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**Destabilizing Section 377: An
Indological Approach to Gender
and Sexuality**

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Gender and sexuality are intertwined with the idea and material reality of nation, nationalism and nationhood. H.J.Kim Puri, Jyoti Puri and Hyun Sook Kim in their article “Conceptualizing Gender- Sexuality- State- Nation: An Introduction” posit:

The flawed promises of nationalism as an all-inclusive, horizontal community are especially visible from the positions of women and marginalized groups. This special issue argues that understanding the changing cultural and political terrain of states and nations is relevant and crucial to analyses of sexuality and gender. This issue grows out of the recent work of a number of feminist scholars who have recognized that states, nationalisms, and nations are profoundly gendered. They have attended to the gendered, class and race-based idioms that shape the contours of nationalism, its boundaries, and its key symbols and meanings. (*Gender and Society* 137)

The “flawed promises” that the article mentions is relevant in contextualizing gender and sexuality in modern Indian nationalist context which is framed by patriarchal, heteronormative hegemony, marginalizing and criminalizing the deviations to the monolithic regime. The entire construction of the figure of Bharat Mata which is not only Hindu centric in its imagination of Indian nationhood and blasphemous to the monotheistic Muslim beliefs is also a distortion of the Hindu mythology and the image of femininity that it draws upon. The post-colonial image of Bharat Mata which draws upon Ma Durga degrades the powers and potentials of the goddess who in traditional mythological beliefs is a self-sufficient protector and warrior and does not require any masculine intrusion or aid. The discourse of a Bharat Mata supplicating her sons to free her from the imperial powers is derogatory to the traditional mythology which eulogizes the goddess as Adi Shakti (absolute power). This anti-colonial, Hindu nationalist discourse renders the otherwise invincible mythological femininity, an infirm woman, supplicating the masculine power for her release. This installs the patriarchal hegemony and the heteronormative gender roles that configure Indian Hindutva Nationalism. The article also emphasizes on “denaturalizing” geo-political boundaries to analyze the mutual constitution of gender, sexuality, state and nation. It is through naturalization, sublimation and deification of the contours, a nationalistic emotion is generated. A deconstruction and historicization of these contours lay bare the constitutive process in the formation of the nation. The retention of section 377 of IPC is one of these processes that form a nationalist emotion along repressive, patriarchal and heteronormative lines that appropriate and control sexuality to meet the hegemonic image of a homogenized, uniform and absolutist nation state. The article states:

States and nations reimagine and reconfigure their power and extend their reach, albeit in varying cultural contexts. While we do not suggest that all state practices of exclusion, discrimination, and violence are similar across cultural and historical contexts, it is instructive to highlight the patterns of how states and nations regulate sexual, gender, racial, and cultural borders. It is equally important to note the struggles around

citizenship, such as the demands for full inclusion in the citizenry and nation. These demands are constrained by the liberal politics of inclusion and belonging. Social class, race, gender, and sexuality are central nodes for challenging cultural and political exclusions but also are sites where inequalities are created anew within the framework of national states. (*Gender and Society* 139)

The otherization of LGBTQ communities by the supporters of section 377 by deploying nationalist sentiments, deeming deviant sexualities as western imports and overshadowing the gender and sexual fluidity, diversity and multiplicity inherent in the indigenous cultures and mythologies, are paradigms of the appropriationistic schemes that the states and nations co-opt to impose homogeneity and uniformity for an easy exercise of power.

