

## Homosexuality and Gender Expression in India

Chelsea Peer

Abilene Christian University  
Texas Psi Chapter

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Author contact information is available from the Editor at [editor@alphachihonor.org](mailto:editor@alphachihonor.org).

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### Abstract

This paper compares the current attitudes towards gay, lesbian, and transgendered Indians with pre-colonial Indian society and explores the roots of modern-day discrimination. It is designed to give an overview of the current state of members of the LGBT community—specifically gay, lesbian, and transgender Indians. It puts this in contrast with the status of those exhibiting the same or similar identities in pre-colonial India by looking at sexuality and gender expression as it is portrayed in both ancient Hindu scriptures and in Indian culture prior to exposure to Western influences compared with Indian views of sexuality after the British Raj. The paper uses examples from Hindu scriptures such as the *Kamasutra* and *Padma Purana* as well as recent Indian news articles and scholarly work relating to this subject. Opponents of the pro-LGBT movement in India claim that homosexuality is an import of the West and, therefore, “un-Indian.” However, it would appear that homophobia, not homosexuality, is the Western import into India.

**Key words:** homosexuality, India, Raj, Hindu, transgender, LGBT

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The oppression or exclusion of minority groups—whether based on race, size, gender, ideology, or orientation—by the majority has been a constant in human society across time periods and cultures. In some cases of colonialism, the ruling country has been known to suppress the culture and heritage of the colonized culture in order to maintain better control. India is one example, among many, of this. Under British rule, many of India’s ideas on sexuality were twisted into those of the British Empire. In modern day India, some Indians claim that the LGBT community is “un-Indian” and that homosexuality and gender diversity were not present in India prior to Western influence (Trivedi 21-26). These claims, however, do not line up with Indian textual heritage. LGBT or LGBT-like identities did, in fact, exist openly within Indian society prior to Western rule. Modern-day ideas of binary gender and sexuality in India did not exist prior to British rule and influence and are, in fact, a result of colonialism.

### Indian Laws Regarding Homosexuality

In December of 2013, the Indian Supreme Court re-enacted Section 377 of the Indian Penal Code, a law that criminalizes homosexual activity (Bhadoria). It reads:

**377. Unnatural offences.** Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 2[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine. Explanation.- Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

**CLASSIFICATION OF OFFENCE** Punishment-Imprisonment for life, or imprisonment for 10 years and fine-Cognizable-Non-Bailable-Triable by Magistrate of the first class. Non-compoundable. (“The Indian Penal Code”)

Section 377 was enforced by British rulers in the 1860s, during the British Raj; punishment was up to 10 years in prison (Bhadoria). In 2009, however, this ban was deemed unconstitutional by the Delhi High Court and, for the moment, gay sex was decriminalized in India (Bhadoria). It was “hailed as a landmark judgment which saw ostracized gay and transgender communities erupt in celebration” (Bhadoria). However, not everyone in India agreed. In a very unlikely alliance, Muslim, Hindu, and Christian groups came together to challenge the verdict, and Section 377 was reenacted by the Indian Supreme Court in December 2013 (Bhadoria). The court claimed that only a “minuscule percentage” of Indians are homosexual and that fewer than two hundred people have been prosecuted in the law’s one hundred and fifty years, which did not provide a basis for holding the law unconstitutional (Trivedi 21-26).

The reinstatement of Section 377 has been met with plenty of backlash from all areas of Indian life; but naturally, the most notable has been from the LGBT community and LGBT rights activists. According to Sonal Bhadoria in her article “Gay Sex is Illegal: Supreme Court’s Dogmatic Verdict,” “Activists have long argued that the law encourages discrimination and leaves gays, lesbians and bisexuals vulnerable to police harassment or demands for bribes. In a country where arranged marriage is still largely the norm, many gays hide their sexual orientation from friends and relatives.” In response to this ruling, many around the world rallied on social media for the cause of the No Going Back campaign, which, according to the group’s Facebook page, is a fundraising campaign supporting activists opposing the ruling. Within days after the Supreme Court’s decision, Twitter was bursting with photos of protest from all corners of more than 38 countries around the world (Sarang). Still, the homophobic legislation remained in place, but—despite an escalation in the harassment they already face—most LGBT Indians are not ready to give up the fight, even if given the chance to take asylum in a safer country (Sarang). Bindisha Sarang records some of their responses in the article “Section 377: We’re here, we’re queer, we’re not going anywhere”:

One of the protestors, an ex-armed forces Captain said, ‘I have served my country. I pay taxes; I am a law abiding citizen. I won’t leave this country, not after the SC’s judgment. Yes, the thought did cross our minds to relocate to another country, but after the December judgment, we will stay back, and fight for what’s rightfully ours.’... Angel, a

20 something who had come for the protest along with his partner, said, ‘We would never move out of India, even if it becomes worse than it is now.’ To which his partner said, ‘Would I buy a different house if my current house had pest issues? What we are doing here is pest control (protesting the SC judgment), we will fight this pest, and continue to stay here.’

