

QUEER AND ANTI-QUEER POLITICS IN INDIA: ROLE OF JUDICIARY AND THE EPISODES OF LEGAL BATTLES

AVIJIT SUTRADHAR¹

¹Assistant Professor of Political Science, Islampur College, Islampur, Uttar Dinajpur, West Bengal, INDIA

ABSTRACT

The word 'queer' was popularized in the early 1990s and it is a product of specific cultural and theoretical pressures which has structured the debates on the questions of lesbian and gay identities. In place of 'queer', the paper explicitly uses the term 'sexual minorities' to denote the people belonging the LGBTQIA+ communities who are dependent on the state authority to enjoy some rights of their own. Politics on queer questions develops with social resistance when a tabooed bodily desire demands a political solution. Indian judiciary is active on queer justice and also concerned about the opinion of the law makers or the lawmaking body of the country. Notably, queer politics as well as anti-queer politics both have appeared in court. Justifying the notable court cases on the issues of the sexual minorities, the paper portrays the role of Indian judiciary which expressed a critical concern on the rights of the LGBTQIA+ who are too the parts of the Indian democratic political system. Delhi High Court decriminalized homosexuality in 2009; the Supreme Court of India recriminalized it in 2013; and in 2018, Supreme Court said the criminalization indicates the violation of the fundamental rights of Indian citizen. On the contrary, in 2023, Supreme Court ruled against the legalization of same-sex marriage. Hence, the paper examines the role of the judiciary and highlights several episodes of legal battles since 1994 that the country has witnessed on the issue of the rights of LGBTQIA+.

KEYWORDS: Sexual Minorities, Supreme Court, LGBTQ Rights, Bollywood, Queer Politics

Rights of the minorities are crucial to democracy and in many democracies sexuality is a subject of activism. Contemporary gender and sexuality studies use the term sexual minorities to decode a group of people whose sexual orientation is beyond binary gender. Simultaneously, the term 'queer' is also used for a systematic study to deal with the issues related to the people belonging to the LGBTQIA+. The paper espouses to use the term 'sexual minorities' besides the term 'queer'. Since the last of the last century, in context to India, various social organizations, Bollywood and Indian courts have dealt with the challenges faced by the people belonging to the gay, lesbian and transgender communities. But the actual realization of the rights of the sexual minorities is most challenging in modern Indian democracy because of the age old social stigma and ongoing legal constraints. The paper is, no doubt, an observation on queer identity politics that was exercised to uphold the rights of the sexual minorities who are associated with Indian democratic political system. But we all know the fact that, since the state authorities could not guarantee the rights of the sexual minorities but considered them to be criminal tendencies, the protesters went directly to the courts to raise their voices and to pave the way to enjoy their rights in modern social system. On the contrary, time to time, the Courts also took a position to satisfy the petitioners and the adversaries and hence the role of judiciary is very important here on the

issue of queer justice. Through the methods of historical and comparative analysis, depiction of different case highlights, film reviews and a critical exploration, the paper examines the role of the judiciary and highlights several episodes of legal battles since 1994 that the country has witnessed on the issue of the rights of LGBTQIA+.

It is not only the Section 377 of the Indian Penal Code of British India that criminalizes homosexuality, rather the Supreme Court of India has also taken the same position in 2013. Indian judiciary has given different judgements in different times on homosexuality. Delhi High Court decriminalized homosexuality in 2009; the Supreme Court of India recriminalized it in 2013; and in 2018, the Supreme Court again decriminalized and came back to the almost same position as taken by the Delhi High Court in 2009 saying the criminalization indicates the violation of the fundamental rights of Indian citizen. Section 377 was first challenged in 1994 in Delhi High Court by ABVA through a petition arguing that the Section 377 creates discrimination against individuals and infringes upon people's right to privacy. But because of internal problems within the petitioner organization, the court didn't hear the voices of the petitioners. In 2001, Naz Foundation (India) Trust filled public interest litigation in Delhi High Court to challenge Section 377 again. The Court dismissed the case in

