LITERATURE REVIEW

Literature on homosexuality is scarce, fictional and foreign in nature and substance. Almost more than 80% literature gone through was found foreign, unconnected, and irrelevant to research work. Many authors continue to write popular, non-academic books such as fiction, poetry, drama on homosexuality. A similar trajectory is visible in both popular and art cinemas as well. The unavailability of related, concise and Indian literature posed great difficulty in research work. Only few Indian authors have written on homosexuality in Indian context. But ironically, none of the authors have written down on homosexuality from legal and social angle. This is the reason why foreign literature in forms of books and articles by many authors, along with leading foreign and Indian cases on homosexuality was sought to facilitate research work. Timely news reports from leading newspapers of India during last four years of research also played a major role in summarizing the research work.

The first book referred is by Ruth Vanita and Saleem Kidwai titled "Same – Sex Love in India: A Literary History". For a country like India, that is so steeped in tradition and heritage, it is almost implausible to believe that India has an equally strong and deep rooted connection to homosexuality. This book also breaks the stereotype that same-sex love was an invention of the Western culture and was brought to India only in the 19th century. Through these readings of ancient texts, I could understand that same-sex love was an inherent part of the lifestyle of Indians from the ancient times. I also appreciate that the editors of the book have personally translated all the pieces of ancient literature. This literature is exhaustive in giving insight and establishing existence of homosexuality in Indian culture. But apart from historical value, it gives no thought on all legal and psychological aspect of homosexuality in India.

Another book referred is "Ardhanarishvara the Androgyne: probing the gender Within." This book is written by Dr. Alka Pande who is a prolific writer
on art History. This book has successfully attempted to reveal that while western perceptions have always classified human beings into either male or female, the India belief in the androgynous nature of human stems from the divine concept of Ardhanarishvara, literally half man and half woman. More a philosophical construct than a social or cultural expression, the divine nature of this ideology lent it an initial acceptability. Today, however, it has emerged from the closet as a social manifestation, causing the blurring of traditional sex roles. This book dares to challenge, question, muse over, analyse and stretch over frontiers of mind towards the hard hitting reality of gender expression.

Another book referred which gave some insight into law and legal journey of homosexuality is by I.K. Magoo titled “Law relating to sexual offences and homosexuality in India.” This book was divided into eight chapters with only one chapter (chapter six) dedicated to homosexuality. This briefed chapter was a novel attempt by the author to discuss subject of homosexuality with the help of few cases. This chapter gives generalized information on homosexuality with some fair work on legal aspect of homosexuality.

This book has covered cases on homosexuality including Naz foundation judgment, but other newer cases are missing creating gaps in research work. This gap was filled with the help of supreme court’s latest judgment in December, 2013.

Another book reviewed is by Michel Foucault’s titled “History of Sexuality” which has given an insight into origin and development of homosexuality in Christian World. This book has turned out to be an incisive analysis of the changing nature of desire, represents one of the boldest and most challenging intellectual achievements of recent decades.

Another interesting book referred is written by author Kevin Jennings from a psychological angle is “Always My Child.” The book has wonderfully focused on the day-to-day experiences of adolescents dealing with sexual identity issues, I found that this book “Always My Child” provides the insights and
practical strategies parents need to support their kids and cope themselves. It is seen that the Parents whose children are gay, lesbian, bisexual, transgender or who are going through a "questioning phase" are often in the dark about what their children face every day. As a result, offering support will provide comfort and courage to them to come out of closet.

The author Kevin Jennings supplies the missing pieces by guiding parents through the world their child inhabits. He explains what these teens often encounter teasing and harassment, and offers solutions for parents who want to better understand their LGBT children and learn how to protect their self-esteem. He offers precious advice, including how to Initiate constructive communication with their child, Respond effectively to frequently asked questions, Recognize depression and signs of drug abuse and harassment, Successfully advocate for their child's well-being outside the home. It can be said in a nutshell that this book makes it possible for parents to create the kind of relationship with their children that allows them to grow into emotionally healthy adults.

“What Nature Intended: Six Factors Demonstrating Homosexuality to be a Dysfunction” is another book referred during the research work. This book has explained that Homosexuality is analyzed using Science, Facts and Reason (SFRs), and not religion, cultural biases or politics. Six Factors clearly demonstrating Homosexuality to be a dysfunction are:

1. Main Reason is Procreation (Nature’s intent), if a sexual activity cannot leads to procreation of human being, then it fails on functional aspect.
2. Homosexuality is Incorrect Sex Mechanics (again Nature’s design), as it involves carnal intercourse against the order of nature.
3. Homosexuality is a Predictable Error in Human Sexual Behavior by Mathematics and the Bell Curve, this was proven in this book by various empirical studies.
4. Homosexuality is Not about Love, it is just a deviant physical attraction.

6. Finally, Psychoanalysis Studies Demonstrate Homosexuality to be Pathology in the Form of Some Kind of Gender Fear, Psychological Trauma and/or Neurosis.

This book was helpful in gathering information against homosexuality, but is written solely from medical or biological perspective. Social and legal issues were not entertained in this book.

“Law Like Love: Queer Perspectives on Law” by Arvind Narain and Alok Gupta is a collection of research papers in a book form. This book contains various articles written by various authors highlighting LGBT issue in the context of Delhi High Court Judgment of 2009. Some playful, some critical and others reflective and irreverent, this unique collection of pieces brings the life, structures and institutions of law alive and shine with relevance in the contemporary moment.

Another book referred is ‘From the Closet to the Courtroom’ by Carlos. A. Bell who is a professor at Rutgers University (Newyork) and has received many Awards for his commendable work on sexual orientation and Gay Rights. This book ‘From the Closet to the Courtroom’ explores how five pivotal lawsuits have altered LGBT history. Beginning each case narrative at the center, with the litigants and their lawyers, law professor Carlos Ball follows the stories behind each crucial lawsuit. All the core issues of a person’s life, such as family, marriage etc been addressed to traces the parties from their communities to the courtroom, while deftly weaving in rich socio-historical context and analyzing the lasting legal and political impact of each judicial outcome.

Reference to “Law, Religion and Homosexuality” was also helpful to understand the role of religion in shaping and developing sexuality of a
person. Religion remains at the heart of the relationship between law and homosexuality. The only limitation of the book was apart from catholic or Christianity angle other religions were not dealt to substance.

Apart from the literature mentioned above, another source has been the recent articles and research papers published under various journals of national and international repute. A scrap book was also prepared with the aim of collecting primary data, newspaper cuttings, images, case studies etc. Few extracts from the same are appended to the research work in annexures and rest is intended to be shown during final viva- voce of Ph.D Research.