third genders. However, the Kama Sutra clearly describes third-gender men assuming both masculine and feminine identities as well as both receptive and dominant sexual roles.
Although Hindu society does not formally acknowledge sexuality between men, it formally acknowledges and gives space to sexuality between men and third genders as a variation of male-female sex (i.e., a part of heterosexuality, rather than homosexuality, if analysed in Western terms). In fact, Hijras, Alis, Kotis, etc.- the various forms of third gender that exist in India today- are all characterized by the gender role of having receptive anal and oral sex with men. Sexuality between men (as distinct from third genders) has nevertheless thrived, mostly unspoken, informally, within men's spaces, without being seen as 'different' in the way its seen in the West. As in other non-western cultures, it is considered more or less a universal aspect of manhood, even if not socially desirable. It is the effeminate male sexuality for men (or for women) which is seen as 'different,' and differently categorised. Men often refer to their sexual play with each other as 'masti'.

A significant fallout of this has been that sexual desire between men, which was near universal earlier, is now become more and more isolated from the mainstream, as men are distancing themselves from it because of the stigma of effeminacy or third gender attached to the notion of 'gay'.

In her book, Love's Rite, Ruth Vanita examines the phenomena of same-sex weddings, many by Hindu rites, which have been reported by the Indian press over the last thirty years and with increasing frequency.
In the same period, same-sex joint suicides have also been reported. Most of these marriages and suicides are by lower middle class female couples from small towns and rural areas across the country; these women have no contact with any LGBT movements. Both cross-sex and same-sex couples, when faced with family opposition, tend to resort to either elopement and marriage or to joint suicide in the hope of reunion in the next life. Vanita examines how Hindu doctrines such as rebirth and the genderlessness of the soul are often interpreted to legitimize socially disapproved relationships, including same-sex ones. In a 2004 survey, most - though not all - swamis opposed the concept of a Hindu-sanctified gay marriage. But several Hindu priests have performed same-sex marriages, arguing that love is the result of attachments from previous births and that marriage, as a union of spirit, is transcendental to gender.

Many Indian and Hindu intellectuals now publicly support LGBT civil rights. Some liberal Hindu reform movements, especially those in the West, also support social acceptance of gays, lesbians and other gender minorities. Psychoanalyst Sudhir Kakar writes that Hindus are more accepting of "deviance or eccentricity" that are adherents of Western religions, who typically treat sexual variance as "anti-social or psychopathological, requiring 'correction' or 'cure'". Hindus, he argues, believe instead that each individual must fulfill their personal destiny (svadharma) as they travel the path towards moksha (transcendence).
Commenting on the legalisation of homosexuality in India; Anil Bhanot, general secretary of The United Kingdom Hindu Council said: The point here is that the homosexual nature is part of the natural law of -God; it should be accepted for what it is, no more and no less. Hindus are generally conservative but it seems to me that in ancient India, they even celebrated sex as an enjoyable part of procreation, where priests were invited for ceremonies in their home to mark the beginning of the process.

The third gender (South Asia) Hindu philosophy has the concept of a third sex or third gender (tritiya prakriti - literally, "third nature"). This category includes a wide range of people with mixed male and female natures such as effeminate males, masculine females, transgenders, transsexuals, the intersexed, androgynes, neutrois and so on. However, the original nature of third gender has nothing to do with "sexual-orientation" as is reported by the sects of modern LGBT and contemporary west. Third-genders have no connection with sex among men (which is universal). Third-genders are of a different gender from males and females because they have a female inside regardless of who they are sexually attracted to. Even though, "homosexuality" refers to a third-gender's sexuality for men, many MTF third-genders are not "homosexual" and are attracted either exclusively to women or are 'bisexual' and likewise, many FTM transgenders are attracted to men. Such persons are not considered fully male or female in traditional
Hinduism, being a combination of both. They are mentioned as third sex by nature (birth).

