

Transgressions: Love, Sexuality and Gender in Indian Text, Cinema and the Digital World in 21st Century India

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ABSTRACT

Gender, Sex and Sexuality have been a subject of closeted debate in the post-colonial context in the Global South. India, a densely populated democracy, had been toeing the colonial line despite ousting the colonial structure, and IPC 377 (Anti-Sodomy Law) was a draconian law under which people with same sex desire have been castigated and discriminated against. The law was not the only reason for the marginalization of the non-heteronormative individuals; the Brahmanical hegemony and several texts of the Big Tradition also led to discrimination and punishments meted out to those who did not fit into the heteronormative social construct of the acceptable binary model of a family. Under this hegemony, sexual intercourse was sanctified only between a man and woman through the divine institution of marriage with a higher purpose of procreation. Anything 'other' than was deviant and hence punishable. The study attempts to understand the level of acceptance of transgressive love and coupledness in urban and rural India as shown in the media studied by applying the theoretical lens of Intersectionality and Queer Theory. This research paper journeys through the post-colonial era with a bird's eye view on the changing nature of acceptance of the 'deviant' sexual body as seen in various literary texts, cinema and the digital domain.

Keywords: *caste, homosexuality, homonegativity, homosociality, lesbian, queer, digital domain*

The Advent of Queer in India

The term 'queer', as per the Oxford dictionary, is defined as "odd", "Strange"; at the beginning of the twentieth century, the word was applied to folks who were different from the acceptable norm of the heterosexual affinity. It was an offensive term and authors like Oscar Wilde and Gore Vidal were categorized as 'queer', lawfully punished and ostracised. However, during the 1960's, a little ahead of the turn of the century, following on the tails of radical feminism, one saw the upsurge of the voice of the queer person, who reclaimed the term 'queer', owned it and used it to fight for their rights. The year 1969 is famously known for the Stonewall Riots which

brought the underground gay community above ground to fight against police brutality and violence in the city of New York. Queer activism in the Global North has been a consistent and continuous effort which bore fruits in several western countries and states with liberating laws being put in place (Faderman, 1981).

The Global South (a coloniser's term), often also promoted as the 'third world', was seen through the western lens as primitive and backward. Pre-colonial India was a bricolage of diverse provinces ruled by several kings, queens and princes with distinct life stories of epic proportions. History cites various Emperors who ruled over large and small parts of pre-colonial India and conquered nearby provinces. Then came the invaders, followed by the conniving British colonisers; conniving because their agenda converted to appropriation and not just trade. The British brought in Victorian puritanism. They saw the Indian as primitive, regressive and socially unfit. The primitive Indian was also perceived as effeminate and according to the Victorian puritan, behaviours like cross dressing (age old tradition of young boys enacting female roles in the Ram Leela), homosocial and homosexual behaviours between men was termed as sinning against the crown, "celestial and terrestrial" (Bray, 1990, p3). The masculine stereotype of the Victorian era was the conqueror and invader, puritanical and stern, whereas the non-whites were projected as hypersexual and low in intellect (Bakshi & Dasgupta, 2019). They decided to sanitise and whitewash the uncouth Indian. This was the first significant 'othering' done by the white supremacist who did not understand the ways of the then neo-world (Upadhyay, 2020). Restrictive laws were created to erase anything that caused discomfort to the white man and his puritanical sensibilities; among others was the social acceptance of the transgender body by Indian's which was seen as criminal. Transbodies were pushed to the margins. Same sex desires and intimacies were criminalised and the white soldier had to be protected from such deviant desires (Bachetta, 2004). Indian women were prostituted to satiate the white soldiers' desires while they were away from their wives. So, ironically, the natives' homosocial effeminacy trumped over infidelity, for the coloniser had a pre-defined definition of masculinity (Bachetta, 2004). A draconian anti sodomy law was instated under the Indian Penal Code: Section 377. It read as follows:

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 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.

