

Politics of the Queer in India: Space(s) and Text(s)

An M.Phil Dissertation Submitted

To

Sikkim University



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Degree of Master of Philosophy

By

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“Politics of the Queer in India; Space(s) and Text(s)”

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CERTIFICATE

This is to certify that the thesis titled “Politics of the Queer in India: Space(s) and Text(s)” submitted to Sikkim University for fulfillment of the requirement of the award of the degree of Master of Philosophy in the Department of English, embodies the result of bonafide research work carried out by Anup Sharma under my guidance and supervision. No part of the thesis has been submitted for any other Degree, Diploma, Association and fellowship.

All the assistance and help received during the course of the investigation have been duly acknowledged by him.

We recommend this thesis to be placed before the examiners for evaluation.



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Introduction

The society we live in approves only one form of desire i.e. heterosexual, sanctioned by the social institution of marriage and maintained by structures like the family, the society and the state. Definitive behaviors of “men” and “women” are constructed and popularized through various social norms. These norms constitute the hetero-normative ideal of any society and are religiously followed as “morals” unique to its character. Vast networks of power structures create, protect and maintain these norms across class, caste, religion, gender and sexuality. Anyone who flouts them such as an inter-caste couple, or a lesbian woman, or a girl seeking claim to paternal property, etc are not only disciplined into submission but also murdered to set violent examples and maintain the paternal status quo.

Issues on sexuality and same-sex desire have been the focus of raging debates since a long time in India. Oriental thinkers selectively idealized and criticized Indic cultures which in turn was imitated by cultural nationalists in colonial India to erase anything they considered “immoral” and against nationalist interests. In the current time, the state of India legally criminalizes homosexuality and conservative sections of the Hindu Right consider homosexuality as western and corruptive to Indian cultures and values. While homosexuality is largely frowned upon in India, there is a section in the media that celebrates cultural freedom especially after the era of liberalization and emerging neoliberal structures of growth. At this critical juncture same-sex sexuality rights in India have been an act of “political assertion”, of celebration, of defiance and of fear” (Bhan and Narrain 2)

Who are called Queer?

The term Queer has its origins in the west. In Britain and North America it was a re-appropriation of anything that was “odd” causing “ridicule” or “insult”. Today, the term is a popular signifier that takes within its ambit a variety of sexual identities, ---LGBTKQ--- Lesbian, Gay, Bisexual, Transgender, *Kothi* and Queer. There are also a variety of non-normative erotic subcultures, gender and sexual identities that may not be codified within any terminology.

Apart from its similarity with ‘identity politics’ Queer is also a political perspective that stands in opposition to heteronormativity and “compulsory heterosexuality” (Adrienne Rich). Heterosexual categories of what constitutes “natural” and “normal” in terms of sexuality and sexual preferences have been vigorously disciplined and maintained through various political, economic and cultural institutions that define the norm. Sexual relations are practiced as heterosexual, monogamous, marital and procreative within the endogamous frame of caste, class and religion. The heteronormative framework thus actively disciplines people and marginalizes those that divert from the established norms. A person’s position in the heteronormative structure of relations determines his access to the economic, political and cultural domains of a society and nation. Thus, according to Akshay Khanna, “ Queer refers to all those people whose lives and life-choices challenge the norm of heterosexual same-caste, -class, -race, etc., monogamy” (Khanna 29)

The term Queer is both personal and political and rejects the heterosexual institution of the family as the basis of any society. It attempts to queer heterosexual relations by forging

affective intimacies through friendships and other forms of associations. A politics of the queer validates the lived experiences, desires, struggles and subversions of gay, lesbian, bisexual and transgender people. It also goes beyond sexual identity categories of “heterosexual” and “homosexual”. It resists heterosexual power structures through alternative readings of history, films, literary texts, free expression of intimacies, claiming one’s body as a right, choosing one’s gender and sexual preference, practicing inclusiveness in the struggles against hetero-patriarchy, etc.

In India the following categories constitute the ambit of political projects of the queer:

The Hijras: Hijras are men who undergo sex-change operation or hormonal treatment or those who are born as hermaphrodites. Groups of Hijras form a community with its unique culture and living styles. They also have their gods, goddesses and festivals. Hijras divide themselves into *gharanas* or houses and the strength of the hijra community lies in harmonious dependencies upon each other of the group.

The *Kothis*: The *kothi* is biological male who adopts feminine styles of dressing, speech and behavior and looks for a male partner or *panthi* who is his masculine opposite. Most *kothis* belong to the lower or working class and identify as non-English speaking.

Lesbian, Gay, Bisexual, Transgender communities: Lesbian, a homosexual biological female, gay, a homosexual male, bisexual, a male or a female who sexually desires both the sexes, transgender, a biological male or female who transitions his/her gender are identities often used in urban spaces by the English-speaking, middle- and upper-middle-class men and women.

In addition to that there are several queer subcultures, traditional, non-conforming gender and sexual identities such as the *Jogappas* and *Jogtas* in North Karnataka and Maharashtra or the *Shivshaktis* and *Ganacharis* in parts of South India. (Narain and Bhan 5)

The Politics of the Queer in India

The politics of the queer in India is polyvalent and cannot be enumerated within a few points, however, a few aspects of the “queer movement” in India needs to be mentioned:

1. The HIV-AIDS discourse: Sex became a topic of discussion outside the law in 1990s when growing awareness on the AIDS epidemic spread. Many NGOs who received foreign funding mushroomed for intervention into the issue. The discourse on AIDS which made sex itself speakable caused the political and non-funded group, ABVA (AIDS *Bhedbhav Virodhi Andolan*) to file a petition against Section 377 in 1992. Many sex-workers’ groups started peer-education programmes as a part of a project to control HIV-AIDS. The awareness structures on AIDS opened a huge network of possibilities for articulation of non-normative sexualities in the public space. It also developed a sense of community among non-heterosexual communities. However it became a space for the working class and lower middle class people, the hijra communities, to mobilize them in the language of rights articulated in the global context of queer issues. Through bureaucratized terms like MSMs (Men who have Sex with Men), CSWs (Commercial Sex Workers), IDUs (Injecting Drug Users) an endangered target population is dug out for clinical intervention. The AIDS NGO discourse also categorized sexual behaviors into “stable” identities creating categories like the *kothi*.

2. The law and its challenges: The law has been a complex site for articulation of rights of the queer public. Section 377 of the Indian Penal Code drafted in 1860 by Lord Macaulay and yet present in the statute books penalizes sexual activity “against the order of nature”. The law is not against homosexuals but any sex-act that is not penile-vaginal. However the existence of the law itself is a threat especially to the lower class queer people like the hijras and *kothis* who face violent intimidation through police on a daily basis due to the presence of the law. The law assumes that heterosexuality is biologically determined while homosexuality is a deviance. Sexual behaviors are thus normalized through the law without considering the reasons why something as natural as sexuality (read heterosexuality) even needs mechanisms to do so. The law, family, the media, education, religion act as ISAs (Ideological State Apparatus) that constantly discipline non-heterosexual identities by branding them as criminal and “immoral”. Medical interventions ally with legal networks to boost their business. Many self-styled doctors promise to cure homosexuality through brutal techniques like shock therapy, etc. Reactionary, Hindu godmen make tall claims that yoga can cure homosexuality. Thus the law works in tandem with heterosexist and conservative notions on sexuality to police queer bodies. Queer activism in India has often surrounded around the law. After the petition filed by the Naz Foundation, an NGO that works on HIV-AIDS in 2001 to read down Section 377 in matters of consensual sex among same-sex adults in private, it was on July 2009 that the Delhi High Court read it down which was challenged again. On December 2013 the Supreme Court recriminalized consensual same-sex activity among homosexuals and set aside the earlier judgement stating that the parliament should debate on the issue. Shashi Tharoor, the Member of Parliament of the Indian National Congress

attempted twice to bring the bill on the table of the parliament but it was outrightly refused. The transgenders were legally granted voting rights as the “third sex” in 1994. On 15 April, 2014, the Supreme Court of India declared the transgenders to be socially and economically backward and advocated their reservations in Education and Job. On 24th April 2015 the Rajya Sabha passed the Rights of Transgender Persons Bill, 2014 that guaranteed rights and reservations to the transgenders. However the bill has remained silent on Section 377 and despite acknowledging it to be a mode of harassment and abuse of the transgenders it focused more on “correct” implementation of the law and not its revocation.

3. Protests and demonstrations: Protests, demonstrations and Pride Marches to establish solidarity for rights of the queer community have increased on a large scale. Visibility campaigns for generation of public consciousness have disrupted heterosexual assumptions of the Indian society. The late 1990s saw a major protest by the Right-wing party *Shiv Sena* over films such as *Fire* and *Girlfriend*. Arrests of HIV-AIDS workers under section 377, in an NGO in Lucknow also took place. Voices from the queer community and groups thus have become louder all these years. Groups like Voices against Section 377 that work as a coalition of women’s rights, child rights and human rights have supplemented activist work in the field of queer rights. The NGO networks have also created mobility for queer people in various states in India and made them intelligible about their rights leading to various forms of public articulation and intervention in the heteronormative social imagination.
4. Queer politics in Indian cultural spaces: Apart from activism, the literary and cultural sphere has also been very active in articulating queer issues and also critiquing the

various fault lines in the struggle for rights. Culture has always been a site of contestations, however the process of homogenization of culture and interpretation of it from a dominant Hindu perspective is not old. Books like *Same-Sex Love in India* by Ruth Vanita and Saleem Kidwai have made efforts to read literary content from the pre-colonial to the modern from a queer lens to dig out alternative queer histories of India, a project which is essential in the articulation of queer rights. Many films, commercial and otherwise have also depicted queer sensibilities in multiple ways. Films like *I Am, My Brother Nikhil, Aligarh, Kapoor & Sons*, etc. have created spaces for non-heterosexual imaginations and eroticisms to play apart from the dominant one.

Structure of the Dissertation

This dissertation *Politics of the Queer in India: Space(s) and Text(s)* tries to interrogate the various spaces and texts where the performance of queer politics is visible. Instead of reading a linear narrative of queer politics in India, the dissertation attempts to study the various ruptures it is challenged by. Through various spaces of articulation of queer politics in India such as history, law and representation the dissertation studies their impact in the broader queer discourse.

Politics of the queer as a politics of culture is a recurring theme in the dissertation. Culture has been a site a complex negotiations whether in the space of history and law or in the texts of representation. A study of culture is to trace its assumptions and deconstruct it with potent arguments to avoid grand essentializations and sentimentalisms.

The terms, “queer” and “LGBT-Q” have been used interchangeably at certain places to consolidate differences while engaging with larger challenges the categories face. “Queer

community” as a term is used to read a diverse and disparate activist and non-activist queer public engaged in queer politics in India, directly or indirectly.

The methodology used in the research is close reading and qualitative analysis of historical, legal, literary and visual texts. Theories from the field of gender and sexuality studies have been used to study the texts.

The dissertation is composed of four chapters:

The first chapter, “Re-reading Historical Constructions of the Queer in India” tries to study dominant frameworks of history that construct a tolerant queer archive. The chapter disrupts such linear narratives of history through a range of perspectives and exposes the fissures in such a mode of history writing

The second chapter, “Contextualizing Section 377: The Politics of Morality and Citizenship in Postcolonial Queer Space(s)” attempts to study the interactions between the dominant codes of culture and queer sexuality rights around the legal battle against Section 377 of the Indian Penal Code and the ways in which religious and moral ideologies conflict with liberal discourses of citizenship in a post-colonial and global space.

The third chapter, “Reading Homophobia and Censorship in Modern Indian Fiction: A Study of Two Texts” would try to study the reasons why the two texts namely, Ugra’s *Chaklet* originally in Hindi (translated as *Chocolate and Other Writings on Male-Male Desire* by Ruth Vanita) published in the year 1927 and “Lihaaf” by Ismat Chughtai (translated from Urdu to English titled “The Quilt” by M. Asaduddin) published in the year 1941 were criticized against for their content. Through a study of historical ideologies of nineteenth century nationalist elites

this chapter would read the cause of censorship of these texts in the homophobic perceptions of the time and how the controversies that the texts raised hold relevance to queer politics in India.