Others, as the article reveals, find their situations far too difficult to stay:

Vijay, an artist, had another view, ‘I have decided to leave this country, through which ever route, maybe an asylum route if that’s possible to another gay-friendly country. I took this decision after the judgment last week. I have been harassed by the police, where I pay a bribe every few days. The police are blackmailing me—of outing me to my family.’ Though Vijay’s face was hidden behind a mask, his eyes were full of tears, and his voice choked as he said, ‘377 makes blackmailers even more powerful, I will migrate, anyhow, asylum or no asylum. I have made my decision.’ (Sarang)

With Section 377 firmly in place, the openings for unpunished harassment of LGBT Indians are growing wider, and the need for equal protection under the law becomes even more necessary.

### Homosexuality in Indian History

Conservative India fails to recognize homosexuality as a normative practice within Indian culture, history, and historic texts. Same-sex love in Southern Asia is under-researched compared to the rest of Asia (Vanita). Most materials on homosexuality in South Asia are either ignored or interpreted as heterosexual by South Asian scholars (Vanita), and, as a result, Hindu conservatives claim that homosexuality is a Western import and that allowing tolerance for sexual diversity is allowing Western influence into India (Sarang). Evidence would suggest, however, that homophobia, not homosexuality, is the Western import into India. Homosexuality appeared in India in Hindu scripture, Hindu temples, and daily life, prior to colonization.

Homosexuality could be found in everyday life in pre-colonial India. *Same-Sex Love in India: Readings from Literature and History* is a large collection of text involving homosexual love in pre-colonial India (Vanita). Scholars Ruth Vanita and Saleem Kidwai have

found that “same-sex love and romantic friendship have flourished in India in various forms, without any extended history of overt persecution. These forms include invisibilized partnerships, highly visible romances, and institutionalized rituals such as exchanging vows to create lifelong fictive kinship that is honored by both partners’ families.” Vanita and Kidwai compiled a wide range of texts from pre-colonial India that involve a same-sex relationship, spanning across over two thousand years of history; across religions—secular, Hindu, Buddhist, and Muslim; languages—including Sanskrit, and Persian—and culture communities (George 91-93). It includes Urdu poetry, qawali poetry—a form of poetry that originally celebrated homoerotic love, but has been “heterosexualized” since Western influence came to India—short stories, extracts from novels, and literary texts. The book includes both well known and overlooked sources (91-93).

In pre-colonial India, same-sex relationships were accepted and honored (Vijay 26-28). Lesbianism was common among wealthy women; however it looked different than modern-day lesbian relationships, as it was influenced by a highly patriarchal culture. Wealthy Indian daughters were often brought up with female companions, known as Sakhi, from poor families. Intimate relationships were often formed, and, according to Dandige Vijay “A relationship with a sakhi reinforced the femininity of both women” (26-28). While these loving relationships between women were encouraged, it was understood the relationships did not need to become sexual. These women, however, were often inseparable, to the point that, when the wealthy woman was married off, sakhis would become co-wives (26-28). Similarly, intimate relationships would often develop among wives of the same husband (26-28). These relationships were not considered sinful, but were encouraged, and the *Kamasutra*—a piece of Hindu Scripture—features descriptions of sexual acts within these relationships, as well as do ancient Indian paintings (26-28). Ancient Hindu literature, too, is revealing of the ways in which Indians once viewed the lesbian relationship. According to Dandige Vijay, kissing was considered particularly important in these writings: “The watery element evoked during kissing is associated with the moon, which governs womanly cycles” (26-28). Vijay asserts that “Lesbianism was not viewed as just a sexual activity between women but more as a spiritual form of intimacy that could carry the partners to higher states of consciousness” (26-28).