Acceptance of Homosexuality-A Global perspective

A study of acceptance of homosexuality at global level is interesting, enigmatic and at times defies logic. Globalisation tends to bring consensus and uniformity by smothering rough edges and makes human beings as well as nations move in a positive direction of understanding, peace, cordiality and enlarging areas of cooperation. This does not apply to homosexuality where standpoints are irreconcilable and poles apart. At one end of the spectrum is total acceptance with connotations of normal human behaviour while at the other end it is viewed as a sin/crime to be crushed ruthlessly. There is no dialogue and reconciliation between the two extreme ends. A historical study of the subject shows that homosexuality was never accepted by state as well as religion till the Twentieth Century and was always regarded as a crime by the state and a sin by the religion. However with the march of time the negative view of homosexuality has been eroding with more and more states accepting it as a normal human behaviour and have been treating homosexuals as equal citizens with the same rights & privileges as enjoyed by other citizens. This metamorphosis is attributable to human rights movements and a relook at religious concepts. The Roman Catholic Church, once in the forefront of oppositions is gradually moving towards
permissiveness and conciliations. The acceptance of homosexuality as a part of society has made giant strides. No country in Europe has a law against homosexuality. Although Russia has no laws against homosexuality, yet it enacted an anti-gay propaganda law in 2013 prohibiting any positive mention of homosexuality in the presence of minors including online transmissions.

Acceptance levels of homosexuals around the world fall under the following three categories:

(a) Thirteen states mostly from Europe and Latin America have granted legal status to same-sex marriages.

(b) In U.S.A. and Mexico, all the federal units have not granted legal status to same-sex marriages. Hence the acceptance of homosexuality is only partial.

(c) 79 countries including India have anti-homosexuality laws. Hence same-sexes marriages are illegal and punishable.

**Countries where same-sex marriages are legal**

**The Netherlands, 2000**

The Dutch Parliament made history in 2000 when it made it legal for same-sex couples to marry, divorce, and adopt children by a 3-to-1 vote margin. Today, there are 16,000 married same-sex couples in the
Netherlands, where gay marriage enjoys an approval rating of 82 percent—the highest in the European Union.

**Belgium, 2003**

While there wasn’t much of an uproar in Belgium when the country’s parliament legalized gay marriage, the Vatican was outraged, prompting Pope John Paul II to launch a global campaign saying that “homosexual unions were immoral, unnatural and harmful.”

**Canada, 2005**

It took a two-year journey filled with court battles before Canada’s house of commons voted to make gay marriage legal in the entire country, as opposed to just in nine out of the 13 provinces and territories. Social conservatives tried to overturn the law in 2006 but failed.

**Spain, 2005**

While Spain extended marriage rights to same-sex couples in 2005, the law has since faced fierce opposition from conservative politicians, including a court challenge that was defeated in 2012. In March, Interior Minister, Jorge Fernandex Diaz remarked that gay marriage should be banned because it doesn’t guarantee the “survival of the species”.

South Africa, 2006

In 2005, South Africa’s Constitutional Court ruled that preventing gay marriages violated the country’s young constitution, which was adopted not long after the end the Apartheid. The court-mandated law passed easily in parliament the following year.

Norway, 2009

In 1993, Norway was the second country, after Denmark in the late 80s, to allow civil unions between same-sex partners. The Norwegian government later legalized same-sex marriage in 2009. The main controversy at the time was whether lesbian mothers had the right to artificial insemination; they won that right when the parliament voted to approve gay marriage by a margin of 2 to 1.

Sweden, 2009

Sweden, like Norway, allowed civil unions in the mid-90s and eventually gave gay couples full marriage rights by a large majority in parliament.

Iceland, 2010

Every single one of the 49 members of Iceland’s parliament voted “Yes” on gay marriage. Shorty after the law was passed, the country’s
Prime Minister, Johanna Sigurdardottir, married her longtime partner, writer Jonina Leosdottir.

**Portugal, 2010**

Portugal’s conservative President Anibal Cavaco Silva signed the country’s gay marriage bill into law after initially asking the country’s highest court to review it, hoping to undo what Portugal’s Socialist-led parliament had passed. Same-sex couples in Portugal are still not allowed to adopt children.