The fourth chapter, “A Politics of Negotiation: Reading Queerness, Unpacking Culture in Two Hindi Films” tries to study the cultural politics of two films from the Hindi film industry namely, *Fire* and *Dostana*. By pitting the two films against the socio-cultural backgrounds of their release, it tries to study the treatment of homosexuality in them and what challenges they pose to the politics of the queer in India.

The chapters are connected through the overarching theme of negotiation of culture whether it is in the space of history, law or representation. This negotiation travels seamlessly through all the chapters weaving in a pattern of the politics of the queer in India. The questions the dissertation would ask is how dominant cultures feed into the construction of a nation which excludes a certain section of its people and a history which might associate with them. Construction of history and the law since is conditioned by what the dominant culture of the nation sanctions, the dissertation would try to study these cultural assumptions and refer to the visual and literary texts to analyze modes of cultural subversion and appropriation in them. It is through these negotiations that contemporary queer politics could be critiqued and the political in the queer be redefined to further its struggles.

CHAPTER ONE

Re-reading Historical Constructions of the Queer in India

It is only in the last decade that the “gay”, “lesbian”, “bisexual”, and “transgender” people of India have become politically visible on a large scale. Support groups for the sexual minority identity labels have increased, cultural and artistic spaces have grown and intervention for social and legal recognition and acceptance through pride marches and protests have brought same-sex issues to the centre of serious discussion and debate. However, when an assessment of the “queer movement” in India is done a simultaneous tendency to construct a “tolerant” queer archive is seen. It is then that one is confronted with a huge knowledge pool that enthusiastically draws from the pre-colonial legacy, a colonial past and a postcolonial present to battle and sustain within a trans-cultural and global discourse of LGBT-Q rights in contemporary India. (Tellis, 221)

While same-sex desires and manifestations in South Asia may have been very different and rooted in varied cultural forms, the process of identity-construction has a direct colonial influence imbricated within the politics of industrial capitalism and global funding. The history of the term “queer” which popularly consolidates the LGBT identities in one umbrella is located in the context of the US gay movement in the 1990s. Groups like the Queer Nation that comprised radical AIDS activists in New York who fought discrimination against people with HIV-AIDS by the neoliberal dispensation popularized the term which was quickly appropriated by the media and the academia giving rise to a whole new field called Queer Studies in the US. The term was one of emancipation especially for the LGBT people of colour and many such

marginalized peoples not acknowledged by the gay movement. Ashley Tellis, in his essay “Disrupting the Dinner Table: Re-thinking the ‘Queer Movement’ in Contemporary India” argues whether the appropriation of the term “queer” into the lived realities of same-sex experiences in India is an instance of re-appropriation of colonizing fantasies. (Tellis, 148)

The lingo LGBTHK-Q used in India is also an invention of the NGO world as Ashley Tellis points out (Tellis, 221). The alphabets comprise the broad range of gender and sexual identities within the labels “Lesbian”, “Gay”, “Bisexual” “Transgender”, *Hijra*, *Kothi* and “Queer” which attempts to subsume all the other labels. Tellis reads these identities as constructions that are linked to the logics of funding for the NGOs. This is clear from the identity label *kothi* which implies anyone who is sexually passive, the penetrated, feminized male in the act of sex as against *Panthei*, the active male penetrator in the sex act. The Naz Foundation, an NGO has defined the sexual role as an identity. The *kothis*¹ are also seen as feminine, gender-crossing men of the lower class having little education, generally non-English speaking and also target groups for HIV-AIDS intervention. (Rakesh, 2000)¹³ It is due to their belonging to the high-risk HIV groups that the NGOs have categorized them as a distinct identity group solely based on a supposedly fixed sexual behavior.

The question of global governance through the politics of funding constructs a nomenclature of identities eligible for forging routes to monetary gain for the NGOs. According to Ashley Tellis:

If ‘queer’ is not quite funderspeak, it is certainly used by Indian activists and NGOs, alongside more ‘indigenous’ cultural categories, all of which seem to have emerged only in the last few decades. That apart, the language of sexual minorities comes from international mainstream organizations (that groups like Queer Nation in the US were

marking themselves against) like Human Rights Watch, which has been readily adopted by Indian NGOs and ‘queer’ activists. (Tellis, 146)

Such constructions however may provide political mobility to the queer community, yet are led by the propaganda of the NGOs as per strategies devised by foreign funding mechanisms.

To understand the historical constructions of same-sex sexuality in India one must understand how each of the periods namely, the Precolonial, the Colonial and the Postcolonial² have been used as a space to gather materials from, to contextualize, justify, contest and problematize readings and representations of homoeroticisms in the periods and also in the overlappings between them.

According to Jyoti Puri:

Scholarly considerations of homosexuality among Indians are preoccupied with the role and meaning of alternative sexualities within Indian antiquity. The search is for a univocal, authentic Indian history against which a sexuality can be legitimated as culturally appropriate or proven to be inappropriate. The period of the “Classical Age” is central to this unitary, hegemonic notion of the past. But there appear to be two problems underlying attempts to link questions of homosexuality with ancient national tradition: first, the received wisdom on ancient Indian history itself; second, the dubiousness of undertaking social rather than political histories. A part of the post-colonial legacy of history, notions of Indian antiquity are shaped by nineteenth-century collusions between sympathetic but racist Orientalists and anticolonial nationalists. (Puri, 176)

Taking a cue from Jyoti Puri’s argument this chapter attempts to critically historicize the “queer” discourse in India through a theoretical framework which problematizes the post-

colonial impressions of queer history derived from the colonial and precolonial pasts. It is argued in the chapter that the precolonial history of the queer in India should not be studied as a linear one but in context of the various colonial imaginings of the same to resist any universal nationalist notions of the queer.

Ruth Vanita and Saleem Kidwai's book *Same-Sex Love in India* is one of the pioneering works that traces the tropes of "love"³ in mythology, literature and history with a view to questioning the silences, misinformation and erasure of the queer part of our past. Their history of same-sex "love" is read in the instances of friendship between Krishna and Arjuna in Mahabharata. In Mahabharata Krishna and Arjuna are frequently referred as "the two Krishnas" (Vanita and Kidwai, 3). According to Vanita and Kidwai, the bond between Krishna and Arjuna can be analyzed beyond marriage and procreation. Conversations between Krishna and Arjuna in Kurukshetra and revival of Arjuna's new born child by Krishna are read as instances of same-sex love. (Vanita and Kidwai) Examples from mythological paintings are also taken in the book to highlight its eroto-mystic aspects like the one in which Krishna is portrayed stealing the milkmaids' clothes while they are naked under water which is read as erotic play. In another painting Radha and Krishna are dressed in clothes signifying opposite gender. It is interpreted that desire merges gender identities into one, something which western psychology would consider neurotic. Thus examples from Indian mythology that prove a relatively tolerant culture of same-sex love is shown while homophobia is thought as a colonial import which destroyed these tolerant Indic queer cultures. However, it is very difficult to understand "tolerance" only through portrayals of relationships through paintings, myths, etc. Usage of "love" and not sex also erases the different power relations that the participants in "love" might have in between them.

Jyoti Puri contends that such attempts to search for a “univocal, authentic Indian history” to authenticate India’s glorious homosexual past has its roots in the Orientalist⁴ appropriation by the cultural nationalists of the anti-colonial period. Uma Chakravarti in one of her essays, “Whatever happened to the Vedic Dasi?” talks about how the nineteenth century Orientalists helped “crystallize a national Indian identity by constructing a classic and golden age of Indian antiquity rooted in elitist Brahmanical scriptures of the Vedic and post-Vedic periods.” (Chakravarti, 28)

The outright romanticism of the orientalists is not very influential on contemporary readings of ancient histories of same-sex desire because all forms of orientalist discourse were not very favorable to the Hindu culture that India was supposed to represent. For example, the stories of Ugra, and the socio-cultural anxieties it created both for the early Hindu nationalists and the Britishers constitute the colonial discourses on sexuality, obscenity, censorship, Section 377, etc. Homophobia in colonial India was also a direct consequence of the popular colonial perceptions of Indian literature. A section of orientalists believed in the myth of the golden age of the ancient Indian Hindu civilization which suffered due to the coming of the Muslims. The Hindu past was also sparingly glorified. While the philosophical abstractions of Hindu religion were upheld with great regard, the erotic portrayals in texts or in sculpture and the Bhakti cults were considered “lower” and “popular” forms of religion that only appealed to a certain class of people. (Gupta, 34)

According to Dipesh Chakrabarty the histories compiled at academic institutions in post-colonial nations—like in India or Kenya—are likely to be based on the sovereignty of Europe. He says that these historical constructions basically represent the “other” of the self that Europe assumed itself to be and if the post-colonial national identity is to borrow from the anti-colonial

past it must not do so without a critical assessment of history otherwise it would merely be an exercise of reinscription of European ideology on the studies of Indian antiquity. (Chakrabarty, 37)

A way in which non-western sexualities have been constituted in the current readings of same-sex desire is by invocation of certain terms for sexual behaviours, identities and practices that are seen as “indigenous” to a society. Tropes such as the *sakhi*⁴ in Bhakti poetry occupy an intense psychological space. One example is of the friendship between Mirabai and Lalita as Ruth Vanita points out. Lalita remains an abiding friend to Mirabai from her natal home to her marital one. Dhruvdas writes in his hagiographical account of Mira’s life that Mira said of her companion: “I will take Lalita with me wherever I go, I have great love for her” The legend concludes with a romantic dual death---when Mira plunges into the sea at Dwarka, Lalita also jumps in after her. “One interpretation of their togetherness” writes Vanita “is that Mira was a reincarnation of Krishna’s beloved Radha, and Radha’s closest woman friend was also called Lalita.” (Vanita and Kidwai)

Bhakti cults as Charu Gupta has pointed out was looked at as obscene by the colonial thinkers. They thought it was overly sensual and appealed to the tastes of the lower class. Apart from indecency, the writings were also believed to be lacking of “scientific knowledge” and “reason”. Rojer Fry, a colonial thinker also thought to be as gay, objected to the influx of eroticism in the aesthetics of art. According to him it was “definitely pornographic” and though he had “no moral prejudices against that form of expression”, he thought it “interferes with aesthetic considerations by interposing a strong irrelevant interest which tends to distract both the artist and the spectator from the essential purposes of art”. (Gupta 35)

Shad Naved talks of the neologism *jinsiyyat*⁵ and its adjectival form *jinsī* in Urdu that were used to refer to matters of sex and sexuality since the 1890s. (Naved 7) This contradicts the universalizing usage of identitarian sexual identities to study matters of sexuality in the past. Thus the use of “love” as Ruth Vanita and Salim Kidwai use, in this context would also appear over-simplistic. Naved also criticizes the tendency of branding all colonial writings as representative of Victorian purism and not reading them against complex indigenous histories and social practices of the past. According to him the colonial period is very important for same-sex politics because it represented the counter-point of a supposed tradition of tolerance in precolonial society. He further states that:

Within this imagined tradition, disrupted by colonialism, it is not surprising that colonial intellectuals appear as colonized Victorians, ashamed of their past and trying to efface it in the name of reform. In this imagination, “colonial homophobia” is not so much an apparatus of intolerance as a delegitimizing label for any knowledge about sexuality in colonial times which did not affirm same-sex identities. (Naved, 8)

Thus sexuality studies in India by reading precolonial histories of same-sex relations to justify civilisational tolerance to queer cultures reassert a nationalist idea of the past then used as an ideological device “to rediscover historical objects from the unity of a national past and which authenticate contemporary sexual subjectivities” (Naved 8) Thus a large number of revivalist projects in vernacular literatures, music and dance have laid claim to multiple sorts of authenticity to this nationalist imagination of the past.