With the arrival of British influence in India, India’s

view of gender and sexuality began to change. Homosexuality was highly censored in the eighteenth century and Victorian Britain; even when sentencing “offenders,” language was chosen carefully and very rarely was the actual crime referred to for fear of its “infectious” nature (Greene 191-223). During the eighteenth century, it was common practice to send captured (attempted) homosexuals to the pillory, a structure in which prisoners’ hands and sometimes head and feet were locked between two planks of wood in a public place. Prisoners were met with ridicule from angry crowds, which were known to throw anything from rotten food to stones. While the sentence was not necessarily one of death, it was not uncommon for prisoners to be killed by the crowd. This torture was called into question both for its cruelty and for the exposure of “infectious” homosexuality to the public; however, it was upheld as it was believed that the participation of the public in the execution of the offenders would help erase this offence from British society (191-223). Though use of the pillory faded during the beginnings of the nineteenth century, the connection between it and the homosexual was prominent in the British mind (Kelly and Maghan). The most well-known example of a Victorian case is that of novelist, poet, and playwright Oscar Wilde and poet Lord Alfred Douglas. Wilde was arrested and found guilty of “gross indecency” with another man and was sentenced to two years in prison with hard labor. He “was imprisoned under harsh conditions. Confined to his cell for twenty-three hours per day, he was at first denied all books except a Bible, a prayer book, and a hymn book. His hard labor consisted of picking oakum in his cell” (Aubrey). He wrote his works *De Profundis* and *The Ballad of Reading Gaol* during this time and left England to go to France, where he died upon his release (Aubrey). Same-sex relationships typically manifested themselves as “passionate friendships” that developed “without their being rendered erotic” (Cocks 192). It was this mindset with which the British Empire was moving into foreign lands.

The British view of “Orientals” changed Indians’ views of themselves in light of the expression of their gender. In “Indian in the Closet,” Ira Trivedi quotes:

‘In the late eighteenth and early nineteenth centuries, India’s downhill sexual journey began,’ said Wendy Doniger, a religious historian at the University of Chicago who specializes in Hinduism and India. ‘The British came with all these pre-conceptions about lascivious Orientals, who were

seen as overerotic, or actually feminine in a way that made them supposedly unfit to govern.’ (21-26)

Under British rule, Indians began to show themselves as “asexual or anti-sexual or puritanical” in order to advance in the British colonial system (Trivedi 21-26). The British colonial government drastically changed the way Indians viewed sexuality, causing them to censor their cultural heritage. Trivedi continues:

In an effort to align Indian culture more closely with British ideals, modernize Indian society, and ingratiate themselves with the colonial ruling class, several nineteenth-century Indian social reformers set about excising eroticism, including homosexuality, from Indian literature, education, and religion. Partly as a result of such efforts, a repressive attitude toward sexuality in general and homosexuality, in particular, became deeply intertwined with modern Indian nationalism. (21-26)

Soon, what was a small homophobic voice in India became mainstream under British rule (Vanita). Section 377 passed in 1860, calling for ten years in prison (Vanita). Ironically, just over one hundred years later, in 1967, homosexuality between two consenting adults in England was legalized, and same-sex marriage was legalized in England, Scotland, and Wales in early 2014 (Vanita). India today holds onto the same Western influence it has tried to reverse, even as the Western world gives it up.

### Homosexuality in Hindu Scripture

Hindu scripture has a very fluid view on gender. The most celebrated example of this in modern-day India is the goddess Sri Bhagavati-Devi, the goddess of cross-dressing (Jigour 52). The legend goes that a group of cowherd boys worshiped a stone in the mood of young girls. While they were doing this, the goddess Bhagavati personally appeared before them, accepted their worship, and became the stone (Wilhelm 131). The Kottankulangara temple was built around the stone and is still visited by Hindus today (132). The festivals in her honor are quite popular, and interestingly enough include men dressing up as women (Jigour 52).