--Union of India. Section 377 IPC

In this way the queer body was instantly criminalized, pushed to the margins and closeted. And the idea of women-loving-women was entirely ghosted with the term 'penetration', as the entirety of human deviancy became 'sodomy'. The need for erasure of the queer body was also strengthened by the Hindu upper caste Brahminical hegemony, which upheld patriarchy and cis heteronormativity, despite the innumerable instances of queer love being portrayed in Indian lore (Jain & Sircar, 2024). The concept of Divine intervention and sanctity of the same sex union with the higher purpose of procreation was the rationale proclaimed by the hegemony (Koolwal, 2019).

As evidenced in several research documents and studies conducted by academicians and historians of repute in India, the queer body, though not labelled as such, was always a part of the cultural milieu and not just relegated to the fringes. Devdutt Pattanaik, in his book *Shikhandi: And Other Queer Tales They Don't Tell You* (2014), has given several examples of same sex desires, intimacies and queer bodies from the epics of the Great Tradition and Little Tradition, from epics like the *Mahabharata*, the *Manusmriti*, the *Kamasutra*. Geeti Thadani, a lesbian queer feminist and founder of the Lesbian forum 'Sakhi' in Delhi, also has substantiated the presence of same sex desire between women from the Shaktic period in India in her collection of essays, *Sakhiyani: Lesbian Desire in Ancient and Modern India* (2016), first published in 1996. In the 21st Century, advocates of the right to practice same sex desires and the non-normative gender identities, like Ruth Vanita and Saleem Kidwai, have collaboratively compiled data in the form of several books and research essays (*Same Sex Love in India: Readings in Indian Literature* (2000) which authenticate the existence of the non-binary, non-normative body in the ancient texts and palimpsests of India. Such extensive iconographic, written and oral evidence of the existence of same sex desires in India lead us to believe that there may have been a good amount of representation for alternative sex in India (Thadani, 1996, Pattanaik, 2014). Nevertheless, each non normative relationship had divine sanction and a higher purpose towards mankind.

Intrinsic Marginalization of the Queer

Despite all textual, iconographic and sculptural evidence, this paper would like to draw upon the article, 'Hindu Nation and its Queers: Caste, Islamophobia and De/coloniality in India' by

Nishant Upadhyay, which vehemently stresses on the many ways in which the cis heteronormative Brahminical hegemony had consistently treated same sex love as a punishable offence even during the pre-colonial era (2020). Geeti Thadani in her book, *Sakhiyani* (1996) has argued that the severity of the punishment meted out for indulging in same sex activities differed based on the caste, class and gender of the convict, caste being the worst hit, followed by the woman (Thadani, 2016, p.101-113). Upadhyay (2020) through his extensive research states the fact that the queer community is also propounded with the hierarchical discriminatory structure. As the early feminists in India were from the upper class, upper caste heteronormative strata who raised the voice for the woman who was battered by patriarchy. The intersections of women marginalised through caste, within their own community and in the caste hierarchy and women, marginalized or erased due to their alterity in gender and sexual identity, were also pushed to a space of liminality, a space where the mainstream did not venture. The queer community had advocates like Ashok Kavi Row, the founder of Humsafar, Geeti Thadani (Sakhi), Lakshmi Tripathi (a globally known spokesperson for the transgender community), Nivedita Menon, Gayatri Gopinath (proponent of queer diaspora advocacy) and even writers like Suniti Namjoshi and Vikram Seth, all of whom belonged to the upper caste. Thus, caste played an exponentially oppressive role even in the fight against patriarchy. The upper-caste upper-class male homosexual person had more privilege, agency and voice within the community. This upper-class dominance is evident in the voices of queer advocates until the suppressed voices at the intersectionality within the community became audible.

Class and caste subjugation is proven through the absence of the queer voices of the oppressed and marginalised sections of society. Queer advocacy for the unprivileged masses and those marginalised by caste has become vociferous and visible as a recent phenomenon, but most anti caste voices also belong to the people from the higher echelons, as opposed to the Standpoint Theory. Even a very current and young online magazine, a platform for the queer community, 'Gaysifamily.com' states "Even if we ignore caste, caste never ignores us."; a report written by Ankit Khadgi on December 14, 2024, sporting an image titled "Aryans only" proclaims:

The inability to see Dalit and indigenous queer folks as attractive people, or as equal counterparts, is a grim reality that binds savarna queer folks together in their hegemony. From occupying the majority of spaces to avoiding physical and social contact to blatantly ignoring the caste system and its impact, Queer men, women, and non-binary

folks from historically oppressive caste backgrounds have solidified the caste system by actively reinforcing their caste biases in queer spaces.