In his study *African Intimacies* Neville Hoad introduces many examples from African history that concern same-sex politics of modern Africa. He shows how such historical moments were constructed by the ideologies on “sexuality” in consonance with other historical factors which ultimately get narrowly codified as “sex” in the colonial period masking the “more volatile social abstractions” such as “capital, race and gender” (Hoad, 8)

Thus the notion of sexual identities in contemporary period today often masks the historical problematic around the meanings of sexual desire during the colonial and pre-colonial periods in order to provide concurrence to contemporary same-sex politics.

Charu Gupta in her work *Sexuality, Obscenity, Community: Women, Muslims, and the Hindu Public in Colonial India* talks about an influential Hindu middle-class literati of Uttar Pradesh that tried to fashion a new collective identity for itself in the nineteenth century. She traces this mission of forging a nationalist identity collective through the growing numbers of publishers, library and print culture. This was also followed with the demand of standardization of syllabi and listing out of appropriate text-books at educational institutions such as the Kashi Vidyapeeth, Banaras Hindu University (BHU) and Allahabad University and the rest of the colleges around. Kamta Prasad Guru (1875-1947) wrote the first authoritative Hindi grammar book and Ramchandra Shukl, Professor of Hindi at BHU wrote the landmark book *Hindi Sahitya Ka Itihas* in 1929. Literacy was connected to employment and that paved way to the formation of various journals and newspapers like *Chand* and *Abhyudaya*. This therefore meant a journalistic self-expression of a confident Hindu middle-class for assertions of a nationalist self-identity. In this period prose took over poetry and attempts were made by the Arya Samaj⁶ to use Hindi as the iconic language for self-expression of identity linked with community and religion. This process largely narrowed down the Hindi literary and linguistic canon in syllabi, school text-

books and university departments. These attempts at standardization were rooted to the exclusion of anything erotic, obscene, feminine, romantic, sexual or bodily. This also meant erasure of poems and satires in Braj, Urdu and Persian. A nationalist construction of Hindu identity was underway with the formation of shared notions of morality and respectability. This modernist revivalist ideology not only aimed at a refined textual-cultural form and monolithic canon in Hindi literature but also a revision of tropes of women in late medieval literature that was declared unfit for public reading. This, thus brought a shift in the emphasis from the sexually active and erotically charged *nayika*⁷ and Radha of medieval poetry to the chaste and virtuous Hindu wife and mother. Such representations introduced the divide between “high” and “low” literature since the popular literatures still retained the older fineries. (Gupta, 40)

Groups like the Brahmo Samaj and Arya Samaj insisted that Hinduism had always been monotheistic and monogamous. Litterateurs, both Hindu and Muslim launched purification campaigns to “clean-up” pre-colonial Indian literatures. Muslim reformers tried to remove the tropes of love and wine from Urdu poetry and superficially heterosexualized the *ghazal*⁸. Hindu litterateurs denounced and excised from the canon much erotic medieval poetry in Hindi, Sanskrit, and Bengali, including erotic treatises descended from the *Kamasutra* such as the *Ananga Ranga*⁹ and the *Ratirahasya*¹⁰. Ruth Vanita writes that in the nineteenth century India, sex manuals, warning against masturbation, pre-marital and extra-marital sex, and homosexuality multiplied. In his memoir the Hindi writer Ugra recounts that the headmaster of his school used to rebuke boys for walking with their arms around one another, growing their hair long, or dressing in feminine style. (Vanita)

Male homosexuality was a touchy issue because in the course of the nineteenth century it had become closely associated in England with effeminacy. “Indian men” writes Ruth Vanita “as

subjects of colonial rule, especially after the revolt of 1857 were vulnerable to the charge of deficient masculinity” (Vanita 3)

Kumkum Roy in her essay on the *Kamasutra* (AD 100–400) exemplifies how colonial interpretations of class in Indic texts influenced nationalist elites to re-read these texts. Richard Burton’s translated *Kamasutra* in the year 1883 from a supposedly *sutra* (prescriptive) text to a “work on love”. It was presented as an erotic manual of universal importance. This meant overlooking its particular prescriptive context. According to Roy, Burton understood the text’s conception of desire as a means of social control and criticized, for example the courtesan in the post-Mauryan cityscape as an example of an irreverent version of femininity. He read the descriptions on sexuality as quasiscientific and universal which as Kumkum Roy suggests became the basis of all subsequent translations of the text. Popular translations of the text praise the book for its modern approach to sexuality and a secure notion of procreation which as Roy says has no mention in the original Sanskrit text. Roy concludes that the modern *Kamasutra*, in its context-free sexuality avatar has attained a prescriptive quality that was never available to the text in history. (Roy 52-76)

According to Ruth Vanita specific cultural terms like the agencies of same-sex friendship through the literary and cultural tropes of *sakhi* and *yaar*¹¹ can be dug out from pre-modern literary and scriptural traditions to designate markers of same-sex relations as aspects of identity and personality. This epistemological ground to retrieve past traditions signifying same-sex desire according to Nivedita Menon is not “cultural” but “temporal” and it is the temporal continuities of such manifestations which are constructed to form a tolerant pre-modern archive. However, in this “continuity” there are multiple fissures and aporias of intervening time worlds

of the colonial and postcolonial and the neoliberal which no doubt disturb such a neat construct of tolerance. (Menon, xiv)

The project of cultural nationalism as Partha Chatterjee suggests is rooted in the principle of racial authenticity and a religion natural to the concerned group. Thus a historiography of the nation is secured within an identity that preserves a transhistorical essence, a form of the sovereign state itself. This is what queer historiography could also follow if such natural essences of tolerance to same-sex desires are exhumed.

Queerness in popular readings of tradition often claims itself over class, caste and gender stratifications. The reference to polyculturality of premodern sexuality in queer historiography often is based on an uncritical examination of civilizational unity where certain traditions, individual or cultural are stoked into the paradigm of same-sex desire. Such a tendency could often occlude discourses like nativist and nationalist politics, gender difference, class hegemony and ideologies dominating romance, “love” or marital relations. Feminist historian Romila Thapar highlights that in the Classical period there was a strict hierarchical encoding in the scriptures because the Brahmins were insecure of the shifting balance of power. Thapar argues that it was a time that was replete with inequalities. If looked through Thapar’s perspective same-sex tolerance in early India can be read as a mere grand narrative to conceal structural social differences in terms of class, caste, etc. (Thapar)

The notion of sexual identity in the modern times as an array of labels, namely the LGBTH-Q also commits the ideological labour of concealing the complex colonial contestations around sexual desire to validate contemporary same-sex politics in India.

The queer movement in India, a development that started in the 1990s with the socioeconomic liberalization/globalization and the political rise of Hindu right-wing nationalism in its current manifestation bears elements of consumerist liberalization and Hindu nationalism that utilize commoditised forms of mass culture for the purposes of propaganda and to obtain monetary support from diasporic Indians in UK and the US. (Dutta, 119). Formation of multiple NGOs and institutionalization of queer identities in India although have made socio-economically marginalized bodies as sites for conduct of clinical trials yet they have also “engendered social mobility for Queer folk who are otherwise excluded from masculinist political economies” (Khanna 45-84) . With the rise in Hindutva¹² masculinities through invocation of mythical figures likes “hanuman” as icons for worship and formation of highly structured insurgent Hindu nationalist groups shepherded by the mega saffron groups like the Rashtriya Swayam Sevak that the Bharatiya Janta Party often pretends to not have links with, discourses on sexuality have often been attacked as immoral and foreign to Indian culture. Oppression of couples on Valentine’s Day, banning of books and films and murdering of authors and activists that provide points of view alternate to the reigning ideology of the Hindu right are very few examples to attest to this brand of religious fanaticism.

The current postcolonial discourse on queer politics thus finds itself conflicted with a project of essentialization of a tolerant and Indian queer history while it fights against nationalist forces that call homosexuality a western import, a disease that needs medical intervention. To accommodate the queer within this patriarchal, heterosexist and masculinist history and the nation that such a history projects, inspires re-readings of Indian history often within the assumptive conditions of sentimental emancipation of the queer body in pain. These readings often fail to negotiate or reconcile with apparently contradictory codes of culture that the

postcolonial moment manifests. Through an assertion of a tolerant queer representation in Indic cultures the discursive experiences of queer subjects that resist homogenous and dominant perceptions of queerness is lost.

Postcolonial nationalist projects often compel nationalist historiographies that paint grand images of the sexualities of the past. The problem lies in the unchallenged view of alternative sexualities as practices that were celebrated but never marginalized. Thus a romantic search for a national historical tradition of same-sex desire becomes a nationalist project “reinforcing notions of an historical, continuous, heterosexist national tradition” (Puri,177)

The current queer politics in India is still ridden with questions about being “queer” and “Indian”, “Eastern/Western”, “Muslim/Hindu”, “Nationalist/ anti-nationalist”, and the various demarcations of society that conditions the queer subject along with his sexuality. In the search for a postcolonial national identity often these binaries and contestations between them go unaddressed. Shah points out that history is not about recovery but about the “politics of knowledge and the politics of position.” He says that effective lesbian and gay histories are those that reconstruct and revise the contentious master narratives that have sought to erase differences. Shah, however denies the over-emphasis of history for it may influence in construction of a politics of the present. (Shah 126)

The urgencies of a politics of the present thus leads to the claim of an Indian form of queerness integral to the cultural ethos of the nation. In this context the report *Less Than Gay*¹² stresses on the importance of disinterring a “rich national heritage”. Commenting on the culture and heritage of India, the authors say “In fact we do not need an Alfred Kinsey to discover the rich possibilities of same-sex eroticism and to appropriate these in the form of modern gay

sexuality. It's all there in our art, culture, religion, philosophy, and sculpture.” (Less than Gay 36)

Thus by recovering an ancient cultural past deemed to be a tolerant phase in Indian history and blaming colonial powers for homophobia, it can be derived that the report considers both homosexuality and homophobia to be western imports while digging out national cultural traditions of tolerance to normalize the anxieties around homosexuality. This thus serves as a counterargument to those voices that ascribe homosexuality to cultural degeneracy of a national tradition. (Less than Gay 37-38)

Queering the historical discourse would thus have to be polyvalent and porous, a process of decentering heterosexist ideas of history while not ignoring how a combination of historical perception and social attitudes with power networks of knowledge creation have created complex realities for the queer to negotiate its position and demand inclusion within the heteronormative logics of the nation. A re-reading of dominant historical constructions of the queer thus becomes essential to draw a politics of the present, one that resists nationalizing projects of culture to study the ruptures and interstices in the continuum of dominant modes of history writing and imagination.

Notes:

1. A culture-specific term, Indian in origin to imply 'men who have sex with men' (MSM), a category distinctly created by NGOs working on HIV-AIDS prevention
2. These are loose terms and overlap with each other. They are basically used to foreground a socio-historical context against which writings can be read from a queer lens. Roughly, pre-colonial could mean the time from the Vedic period to the eighth century AD, the colonial till late eighteenth century and the post-colonial from then to the present.
3. The book Same-Sex Love in India chooses to use the word "love" instead of "sex" to imply the non-identitarian modes of expression of homoeroticism as represented in various Indic texts. Since conceptual ideas on sex are believed to have been received from the west, the word "love" problematizes the terrain of relations between same-sex desiring people
4. Female friend
5. An Urdu term for sameness that implies both homogeneity and homosexuality
6. A Hindu reform movement of the 19th century that believed in the sanctity of Vedas. However, it was criticized for excessive dogmatism and intolerance towards other religions such as Christianity and Islam especially during the nationalist period.