2004 on the question of *locus standi* and consequently the petitioners filed a review petition in High Court. On 2nd July 2009, Delhi High Court in *Naz Foundation v. Government of NCT of Delhi and Others* case in its historic judgement said that the Section 377 is unconstitutional because it violates the fundamental rights as guaranteed through the Article 14 (right to equality before the law or the equal protection of the laws), Article 15 (right to non-discrimination on the basis of religion, race, caste, sex, and place of birth) and Article 21 (right to not be deprived of one's life or personal liberty). The Court decriminalized consensual homosexuality between the adults. However, it was also clarified that, the non-consensual penile non-vaginal sex and also non-vaginal sex involving minors, that means, these sexual activities with the persons below the age of 18 years will be treated as criminal activity as stated by the Section 377 (Sharma and Das, 2016: 92-93).

It is pertinent here to note that, the global religion and ancient culture do not possess positive views on homosexuality. Hinduism, Islam and Christianity have opposed to implement homosexuality at their societies. Early societies often viewed homosexuality as a disease, especially mental disorder or insanity. Among the Muslim groups, *Jamat-e-Islami Hind*, the *Darul Uloom – Deoband* and All India Muslim Personal Law Board were united to express their resentment against the verdict of Delhi High Court on decriminalizing homosexuality of 2009 and they also thought that the verdict must be challenged in the Supreme Court. Similarly, the leaders of the Hindu right-wing religious and political organization *Vishwa Hindu Parishad* viewed that the homosexuality is destructive towards society. Television Yoga Guru Baba Ramdev also decided to challenge the said verdict in the Supreme Court. He stated that the homosexuality is a disease and it can be cured by Yoga. A prominent South Indian Catholic group also responded that the judgement made by Delhi High Court would lead to sexual anarchy (Sharma and Das, 2016: 97). Here we observe that the politics of religion always voiced to counter homosexuality in Indian context.

Ancient Vedic tradition reveals that, the bride is a gift from the Gods, not from her father. Mutual consent of the bride (female) and groom (male) is required to validate the wedding. In Hindu, Muslim or in Christian marriage, parental consent is not essential for the validation of wedding between bride and groom or female and male (Vanita, 2005: 49-50). In most of the said religions, sexual intercourse between same-sex individuals is proscribed which literally indicates that the same-sex marriage is also prohibited because, it may be argued that, the objective of marriage is procreation basically. Now the question is this, what actually the 'secularism' thinks about same-sex love, marriage and, most importantly, physical relations that

embodies sexual pleasure? Notably, secularism is not a religion but an ideology to be impartial in context to religion. The Constitution of India valued secularism by 42nd Constitutional Amendment Act of 1976. Another question that would come to the surface of secular politics that in 'secular' and 'democratic' political system is there no chance to approve queer sexual desires that are prohibited by the major religious traditions in India?

Discussions on the rights of the sexual minorities came to the public sphere in the wake of the debate over Section 377 and AIDS awareness initiatives. AIDS/HIV was discovered in India in 1994 through a survey conducted by Dr. K. K. Aggarwal, the President of the Indian Medical Association, in Tihar Jail which is considered as the India's largest prison. The survey report highlighted that the two-thirds of the prisoners were involved in homosexual activity. Some doctors and AIDS activists were in favour of distributing condoms to the homosexual prisoners but Kiran Bedi, the then head of Tihar Jail, opposed this arguing that the initiative on condom distribution would be an act to legalizing homosexual activity. Her solution was to provide the medical and psychiatric help to the persons who are identified as the homosexual men (Bhaskaran, 2004: 77-78). The question may arise – is homosexuality a disease? Considering the values of a particular society and cultural perspectives, American Psychiatric Association in its *Diagnostic and Statistical Manual of Mental Disorders* (1968), 2nd edition, concluded that homosexuality is a mental disorder. But later on, in 1980, in the 3rd edition of the said work framed the definition of mental disorder and considered that homosexuality is not a mental disorder. Mental disorder is a condition that has to be 'a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is typically associated with either a painful symptom (distress) or impairment in one or more areas of functioning (disability)'. In this sense, homosexuality is no longer considered to be a mental disorder, unless the sexual orientation caused significant distress for the homosexual individual (King, 2009: 379; Varga, 2015: 113-114). Naz Foundation took a stringent action against the Indian medical institutions which believed that homosexuality is a 'mental disorder' and 'aversion' shock therapy is required to cure this disease. This non-governmental organization filed a complaint before the *National Human Rights Commission of India* (NHRC) against the Indian medical establishments because of their continuous support to the statement that homosexuality is a disease. Though NHRC dismissed the case filed by Naz Foundation, but later on, NHRC published a report and urged for repeal of Section 377 (Bhaskaran, 2004: 80).