**Argentina, 2010**

The predominantly Catholic country became the first Latin American nation to legalize gay marriage by the narrow vote of 33 to 27. Pope Francis, then known as Cardinal Jorge Bergoglio, called the bill a “destructive attack on God’s plan.”

**Denmark, 2012**

Denmark, the first country to allow same-sex civil unions in the late ‘80s, fully legalized gay marriage in 2012, allowing same-sex couples to get married in churches and adopt children.

**France, 2013**

France’s National Assembly passed a bill to legalize gay marriage by a vote of 331 to 225, in the face of hundreds of thousands of
protesters who overturned cars and fought off tear gas along the Champs-Elysees. The first gay marriage in France took place on May 29 2013 in Montpellier between Vincent Autin and Bruno Boileau.

**Brazil, 2013**

In May, Brazil’s National Council of Justice ruled 14-to-1 that notary publics couldn’t refuse to perform same-sex marriage. While civil unions already gave gay couples access to government benefits, the ruling allowed partners to take each other’s surnames and adopt children more easily.

In Mexico and United States, most of the federal units have granted legal status to same-sex marriages. States like Alabama, Florida and Michigan have still anti-sodomy laws. It is a matter of time when the dissenting units fall in line and grant legal status as the momentum of human rights movements is too strong to resist. More and more civil organisations as well as opinion makers including politicians are championing the cause of homosexuals. In U.S.A., all the states except Alabama, Florida and Michigan are yet to grant legal status.

**79 Countries where Homosexuality is a crime**

These are the countries where the democratic roots are either nascent or weak and the grip of religion on civil society, politics and
family units is very strong. Most of these countries fall in Africa, Asia and small nations of America and Oceania.

(a) **Africa**

1. Algeria
2. Angola
3. Botswana
4. Burundi
5. Cameroon
6. Comoros
7. Egypt
8. Eritrea
9. Ethiopia
10. Gambia
11. Ghana
12. Guinea
13. Kenya
14. Lesotho
15. Liberia
16. Libya
17. Malawi (enforcement of law suspended)
18. Mauritania
19. Mauritius
20. Morocco
21. Mozambique
22. Namibia
23. Nigeria
24. Senegal
25. Seychelles
26. Sierra Leone
27. Somalia
28. South Sudan
29. Sudan
30. Swaziland
31. Tanzania
32. Togo
33. Tunisia
34. Uganda
35. Zambia
36. Zimbabwe

Asia

37. Afghanistan
38. Bangladesh
39. Bhutan
40. Brunei
41. India
42. Iran
43. Kuwait
44. Lebanon (law ruled invalid in one court)
45. Malaysia
46. Maldives
47. Myanmar
48. Oman
49. Pakistan
50. Palestine/Gaza Strip
51. Qatar
52. Saudi Arabia
53. Singapore
54. Sri Lanka
55. Syria
56. Turkmenistan
57. United Arab Emirates
58. Uzbekistan
59. Yemen
In Iraq, there is no civil law against homosexual acts, but homophobic violence is unchecked. Militias and self appointed Sharia judges reportedly have imposed sentences for homosexual behaviour.

**Americas**

60. Antigua & Barbuda

61. Barbados

62. Belize

63. Dominica (But see “Dominica leader : No enforcement of anti-gay law”)

64. Grenada

65. Guyana

66. Jamaica

67. St Kitts & Nevis

68. St Lucia

69. St Vincent & the Grenadines

70. Trinidad & Tobago

**Oceania**

71. Cook Islands

72. Indonesia (Aceh Province and South Sumatra)

73. Kirbati

74. Nauru

75. Papua New Guinea
Homosexual intercourse was made a criminal offence under Section 377 of the Indian Penal Code, 1860. This made it an offence for a person to voluntarily have “carnal intercourse against the order of nature.” In 2009, the Delhi High Court decision in *Naz Foundation v. Govt. of NCT of Delhi* found Section 377 and other legal prohibitions against private, adult, consensual, and non-commercial same-sex conduct to be in direct violation of fundamental rights provided by the Indian Constitution.

According to a ruling by the Indian Supreme Court, decisions of a High Court on the constitutionality of a law apply throughout India, and not just to the territory of the state over which the High Court in question has jurisdiction.