7. An allegorical motif and a poetic metaphor in medieval high art tradition that combines both Vaishnav mysticism and Sufi ethos to mean a female figure who cannot be bound by any conventional propriety. The *nayika* figure became a centre of criticism among Hindu reformists in the nineteenth century.
8. A poetic form that originated in Arabia. *Ghazal* has been an epitome of lyrical finery in poetry. However it was criticized for its excessive homoerotic references by Hindu reformists. Thus placing it in context of communal hatred and nationalist purity campaigns of the nineteenth century that sought to create a pure form of language that represented the (Hindu) nation and its people.
9. *Ananga Ranga* or the Stage of Love is a treatise on the practical performance of passionate love written by Kalyana Malla in the 15th or 16th century
10. *Ratirahasya* or Secrets of Love also known as *Koka Shastra* is a medieval manual on the performance of sex written by Koka or Koka pundit.
11. A male friend. It also retains certain discursiveness for expression of homoeroticism in certain cultural contexts.
12. The celebrated 1991 report published by Aids Bhed Bhav Vidrodhi Andolan (ABVA) in New Delhi. ABVA was the first activist movement against AIDS in India which published the report *Less than Gay* to advocate for decriminalization of Section 377 of the Indian Penal Code.
13. Naz Foundation Report on Sexual Males who have Sex with Males (2000).

CHAPTER TWO

Contextualizing Section 377: The Politics of Morality and Citizenship in Postcolonial Queer Space(s)

In the last few decades articulation of rights of the sexual minorities has incorporated diverse voices and has challenged various apparatuses of social and ideological control to bring in ruptures of an Indian alterity, to create democratic spaces in the imagination of the nation and generate legal ammunition against networks of “moral” discipline that define the idea of the “public”.

This chapter attempts to study the interactions between the dominant codes of culture and queer sexuality rights around the legal battle against Section 377 of the Indian Penal Code (hereinafter the IPC). The ways in which moral systems of power in combination with bio-medical, administrative and legal ones conflict with liberal discourses of citizenship in a post-colonial and global space to define the queer subject in India would be focused at in the chapter.

Section 377 has always been the locus of oppression in the context of queer rights. Drafted in 1860 by Lord Macaulay, Section 377 of the IPC reads:

Section 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 a term which may extend to 10 years, and shall be liable to fine.

Explanation – Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section (Ranchhoddas and Thakoree)

Section 377, a colonial law that defines the “natural” and “unnatural” in sexual activity has a colonial history, a legacy which the postcolonial nation has still held dear to. Homosexuality was categorized with deviance, perversion and abnormality in Victorian England and became a site of intervention through the fields of medicine, law and criminology (Foucault). This led to a series of “fanatical purity campaigns” that impacted the colonies of Britain. Notions of “racial”, “sexual” and “social” purity became popular and were practiced through strict administration (Hyam) White women were sent to British colonies to keep away “special oriental vices”¹ and reinforce the categories of the *pukka sahib* and *memsahib* or “pure” gendered categories of the English male aristocrat and his wife (Bhaskaran). Laws against sodomy in England called the buggery statute of 1533 prescribed death for sodomy or anal sex. In 1861, Offences Against the Person Act removed death penalty by limiting it to between ten years and life time imprisonment. In 1885, the Labouchere Amendment² to the Criminal Law Amendment Act made all male homosexual activities punishable by up to two years. Indian medical science in the colonial era also viewed homosexuality as a social disorder. Dr. W.J.Moore, the British Surgeon-General of Bombay expressed his fears of homosexual behavior in the Indian Army thus: “For a young man who cannot marry and who cannot attain to the high moral standard required for the repression of physiological natural instincts, there are only two ways of satisfaction, viz., masturbation and mercenary love. The former, as is well known, leads to disorders of both body and mind; the latter, to the fearful dangers of venereal” (Kenneth Ballhatchet)

In India, homosexuality is not a crime but any non penile-vaginal act of sex is. However, the presence of Section 377 itself becomes the reason for routine harassment and violence of the sexual minorities. Thus the law creates a particular subject of the queer who is to be disciplined through its normalizing heteronormative frameworks. In this context it is important to understand the socially constitutive role of the law and how it permeates into and conditions the social psyche of the common people. As Foucault says, laws are not external but internal to a person, one behaves in a certain way on having internalized the prohibitions of the law. However, laws do not exist in vacuum. They exist synonymously with the various ideological state apparatuses like the family, the society, the media, the medical establishments and the state. Thus, as Arvind Narrain says, “Section 377 becomes a worldview which remains entrenched in legal structures, medical, family, and media discourses and perhaps most strongly, in the “common sense” understanding of people” (Narrain 257)

Section 377 constitutes the heteronorm of the nation that celebrates the myth of cultural homogeneity through an imagined sense of commonality like religion, race, community or caste. Homi Bhabha believes that a nation aims to retain its selfhood, a stable meaning performed through entrenched cultural practices. (Bhabha)³ Considering the history of colonialism and the impact of colonial thinking in the nineteenth century modernizing elites the Indian project of identity production in essentialist terms has been predominantly Hindu. Orientalist scholarship that critiqued Indic cultures of “immorality” and licentiousness were whitewashed by nationalist, patriarchal icons of heroism and chivalry. Myths of an indigenous Aryan identity were dug out and an upper casteist and Hindu notion of the nation having a natural racial superiority was formed. These ideologies excluded the lower castes, the tribals, and the non-heteronormative subjects. Exclusion of non-heteronormative subjects meant erasure of their desires and

subjectivities and non-recognition of their identity even within the liberal frameworks of democracy. It implied a championing of an overarching moral ideology for the purpose of social control.

Section 377 criminalizes “a voluntary, mutual consensual and private sexual behaviours/practice”. (Bose and Bhattacharya xix) Such a behavior is considered “unnatural” and thus a threat to the heteronorm. These constructed ideas of the normal are compulsorily maintained by the machineries of the nation-state. Nivedita Menon believes that the ideas of the “normal” are enforced to keep “social behavior” in place. The reason why sexual legitimacy is accorded only to people of the opposite sex is to maintain the patriarchal structure of the family which is founded on heterosexual monogamy and procreative sexuality. The family is also an institution for passing of property and lineage through men. Thus the “normality” of the family is constantly “produced, maintained and rigorously policed by the state, laws and social institutions. It is far from being private” (Menon 341)

Section 377 with its existence in postcolonial India often is used to validate public morality. In this context it is important to read into the legislations on Section 377 to understand its wider implications in the sphere of law.

In the year, 2001, Naz Foundation (India) Trust , filed a writ petition in the Delhi High Court challenging the constitutionality of Section 377 on the basis of violation of right to privacy, dignity and health under Article 21, equal legal protection and non-discrimination under Articles 14 and 15 and freedom of expression under Article 19 of the Constitution. However on 2nd September, 2004 the petition is dismissed at the High Court. A review petition is subsequently filed which is turned down on 3rd November, 2004. On the 3rd of February, 2006

the Supreme Court recognizes the need to review the law stating that “the matter does require consideration and is not of a nature which could have been dismissed on the ground aforesaid”. (Koushal and Ors. Vs. Naz Foundation: 2009,)⁷ On July 2, 2009, the Delhi High Court passes a landmark judgement, it strikes down Section 377 pronouncing it as violative of Articles 21, 14 and 15 of the Indian constitution since it criminalizes adult, consensual erotic behavior.

Section 24 (I) of the judgment passed on 2 July 2009 by the Delhi High Court reads:

Section 377 IPC violates the constitutional protections embodied in Articles 14, 19 and 21. It suffers from the vice of unreasonable classification and is arbitrary in the way it unfairly targets the homosexuals or gay community. It also unreasonably and unjustly infringes upon the right of privacy, both zonal and decisional. It also conveys the message that homosexuals are of less value than other people, demeans them and unconstitutionally infringes upon their right to live with dignity. (Section 24 (I): 22)

The judgement by acknowledging the identity category “homosexual” or “gay” and naming it as a community brings the homosexuals within the domain of liberal human rights. It also ascribes a certain citizenship to the gay subject whose constitutional rights are not protected through Articles 14, 19 and 21. Thus the gay citizen subject is now endowed with legal rights as any ordinary citizen. However, this does not ensure victory of the homosexuals and facilitate their access for justice. After the pronouncement of the Delhi High Court judgement, fifteen Special Leave Petitions (SLPs) are filed in the Supreme Court that appeal against the “reading down” of Section 377. Religious and conservative groups bond together against the 2009 decision. In February, 2012 Justice G.S. Singhvi, and Justice S. J. Mukhopadhyay comprising the division bench hear the final arguments in the case. This continues till the end of March, 2012.

On December 11, 2013, The Supreme Court of India brings back Section 377 by criminalizing adult consensual same-sex activity. While the judgment is met with stern criticism, the Hindu Right celebrates it as victory of the nation.

The reinstalling of Section 377 as it existed only establishes heterosexism as the only normative model of sexual behavior and thus an integral part of “national culture”. In reply to the Naz Foundation’s petition against Section 377, the Additional Solicitor General (ASG) argues that the law stands for the general public disapproval of homosexuals. Speaking against violation of privacy by Section 377 he asserts that private sexual rights is not absolute and the court may bring the private space under surveillance anytime if the individuals’ private choices threaten public morality which he thought was the duty of the constitution to protect:

In reply, learned ASG submits that... [i]n our country, homosexuality is abhorrent and can be criminalised by imposing proportional limits on the citizens’ right to privacy and equality. Learned ASG submits that right to privacy is not absolute and can be restricted for compelling state interest. Article 19(2) expressly permits imposition of restrictions in the interest of decency and morality. Social and sexual mores in foreign countries cannot justify de-criminalisation of homosexuality in India. According to him, in Western societies the morality standards are not as high as in India. (Naz Foundation vs. Govt. of NCT of New Delhi: 2001, 23)⁸

In the process of Civil Appeal for retention of Section 377 in February, 2012, Mr. H.P. Sharma, counsel for one appellant group opposing the 2009 Delhi High Court Judgment cites

examples from *Manusmriti*³ to prove why homosexuality was disapproved in India. The final hearing in the Supreme Court mentions:

...Mr. ...Mr. Sharma submitted excerpts from the *Manusmriti*, the *Bible* and the *Quran* to the Bench...Mr. Sharma also referred to Mahatma Gandhi's disapproval for "unnatural vices" in 1929...Mr. Sharma further submitted that homosexual sex was unnatural and immoral and the Indian society abhorred such perverted practices... Mr. Sharma contended that there was no concept of sexual minorities in the Constitution of India in accordance with the prudence of an ordinary man. (Koushal and Ors. Vs. Naz Foundation (India) Trust and Ors: 2012, 22-23)⁹

The legal text thus needs to be read closely to identify the various constructions and assumptions it makes. It assumes a universalist idea of the "Indian society". One must question what does "Indian" mean in this context and who can identify themselves within the construct. It is also important to question why ancient texts are invoked to study current social changes. Do these texts represent the views of the people? And are they fit enough to judge on matters as serious as human rights of a section of community largely discriminated and marginalized for being who they are? It is also important to understand why religion has always been seen as a sacred site where same-sex desires are considered immoral. Ruth Vanita and Saleem Kidwai in the book *Same-Sex Love in India* have effectively dug out enough literary and cultural material from early Indian period to the modern to study same-sex desires represented in them.

Zia ud-din-Barni in his *Fatawa-yi-Jahandari*, a Muslim legal tract although strongly reprimands cross-dressers, male prostitutes and men sexually attracted to other men, that they

should not tarnish public morality. However, he also mentions that the state should not interfere in their matters of private sexual behavior:

In short, the public practice of anything prohibited by the Law should not be allowed. But if in secret and privately, habitual sinners indulge in their practices, sever investigations about their activities should not usually be made... what is secret and hidden should not be so revealed and published". (Bandyopadhyay, 24)

In this context it is also worth mentioning the way in which the fight against Section 377 began in the realm of queer activism actually and how the law which exists today sets various mechanisms of control on the queer body through multiple governing structures like that of health and administration through the police thus criminalizing their citizenship and blocking their free and secure access to public spaces.

