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ALTERNATIVE SEXUALITIES IN INDIA

HISTORY, LAW AND LITERATURE

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**Marathwada Mitra Mandal's
Shankarrao Chavan Law College, Pune**

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and approved by Government of Maharashtra)

October, 2023

DEDICATION

I dedicate this book to my progressive, caring and enormously supportive mother who encouraged my work and who passed away before she could see the iteration of it.

- *Dr. Renu Naidu*

To Prashant, for being the light in my life and for cheering me on to fulfil my dreams.

- *Ms. Shivani Jadhav*

FOREWORD

It gives me great pleasure to write this Foreword to the compilation titled *Alternative Sexualities in India: History, Law and Literature* edited by Dr Renu Naidu and Dr Shivani Jadhav. The book, comprising 10 scholarly papers on topics of great relevance to India's LGBTQIA+ subculture today, is an outcome of the Certificate Course on Law and Alternative Sexuality conducted by the Marathwada Mitra Mandal's Shankarrao Chavan Law College in Pune in early 2022. The course was taught by well-known resource persons in the field of gender and sexuality studies, including me. It is, to the best of my knowledge, a first-of-its-kind course to be taught by a law college anywhere in India. Other law colleges would do well to follow the example of the Shankarrao Chavan Law College and conduct similar online and offline courses, for the subject has never assumed greater importance than at the present time, especially in the aftermath of the decriminalization of Section 377 of the Indian Penal Code by the Supreme Court in September 2018.

The papers included in the present volume cover a wide range of topics pertinent to the LGBTQIA+ community today. Beginning with the representation of alternative sexualities in ancient and modern India, and queerness as an intrinsic part of Hinduism, there are essays on queer failure, LGBTQIA+ rights, their violations, LGBTQIA+ awareness among youngsters in Pune City, intersectionality and inclusiveness, and the short-sighted misrepresentation of queer identities in recent Bollywood films like *Shubh Mangal Zyaada Saavdhan* and *Badhaai Do*. The papers also take a look at the current status of transgender persons in contemporary India, and analyse the legality of the hotly debated topic of same-sex marriage and civil unions.

Already at the time of editing this compilation, the Shankarrao Chavan Law College has completed the second edition of its certificate course on Law and Alternative Sexuality. Dr. Renu Naidu informs me that the college plans to make this an ongoing phenomenon, and I cannot express how glad this makes me, for a detailed and thoroughgoing understanding of the subject is, without a shadow of doubt, the need of the hour.

- Professor R. Raj Rao

Former Professor & Head, Department of English, Savitribai Phule Pune University

Visiting Professor, Symbiosis International University - College of Arts & Commerce, Pune

Visiting Professor, Nalanda International University, Rajgir, Bihar

ACKNOWLEDGEMENTS

“Change is the end result of true learning and we believe that true learning only happens when an individual is aware of all relevant aspects of society. Believing strongly about bringing a change and creating a diverse, inclusive and LGBTQIA+ friendly society, professionals, academicians, activists and students have come together to connect law with gender studies.”

The acknowledgement is the last milestone of the journey that has spanned almost a year. It gives us an opportunity to look back and reflect on the help that we have received throughout this project.

We are deeply indebted to Prin. B.G. Jadhav, Executive President, Marathwada Mitra Mandal and Dr Kranti Deshmukh, Principal, Shankarrao Chavan Law College for their constant support and encouragement which have been the driving force behind the successful accomplishment of this edited book.

We are extremely grateful to Prof. (Dr.) R. Raj Rao, Principal Resource Person of the Certificate Course, Former Professor & Head Department of English, S. P. Pune University, Visiting Professor, Symbiosis College of Arts & Commerce, Pune; Visiting Professor, Symbiosis International University, Pune; Visiting Professor, Nalanda International University, Rajgir, Bihar for supporting and motivating us to design the certificate course with a holistic approach keeping in mind awareness of larger sociocultural shifts in understanding of sexual and gender identities.

We are thankful to Ashok Row Kavi - Founder & Former Chairperson Humsafar Trust, Journalist, Visiting Faculty TISS, Scientific Advisory Committee member ICMR - NARI and LGBT Rights Activist; Zainab Patel - Chief Inclusion and Diversity, Pernod Ricard India; Shobhna Kumar - Founder Queer

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We would also like to thank our student authors who have written ten scholarly papers on topics of great relevance to India's LGBTQIA+ subculture today, which is an outcome of the Certificate Course on “Law and Alternative Sexualities” conducted by Marathwada Mitra Mandal's Shankarrao Chavan Law College. These chapters have been written aiming to build awareness and also to foster the free exchange of ideas which would further help in building a society that welcomes diversity of opinion and people of all backgrounds.

October, 2023

Pune

Dr. Renu Naidu & Ms. Shivani Jadhav

(Editors)

About the Certificate Course on “Law and Alternative Sexualities”

Marathwada Mitramandal's Shankarrao Chavan Law College has consistently strived to be a beacon of legal education, fostering an inclusive and diverse academic environment. With a rich history and a reputation for academic excellence, our institution has been dedicated to equipping students and professionals with the skills, knowledge, and empathy necessary to navigate the complex legal landscape.

The Certificate Course on Law and Alternative Sexualities holds immense importance in today's rapidly evolving society. As attitudes towards gender and sexual orientation progress, so too must our legal understanding and advocacy. This course serves as a platform to delve into the legal, social, and ethical dimensions surrounding alternative sexualities. By addressing these topics, we aim to promote a deeper understanding of the rights, challenges, and experiences of individuals belonging to the LGBTQIA+ community.

Throughout the duration of this course, we had an opportunity to engage with leading legal scholars, medical and mental health experts, activists, researchers and policy makers at national and international level who have dedicated their careers to advancing the cause of equal rights and representation for all. The curriculum has been thoughtfully designed to encompass a wide range of subjects, including constitutional law, human rights, family law, and international legal perspectives. Through insightful lectures, interactive discussions, and case studies, this course has empowered many participants from various professional backgrounds with the tools needed to contribute meaningfully to the discourse on alternative sexualities within the legal framework.

In addition to the academic rigour, this course has also provided a platform for networking and fostering meaningful connections with fellow participants who share a common interest in promoting inclusivity, justice, and engaging in thought-provoking conversations that challenge perspectives and broaden horizons. Also, in a globalized world, understanding diverse cultures and identities is crucial to prepare individuals to be more informed and compassionate global citizens and contribute to positive social change.

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