Queer movement in India was started in an organized manner through raising the voices against Section 377 and with a concern for the rights of the sexual minorities. In 1992, voices of the lesbian, gay and bisexuals were raised displaying several placard with slogans like 'Homosexuality is neither a crime nor a disease', 'Why is it a sin if a woman loves a woman?', 'Gay is normal', 'Arrest AIDS not gays', 'Down with Section 377' etc. (Joseph and Dhall, 2000: 167). These slogans were raised not only for the freedom from violence but also for the rights and affirmation for the queer communities. The voices of the queer have accused the state and society for creating discrimination against them and questioned the authority of law, medicine and religion also to pass judgement on their lives. During 2000s, "Voices Against Section 377" took initiatives for the queer rights in India through organized manner. It was a coalition of several non-governmental organization and progressive groups such as women's rights, child rights, human rights and queer groups; even the non-queer groups were also associated with this Delhi based coalition group (Narrain and Bhan, 2005: 7-9). The objectives of the "Voices Against Section 377" were to raise awareness about the violation of the fundamental rights of the people belonging to the queer communities and to organize protest against the Section 377 of the Indian Penal Code that marginalizes and criminalizes same-sex desire (Lakkimsetti, 2020: 139). CREA, TARSHI, *Nirantar*, the *Nigah Media Collective* and Prism are some organizations which were the coalition partners of the "Voices Against Section 377". The strategies of the movement through this platform were large scale education campaign; raising awareness among the general public, the media, the health professions and students; demonstrations, press conferences, gathering a number of signatures or mass petition against the Section 377 etc. (Misra, 2009: 23-24). Thus, NGO-based queer movement in India was a non-violent social protest which may also be designated as a 'new social movement' since the questions of liberty, equality, justice and democratization were closely associated with this movement.

The question of justice to the sexual minorities was also important for the participants of the queer movements. In 2001, when the students and faculty of National Law School, Bangalore wrote a letter to the Chairman of National Human Rights Commission; the protesters of the Section 377 strongly opposed the medical treatment of the homosexuals by the aversion therapy which includes the use of electric shocks showing homo-erotic pictures to a person (who is identified as a homosexual) to convert him to heterosexuality. The letter was signed by 52 protesters who reiterated that the Section 377 is unconstitutional and violates the human rights of the sexual minorities. The content of the letter reveals that the treatment plan prescribed by the doctors of the All India Institute of

Medical Sciences (AIIMS) was a kind of torture as reported by a person who was treated as a patient of homosexuality and experienced counselling and drug therapies.¹ By these means, as the letter exhibits, the homosexuals were treated as patients and injustice done to the sexual minorities.