However, even there have been incidents of harassment of homosexual groups.

On 23 February 2012, the Ministry of Home Affairs expressed its opposition to the decriminalisation of homosexual activity, stating that in
India, homosexuality is seen as being immoral. The Central Government reversed its stand on 17 February 2012, asserting that there was no legal error in decriminalising homosexual activity. This resulted in two judges of the Supreme Court reprimanding the central government for frequently changing its stand on the issue. “Don’t make a mockery of the system and don’t waste the court’s time,” an apex court judge told the government.

On 11 December 2013, the Supreme Court set aside the 2009 Delhi High Court order decriminalising consensual homosexual activity within its jurisdiction. The bench of justices G.S. Singhvi and S.J. Mukhopadhaya however noted that parliament should debate and decide on the matter. The full decision can be found at (http://www.scribd.com/doc/190889099/Sc-Verdict-on-Article-377).

On January 28, 2014 Supreme Court dismissed the review Petition filed by the Central Government, NGO Naz Foundation and several others, against its December 11 verdict on Section 377 of IPC. In explaining the ruling the bench said: “While reading down Section 377, the High Court overlooked that a minuscule fraction of the country’s population constitutes lesbians, gays, bisexuals or transgenders, and in the more than 150 years past, less than 200 persons have been prosecuted for committing offence under Section 377, and this cannot be made a sound basis for declaring that Section ultravires Articles 14, 15 and 21.
Human rights groups expressed worries that this would render homosexual couples vulnerable to police harassment, saying, “The Supreme Court ruling is a disappointing setback to human dignity, and the basic rights to privacy and non-discrimination. The Naz Foundation (India) Trust stated that it would file a petition for review of the court’s decision.

REVIEW OF LITERATURE

David M, Halperin (1990), *One Hundred Years of Homosexuality and Other Essays on Greek Love*, Routledge. In his thought inspiring book Halperin addresses the constructive-essentialist debate on gay history from a constructive point of view. He supports the social constructionist school of thought associated with the French philosopher Michel Foucault, although he admits that the social constructionist view would be proven false if it could be shown that sexual orientation is innate. Social constructionists argue that the categories of “homosexuals” and “heterosexuals” have emerged from the social, political and scientific debate over sexuality that had taken place since the late 19th century and that their application to people in effect makes them “homosexuals” or “heterosexual”. The book can be praised for its lucidity and brilliance.

Eve Tushnet (2014), *Gay and Catholic*, Maria Press. Eve contributes to the discussion about how to reconcile gay and catholic
identities. This is a great work on Christianity and homosexuality. The church and culture does not offer very many models for profound relationships outside of the romantic realm dismissing people as “just friends” - so Tushnet draws on historical records of vowed friendship, interviews with people living in intentional community, and her own experiences offering hospitality to give readers vivid icons to guide them. The seventh chapter of the book is packed with brilliant insight and fascinating memoir. This is a book for everyone, gay or straight; catholic or non-religious. Eve Tushnet goes a long way toward reminding us of the depth and importance of same-sex friendship, especially for the gay people.

Ruth Vanita (2002), Queering India: Same Sex Love in Indian Culture and Society, London: Routledge, covers a wide range of topics covering films, literature, popular culture, historical and religious texts, law and other related aspects of life in India. It provides a profoundly new understanding of gays and lesbians in Indian society.

Garcia-Aroyo (2009), Whistling in the Dark: 21 Queer Interviews, London: Sage (ed), covers various issues related to homosexuals, the problems they have and the challenges they face in their daily lives. The book contains 21 interviews of such people.

Emman Bernay (2008), Homosexuality, New York: Greenharen Press (ed). The book is a comprehensively treatise on homosexuality and differentiates between various nuances of
homosexuality. It emphasises that Gay refers to all members of LGBT community and is not sex specific. It argues that the term homosexual does not explain the complete concept. The word refers only to sexual behaviour rather than complex romantic feelings between members of the same sex.