Ankit Khadgi, December 14th, 2024

Thus, the upper class non normative victim of the heteronormative is the oppressor of the marginalised within the oppressed and ghosted queer community.

Queering India Today

Nikita Dhawan wrote in a 2013 essay: “For queer politics, it is the best of times, and it is the worst of times.” The Naz foundation, a sexuality rights group, challenged the old draconian law of 1861, Section 377 of the Indian Penal Code in the year 2001. The journey that led to the decriminalisation of the law by the Delhi High Court in the year 2009 was long and arduous. But the relief was short lived as the *Koushal Judgement* of 2013 reinstated the criminal nature of the law. Finally, in the year 2018, the Naz 3 judgement read down the anti sodomy law, thus effectively decriminalising alternative desire, namely, homosexuality in India. This drew global praise for the neo liberal India, which at the same time had also changed the colour of its political affiliation. The radical right wing had established their governance, giving rise to traditional conservatism and a call for going back to the roots (Narain, 2018).

Three questions arise, will this new India be accepting of the queer body? or will the acceptance be one of convenience? i.e. if it is convenient to the mainstream hegemonic agenda. And will the queer be included in the citizenry as they are or will the complex intersections of caste, religion, gender and alterity push them further into the margins? Anjali Monteiro in her book review on *Culture, Health and Sexuality* (2009) has explicitly stated that:

The two significant contemporary contexts that form the broad horizon of this exploration of alternative sexualities are, first, the political consolidation of the Hindu right and its project of the Hindu nation-state and, second, the pervasive presence of globalisation and multinational capital. These somewhat contradictory impulses, one conservative and the other apparently liberal, are played out in different ways in the expressions of and reactions to non-normative sexual desire (p.1).

The chances that the non-normative body will affiliate with the traditional right wing, despite the mutual dichotomy are high. This is so because the non-normative is now seeking what are

known as basic rights such as ‘marriage’ and ‘family’, which appeases the mainstream societal construct and serves the patriarchy. This has given rise to a neo-homonormativity, which aligns with the ideals of heteronormativity.

Sex, sexuality, intimacy, in India, are still considered taboo, and conversations around it are still hushed or conducted behind closed doors or not at all. Twenty-five years into the 21st century has given rise to elements of modernism in thought, (modernistic or progressive ideas have always been seeping into India since the early 1970’s), however this is relegated mostly to the urban elite class, and the largely rural or semi urban places reel under conservative religious fundamentalism. This approach in thought is prevalent despite evidence in the form of oral literature, iconography in temples and other sites, epics and mythological data which is vociferous about sexual intimacy, not just between the heterosexual binary, but also explicit sexual intimacy between people of the same gender. Queer intimacies and alternative sexualities were a part of Asian subcontinent as stated in many thoroughly researched books by academicians and queer advocates such as Ruth Vanita and Saleem Kidwai in *Same Sex Love in India* (2000), Devdutt Pattanaik in *Shikhandi and other queer tales they don’t tell you in India* (2014), Giti Thadani’s *Sakhiyani* (1996) and Ashwini Sukhtankar’s *Facing the Mirror* (1999) to name a few. These studies, stories, lore and many others by queer legal advocates and allies, extract and present to us the proud and loud queer presence, in all its forms, as depicted in the various texts and palimpsests of ancient, medieval and modern India.

Queer Representation in Digital India

The Mid-Day, a well-known daily published what has come to be known as India’s first gay matrimonial advertisement. This ad had been previously rejected by several other publications. It was an ad by Padma Iyer, mother of Harish Iyer, who himself is a prominent gay rights activist and celebrity in his own right. The ad read: “Seeking 25-40, Well-Placed, Animal-Loving, Vegetarian, GROOM for my SON (36, 5’ 11”) who works with an NGO, Caste no Bar (Though IYER Preferred)”. This was in 2015 when the Koushal Judgement had re-criminalised the anti sodomy law which brought the non-normative people under the scanner. Even though the surname suggests a marker for caste, suggesting the privilege offered by one’s placement in the class caste hierarchy, the printing of the ad in a prominent English daily was a significant event for the queer community of urban yet conservative India (Upadhyay).