Despite these vehement protests against Section 377, homosexuality was recriminalized in 2013 by the Indian Judiciary. Thus Section 377 was upheld by the Indian Judiciary in independent India. The High Court's decision on decriminalizing homosexuality of 2009 was appealed by fifteen religious organizations led by Mr. Suresh Kumar Kaushal, a professional astrologer. One third of this organization partners belong to the Hindutva group and part of Hindu nationalist movement. Major organizations of the *Sangh* family did not participated in the litigation to the court. But ultimately when the verdict of the Supreme Court came out in 2013 on recriminalizing same-sex relationship, BJP and RSS supported the decision. The appealing parties kept a procedural argument that the law making authority is the Parliament not the Court. Therefore, if any change is required in the laws on any sexual relationship, it should be made by the Parliament only (Deo, 2016: 144). Finally, the Supreme Court overturned the judgement of Delhi High Court considering that the Parliament should repeal the law, not the Judiciary (Oloka-Onyango, 2017: 134). *Suresh Kumar Kaushal v Naz Foundation* case judgement of 2013 recriminalized same-sex relationship on the ground that the carnal intercourse or anal sex is 'unnatural' and 'against the order of nature' as it was stated in the Section 377 and as the objection raised by the Kaushal group. According to the formal legal analysis during the case, the equality and non-discrimination provisions were not attracted because the provision only criminalized the mentioned sexual acts and not the sexual identities. Later on, in 2018, these findings were reversed by the Supreme Court during *Navej Singh Johar v. Union of India* case judgement (Bhatia and Atrey, 2024: 275-276).

Just immediately after the *Suresh Kumar Kaushal v Naz Foundation* case judgement, the Indian National Congress declared that they will take action in the Indian Parliament to repeal Section 377 through legislation and the Congress also included this commitment in their election manifesto because the 16th Lok Sabha election was knocking at the door at that time. But after the election, BJP came to power which was not a good news for queer communities and for those who were committed to the queer and sexual rights movements in India, because biggest opposition against the rights of the homosexuals came from BJP and other Hindu nationalist political leaders (Sircar, 2022: 232-233). Notably, the Indian National Congress, Aam Admi Party and Communist Party of

India have cleared their party positions in support of the repealing Section 377 (Dixon, 2023: 113). Bharatiya Janata Party (BJP) considers homosexuality as a product of the Western culture which has been adopted by some upper-class Indians but many of the Indian middle-class is completely unaffected by this culture. Many Indian middle-class people have accepted only the concept of heterosexuality, marriage, procreation and they believe in the concept of family composed of father, mother, brother and sister. The Section 377 of the IPC endorse this cultural tradition (Rao, 2017: 129). Thus, emanates anti-queer politics by the BJP since they support Section 377. However, it was seen that, the BJP did not criticize homosexuality taking any official position, but many of its leaders, who hold public offices, considered homosexuality as unnatural and immoral. Exceptionally, BJP leader Arun Jaitley, former Minister of Finance of Government of India, said that he supports decriminalizing homosexuality (Vanita, 2016: 325-326).

The *Navtej Singh Johar v. Union of India* case was a landmark and a revolutionary one to justify queer rights in India. The case judgement came in September 2018 and it reversed the *Kaushal* judgement of 2013. *Navtej Singh Johar* judgement declared Section 377 ‘unconstitutional’ because it criminalized consensual, adult homosexual activity. The judgement settled the constitutional questions around the legality of homosexuality (Rao, 2020: 7). This judgement is significant as it decriminalized all consensual sex among adults, including homosexual sex. It was quoted that an old law of the colonial legislature, Section 377, ‘deprived them (the homosexuals) of the simple right as human beings to live, love and partner as nature made them. The human instinct to love was caged by constraining the physical manifestation of their sexuality. Gays and lesbians were made subordinate to the authority of a coercive state’ (Lalor, 2021: 40). Accepting a wide range of arguments through court proceedings, several sections were organized during judgement. These are: constitutional protection of minorities; international and comparative law; social change and the living constitution; sexual orientation, sexual activity, and choice; rights to dignity and privacy; right to health; right to freedom of expression; right to equality; justifications for criminalization; and CONCLUSIONS and remedies. A five-judge bench of the Supreme Court of India, thus, published a judgement of 493 pages on queer rights (Wintemute, 2020: 160-162).