The re-criminalization of homosexual relationships with the retention of section 377 of Indian penal code led to many debates and dissents. The debate “Is homosexuality conflicting with Cultural Values in India” on *Prime Time*, NDTV, hosted by Raveesh Kumar, offers an insight into the constitutional as well as cultural incongruities and paradoxes that Section 377 and its petitioners reflect, in their beliefs, values and understanding of what constitutes ‘Indianness.’ The prime panelists were Supreme Court advocate Ejaz Maqbool from All India Muslim Personal Law, women’s rights’ activist Vrinda Marwah and historicist Saleem Kidwai. (NDTV 2013). Ejaz Maqbool being an advocate for the retention of section 377, on being interrogated by Raveesh upon Supreme Court being regressive in its decision, emphatically upholds multiple times, “Don’t ape the west.” This renders Ejaz vulnerable to a vast historical criticism that exposes the incredulity of his understanding of the history of India itself. Ironically, the very existence of section 377 in the Indian statutes, post Independence, is an imitation of a law that has its roots in western, Judeo-Christian morality. On another debate on NDTV called “The Homosexuality Debate”, Anand Grover, senior advocate, representing Naz Foundation, which had petitioned against section 377, historicizes section 377 and the status of sexuality in Indian history. He lays bare the fact that section 377 of Indian penal code was imposed on India from the colonial British constitution in 1860 to “demean” our sexualities. He talks about the glorious status of transgenders in Indian history where the chief executive of last Mughal emperor, Bahadur Shah Zafar was Mehboob Ali, a *hijra*. The origins of this section go back to 1290, the times when the church and religion were hegemonic forces, influencing every sphere of life in Europe. The law emanates from Judeo-Christian vigilantism that deemed any non-procreative sexual act as ‘unnatural’ and a sin. Kamal Farooqi, another member of All India Muslim Personal Law, in the same debate, argues for criminalization of gay sex by saying, “Anything that comes in the way of human purpose, assigned to us by the creator, and our advancement, should be eliminated.” What strikes here, is the grotesque irony of his outdated and religious idea of advancement which predicates upon the multiplication of human species, for a country whose gravest issue is soaring fertility rates. The religious fundamentalists’ understanding of natural and unnatural is quite dubious, as what is unnatural and artificial is the human interference with the natural course of sexuality, which is that of fluidity and multiplicity.

The channeling and correcting through ‘order’ is unnatural. If penile-vaginal sex is the only natural sex then it would happen on its own uniformly across all human species, without any religious, psychological or legal indoctrination or correction. It is the instrument of ‘naturalization’ of penile-vaginal sex that the structures of power deploy to sustain the hetero-normative and patriarchal hegemony. Kamal Farooqi and Ejaz Maqbool, in their advocacy for section 377, heavily resort to religion, which renders their arguments redundant for a country whose constitution has secularism as its foundation, and not religious absolutism. The presence of this section in Indian constitution defies the values of secularism, as its origins are purely religious. The quotation from the Indian constitution is as follows:

377. Unnatural offences: 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 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 offense described in this section. (*Lawyers Collective 01*)

The law clearly penalizes any form of sexual activity except penile-vaginal sex. The criminalization of sodomy dates back to Dark ages, when it was enforced in Britain, where the church fabricated binaries of natural/unnatural or pure/evil, stemming from the biblical idea that God created man to multiply, which is only possible through heterosexual penile-vaginal intercourse. The law demonizes any deviation from procreative sexual acts, and calls them ‘carnal acts against the order of nature.’ It is a sheer western, colonial import and a misfit for an independent, cosmopolitan and secular India. The deployment of the term ‘carnal’ explains the essentially didactic and biblical/evangelical overtones that the law carries demonizing, not procreative sex, but sensual, fleshy, corporeal pleasures defined by ‘lust’ which is one of the seven deadly sins of Christianity. The outdated law still rests upon gender binary, recognizing only men and women and does not address the communities outside this binary which form a large part of Indian population. Even the proponents of the law, the British, scraped the law and de-criminalized homosexuality in 1967, but India, the victim of a colonial imposition, continues to grapple with it despite independence.