Upadhyay gives another instance of the advertisement created for a well-known ethnic brand of clothes, Anouk. The advertisement was titled *The Visit*, and was released in a decade ago in 2015, created by Ogilvy & Mather, Bangalore. The advertisement boldly challenged set norms and represented a same sex couple who were women, and the site was introducing to one's parents as life partners. However, this advertisement, as many other acts of resistance by the queer body, leaned in towards the traditional conservative concept of marriage as a basic right to be enjoyed by all. Myntra is known for its advertisements with an edge of feminism, with taglines like 'Bold is Beautiful' and 'The Calling', creating representation for lesbian desires, single mothers, and such. It is interesting to note that the brand's target audience is the urban-semi-urban-upper-class woman who has the privilege of an independent existence in the predominantly patriarchal world. The characters presented are Hindu upper class, north Indian and South Indian. Both families are urbanised and English speaking, which, in itself, is a marker of elitism, all these being markers of capitalist privilege. The unprivileged woman, as defined by Maya Sharma in her book *Loving Women: Being Lesbian in Unprivileged India* (2006), is not decoded in these representations. The unprivileged lesbian woman is present (through her absence) in the slums, lower income group households, the villages and the largest economic body, the middle class. Thus, homocapitalist behaviours are represented as promoting homonationalism in their ethnic chic wear (Sircar, 2012). Oishik Sircar further goes on to state that: "the advertisements locate the normalization of queer liberation in domestic monogamous conjugality—which is a dream for many, and might in fact be a pretty powerful public assertion to challenge the compulsorily heteronormative idea of the family—" (Sircar, 2017, p10).

The 'absence' of lesbian love in middle class traditional households was shattered by the release of the movie *Fire* by Deepa Mehta in 1996. It ruptured the façade of right wing conservative normative and led to city wide riots by the right brigade. *Fire* made the domestic space of the eponymous Indian middle class accessible through the ubiquitous endogamous marriage and women's labour. Sadly, both the female protagonists feel drawn towards each other only after being rejected by their respective husbands; one husband channelling his impotency into religious celibacy, the other husband with his blatant infidelity. Here, a certain homosociality (Sedgwick, 1985) and sisterhood is subverted into desire as resistance and alienation from the patriarchy. But the patriarchy is unforgiving, and subversion is thwarted by

erasure through fire, literally and figuratively. Post the 2018 reading down of the antisodomy law, the OTT platforms became more experimental and inclusive of non-normative behaviours and identities as their target audience. Suddenly, there was an upsurge in representation, especially for the 'gay' identity. The lesbian identity was still inconceivable on screen, despite milestones set by several groundbreaking writer-directors such as Jabbar Patel, Vijay Tendulkar and Rituparno Ghosh among others in regional cinema, and authors and poets like Ismat Chughtai, Suniti Namjoshi, Manju Kapur, Nivedita Menon, Amrita Sher-Gil, Kamala Das and others.

There has been a significant rise in the number of creative works using the medium of print, cinema and mostly the new media of entertainment, the Over The Top (OTT) platforms, both Indian and International. The western platforms like Netflix, Amazon Prime, Disney Hotstar, You Tube and the Indian platforms (and their regional off shoots) like, ALTBalaji, Zee5, SonyLiv, etc have taken a bold step towards the representation of the LGBTQI+ in shows like *Made in Heaven* (2019), which is one of the rare shows located in India with Indian actors, the others being, western shows telecast in India, like *Queer Eye* (2018), *Rupaul's Drag Race* (2009) and *Sex Education* (2019). However, the rise of these platforms has given young directors a wider expanse and freedom to create movies and documentaries which show brave and open representation of the queer community but again presenting the homosexual male and the transgender. While most documentaries generally made by the queer community are about the highly visible transgender community (Gauri Sawant, Lakshmi Narayan Tripathi), the movies, unfortunately, fall into the comedic genre. Movies like *Shubh Mangal Savadhan* (2017), *Badhai Ho* (2018), *Ek Ladki ko Dekha toh Aisa Laga* (2019) despite their keen desire for representation, attempt to appease the conservative India with comic relief. *Badhai Ho* bravely presents the concept of 'Lavendar Marriages', where a lesbian and a gay character have a pre-understood open marriage. Tastefully made movies like *Margarita with a Straw* (2014) and *Geeli Pucchi* (2021) are two such avant-garde creations which touch the topic of women-loving-women with utmost sensitivity. The director of *Geeli Pucchi* (2021), Neeraaj Ghaywan, goes a step further and ropes in the intersection of caste and class oppression intertwined with gender and sexuality. The short film is one in a series of four films called *Ajeeb Daastaans*, directed by Neeraj Ghaywan, produced by the now openly gay director of bollywood romances, Karan Johar. Bharati Mondal's (played by Konkona Sen) surname identifies her as a lower