The problem for the queer communities is that the *Navtej Singh Johar* judgement only decriminalized same-sex intercourse between the adult consenting individuals but did not recognize the same-sex marriage as a fundamental right to life and dignity under Article 21 of the Indian Constitution. Another

judgement came on 17th October 2023 as part of the *Supriyo v. Union of India* case in which a five-judge Constitution Bench combined 20 connected cases brought by 52 petitioners from different parts of India. Here, the Supreme Court unanimously ruled against the legalization of same-sex marriage and also clarified that the formulation of the laws on the right to marry is a matter of parliament, not the function of the court. Therefore, the *Supriyo* judgement moved backward as it was during 2013. According to both the *Kaushal* and *Supriyo* judgements, the Indian Parliament is empowered if laws are formulated in favour of the people belonging the sexual minorities. It is important to note that, just before one year of the *Supriyo* judgement, the Supreme Court of India widened the definition of ‘family’ under Indian law through *Deepika Singh v. Central Administrative Tribunal* case in 2022. The judgement ruled to include unmarried partnerships, queer relationships and single parent families when defining the term ‘family’ in Indian law.

The production of Bollywood films with the representation of queer in twenty-first century India, even in the last of the last century, took a form of socio-cultural movements. Apart from entertainment, Bollywood has brought into limelight some dialogues that herald social change. More interestingly, Bollywood cinemas and a Hindi television series has shown courtroom drama on queer questions and dramatized legal battles of queer characters. Production of the films based the theme of queer justice is more or less a tendency towards awareness generation and a cultural movement to raise the voices of the sexual minorities. Thus, in the current trend of Bollywood, the concept of hero, heroine and villain has also undergone a radical change. The Bollywood films *My Brother ...Nikhil* (2005), *Aligarh* (2015) and television series *Taali* (2023) are remarkable examples. *My Brother ...Nikhil* (2005) and *Aligarh* (2015) were produced based on the true stories and both the films focused on the discrimination on the ground of gay sexualities. The first one was released at the time when the homosexuality was not decriminalized and the later one came at the period when a struggle was going on at the courtroom for the rights of the sexual minorities. The film *My Brother ...Nikhil* is a biopic of Indian AIDS activist Dominic D’Souza directed by Onir. The film is a story of an AIDS victim person and his journey through legal battles for his survival. Hansal Mehta’s *Aligarh* is based on the biography of Prof. Ramchandra Siras of Aligarh Muslim University. He was suspended from the University because of his gay sexuality. After winning a court case against the University, he rejoined his post. He challenged the types of discrimination he experienced and violation of his right to privacy and he relied upon the verdict of Delhi High Court of 2009 on decriminalizing homosexuality (Kapur, 2018: 83). Both of them, Nikhil and the Professor, won the legal fight but they didn’t survive. Legal victory of Prof.

Siras was possible because of the historic judgement of the High Court, but the court was not effective enough to provide protection to the people like him. Just after his victory, a report on his death came to the public media and it was publicized that he committed suicide (Puri, 2016: 134). Discrimination was done to Dominic also; he was socially isolated, his rights were violated on the ground of his disease and there was no law that would deal with the HIV or AIDS victim individuals. He was released from isolation passing through a legal procedure. He founded a voluntary organization called *Positive People* to create awareness about HIV/AIDS. His organization was formally registered on 8 May 1992 and he died on May 27 due to AIDS associated complications (Das, 2019: 121).