The Naz Foundation had filed a petition in 2009 arguing that section 377 is totally discordant with the other sections of the constitution that protect our fundamental rights as the citizens of India— fundamental rights guaranteed under Articles 14, 15, 19 and 21 of the Constitution of India. The presence of section 377 denies the queer communities the right of equality before law, right against discrimination on the basis of sex, and most importantly the most nuanced article 21, which reads as: “Protection of life and personal liberty: No person shall be deprived of his life or personal liberty, except according to the procedure prescribed by the law” (Naz Foundation Judgement 2009). The article went into revisions in the recent years with expansions and more explanations like:

It imposed a limitation upon a procedure which prescribed for depriving a person of life and personal liberty by saying that the procedure which prescribed for depriving a person of life and personal liberty, must be reasonable, fair and such law should not be arbitrary, whimsical and fanciful. The interpretation which has been given to the words life and personal liberty in various decisions of the Apex Court, it can be said that the protection of life and personal liberty has got multi dimensional meaning and any arbitrary, whimsical and fanciful act of the State which deprived the life or personal liberty of a person would be against the provision of Article 21 of the Constitution. (*legalserviceindia.com* 01)

However, the arguments of Naz Foundations were rendered baseless and invalid by The Supreme Court of India in 2013, upholding the constitutionality of section 377. (CIVIL APPEAL NO.10972 OF 2013 (Arising out of SLP (C) No.15436 of 2009). The very idea of premising law on religious ethics, in a secular nation, and arbitrarily constructing natural/unnatural binary are clearly whimsical and fanciful acts of the state. Within the constitution itself is found the incredulity and illegitimacy of section 377. As Laxmi Narayan Tripathi, a transgender rights activist and a transgender herself, emphatically proclaims in “Gay Sex debate” hosted by Arnab Goswami, that this section denies queers, the right to live with dignity and they feel ashamed of themselves(The Newshour Debate 2013). She quotes quranic verses where transgenders are recognized and also upholds that Indian ancient history is that of free sexuality as opposed to modern colonial/draconian laws maneuvering it into hetero-normativity, which punctures the religious fundamentalist arguments of Kamal Farooqi. The petitioners for the retention of section 377 also argue that the law does not criminalize the concept of homosexuality and homosexuals per say, but as Kamal Farooqi says it criminalizes “the sex” between two consenting homosexuals. This ludicrous argument incites a lot of dissenters who attack the diplomatic tokenism of feigning acceptance, while denying the basic fundamental right of privacy to two or more consenting adults in private. Filmmaker Sridhar, whose film on queer issues, *The Pink Mirror*, was banned by Indian censor board, for the explicit display of sexuality, dissents by upholding, “Why would I even be a homosexual if I do not have sex. It is my basic fundamental right being a human. This law denies me my humanity” (NDTV 2013). NDTV, in the beginning of the debate, shows a small clip where, on being questioned upon the retention of section 377 by NDTV journalists, the Indian politicians respond with refusals to talk about the issue and the exclamations like “*Shiv Shiv!*” which denotes a corrective response to purify an impurity or a sin, which doesn’t have to be uttered in public. The trivial incident exhibits the contemporary reality of India which is analogous to the western 19th century Victorian social reality, as Michel Foucault delineates in his seminal work *History of sexuality*:

On the subject of sex, silence became the rule. The legitimate and procreative couple laid down the law. The couple imposed itself as model, enforced the norm, safeguarded the truth, and reserved the right to speak while retaining the principle of secrecy. A single locus of sexuality was acknowledged in social space as well as at the heart of every household, but it was a utilitarian and fertile one: the parents' bedroom. The rest had only

to remain vague; proper demeanor avoided contact with other bodies, and verbal decency sanitized one's speech. And sterile behavior carried the taint of abnormality; if it insisted on making itself too visible, it would be designated accordingly and would have to pay the penalty. (Foucault 03)

'Silence' played an important role in controlling and regulating sexuality in 19th century Europe, which is now hegemonizing the Indian societies. Stigmatizing sexuality to the extent that talking about it too instigates cringe and disgust is one of the most effective ways to manacle it. On legal and political forefronts, the silence transforms into homophobic and corrective discourses. Advocate Ejaz Maqbool calls the retention of section 377 a "corrective surgery" co-opted by Supreme Court to redeem the decriminalization that the high court had previously undertaken (NDTV 2013). The term renders Raveesh shocked which he expresses by repeating the term in an interrogative tone. It is a stark sign of regression that Indian legal framework is dwindling into, following the measures that west deployed in archaic times, when homosexuality was deemed as a sin/ flaw/ disorder capable of correction.