Naisargi N. Dave in her book *Queer Activism in India--- A Story in the Anthropology of Ethics* states that Section 377 has been more "symbolic and discursive than punitive". However, the section provided a ground for the intelligibility of the queer subject or rather to debate it. It was in the year 1991 when the AIDS Bhedbhav Virodhi Andolan (ABVA) produced a report suggesting high incidence of homosexuality in the Tihar jail and recommended free distribution of condoms among the jail inmates. Kiran Bedi, the then Inspector General of Prisons refused on the basis that it would mean admission of homosexual behavior in the prison when it is a criminal offence under section 377. In response, in 1994 ABVA filed a writ petition in the Delhi High Court to challenge the constitutional validity of Section 377 and the free distribution of condoms among the jail inmates. The arguments of the petition were:

1. The law violated the rights to privacy and equality.

2. It was contrary to the “International scientific and social evidence for acceptance of homosexuality as normal”
3. The need for action, efficiency and accountability from government bodies dealing with the HIV/AIDS epidemic. (Dave,173)

However the petition did not stir a public movement but it did mark an important turn in the queer movement. Section 377 had become a part of the social life of the queer public. It enthusiastically advocated the relationship between human rights and health especially in relation to the HIV/AIDS discourse which was in the form of petition later filed by the Naz Foundation International and the NGO Lawyer’s Collective in 2001. This discourse thus helped address same-sex issues since it was connected to public health and did not stir cultural sentiments.

With the coming of NGOs and increasing awareness of the HIV-AIDS epidemic, the discourse of morality got subsumed into that of bio-medicine. The LGBT-Q population was subject to interventionist projects of the NGOs who contributed to their mobility and activism. Spaces for interaction and discussion generated awareness among them. A certain citizenship was formed that could be optimized for greater negotiation for rights. However this came with its own set of risks.

Akshay Khanna in his book *Sexualness* talks about how the NGOs that worked on HIV/AIDS prevention among the LGBT people categorized them as “high risk”/vulnerable groups, “bridge populations” and “general population”. These categorizations become the building blocks of a framework where the epidemic is understood. In this way only one aspect of identity, that concerning their HIV/AIDS status is highlighted which becomes the basis for

access to rights and services (Khanna, 84). Thus people who had long been excluded from the benefits of citizenship thus become intelligible and concrete identities at the cost of their “biomedical risk” that becomes almost a part of their biological, social and cultural life.

Questions of morality in respect of Section 377 were asked after a series of human rights violations that took place in the country. In all these cases Section 377 was only used as a pretext to dictate a “national” version of morality championed by the various institutions of the state. Through policing of bio-medical infrastructure the police (mis)used its powers. An example of criminalization and policing of the public health infrastructure on HIV/AIDS at the pretext of Section 377 is the case of the Lucknow based NGO, The Bharosa Trust, a sister organization of the Naz Foundation International who ran a joint office there. The police in July 2001 arrested and tortured four workers of the trust. Words such as “gay club”, “sex racket”, “curse to the society”⁴ dominated the media reconfirming the discourse of moral policing and legal criminality concerning healthcare and citizenship. (Khanna, 236-237)

An NGO Sahayog located in the state of Uttarakhand had published a report on sexuality titled, “AIDS *aur Hum*” (AIDS and We) in the year 2000, pointing at the various non-normative sexualities criminalized by the state. The local political force inspired a mob to ransack the office of the NGO angry on the publication of the report and hurting “public sentiments”. (Khanna, 237)

These incidents as Akshay Khanna points out were significant since for queer activists it was a context for recognition of their rights and an understanding of the different types of attacks they might face from such political groups. This also made the filing of the petition against

Section 377 a matter of urgency. Now, groups like in Lucknow could prove the legal injuries pushed at them and build a strong case against Section 377.

The petition filed by the Naz Foundation International and Lawyers Collective in 2001 indeed addressed the issue of Section 377 in the context of public health. According to Akshay Khanna:

The petition itself was a commendable piece of work, well researched, drawing heavily from biomedical and epidemiological canons, case law from various jurisdictions, and making a series of nuanced legal arguments demanding that Section 377 be recognized as violating the rights to life, equality and freedom (Khanna,242)

Research materials were drawn from the WHO (World Health Organisation), UNAIDS along with the central government's NACO (National AIDS Control Organization) which provided the scientific credential to frame the issue as one concerning the public health of the nation. The vulnerability of the MSM (Men who have sex with men)⁵ was linked to the health of the larger population. Thus Section 377 in its scope encompassing epidemiological and biomedical knowledge had already entered the juridical register. According to Akshay Khanna:

A significant implication of this public health framework was to expose a fracture within the state itself---that while the police were busy harassing and arresting MSM and NGOs working with them, the Ministry of Health and Family Welfare was working with and funding those same NGOs. NACO was itself called upon as a party to the litigation, the hope that its representatives would support the petition. (Khanna 242)

The interesting aspect of the petition filed in the year was that it brought the implication of Section 377 as that which affects certain sex-acts practiced by both homosexuals and heterosexuals. It also stated that the law had itself constructed distinct subjects combining the idea of sexuality with personhood. The petition also pointed at the criminalization of oral and anal sex limiting sex-acts for procreation alone. This it stated was arbitrary and violative of the Right to Equality. The petition thus broadened the issue of homosexuality and subsumed it within the larger ambit of sexuality and stated how the law affected not just queer subjects but the general citizens too.

The petition though did not ask for a revocation of Section 377 but a “reading down” of it. This meant exclusion of “private consensual sex between adults” from the ambit of criminalization because it violated the Right to Privacy. This was supported mainly on the ground that there were no laws protecting male children and women of anal or oral forms of sexual assault and Section 377 mainly was used in cases of child sexual abuse.

The Naz petition also demarcated the public and private spaces by defining the private as “legitimately sexual” and the public as “normatively asexual”. This was seriously contested since it excluded a large number of *Hijra* and *Kothi* sex workers who were directly affected by police harassment in public parks and cruising zones. Also the “private sphere” as devoid of state intervention was debated since a large number of cases of domestic violence were not taken cognizance of by the courts on that pretext.

However, the response published in the year 2008 of the Home Ministry that looks into matters of criminal law once again destroyed the foundation of a liberal human rights discourse on whose basis legal rights for the queer subjects was demanded. By re-inserting ideologies of

morality as central to the construction of a national subjecthood, the government, a post-colonial nation state, traced its positions back to the colonial and its ideas of the nation thus diminishing the language of secular and liberal rights for the queer subaltern to a question of collective morality of a supposedly homogenous nation.

[...] When section 377 was brought under the statute as an act of criminality, it responded to the values and mores of the time in the Indian society. In any parliamentary secular democracy, the legal conception of crime depends on political as well as moral considerations notwithstanding considerable overlap existing between legal and everyday conception of crime (i.e., moral factors). There is no necessary equation between the two. Public tolerance of different activities changes and legal categories get influenced by those changes. The social dynamics take into account the moral aspect too.

The issue whether to retain or not to retain section 377 IPC was considered by the Law Commission of India in its 42nd report and it observed that Indian society by and large disapproves of homosexuality and disapproval was strong enough to justify it being treated as a criminal offence even where the adults indulge in it in private (Khanna, 251-252)

By suggesting that Section 377 reflected the morality of Indian society, the Ministry of Home Affairs colonized a section of its citizens repeating the colonial history this law represents. Also by collapsing the ideas of the social with the national within an overarching belief in Victorian morality, the message of the home ministry reiterated a majoritarian brand of national morality centered on exclusion and discrimination.

Section 377 is not merely a law but also a social perception which the legal networks of power use to harass the queer community. Law, morality and bio-medical structures influence the construction of the queer subject. However, beyond the web of medical interventions that categorize and colonize queer subjects primarily of the lower class through targeted interventions (like that of the *kothi*/MSM) and attempt to mobilize them with the monetary might, there is the structure of security agents, the police who harass queer subjects only at the pretext of the law. Akshay Khanna speaks of the law that performs its social life in the lived experiences of the queer body in pain. He asks for a deconstruction of the law through the decentering of it from the realm of courts in New Delhi to the everyday lives of harassment and torture faced by for example the *kothis* of Kolkata where he bases his fieldwork. He also critiques the classism of social activism that has restricted itself to the fights against the law alone. M. Suresh in an essay “‘I’m only here to do *Masti*’⁶: Sodomy Law and the limits of Subjectivation” writes:

It is by enquiring into the social world where the law is decentred from the centrality of our inquiry can we imagine ourselves in ways that are not dependent upon the law or power to constitute our personhood. By decentering the laws in our studies of how the law effects the constitution of the self, we open up our inquiry to the possibility of the law’s failure to matter. (Suresh 478)

The law thus exists as a symbol of power that the institutions that promise security abuse it. Akshay Khanna’s article “The Social Lives of 377” offers clear examples how the police demand sexual favours and money from the lower class queer subjects, the *kothis* only on the basis of threat of Section 377. The *kothis* have formed their own devices to protect themselves thus critiquing the structures of a supposedly “national” citizenship that offers no space for

safety, security and justice to them. Many of them also think that visibility of the law especially through the NGOs had increased their harassment. Thus Section 377 was now no more an intellectual piece for study or to be fought against in courts but an experience, an identity marker of criminality in contestation with the everyday disciplinary agents of the state, family, media, medical establishments, etc. It had a symbolic status, an agential participation in the relationship of the Queer subject with the state apparatus. It therefore accorded no right to privacy for the queer subjects of the lower class and visibilised their transgressions even further on the streets as though it were a spectacle. Thus Section 377 meant not only reading the law into violence but also as a cause of violence. It made the violence more “intelligible and, significantly actionable” in the juridical space. (Khanna)

How do we understand the law and citizenship in the contemporary discourse of queer politics when questions of culture and morality still remain the cause of much discrimination of the queer public and to add to that the law continues to dictate normative codes into queer lives!

RSS ideologue S Gurumurthy as a response to the Naz Judgement said:

‘The king or the state in India had refrained from handling most issues which the society or families could handle. It is the colonial state, with its laws and courts that began to intrude the sovereign domain of the family and society. The Indian discipline was always built around unenforced social and family norms; not state laws. Self-restraint and shyness were the tools to regulate the deviants from the norms, not the police or courts. Even today, it is this non-formal moral order – read dharma – not the laws of Parliament or State assemblies, that largely govern this society.... In the Indian tradition, homosexuals, as elsewhere, were thus regarded as deviants. But, here, unlike in the

Abrahamic religions, the right of these deviants to exist without being punished was never denied; and will never be. Yet no one can argue here or elsewhere that homosexuality is a virtue. No law or court of law can declare it as a virtue.”
(Gurumurthy, 12-19)

S Gurumurthy’s thoughts undoubtedly reflect the dominant ideology of the powers that be in India today. His Hindutva stance on homosexuality is not just homophobic but also points at the larger field wherein such an ideology plays out in the name of tradition, religion or culture that make families the centre of ideological programming. Disciplining the Hindu Indian as part of the moral fabric of the nation is a colonial script constantly re-written by the orientalist nationalists in India today.

Ranjit Guha states that the domain of sexuality is policed more by the “samaj” than the state. The society or the “samaj” becomes an institution where morality dictates the norms of social behavior. Thus sexuality is controlled through ideologies nurtured by the state and the mechanisms of it to exist in itself. Guha provides examples from the state of Bengal of 1849 where couples marrying across their caste were killed. This holds relevance even today. (Guha 150)

Thus social, cultural and governmental ideologies play a key role in construction of the citizenship of the queer subject. However, what remains as a question is to study the effect of law in this context and would its erasure create a fruitful space for the performance of queer politics at all? Vikramaditya Sahai¹⁰ writes that the dominant discourse around law is framed within the limitations of citizenship, representative democracy and the nation state and also considered political. The law Sahai cites constructs the queer body in pain and in need for

“constitutional empathy” thus stirring a flood of sentimentalisms to create an “intimate affective public”. Sahai connects these ways with the larger notions of citizenship in the national utopia that the law would bring an end to the distress queer subjects face everyday. Sahai thus deconstructs the symbolic that law itself is and brings the queer issues within the frame of everyday where queer subjects negotiate with instruments of the government and society to build strategies for existence, politically and individually. Sexual privacy which the 2009 judgment championed indeed was a class victory and secluded the queer issue from the public to the private. However queer subjects whose lives intersect with public negotiation (like the hijras or *kothis*) on a daily basis had nothing to gain from the victory. According to Sahai most legal arguments basically desire to co-opt with the larger heteronormative structures while being queer is and should be a threat to the normative symbolized by social institutions such as marriage, family and the nation. If legal fights are about merging with the dominant frameworks of citizenship how does it not deny inclusion into the structures of class, caste, capitalism, etc on the lines of which our citizenship is conditioned.