Another notable work is *Taali* (2023), a Hindi TV Series streamed on Jio Cinema on 15th August 2023 directed by Ravi Jadhav. A total of 6 Episodes were shown in this TV Series. The leading role was played by Shusmita Sen, Miss Universe 1994. It was based on the real stories of a queer activist Shreegauri Sawant, a transgender, who was the first transgender activist to petition the Supreme Court for adoption rights for transgender people in 2014. Shreegauri was a petitioner during *National Legal Services Authority (NALSA) v. Union of India* case in which the Supreme Court recognized transgender as the third gender. In the year, 2000 Shreegauri founded an NGO called *Sakhi Char Chowghi Trust* which worked for the counselling to the transgender community and promoted safe sex practices. No doubt, NALSA judgement was a landmark in 2014 for its directives on the legal recognition for transgender persons' identities and provision of reservations in education and employment. This historic judgement was followed by the Rights of Transgender Persons Bill introduced in 2014 and 2016 by the Ministry of Law and Justice and later on the bill was passed by the Parliament in 2019 as the *Transgender Persons (Protection of Rights) Act* which recognized the subject-hood of transgender individuals. Notably, there was an atmosphere of resentment from the transgender community against this act in the form of a petition to the Supreme Court to decide whether it violates the fundamental rights as guaranteed by the Indian Constitution. The act was criticized on the ground of the lack of structural support and adequate guidelines for the transgender community to access rights in a substantive manner (Vindhya, 2024: 62). According to the NALSA judgement, one can self-identify as belonging to 'third gender' in government issued documents such as Passport, Voter identity cards, Aadhaar and PAN card and even in university application forms and bank application forms. As per the directives of the Supreme Court, the said act was passed to protect the rights of the transgender persons, who may be, transman or transwoman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy

or laser therapy or such other therapy), person with intersex variations, gender-queer and person having socio-cultural identities such as *kinner, hijra, aravani* and *jogta* (Kaur, 2021: 202-203). It was argued that, except the provisions pertaining to healthcare, the Act failed to reach India's transgender people. It failed to secure the identity, social position and rights of the transgender people and even it reversed several guarantees that the NALSA highlighted. For example, while the NALSA judgement permitted the self-identification of gender, the *Transgender Persons (Protection of Rights) Act, 2019* empowers the District Magistrate for the identification of gender identity of the persons who claim themselves as transgender (Sriiram, 2022: 118-121).

Homophobic tendencies were also shown in the television series *Taali*. It was shown how some people expressed their annoyance by smearing ink on Shri Gauri's face. In the movie *Aligarh* we have seen how a lady lawyer was trying to humiliate and stigmatize Professor Siras by standing in court and was desperate to convict him. These seem like glimpses of anti-queer politics. But the movies based on real life have also divulged that, it is very difficult to ensure a comprehensive justice to the sexual minorities through Indian Courts.

Right to privacy, fundamental right of self-determination, same-sex marriage, adoption rights, property inheritance, financial benefits of the queer spouses etc. all these issues were taken up in court. But there have been few legal solutions to these issues; state versus civil society conflict has been deeply manifested. The state talks about preserving indigenous culture, while civil society demands full freedom in a post-modern society. The movement for sexual freedom is taking new forms day by day, and at the same time, politics of suppressing the movement is also being observed. The participants of the movement for queer justice criticize state power on the one hand and rely on the state authority or the branches of government to meet their demands on the other. In the era of globalization, they are rights conscious, they have different platforms to be united, they are interested to solve their problems through political and legal means, they are also active in shaping public opinion in their favour both at the national and international levels. This is how they continue to lay the foundations of queer democracy.

NOTES:

1. "Letter to the NHRC Opposing Medical Treatment of Homosexuality" by the National Law School, Bangalore on 4th September 2001, available in Nivedita Menon edited *Sexualities* (2007), Women

Unlimited (an associate of Kali for Women), New Delhi, pp. 306-311.

I Have a Voice: Queer Politics in India. New Delhi: Yoda Press.