The shocking replies of the Ministry of Home Affairs to the Naz Foundation's petition expose the misconstrued knowledge about Indian history and society that dominates the mainstream values and belief system and form the normativity of repression. Ministry of Home Affairs writes:

Indian society by and large disapproved of homosexuality, which disapproval was strong enough to justify it being treated as a criminal offence even where the adults indulge in it in private. Union of India submits that law cannot run separately from the society since it only reflects the perception of the society. It claims that at the time of initial enactment, Section 377 IPC was responding to the values and morals of the time in the Indian society. It has been submitted that in fact in any parliamentary secular democracy, the legal conception of crime depends upon political as well as moral considerations notwithstanding considerable overlap existing between legal and safety conception of crime i.e. moral factors. (*Naz Foundation Judgement 2009*)

It cannot be avoided that contemporary ideas of nationhood and nationalism are influenced by colonial standards. The values and morality of contemporary Indian consciousness are shaped by western, colonial morality of hetero-normative standards which are erroneously ascribed to *Bhartiya sanskriti* (Indian values), as a consequence of a colonial hangover, wiping off the memory and the knowledge of ancient sects, scriptures and cultures of Indian sub-continent that reflected a free-play of gender and sexuality. The history of containment of this queerness of Indian civilization by the west has to be traced along the lines of law that criminalizes homosexuality. The morals and values of the society are not autonomously formed. The political leaders in power who are predicating their arguments on the values and morality of

the Indian society must know that these very values and moralities are fabricated and indoctrinated by the dominant normative, the power holders and the law. It is the state that deploys its ideological apparatuses (ISA), various instruments perpetuating the dominant ideologies— religion, culture, pedagogy, mass media etc. that form the consciousness of the individuals (Althusser 33). It is through these instruments that the ideology formulated by the state, in Marxist theorist Louis Althusser's terms "interpellates" the individuals as subjects (54). This renders the ministry of Home Affairs' argument hypocritical, as those values and morals that they claim to safeguard are infiltrated by them only, being the shareholders of power. Societal values and morals are reflections of the ideologies dictated by the state.

Resorting to the religious dogmas to formulate law in a secular country itself is a decision gone awry. But within the religious arguments posited by the religious representatives and the petitioners for criminalization of homosexuality, there exists a total misconstruction of history, appropriation of mythology and a dissemination of erroneous knowledge about Hinduism, Indian culture and values and what forms Indian morality and nationhood. The common contemporary notions in India about homosexuality being a western import is the biggest impediment to developing a tolerance for queer communities and an understanding of gender and sexuality in India. There are several You-tube videos where young You-tubers in India go around interviewing common people in Indian metropolitan cities about their opinions on homosexuality and section 377. The responses are diverse; some accept, some reject, some have stigmatized the queer so much that they refrain from talking about it (Tamashabera 2016). But what is homogenous across the majority is the lack of understanding of the nuances of gender and sexuality, and the false notion that homosexuality is a western product of changing times and modernity. The contemporary spiritual leaders coalescing with the right wing politics play a major role in perpetuating the homophobic ideologies and sustaining the hetero-normative and patriarchal hegemony, strengthening gender roles and a patrilineal family structure. Celebrated yoga guru Baba Ramdev on being questioned upon homosexuality and the retention of section 377, expresses his elation on the decision and calls homosexuality an "American disease", reiterates common tokenism rhetoric by calling gays and lesbians "our brothers and sisters" who are a part of us, and that his yoga has cure for such "wrong habits", like same-sex intercourse and masturbation (News X and Bharat Swabhimani; 2016 and 2013). This reverberates Foucaultian analysis in his theory of *Repressive Hypothesis*, where, in 18th century Europe various discourses were formed about sexuality, knowledge was fabricated, "biologizing" sexualities, and the curative claims spread by various forms of power— medicine, pedagogy, psychology, biology, psychiatry etc., instead of blatant penalization (Foucault 33). Ramdev demonizes same sex intercourse, pertaining to *bhartiya sanskriti* (Indian civilization) and *Hindu dharma*, posits the binary of *naitik/anaitik* (licit/illicit) and relegates non-procreative sexual acts to the category of the illicit. This surprisingly reflects more of a western, Christian binary construction as Foucault explains:

Up to the end of the eighteenth century, three major explicit codes—apart from the customary regularities and constraints of opinion-governed sexual practices: canonical law, the Christian pastoral, and civil law. They determined, each in its own way, the division between licit and illicit. (Foucault 37)

Ejaz Maqbool and Baba Ramdev both publicly express that no religion—Hinduism, Islam or Christianity—accepts homosexual intercourse, and all of them penalize it. The credulity of this claim is subverted by an indological/historical analysis of sexuality in India by Ruth Vanita and Saleem Kidwai in their book *Same-Sex Love in India- A Literary History*. The book recuperates the myths and legends from *vedas*, *puranas* and epics from various sects and beliefs of South Asian mythologies, which collectively form what we call today ‘Hindu mythology.’ It narrativizes these legends from the entry points of the dialectics of gender and sexuality, and unveils the queerness, the fluidity, multiplicity and polymorphosity that Indian mythological history is brimming with. The book narrates the story of the most celebrated God of South India, *Ayappa*, who is a progeny of a homosexual intercourse between the two most important Gods of Hinduism, two of the three Gods who form the holy trinity, Lord Vishnu and Lord Shiva (Vanita and Kidwai 109). The *Mohini* avatar of Lord Vishnu, revered all across Hinduism, is a figure of subversion of the absolutism of gender/sex binary. Vishnu’s fluid mobility across genders can be co-opted to theorize the “performativity” (Butler 15) of gender and the continuum of cross-dressing which is integral to Hindu culture. The intercourse between the two male Gods does not take place as a result of deception of Vishnu’s disguise as a woman. Rather Lord Shiva is so enamored of the *Mohini* avatar that he supplicates Vishnu to take up *Mohini* avatar again so that he could make love with him, to which he consents and the entire erotic session happens before embarrassed and jealous Parvati, Shiva’s wife. Though this reiterates the hetero-normative role play, it also problematizes the concept of “disembodied spirit” in Hindu mythology (Vanita and Kidwai 35). If socially constructed categories of caste, race, sex and gender are all mortal and less important than the eternal soul, which takes on different bodies in different births like changing clothes, then the corporeality of Vishnu-Shiva intercourse dwindles into a love of two spirits, that renders penalizing homosexuality in the name of Hindu culture inaccurate. Also *Mohini* getting pregnant and the pregnancy still remaining even when *Mohini* retreats to the original male form of Vishnu questions the contemporary laws and beliefs that rely on the heterosexual family set-up as the sole natural structure. *Ayappa* has two fathers, a homosexual parentage, which is evident by his other name *Hariharaputra*, which means the son (*putra*) of *Hari* (Vishnu) and *Hara* (Shiva) (Vanita and Kidwai 109). Another instance of cross-dressing found in Indian mythology is directly linked to Shiva’s homoerotic fixation upon Krishna, an avatar of Lord Vishnu again. To attend Krishna’s *raas leela* with all the *gopiyans*, Shiva cross-dresses as a beautiful woman, which is articulated in a popular Hindi devotional song, which translates as:

One fine day, Bhole Bhandari (Shiv)

Disguised as a pretty woman, entered Brij
Parvati, exhausted of supplicating him to stop;
But adamant tripurari (Shiv) ignored her

(*Bhaktigaane.in* 2013)

Linking this incident with the former Shiva-Mohini relationship affirms the homoerotic love that Shiva harbours for Vishnu despite his avatars. It is not the body of Mohini that he desired, but essentially Vishnu, whom he desires again in his Krishna avatar.

Yoga guru Baba Ramdev's enterprise named *Patanjali* loses its cultural significance with a deconstruction of what the title Patanjali is loaded with. Patanjali, a large scale business unit, produces herbal, ayurvedic products, deals in healthcare, having many hospitals and yoga centers. Baba Ramdev claims that his yoga has cure for sexual deviations which are nothing but bad habits. What punctures his alienation of the queer as diseased is the meaning of Patanjali itself. Patanjali is second century BC commentator and grammarian whose studies form the basis for Baba Ramdev's medical and yoga knowledge. An excerpt from "Same Sex Love in India" explains the plurality of gender and sexuality that Patanjali recognizes, which ironically Baba Ramdev derides as an American disease.