Vikramaditya Sahai narrates an incident right after the verdict of the Supreme Court was out in the year 2013 that recriminalized consensual adult same-sex relations:

The day the Supreme Court judgement came out, the protest against it was mere metres away from the AAP (Aam Aadmi Party) celebrations at Jantar Mantar. After the protest was over, some of us were hanging around, and we were soon approached by those who were celebrating AAP, most probably wondering why such strange (queer?) looking objects were there. One sentence down and we were attacked with the usual arguments: “natural/unnatural”, “the world would come to an end”, etc. A handful of pamphlets in support is far from equaling the generation of political discourse that AAP engendered

around corruption. Let us not single out the BJP (Bharatiya Janta Party), since support has come either in a moment of political opportunism or in a demand of liberal progressivism. More than the BJP, it is homonationalist LGBT persons and allies [...] whom I am most scared of!

Vikramaditya's experience exposes the double bind between the law and morality. While questions regarding what feeds the other may be important, it is difficult to understand inclusion of queer subjects as equal citizens in society only within the dual frames. Eventually it is in the complexity of everyday experiences of performing the queer in a heteronormative space and negotiating with the political that one could effectively transact with the law, morality or citizenship. It is then one could think whether the law mattered at all and was it only an abstraction.

Notes:

1. A term used to designate homosexual activity by the British Raj which believed that the Asian and African colonies were sexually corrupt and needed moral guidance from the imperial masters to maintain standards of sexual morality.
2. Section 11 of the Criminal Law Amendment Act 1885 was known as Labouchere Amendment that made “gross decency” a crime in the United Kingdom. This law was designed mainly to prosecute male homosexuals
3. A metrical text in Sanskrit that presents a discourse given by Manu. It has been criticized for being communal, casteist as well as misogynist.
4. These terms were used because of the lack of understanding and awareness of issues relating to homosexuality to create sensation using popular morality to defend one’s position
5. A loose category of men who have sex with men earlier used in epidemiological studies and later adopted by NGOs for targeted HIV-AIDS intervention
6. Fun or play (implying a narrow interest in sex alone with no interest in identity politics)
7. Naz Foundation (India) Trust vs. Govt. of NCT of Delhi and Others. Final Judgement of Writ Petition (Civil) No. 7455/2001 in the High Court of Delhi. Date of Decision:2.7.09
Check: <http://www.lawyerscollective.org/files/Naz%20Foundation%20Judgement.pdf>.

8. Koushal, Suresh Kumar, and Others vs. Naz Foundation and Others. Special Leave Petition (Civil) No. 15436 of 2009 in the Supreme Court. Written submissions on behalf of Naz Foundation in the Supreme Court Check: <http://www.lawyerscollective.org/files/Written%20Submissions%20FINAL%20AS%20>
9. Koushal, Suresh Kumar, and Others vs. Naz Foundation and Others. Special Leave Petition (Civil) No. 15436 of 2009. Record of Proceedings in the Supreme Court of India, February 13, 2012- March 27, 2012. Check: <http://www.lawyerscollective.org/wpcontent/uploads/2010/11/Proceedings-of-the-Final-Hearing-in-Section-377-Case.pdf>.
10. Vikramaditya responds to the Anajali Gopalan, the chairperson of Naz Foundation (India) Trust on her take on Section 377 of the Indian Penal Code

CHAPTER THREE

Reading Homophobia and Censorship in Modern Indian Fiction: A Study of Two Texts

Homophobia or the fear of homosexuals and homosexuality itself has been an important aspect of nineteenth century colonial thinking. Debates against homosexuality in colonial India have occurred in respect of an imagination of a pure language, race and religion representative of a nationalist ethos. This sort of nationalism since took birth in the anti-colonial period focused at constructions like the brave soldier or the heroic martyr. Chivalry was the basis on which the nation could be set free. Homosexuality was thus not only assumed to be a western import, it was also un-indian and did not represent the cultural ethos of the nation. However, orientalist¹ scholars in the colonial time critiqued what they thought was obscene in ancient Indic sculptures, paintings and writings which then the anti-colonial nationalists felt was supposed to be erased of all its “impurities”. Censorship thus became a weapon of various national groups and institutions to attack any writing or art they considered “obscene” or violative of “Indian culture”.

This chapter attempts to study two texts to tease out the reasons why they were considered “obscene” and subjected to censorship. After the studies on history and law, the chapter would develop arguments through textual study taking orientalist historical imaginations and the colonial law against sodomy understood as the basis to define a national culture, a homogenous, patriarchal and heterosexual exclusionary space that supports a casteist hierarchical structure and gendering of the imagined Hindu nation within strict codes of “morality”.

The texts chosen for study are English translations of *Chaklet (Chocolate and Other Writings of Male-Male Desire)* and “Lihaaf” (“The Quilt”). The former is written by Pandey Bechan Sharma (pseudonymously known as ‘Ugra’) and the latter by Ismat Chughtai; the texts are translated by Ruth Vanita and M. Asaduddin respectively. Both *Chocolate* and “The Quilt” faced homophobic anxieties of the nationalist elite and censorship, institutional and non-institutional, and stirred complex debates on queer sexuality within the frames of nationalism and identity politics in nineteenth century colonial India. Such debates still hold relevance in contemporary India especially with the rise of Hindu nationalism coupled with an identity politics based on race and religion. These questions affect the queer movement(s) in India since they pose challenges pertaining to the identities of being queer and Indian. This is mainly because a dominant nationalist ideology does not regard queerness as integral to its history.

To trace the history of queerness in Modern Indian fiction one is compelled to study the history of homophobia in India since a lot of writing that depicted sexual desires suddenly became “immoral” and filthy to the nationalist elite of nineteenth century British India. However, the debate on what was proper and improper in writing was also largely concerned with the Victorian notions of sexuality and the various bio-medical infrastructures to control and discipline “deviant” sexual tendencies. The founding father of the tradition of classifying sexual diversity or abnormality was Richard Krafft-Ebbing who in *Psychopathia Sexualis* (1894) termed human sexual behavior to be a disgusting disease. These “deviations” or “perversions” included sadism, masochism, necrophilia, urolagnia, fetishism, nymphomania, satyriasis, homosexuality, voyeurism and exhibitionism (Brecher, 1976).

Charu Gupta in her book *Sexuality, Obscenity, Community: Women, Muslims and the Hindu Public in Colonial India* talks about the moral panic in early twentieth century among a

section of British and Hindu middle classes on questions of sexuality especially that in Hindi literature and advertisements. There began a determination to “civilize” Hindi literature and aesthetics and fashion it as a mirror of the nation keeping the modern collective Hindu identity intact. The first obscenity law appeared in colonial India in the late nineteenth century. Sections 292, 293 and 294 of the Indian Penal Code were overtly crafted for the prevention of any form of obscenity. The law covered any visual or written material that was “lascivious or appealed to the prurient interest” or that had the “effect of depraving or corrupting persons exposed to it” (Gupta, 31). Customs Act and Section 3 of Dramatic Performances Act also had clauses against various forms of obscenity. Section 20 of the Post Office Act, 1898 restricted the transmission of any “obscene” article through postal network. Even at the international space such as in Geneva an act called the Obscene Publications Act, 1925 was passed which directly affected British India. According to Charu Gupta, such laws have not just been targeted against pornography but also publications on birth control in nineteenth-century England. Thus one can read an entire mechanism of knowledge production aimed at pathologising desire or forms of it in any representation, undoubtedly a colonial maneuver imitated by early especially Hindu nationalists in India. (Gupta, 31)

According to Ruth Vanita the first debate on homosexuality in modern India occurred in the 1920s during the period of independence struggle. It was sparked off by a collection of Hindi short stories titled *Chocolate* (1927) by Pandey Bechan Sharma pseudonymously known as “Ugra”. The stories of Ugra and the socio-cultural anxieties it created both for the early Hindu nationalists and the Britishers constitute the discourses on sexuality, obscenity, censorship, Section 377 and the political rights of the queer community at large. Homophobia in colonial India was also influenced by the popular colonial perceptions of Indian literature. A section of

orientalists believed on the myth of the golden age of the ancient Indian Hindu civilization which suffered due to the coming of the Muslims. (Vanita, 1) The Hindu past was also sparingly glorified. While the philosophical abstractions of Hindu religion were upheld with great regard, the erotic portrayals in texts or in sculpture and the Bhakti² cults were considered “lower” and “popular” forms of religion that only appealed to a certain class of people. (Charu Gupta)

British Scholars such as Horace Hayman Wilson, the successor of Sir William Jones, studied all the *Puranas*³ and overtly disapproved those that celebrated sexual desires. According to him: 'The great mass of it is taken up with tiresome descriptions of Vrindavan and Gokula, the dwellings of Krishna . . . and the love of the gopis and of Radha towards him.'" Jayadeva's poems in *Git Govind* were translated by Sir Edwin Arnold in 1875 but he found the last canto inappropriate, 'in order to comply with the canons of western propriety', thus he left it out. The reasons cited by British officials for disapproval of sensual elements in Indian sculpture were often “lack of scientific knowledge”, “reason” and “decency” and over-emphasis on bodily detail. Roger Fry considered erotic representation of Indian art “primitive” and that which misaligned with the ideas of post-Renaissance Europe. (Gupta, 35)

In UP, one tract published by the North Indian Christian Tract and Book Society, Allahabad, stated: (Gupta, 36)

We all know the kinds of evils and indecency prevalent during Holi. However, if the Government puts a stop to these bad things, it is regarded as an interference. . . . There are a large number of Hindu temples which have such obscene portrayals that anyone seeing them would feel impure and still people say that to go to such temples is a matter of religion. . . . When Krishna committed all indecent things with gopis, was he not evil?

William Crooke opined on the marriage songs of North India: "The Indian woman's bodice is in reality no covering at all. It rudely shelters the breasts and leaves the stomach exposed. But chiefly on account of its indecency it has been the subject of many praises in the compositions of authors and poets, who only think of love in its meanest form." (Crooke, 83)

Thus sexuality of Indian women or sexuality itself was a big issue of "morality" for the colonial thinkers. This kind of thinking largely constitutes orientalist ideologies of othering anything that was disapproved of in Britain. This idea also inspired the nationalists in colonial India to cleanse their literatures and cultures of the colonial versions of "impurity" linking morality with the ideas of the nation. This idea was imagined to reconstitute a masculine and aggressive symbol of the nation. Thus ideologies of gendering the nation in heterosexual terms, inventing phobias against any form of desire that could weaken the hold of morality were spearheaded. Nationalist interpretations of such ideas communalized the discourse by linking sexuality with moral decadence in Urdu literary productions like the *ghazal*. Thus, the bodily, the sexual, the desire spinning and all forms alternate performances of self and subjectivity (that could be read as protests) were attacked through overarching reactionary mechanisms of control.