REFERENCES

- Bhaskaran, Suparna. (2004). *Made in India: Decolonizations, Queer Sexualities, Trans/national Projects.* USA: Palgrave Macmillan.
- Bhatia, Gautam and Shreya Atrey. (2024). "In Search of Principle: 70 Years of Gender Jurisprudence in India". In Wen-Chen Chang, Kelley Loper, Mara Malagodi and Ruth Rubio-Marin (Eds.) *Gender, Sexuality and Constitutionalism in Asia.* New York: Hart Publishing.
- Das, Dilip K. (2019). *Teaching AIDS: The Cultural Politics of HIV Disease in India.* Singapore: Springer.
- Deo, Nandini. (2016). *Mobilizing Religion and Gender in India: The Role of Activism.* New York: Routledge.
- Dixon, Rosalind. (2023). *Responsive Judicial Review: Democracy and Dysfunction in the Modern Age.* UK: Oxford University Press.
- Joseph, Sherry and Pawan Dhall. (2000). "No silence please, we're Indians! – Les-bi-gay Voices from India". In Peter Drucker (Ed.) *Different Rainbows.* Gay Men's Press: London.
- Kapur, Ratna. (2018). *Gender, Alterity and Human Rights: Freedom in a Fishbowl.* UK: Edward Elgar Publishing.
- Kaur, Harleen. (2021). *Laws and Policies on Surrogacy: Comparative Insights from India.* Delhi: Springer.
- King, Jawara D. (2009). *Transform Your World through the Powers of Your Mind: A Guide to Planetary Transformation and Spiritual Enlightenment.* USA: Author House.
- Lakkimsetti, Chaitanya. (2020). *Legalizing Sex: Sexual Minorities, AIDS, and Citizenship in India.* New York: New York University Press.
- Lalor, Kay. (2021). "Queer Legacies of Colonialism". In Senthoran Raj and Peter Dunne (Eds.) *The Queer Outside in Law: Recognising LGBTIQ People in the United Kingdom.* UK: Palgrave Macmillan.
- Misra, Geetanjali. (2009). "Decriminalising homosexuality in India". In *Reproductive Health Matters*, Vol. 17, No. 34.
- Narrain, Arvind and Gautam Bhan. (2005). "INTRODUCTION". In Arvind Narrain and Gautam Bhan (Eds.) *Because*
- Oloka-Onyango, J. (2017). *When Courts Do Politics: Public Interest Law and Litigation in East Africa.* UK: Cambridge Scholars Publishing.
- Puri, Jyoti. (2016). *Sexual States: Governance and the Struggle over the Antisodomy Law in India.* London: Duke University Press.
- Rao, R. Raj. (2017). *Criminal Love?: Queer Theory, Culture and Politics in India.* New Delhi: Sage Publications.
- Rao, Rahul. (2020). *Out of Time: The Queer Politics of Postcoloniality.* New York: Oxford University Press.
- Sharma, Alankaar and Arpita Das. (2016). "India: From Tensions to Transformation". In Manon Tremblay, David Paternotte and Carol Johnson (Eds.) *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship.* New York: Routledge.
- Sircar, Oishik. (2022). "A brief prehistory of queer freedom in the New India". In Pushpesh Kumar (Ed.) *Sexuality, Abjection and Queer Existence in Contemporary India.* New York: Routledge.
- Sriraam, Sangeetha. (2022). "Time to 'Act': Guaranteeing Full Citizenship of Transgender Persons in India". In Douglas A. Vakoch (Ed.) *Transgender India: Understanding Third Gender Identities and Experiences.* USA: Springer.
- Vanita, Ruth. (2005). *Love's Rite: Same-Sex Marriage in India and the West.* New York: Palgrave Macmillan.
- Vanita, Ruth. (2016). "'Free to be Gay': Same-sex Relations in India, Globalised Homophobia and Globalised Gay Rights". In Om Prakash Dwivedi and V. G. Julie Rajan (Eds.) *Human Rights in Postcolonial India.* New York: Routledge.
- Varga, Somogy. (2015). *Naturalism, Interpretation and Mental Disorder.* UK: Oxford University Press.
- Vindhya, U. (2024). *Feminist Psychologies: Identities, Relations and Well-Being in India.* New York: Routledge.
- Wintemute, Robert. (2020). "Lesbian, Gay, Bisexual and Transgender Human Rights in India: from Naz Foundation to Navtej Singh Johar and Beyond". In Satvinder Juss (Ed.) *Human Rights in India.* New York: Routledge.