The story of the birth of Sri Bhagiratha Maharaja, the king that brought the Ganges River down to Earth after three gods before him had failed, is a prime example within Hindu scripture (Wilhelm 132). King Dilipa

of Ayodhya died with no sons, causing the demi-gods to become worried because Vishnu was to be born to his dynasty, but it looked as though the dynasty had ended. One day, Siva went to the two widowed queens of King Dilipa and told them, “You two make love together and by my blessings, you will bear a beautiful son” (132). The widows were fond of each other and carried out the god’s wishes. Strangely, though, their child was born with no features or bones, and the mothers left him on the banks of the Sarayu River. A great sage, Astavakra, found the child and blessed him to become powerful and good looking, and then summoned the queens and gave them the healthy baby. Astavakra then performed the name-giving ceremony, naming him Bhagiratha, “he who was born of two vulvas” (132). The story of Bhagiratha Maharaja’s birth can be found in both the *Padma Purana*, and *Krittivasa Ramayana*, (132), and many more examples of homosexuality can be found within pre-colonial Hindu scripture, including the *Kamasutra* (Trivedi 21-26). Also, the erotic carvings that can be found in many Hindu temples dating as far back as the fourth century depict same-sex couples (21-26).

Another telling story is that of Sri Arjuna, who appears in all three genders throughout his saga (Wilhelm 127). His male form, naturally, is the most popular. He is the heroic warrior of the *Mahabharata*, and inseparable friends with the god Krishna, referring to him as “half of my body” (127). More interesting, though, are his other two forms. His female form appears in a lesser-known narrative of the *Padma Purana* (127). In this tale, Arjuna presses Krishna to reveal things about his divine affairs, yet Krishna claims he cannot. However, after a while, Krishna gives in and instructs Arjuna to bathe in a sacred lake, and, when he does, he arises out of the lake as the beautiful woman, Arjuni (127). Arjuni is quickly struck with love for Krishna, going so far as to faint. Krishna shows Arjuni what Arjuna had begged to see, before instructing Arjuni to return to the lake, where she is returned to the male form of Arjuna, who is left depressed and heartbroken over Krishna. Krishna touches him reassuringly, restoring his masculine nature (127). The third, and perhaps the second most popular of Arjuna’s narratives is the one in which he is transformed into the male-to-female transgender, Brihannala. In this legend, Arjuna turns down the sexual advances of the courtesan Urvasi who curses him to become a *shandha*, an effeminate man who dresses and behaves like a woman (127). (It is worth noting that the Indians who wrote this story recognize the shandha as something of a third gen-

der that was not chosen, rather than something Arjuna could easily opt out of. Otherwise, he could have simply chosen to change his behavior and dress back to that of a male's, and the curse would have been pointless.) Arjuna, however, turns this curse into a blessing. Brihan-nala, who has masculine features but walks, dresses, and talks like a woman, finds employment in the chamber of the king Maharaja Virata's lady, where she works as a teacher of dancing, singing, and hairdressing, typical occupations for LGBT Indians of the time (127). Stories and traditions around Sri Arjuna and Sri Bhagavati-Devi appear to contradict strict Indian gender roles and the idea that binary gender is traditional in Indian culture.

### Lesbians in Modern-Day India

In today's world, lesbians lead especially painful lives due to the patriarchal mindset of India. Dandige Vijay explains in the article "India: Male Privilege is the Problem": "Under India's male-dominated ethos, lesbians have suffered the dual discrimination of their gender and their sexual orientation. Whether at home, at the workplace, or at a doctor's office, lesbians are frequently seen as being in some way sick or misguided" (Vijay 26-28). When women in India come out, they are often faced with rejection and sometimes horrific acts by family members. Women have been raped by their husbands and even their brothers and fathers as an attempt to "cure" them, as well as been locked away and starved into compliance by their families (26-28).

Another problem Indian lesbians face is that women in India are often pressured or even forced to get married. Many are "forced to either hide their sexual orientation or live "two lives"—one as a lesbian woman and another as an outwardly tradition-abiding heterosexual woman" (26-28). Some women try to escape forced marriages by joining same-sex unions or marriages (26-28), but those who cannot, may be pressed to a more drastic and horrific answer. Joint suicides by lesbian couples are alarmingly frequent throughout India. There were twenty-four documented cases between 1996 and 2004 in the state of Kerala alone (26-28). These victims are often non-English-speaking young women from low-income groups (26-28). While higher class women have more freedom, lower class women have to get married and work near home; they are more likely to be forced into an arranged marriage with a man and unable to escape torment from their homophobic family (26-28). The majority of these deaths were Hindu, but some Sikh, Christian, and inter-

faith relationships have been reported as well (26-28). There are very few support institutions for lesbians in India; the one institution that works exclusively for the support of lesbians, Sangini, was not allowed by the government to register as such (26-28). It is instead registered as a women's sexual health organization. These factors could be the cause of higher suicide rates within the lesbian population, and they show a lack of interest in the need to support homosexual women, despite such a visible need for the service (26-28).