In the late nineteenth century writers, both Hindu and Muslim set out to cleanse pre-colonial Indian literatures. Tropes of love and wine were removed from Urdu poetry and the *ghazal* was superficially heterosexualized. Urdu *rekhti*⁴ poetry that depicted sexual lives and desires of women was also repressed. Similarly, erotic medieval poetry such as *Kamasutra* in Hindi, Sanskrit and Bengali was denounced. Many of such texts were translated to appear as advisory to married couples. Sex-manuals with warnings against masturbation, pre-marital and

extra-marital sex, and homosexuality grew in number. Male homosexuality turned into a very sensitive issue because of its strong links to “effeminacy” in England. (Vanita, 3)

Pandey Bechan Sharma popularly known as ‘Ugra’ (Extreme) published his story titled “Chocolate” on May 31, 1924 in the Hindi nationalist weekly *Matvala*. In 1927 a collection named *Chocolate* appeared with the title story as one of the eight stories. The stories dealt with male homosexuality or desire and the title was derived from the story to describe a fourteen year old boy, the love interest of Babu Dinkar Prasad. “Chocolate” or the ‘innocent tender and beautiful boys’ of the country “whom society’s demons push in the mouth of destruction to quench their own desires” as the story suggests generates a controversy in Hindi literary sphere of the nineteenth century. (Ugra , 39)

“Chocolate” in Ugra’s stories on one hand refers to young and attractive males and also stands as a symbol of male-male desire in general. Chocolate also being an aphrodisiac, a delicacy with western origins thus made the subject even more contentious. “Chocolate” lovers are shown as men of an older age who become the victims of homophobia and condemnation while the younger ones are shown as diverted males. This infantilization and reductiveness of male-male desire is expressed in one of the stories titled “O Beautiful Young Man”:

‘O beautiful young men! You do not yet know what this world is like. You are filled with enthusiasm and curiosity. You do not know the difference between good and bad. That is why I say to you, do not consider my words a joke. This is not the age to learn bad things. You should not play the drama of love now, do not get seduced and embrace anyone. Refrain from understanding the mysteries of embraces and kisses. Don’t trade your beautiful bodies, your blossoming cheeks, your red lips!’ (Ugra, 77)

Thus it is made clear that the older men who are more influenced by western ideas of life corrupt the young ones who need to be protected from them.

Charu Gupta in her book *Sexuality, Obscenity, Community: Women, Muslims and the Hindu Public in Colonial India* talks about the militant criticism that Ugra had to face in the Hindi literary sphere then. Ugra despite being an editor of an anti-British issue of the newspaper *Swadesh* and going to jail for that was denounced in the strongest terms by the likes of Banarasidas Chaturvedi, the editor of *Vishal Bharat* (Great India) published in Varanasi. He led a campaign against literature considered obscene in the Hindi writing sphere. Ugra's works were considered obscene thus *ghasleti*. The campaign was called *ghasleti andolan*. (Protest against obscene literature). *Ghaslet* implies kerosene oil and suggests the inflammatory potential of such a work. (Gupta, 62)

The charge of obscenity on Ugra was basically that his stories excited sexual desires rather than erasing it. A non-titillating style of writing was sought through articles like "Ghasleti Lekhakon Se Antim Nivedan". Sex-phobia and homophobia were also connected to the nationalist mission of making Hindi the national language. A national language would mean one that was "pure" linguistically and content-wise. Thus several Hindi literary associations passed resolutions against *ghaslet* literature. (Vanita, 7)

The question of purity and censorship roped in figures like Nirala in the debate. Nirala was not homophobic like the rest and defended freedom of expression against propagandist ideologies. He called Banarasidas Chaturvedi's campaigns as "non-literary witch-hunts". Nirala disliked the over-interference of critics in the works of writers and the fitting of art within narrow nationalist norms unlike Premchand who wrote: I consider the naked portrayal of bad desires in

literature very harmful. The best way to combat *Chocolate* etc. is by publishing pamphlets. There is no need to bring it into literature” (Vanita, 10)

The stories in *Chocolate* are written in a self-titillating fashion with an omnipresent narrator, a populist voice figuratively representing the nineteenth century nationalist elite. It has a collection of eight stories variously titled, “He Sukumar” (Oh, Beautiful Youth), “Vyabhichari Pyar” (Dissolute Love), “Jail Mein” (In Jail), “Hum Fidaye Lucknow” (I am a Fan of Lucknow), etc. The stories validate male-male desires through staunch characters who are usually older men belonging to a certain profession like teaching. These characters confidently invoke examples from the west such as Socrates, Shakespeare and Oscar Wilde and also from Indic cultures like the *puranas* to justify the normalcy of their behavior. However they are accused of corrupting young males with the “chocolate disease” or homosexuality and face a brutal consequence at the end.

Although Ugra claimed that his stories were aimed at exposing and erasing homosexuality he often ends up normalizing it. He queerizes seemingly heterosexual public spaces by exposing male-male bondings in spaces such as schools, colleges, parks, hostels, cinemas, theatres, fairs, jails , etc. In one of the stories set in jail where two men fighting over a third are punished it is clear that homosexual behavior is not containable. Sukhu, a gangster prisoner in the concerned story “In Prison” (“Jail Mein”) remarks on the homosexual activity of the prisoners: “They are helpless; after suppressing their desires for eight, ten, twelve years, these crude prisoners, ignorant of the subtleties of purity and impurity, go mad, forget themselves, and do such things” (Vanita ,93).

Ugra's stories abound in *ghazals* on love that transcends the normative codes of gender. In the story "Kept Boy" Mahashayji describes his pain on being ignored by his love interest:

Look at that glance like an arrow, look at the wounded heart,

Look at this looking, look at its result.

My heart wishes you to look at its condition.

It's left to you---look wherever you want (Ugra, 47)

Ghazal is described as an intoxicant that protagonists use to lyrically give vent to their joys and sorrows. In the story "Chocolate", Dinkar Babu calls out Ramesh, the boy he loves by reciting the lines from the Urdu poet Mir:

Love is a pain, a fever, a torment

Shaikh, how can you know what love is? (Ugra, 41)

Tropes of love and desire that the *ghazals* evoke indicate a syncretic culture of colonial India that the cultural nationalists of the nineteenth century wanted to erase as "impure". Cultural hybridity in Ugra's representation with characters who speak both Hindi and Urdu and know English history also give his stories a seemingly universal space, an intellectual credence and a public gaze into the affairs of men in respectable positions in the society. However one of the stories in the collection "Dissolute Love" attributes a person's love for 'chocolate' to western education and Urdu poetry: "Kalyan is disgraced everywhere. Everyone says that the shadow of

Muslim poets has fallen on this Hindi poet. The idiot ignores his own culture and pure religion...” Another person talks about western education as the cause of such “sins”: (Ugra, 83)

Modern education draws people to such sins [...] Our ancient education system did not make us so impure. These days , after fueling the fire for twelve years in an English school in Delhi, educated young men set out to try all the shops of sin. As soon as they learn four words of English they get up on a white horse, go to the white market, and shamelessly start sweeping the chocolate path with the broom of desire, under the veil of beauty, love and discovery. God has not yet given me a son, but if that day comes and I think it necessary to send my son to school or college, I will shoot him before I do that

Colonial and Islamic influences both are targeted as corrupt and the cause of “chocolate disease”. However it is ironic as Ruth Vanita has pointed that *Vishal Bharat* (Great India) in August 1929 published a translation of Professor Gilbert Murray’s article justifying the ban of Radclyffe Hall’s *The Well of Loneliness* and his treatise against “obscenity” in literature. This was used as a comparison with the literary upheavels in colonial India to purify Hindi literature of “obscenity”. (Vanita, 202) While on one hand the “chocolate disease” was an output of western education and products, a western text still held relevance to defend positions against homosexuality.

In each of the eight stories, the narrator expresses hostility to male-male desire, but when he debates with homosexually inclined characters, he never wins on logical grounds and finally is left annoyed. Sometimes he compromises and advises discretion to his friend who is determined to pursue an affair with a male. More often he summons authority figures to his aid. Though he may succeed in punishing the homosexual, it can be deduced that he cannot eradicate

homosexual activity. Of the eight stories, in two the lover is defamed and leaves town; in another, he loses his job and is later imprisoned; in one, he is driven to suicide by public embarrassment; in yet another, the beloved dies of tuberculosis, supposedly induced by homosexuality, but the lover goes unpunished; and in one, the police beat him and frighten him into silence. Homosexuality portrayed in the story as a threat to the idea of hegemonic masculinity, is assumed to feminize men, thus depriving them of their “manly” identity. Manohar, in his letter to the narrator Gopal, warns him that when a young boy finds others attracted to him: “he starts trying to become a chocolate by using Venolea and then White Rose and then Pears Soap. Instead of studying, boys spend their time trying to look handsome. And once they fall into the trade of beauty their intellect is weakened, their desires are strengthened, and they develop loathsome habits” (Vanita ,40)

Thus the campaign against *Chocolate* was a moralist one. It was aimed at “protecting” the public from “unhealthy” influences since it was believed that Ugra by writing on such issues did not discourage, but encouraged same-sex desire. Charu Gupta says : (Gupta, 63)

Ugra wrote on a taboo subject, an unmentionable act, and as critics claimed that the actual effect of Ugra's writings was to titillate and excite his readers and thus to encourage, not discourage, homosexual desire. The colonial presence, the growing nationalist movement, and the emerging high literary trends and their links with Hindu identity gave the campaign a specific colour in north India. The attack on *Chaklet* was also part of a nationalist critique, for the de-gendered male was one stereotype of colonial domination. *Chaklet* seemed to cast doubt on the stability of the heterosexual regime, on procreative imperatives, on modern monogamous ideals of marriage. It dared to mention

the stigma and disgrace of effeminacy, of sexual inversion in male behaviour which dominant traditions preferred unmentioned.

Charu Gupta also points at formation of clubs for men like the Jigri Club in Moradabad organized by 'a band of pleasure-seeking loose young men'. Growth in public libraries and migration she points also caused male bondings. Migration among the lower classes especially disrupted the household since many lower class men could not take their wives with them. Charu Gupta also looks at the skewed sex ratio of Uttar Pradesh in the 1920s due to the influx of many industrial workers. The Director of Public Health in UP had commented on increasing cases of venereal disease among the workers because of 'adult relations of either sex' and widespread sexual immoralities in small neighborhood spaces:

The workman who has left his family behind often clubs together with other workers, generally preferring relations, caste men, friends or men from his own village or town. Denied the comforts of a regular family life, the temptation to him to seek diversion after the day's work by resorting to drink or drugs or to the bazaar is greater. His life becomes monotonous and unattractive . . . the effect on family due to these lengthy separations is quite undesirable and harmful

(Gupta, 64-65)

Chocolate thus brought urban male bondings, attachments and desires on the public realm at a time when the nationalist Hindu male was the most sought after icon for the nation. By exposing the homophobic anxieties of the time which the narrator in Ugra's stories deftly presents Ugra opens the debate on homosexuality for the first time in colonial India. Ugra's same-sex desiring characters are a veritable part of the Indian (read Hindu) nation and express

and defend their positions freely. They are multicultural in their stances and draw from English, Hindi and Persian sources to argue against the detractors. Despite the overflowing current of morality, purity of race, religion and language that condemns the desiring subject in Ugra's stories finally punishing them harshly, the sudden shift in the narrative to a gory inevitability also appears comically preachy. Since all the stories are patterned to an obvious climax of suffering of the homosexually inclined characters what becomes important to study is their negotiation with an apparently desire phobic or sex phobic society. The performance of negotiation with the lyricality of *ghazal* or the multi-discursiveness of ideas on male-male desire provide rich reference points towards alterity to the homophobic cultural homogenization project of the nineteenth century.

Ismat Chughtai raised a furore in the writing sphere in the nineteenth century colonial India through the publication of her short story "Lihaaf" ("The Quilt") in a journal *Adah-i-latif*. The story was about a married woman, ignored by a husband who is obsessed with young boys. Begum Jaan, the dutiful housewife because of her physical and emotional abandonment explores her homosexual desires with a maid servant Rabbu. The story is narrated as an experience of horror and shock by the child narrator who is left at Begum Jaan's household by her mother.

Chughtai was charged of obscenity and faced trial for "The Quilt" at the Lahore High Court. In her memoir *Kaghazi Hai Pairahan* (1998) Chughtai mentions what her friend Aslam Saheb tells her on the obscenity charge that "many respectable people" had "put pressure on the government to bring the suit". Thus it is clear that similar to what Ugra faced, Ismat too had to face the wrath of nationalist elites of colonial India who were obdurate to ban anything they considered "immoral". (Chughtai, 97)

In her introduction to *Sexualities* Nivedita Menon writes about a “strange partnership” between the “British colonial institutions” and “the modernizing national elites who opposed the British” in colonial India. Both were responsible she argues in erasing “earlier forms of sexuality, family and property arrangements that did not conform to modern bourgeois patriarchal ideals” (Menon, xvii-xxiv)

In “The Quilt” Begum Jaan is a neglected wife “tucked” away among other possessions by the Nawab, her husband who is more interested in “firm-calved, supple waisted” boys than her. Begum Jaan is perceived through the sentimental eyes of the young narrator as a woman who takes recourse to religion and reads the Quran for several nights to have her husband love her but all of it goes in vain. Through multiple dictates on Begum Jaan by the Nawab who restricts her from going out to meet relatives and enforces patriarchal servitude on her she is portrayed as the object of feminist anxiety preparing for a rebellion.