**The Gay Almanac (1966), The National Archive of Lesbians and Gay History**, New York : Berkeley Books, It traces the history of the gay movement and brings out many educative and interesting facets. Hitler first curtailed, then prevented and finally destroyed all German sex research. This was the onset of the systematic persecution of German homosexuals between 1933 and 1945.

**Island and Letellier (1991), Men Who Beat the Man Who Love Them : Battered Gay Men and Domestic Violence**, Oxford Press. The book throws light on the incidence of domestic violence among gay men which is nearly double than that in the homosexuals. The homosexuals are affected by some legal economic and political issues. Psychology was one of the first disciplines to study a homosexuals orientation as a discrete phenomenon. Homosexuality was often approached from a view that sought to find an inherent psycho pathology as its root cause, past research has shown that minority stress is linked to health risk such as risky sexual behaviour and substance abuse.

**Bilerico Eric Marcus (2004), Making Gay History**, Perennial, is an engrossing book which covers the first 50 years of the
American LGBT movement through the stories of more than 60 people. It is an amazing testament of the gay men and lesbians who had the courage to live their lives openly and honestly.

Michelangelo Signorile (1996), *Outing Yourself*, is point by point guide to coming out of your family, friends and co-workers. The coming out experience is one that unifies us as gay men and one that we all struggle with.

Randy Shilts (1988), *And the Band Played on*: Is an Amazing History of the First Five Years of the HIV/AIDS Epidemic, Penguin Books. Its chronicles attempts to identify the virus, traces its spread in the U.S., The Federal Government: Disastrous response and how the gay community defended itself against a wave of anti-gay hostility that swept the country. It is the best book on the early years of the epidemic that has had such tremendous impact on gay men and our culture.

Michelangelo Signori (2003), *Queer in America*, University of Wisconsin Press, talks on the hypocrisy in the media which continues its double standards of reporting on every detail of every one night stand of heterosexual celebrities like Britney while whitewashing the romantic lives of powerful gay men and lesbians and closeted gays work for and promote business leaders and politicians who promote an anti-gay agenda.
Andrew Sullivan (1996), *Virtually Normal: An Argument about Homosexuality*, Vintage Books. Andrew (a conservative gay writer and blogger) takes a critical look at the current state of the movement for LGBT civil rights from both the right and left. Andrew calls for the LGBT movements to focus on two issues: marriage and military service. When these two goals are achieved, he suggests closing up shop and throwing a big party.

Ruth Vanita and Saleem Kidwai (2001), *Same-Sex Love in India*, Palgrave Macmillan (eds). Same sex love in India offers an eloquent range of writings spanning more than two thousand years of Indian literature. Drawn from Hindu, Muslim, Buddhist and contemporary fictional sources, these writing convincingly demonstrate that same sex love has flourished, evolved and been embraced in various forms since ancient times.

Raymond M. Bergerl (1995), *Gay and Grey, The Older Homosexual Men*, Haworth Press: Gay Studies Books; A scholarly treatment of gay men aged 40 and older in America based on an intensive interview and questionnaire study. The first two sections cover the interview of the respondents and results from the study. In subsequent chapters, contributors discuss results from other studies concerning age status labeling, sexual attitudes and behaviour in midlife and other topics.

study on gay esteem. Psychologist Kevin Alderson explores why some gay men manage to construct overwhelmingly positive self-images. While so many others never overcome low self esteem or outright self-hatred in interview with 16 gay men, aged 16 to 61. Dr. Alderson reveals that there are definite patterns in the development of a positive gay identity. He presents these men’s stories from childhood to adulthood, in their own words. These in depth cases studies pave the way for Dr. Alderson's trenchant and insightful analysis of the major themes emerging at each stage of development.

In view of the above, the research focuses on the study of gays & lesbians in Indian context. It tries to find out their social and cultural profile with special emphasis on their economic status and their interactions with other segments of society. The research endeavours to peep into their personality traits to find out any angularities or variations from other segments of society. It studies their life style and leisure pattern to have a better understanding of the homosexuals as well as to bring out any deviations. The research encompasses the human rights perspective as well as the legal status of homosexuals. At present, the whole situation is in a flux moving towards dwindling opposition, more acceptance and assertive nature of gay initiatives.