Patanjali's second century BC texts, and Jain texts, have demonstrated that the concept of a third sex, with various ambiguous sub-categories have been a part of Indian worldview for nearly three thousand years. While categorizing men who desire men as 'women' on the basis of their desire but simultaneously as 'men' in gender, they also noted that desire may be fluid and transient. (Vanita and Kidwai 29)

The biggest potential subversive element to contemporary hetero-normativity is Vatsyayana's *Kamasutra*, a compilation of all earlier erotic sciences. Ruth Vanita and Saleem Kidwai's delineation of Vatsyayana's intentions behind forming this compilation displays a stark contrast between the history of celebration of unbridled sexuality of India and the current moralizing and control of sexuality by an appropriation of the same history. The chapter on *Kamasutra* states:

The text commences by placing Kama in perspective as one of the three aims of life, pursued by all living beings. Vatsyayana advocates the study of this text by both men and women. He emphasizes that not just courtesans but other women too must study the *kamasutra*, and that young girls should be instructed by older, more experienced women, in its theory and practice. He lists sixty-four arts as necessary to be studied by all people in order to be attractive. (Vanita and Kidwai 54)

The current law of section 377 which our contemporary political and religious leaders claim, safeguards our Indian civilization, stands in stark contrast to what our civilization,

mythology and scriptures entailed. *Kamasutra* in its narrative, portrays every possible kind of sexual positions, activities and orientations, ranging from self-pleasure, to having sex with animal, orgies, masochism, all possible kinds of genital piercings and sex-toys, all of which in contemporary Indian perception are western, pornographic imports. The modern category of Hinduism that is a consolidation of the south Asian sects and beliefs, has a history of celebration of the *kama* (sensual pleasures), which is one of the three most important goals of human life, as opposed to western, Judeo-Christian morality which condemns ‘carnality’, that Indian penal code apes on the pretext of saving Indian culture from western impure infiltration. Sex in Hindu mythology is not limited to procreation. Rather sexuality and pleasure are co-opted as means to re-unite with God. The book narrates various communities in the Indian history like the 17th and 18th century Vaishnava Sahajiyas’ men who engaged in ritualized sexual intercourse within the women of their own community who were married to a different man, to ape the relationship between Radha and Krishna, which they believed turned them into a woman and “purified” their love for Krishna (Vanita and Kidwai 75). This validates homoerotic emotions as integral parts of Hindu mythology. Even if the community conforms to a heterosexual pattern, it legitimizes effeminate men as not aliens to Indian culture. It rather eulogizes effeminacy and homoerotic desires as divine and pure as opposed to current religious fundamentalists who are interpellated by the outdated 18th and 19th century colonial European ideologies of corrective sciences that de-naturalized deviant sexual behavior.

Relying entirely on the mythological evidences to counter contemporary heteronormativity can also dwindle into a redundant practise, as the normative status of heterosexuality remains unchanged there as well. Homoerotic desires find fulfilment only through a conformity to heteronormativity. Shiva indulges in carnal fulfilment with Vishnu only in his Mohini avatar or when he himself transforms into a gopi. A deviation from heterosexual carnality is received with ridicule and punishment. The birth of Kartikeya, Shiva’s son, does not involve a heterosexual sexual intercourse. He is born out of Shiva’s semen being swallowed by Agni, the God of fire, and this homosexual act is denounced by Parvati as ‘wicked’, ‘impure’, and even Shiva deems it as ‘improper’ (Vanita and Kidwai 93). Agni as a punishment suffers from the burning sensation because of Shiva’s semen in him, and Shiva suggests to him a corrective measure. He asks him to transmit this semen into sages’ wives, who in turn transmit it to Ganga from where it falls into a forest of grass and Kartikeya is born. An analysis of *Padma Purana: Arjuni (Sanskrit)* also depicts the fulfilment of homoerotic desires through a subscription to heteronormative setup (Vanita and Kidwai 105). Krishna-Arjuna love making conjugates when Arjuna is transformed into Arjuni, a woman brimming with beauty, by bathing into a miraculous lake, to be a part of Krishna’s Rasleela. Similarly, in *Skanda Purana*, Somavan’s desire for Sumedha finds its articulation only when Somavan is changed into Samavati (Vanita and Kidwai 85).