caste woman, and her desire for an upper caste Brahmin woman is erased by society, her partner and her own self as a survival mechanism. Bharati's home, in the movie, is shown as bare, with only a 'stray dog' occupying the space, symbolising a cast out from societal privilege. Thus, the domestic familial home space and the sexual intimacy is mediated through class, caste and endogamous heterosexual marriage in *Geeli Pucchi*.

Are the 'pride' events only for optics, and being appropriated for capitalist gains as seen by the urbanization and globalization of the queer community? This question is answered by Sircar's argument where he claims that "The current corporatization of Pride in India is accompanied by thinly veiled Islamophobia and strong homonationalistic views" (Jain & Sircar, x). Homonormativity, as also Homonationalism, allows the queer body to belong as an Indian first as long as they toe the nationalistic agenda of the governing right or left. Pride events in small and big cities, incorporate not just the Pride flags but also the national flag as an act of oneness and solidarity with all things Indian. Heteronormative constructs, like the institution of marriage and family, are being co-opted and advocated for as a basic human right, falling right into the entrapment of the binary, of 'this' or 'that', the 'right' or the 'wrong'. According to Ratna Kapur, the advocacy by queer theorists and historians like Ruth Vanita and Saleem Kidwai also "distance(d) their work from what they regard as more edgy practices associated with the term 'queer'" (Kapur, 2012, p.44). Queer, they argued, was a very broad term that could encompass deviant fetishes and that as per their works, same sex love in India was more about homoeroticism and maintained the binary of 'gay and lesbian' (Kapur, 2012, p.44).

Hence, whether it is Text, Celluloid or on the various OTT platforms which have been able to shrink the globe, queer love is still represented by the three variants of gay, lesbian and transgender (read intersex/hermaphrodites only). The rest of the spectrum is blinded, ghosted and erased out of existence. Deepika Jain and Oishik Sircar, queer advocates and academicians, insist that freedom of the queer body is a national fallacy brought in by the decriminalization of the Anti sodomy law and the illusion of queer representation in urbanized India, through a few Pride events (2024: vii). In praxis, the queer persons belonging to the real India, of the semi urban rural sector, are still situated in liminal spaces and embrace their liminality, which provides them safety from the oppressive eye of the cis-normative patriarchal institutionalisation as well as the homonormative nationalist who seeks these institutions. The

queer youth find safety in the innumerable social media platforms and queer friendly dating apps which provide them with a safe space curated for them and their desires, a ‘heterotopia’, a separate space, which coexists despite the revulsion by the normative masses (Foucault, 1986). Gayatri Gopinath, a queer advocacy activist, in her monograph, *Impossible Desires*, “finds alternatives in queer diasporic expressive culture, and everyday forms of queer diasporic worldmaking, that articulate radically expansive visions of ‘home’ and belonging, kinship and community that are not beholden to heteronormative and patrilineal logics” (Gopinath, 2005, p159). And yet, the ground reality within the country suggests otherwise, as homonormativity makes its debut in upper-class upper-caste India by aligning to patriarchal structures of marriage and filial ideologies. Digital India, through the freedom given by numerous social media platforms, such as Instagram, Snapchat, Myspace, and others, has opened up a ‘heterotopia’ where non normative, non-binary identities, ‘*impossible desires*’ and transgressive love can be explored without fear of being ridiculed or outed, as long as they remain in the margins.

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