### Hijras

Transgendered Indians, or *hijras*, have an odd place in Indian culture. Male-to-female *hijras* are biologically male but female in mind and identity. They often wear traditional Indian women's clothes, give themselves feminine names, and refer to each other in feminine terms. Most male-to-female *hijras* do not finish high school because they are teased by their peers for their femininity; yet, oddly enough, despite the cruel treatment they receive, *hijras* are traditionally considered to have spiritual powers in India because they embody the essence of both males and females, and are called upon to bless newborn babies (Mahalingam 490). One may wonder if this contradiction is possibly a result of colonial Indians' responses to the British viewing them as "too feminine." Interestingly, the *hijras* themselves have a strange view of male-to-female versus female-to-male. According to a study of a *hijras* group in Tamil Nadu, India, *hijras* generally believed that "a girl could not become a boy, but a boy could become a girl" (493). They believed "that if the boy looked like a girl and acted like a girl, he would become a girl" but "a girl would never become a boy by changing her dress or the way she acts" (493). They also believed "surgery would transform a boy into a girl but not a girl into a boy" (493). The *hijras*' "responses indicated that they believe that female identity is more essential than male identity: they believe in the permeability and fluidity of the male identity but not of the female identity" (493). This appears to be in line with traditional Hindu beliefs about the sacredness of women. *hijras* also believed that "good Karma might change a woman into a man in the next life" and "that a girl was more likely to become a boy in the next life because of good Karma than a boy was to become a girl" (493). This suggests a woman becoming a man is a way of "moving up," while a man becoming a woman is a lateral move or a move down. These ideas may pos-

sibly be a result of a highly patriarchal culture (I would like to note that all of my sources addressed male-to-female transgendered Indians with no mention of female-to-male. This raises questions about further marginalization).

### Hijras in Indian Law

The transgender community, unlike their LGB fellows, has gained recognition under the law. In April 2014, the Indian Supreme Court created a “third gender” status for transgenders, making India one of the first countries to legally recognize them (Mahapatra). According to the *India Times* article “Supreme Court recognizes transgenders as ‘third gender’” by Dhananjay Mahapatra, “The SC said absence of law recognizing *hijras* as third gender could not be continued as a ground to discriminate them in availing equal opportunities in education and employment.” Third gender people will be treated as an Other Backwards Class—a term used by the Indian government to classify educationally and socially disadvantaged castes—and will be given educational and employment reservations. The court expressed concern over the harassment and discrimination against transgenders and said that public awareness campaigns will be devised to erase social stigma. The article goes on: “The apex court said that transgenders were respected earlier in the society, but the situation has changed, and they now face discrimination and harassment.” The Indian Supreme Court said that Section 377 was being misused by police against them, but continued: “The bench clarified that its verdict pertains only to eunuchs and not other sections of society like gay, lesbian and bisexuals who are also considered under the umbrella term ‘transgender’” (Mahapatra). It says that the Supreme Court recognizes the presence of transgenders in Indian heritage and that modern day mistreatment of them is not a native value of India, yet ignores the presence of the rest of the LGBT community in pre-colonial India and the way in which Western influence has affected Indian attitude toward them. This could be a result of the continued Hindu belief that *hijras* hold supernatural powers; however, why India’s historical attitude toward transgenders has remained but the pre-colonial Indian texts that include homosexuality have been ignored or censored while Western influencers would have held both groups in equal contempt is unclear. It is also worth noting that many *hijras* form monogamous relationships with people of their physical sex, and it is unclear as of now how this fits with Section 377.

### Conclusion

The short British Raj had such a drastic effect on Indian culture that India now finds itself in a whirl of cultural contradictions. Whether it be a result of ignorance, denial or censoring of their cultural history, conservative India has claimed that the LGBT community is merely a dirty, un-Indian import of the West. Yet evidence from Hindu scriptures, gods, religious imagery, traditions, and secular writings suggests that prior to Western influence, India was once a safer land where those who were born sexually different could live, and, perhaps, even flourish. Three traditionally feuding religions, meant to promote peace and love, have found their hatred powerful enough to come together to fight for the continued oppression of this people group, but as homophobia, the true Western import of India, continues to break down in India and other major cultures around the world, Section 377, and other laws like it, will fade and become just another part of India’s cultural history.

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