However despite the overarching heteronormativity, what makes it crucial to hark back to the mythology is extreme gender fluidity and the constant troubling of the categories of gender

and sex. This holds relevance in connection to the modern Butlerian theorization of gender, where not just gender but even sex loses its binary, immutable and absolutist rigidity and becomes problematic and contingent. There are movements across not only gender, a social construct, but also across sex, puncturing the institutional “biologization” of sex. This intimates a possibility of breaking beyond the imposed identities for the accomplishment of desires. Fulfilment of desire holds utmost importance in achieving salvation in South Asian mythologies as opposed to the renunciation in the western ones.

According to the doctrine of Samskaras, one becomes what one desires to become and may be reborn as whatever one mentally dwells upon in one’s dying hours. Fulfilment of all desires may be seen as a necessary step towards ridding oneself of those desires and attaining liberation. (Vanita and Kidwai 86)

There also are instances of homosexual erotic fulfilments sans gender or sexual transformation. For instance, the birth of Bhagiratha, as mentioned in the medieval text *Sushruta Samhita*, is a result of the sexual intercourse between two women (Vanita and Kidwai 115). This not only defies the biologized sex but also ratifies homosexual affairs. In a version of *Krittivasa Ramayana*, after the death of King Dilipa, his wives, on Lord Shiva’s command, have sexual intercourse with each other which engenders Bhagiratha. Etymologically Bhagiratha is the one born through the divine blessing of two bhagas (vulvas). In another version of *Krittivasa Ramayana*, Lord Brahma commands Madan (Kama), the God of love, desire and beauty to bear the two queens a son, obeying which he casts a spell on them and they engage in passionate sexual intercourse.

Burning with desire induced by Madan, Chandra and Mala took each other in embrace, and each kissed the other

Chandravati played the man and Mala the woman; the two women dallied and made love [Dui nari mono ronge rongo krira kori]. (Vanita and Kidwai 119)

The relationship between fourteenth century mystic poet Jagannath Das and his master major mystic Shri Chaitanya can be considered to trace the homoeroticism as an integral part of divine devotion and spirituality.

In *Chaitanyaganoddipika*, Jagannath is said to have been known by female names Bilasakya, Tinkini, and Kamalatika in previous births. Jagannath identified with Radha and her handmaids. Seeing Krishna in Chaitanya, he thought of himself as Chaitanya’s maidservant. As part of devotional ritual, he would massage Chaitanya’s legs and wear the clothes Chaitanya had taken off, including his loincloth. This intimate relationship continued till Chaitanya’s death. (Vanita and Kidwai 111)

Also despite heterosexuality being the ‘norm’, it is often an imposition, rather than a free choice. It seems like a bondage that results in dissatisfaction, despair and eventually infidelity to break free or a feeling of contempt for heteronormative matrimony. The very idea of giving birth to Ganesha strikes Parvati as a result of the yearning for privacy and distance from Lord Shiva. She is disturbed by her husband’s chauvinistic intrusions into her private bathing sessions with her female friends. She places her freedom much above matrimony and goes to the extent of demanding Ganesha to wage a war against Shiva (Vanita and Kidwai 97). Shiva too transgresses matrimonial and monogamous boundaries in his escapades with various avatars of Lord Vishnu, be it Mohini or Krishna.

Same-Sex Love in India through its narratives establishes that the discursivities on gender and sexuality are not the monopoly of western philosophies. Rather the actual manifestation of fluidity, performativity, contingencies and problematics of gender are found in Indian mythology. We have texts loaded with subversive power which, if narrativized and historicized, could outlive the false consciousness of hetero-normativity.

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