In “The Quilt” sexual desire is portrayed as an effect of the cause of patriarchal suppression. This suppression presented through the figurative metaphor of the quilt affects Nawab too. However, he being the male head of the family and apparently “virtuous” who “performed Hajj” and did not desire prostitutes, according to the narrator, the Nawab could easily escape into his “homosexual” exploits.

Desire of Begum Jaan for Rabbu’s erotic massage seen from the eyes of the narrator appears horrific to her. She is scared and unable to comprehend the happenings under the quilt. Animal imageries like elephant heaving inside the quilt or frog inflating noisily and about to leap represent the mental dilemmas of the young child. On closer study these visual images coupled with the aural like “Allah! Ah!...” could be read as implying an erotic engagement between two members of the same-sex within the protective yet limiting confines of the quilt. The narrator’s

ascription of sexual desire as “itch” that perpetually afflicted Begum Jaan for which Rabbu massaged her also carries erotic connotations of non-heterosexual desire.

Begum Jaan’s subjectivity heaves through the fissures of institutional heterosexuality to ultimately seek happiness through her desires. Thus a heightened plot of female subjugation builds a journey to a rebellious climax. This is in contrast to the description of Nawab who with his patriarchal privilege reserves his right to desire even after marriage while the Begum can do so only through a suffering from patriarchal servitude. Bonnie Zimmerman regrets that “Heterosexism in feminist anthologies – like the sexism of androcentric collections – serves to obliterate lesbian existence and maintains the lie that women have searched fulfillment only through men – or not at all” (Zimmerman, 76-96). Desire and domesticity collide with one another after Rabbu enters the scene. The narrator says, after Rabbu’s coming “Begum Jaan started living and lived her life to the full” (Chughtai, 17) It is this “full” life linked to fulfillment of sexual desires that decides female autonomy and agency. In this context it is important to note that Freud’s idea of the castration complex of women associated with a “lack” of penis is subverted by Luce Irigaray’s radical image of the “two lips” that challenged the phallic as the centre of all desire. (Irigaray) Similarly Luce Sargisson believes that female libido or libido governed by femininity could shift all the forces of masculinity to potentially subversive spaces. (Sargisson, 112-3)

Ismat Chughtai’s character of Begum Jaan resists patriarchal subordination of women in a time when women as mothers were popularised as national symbols that co-existed with masculinist ideas of the nation. On one hand women were respected and worshipped as symbols of “honour”, seemingly promising them an agency, on the other they became a site of contest in discourses of communal otherization.

“The Quilt”, since is narrated by an un-omniscient narrator one cannot directly apprehend the erotic content of the story. However, the references help the reader to imply the play of desires between Rabbu and Begum Jaan. The setting where the quilt features as a symbol of mystery is always night, the scene where Begum Jaan and Rabbu engage in erotic performance as is hinted, is always behind closed doors, in the absence of her other maid-servants. The narrator in the last section of the story mentions a vigorous shaking inside the quilt at night which scares her. Scared and determined to switch on the light, she does it. At this time the quilt rises above by a foot as the story mentions. The narrator confronts the mystery of the quilt, thus. This is a moment that resists language or expression since the young girl is unable to cognize it, rather she is scared and shocked, all the more. What the narrator might have seen that shocked her could be left for the readers to decipher, however considering the furore the story created, the meanings are obvious.

When Ismat Chughtai reached Lahore in the November of 1946 for the second hearing on her case, she explained the reasons why she was drawn to writing “The Quilt” to an older writer M. Aslam as she writes in her memoir:

Actually Aslam Sahab, I was never told by anyone that I should not write on this particular subject of ‘Lihaf’. Neither did I read in any book that one should not write about this...illness [*marz*]...or...addiction [*lat*]. Maybe my mind is not the brush of Abdurrahman Chughtai, it is instead a cheap sort of camera, whatever it sees, it clicks, and my pen becomes helpless in my hand. (Chughtai, 32-33)

Chughtai is thus unable to name the erotic engagements between the two women. She idiomatically calls it *marz* (illness) or *lat* (addiction) and not in strict frames of same-sex desire.

Her idiomatic expressions contribute to the confusion that the subject of homosexuality was treated with in colonial India. Chughtai thus does not offer judgements in the story, rather she captures the (erotic) performances frame by frame to present it to the audience. Chughtai calling “this subject” an illness or addiction also connotes to the ideas of homosexuality as a disease prevalent in Victorian England that directly influenced the colonies under it. Akhil Katyal writes that discussions on homosexuality similar to the ones taking place in England happened in India too. The first president of Indian Psychoanalytic Society (founded in 1922), Girindrasekhar Bose had corresponded with Freud for more than twenty years. According to Katyal, Bose, “led a group of intellectuals, doctors, college professors, psychologists and enthusiasts, both Indian and British, in 1920s-50s Calcutta among whom discussions of ‘homosexuality’, ‘masturbation’, ‘repression’, ‘oedipus complex’ or ‘female hysteria’ were commonplace”. India also had its first Department of Psychology at Calcutta University in 1915. (Katyal, 69)

Chughtai mentions in her memoir that she was charged with a lack of religious education by M Aslam which he thought were reasons why she wrote “The Quilt”. However as a response she deftly gives her readers, an impression about her personality that in clearest terms stands in antithesis to how patriarchy and religion expects women to be docile and submissive. Chughtai was one of the very few Muslim women in colonial India who received a Bachelor’s degree at a time when women were hardly given proper education. It was during her B.A. days that she says was confronted with multiple ideas from contradictory systems of knowledge. She says that her head started to swirl when she was unable to reconcile the theory of evolution of Darwin with Islamic-Christian theory of the divine genesis. When she had started working as a school-teacher in Bareilly she did not stop her habit of reading. She also tells a friend of reading a lot of

Freud from whose works she picked up references to homosexuality. She says that she did not trust Freud:

I could not bring complete faith to it. There is some fraud in Freud. My mind always has a nagging doubt. No matter how great an intellectual it is, I am never fond of giving blind trust. I don't know what sort of habit it is that first I always search for loopholes in their work. Before compatibility we should always take stock of all the incompatibilities...may be the first word my mouth ever uttered was 'why', although this 'why' has landed me in a lot of trouble (Chughtai 205)

Ismat Chughtai also refers of having studied “those things” (which may imply subjects on homosexuality) which appeared “dirty” to her in her BA days but later on she found they were useful to study.

When I read more and more books in my young age then I was shocked. Those things seemed dirty. But when I read about it after my B.A. then I came to know that these things are not obscene, they are in fact quite insightful and should be known by every reflective person. As it is, if people want they could call even those books on psychology and those in the doctors' medical curricula obscene. (Chughtai 33)

Chughtai's uncertainty about the subject of homosexuality and yet a curiosity to know the same interrogates with the largely homophobic culture in colonial India. Homophobia intersected with the ideas of the “profane” in the literary sphere judged upon by a small group of elite reactionary nationalists. In Chughtai's case it was also the fact that she was a woman writing it that caused more furore. When she was in Lahore for the second hearing of her case, M Aslam, an older writer reprimands her for “obscenity” in “The Quilt”. Ismat Chughtai hits back at the

allegation by pointing at a work by him *Gunaah ki Ratein* where he had detailed a sex act merely for the sake of titillation. M. Aslam defends himself by calling himself a man who had the privilege of doing it over women. Here goes the conversation as mentioned in Chughtai's memoir:

"My case is different. I'm a man." "Am I to blame for that?"

"What do you mean?"

His face was flushed with anger.

"What I mean is—God has made you a man, I had no hand in it and He has made me a woman, you had no hand in it. You have the freedom to write whatever you want, you don't need my permission. Similarly I don't feel any need to seek your permission for writing the way I want to."

"You're an educated girl from a decent Muslim family."

"You're also educated. And from a decent Muslim family."

"Do you want to compete with men?" (Chughtai, 96)

Thus Ismat Chughtai's identity as a Muslim and a woman made the defamation suit against her, an example of misogyny, sexism, homophobia, communal tension and intolerance to freedom of expression in a hypermasculine nationalist period.

Akhil Katyal says: "Chughtai's nagging doubts do not let same-sex desire be conceptualized simply, uncomplicatedly as *marz*. Her other frame, *lat*, is that of excessive habit, a sort of addiction that is not yet medicalized, that works precisely in the not yet of such

medicalization. It is more squarely part of a long-standing Urdu word-concept of *shauk* or one's personal inclinations" (Katyal, 28) Katyal in his book *The Doubtfulness of Sexuality* talks about various cultural idioms of same-sex desire that existed in colonial India. *Lat* is one of them. It means as he says a habit or hobby against mundane duty. He says: "It moves beyond the mundane range of self-possession, either by remarkable talent or by exceptional surrender or both. It is set off when one becomes – for that moment – zealously attached to one's own interests, either accomplishing them or giving in to them" (Katyal 30)

Chughtai by introducing a discursive idiom like "lat" separates it from a disease that needs medical treatment. However it is her confusion about what same-sex sexuality is that makes a space for further study of the complexity of cultures, habits and behaviors in colonial India and how they could be understood from a non-western perspective. In the chapter "The Golden Spittoon", the tenth chapter of her memoir Chughtai talks about two twins Munne Miyan and Pyare Miyan studied at the Aligarh Muslim University. She says that nationalists like Pandey Bechan Sharma 'Ugra' might have seen them. She speaks of the twins as morally degraded due to "fashion", "cosmetics" and "luxury" and were not the ideal men for the nationalist project of freedom of the nation. Chughtai calls the boys of the *fatkal* sort and they had no interest in women: "...the twins were of the *fatkal* sort. They had no interest in women. They used to dress up a lot and apply a lot of make-up' Katyal comments on the use of words by Chughtai to describe the men: "Chughtai uses a Marathi word to describe their demeanor, *fatkal*, which implies someone 'without control or composure', close to the Hindi *munhfat*, 'someone who speaks rather freely'. Within such a backdrop of degeneracy, finery and excess, Munne Miyan's and Pyare Miyan's lack of relish for women is a positively banal fact, if not actively

constitutive of their persona. The world of *lat* here is a place-holder for same-sex desire”
(Katyal)

Chughtai and Ugra not only brought same-sex idioms of desire through their writings but also attempted to introduce them to a reading public that was being fed with stories of nationalism in a country fighting against colonialism. *Chocolate* and “The Quilt” thus become important specimens of writing to analyze questions of nationalism and culture in respect of homosexuality in India. These questions hold relevance in contemporary queer politics in India till today.

Notes:

1. One from the west who studies the language, culture, history of Eastern Asia. This term was popular in the nineteenth century due to a rise in colonial thinking and scholarship that produced biased imaginations about the colonies ruled by the British.
2. A religious development in the medieval period that implied complete surrender and single-minded devotion to god for salvation.
3. Any sacred literature in Hinduism based on myth, legend, traditional lore or rgenealogy of gods and goddesses
4. It is genre in Urdu poetry. Rekhti is often in *ghazal* form, written by male poets to describe female self, subjectivity, sexuality, desire, etc.

CHAPTER FOUR

A Politics of Negotiation: Reading Queerness, Unpacking Culture in Two Hindi Films

This chapter attempts to study the politics of negotiation of queer sexualities in Indian cinema through ambivalences and misreadings on one hand and explicit subversion of conventional cinematic and cultural codes of masculinity and femininity on the other. These films also contribute to the visibility campaigns and legislative advances in terms of queer politics in India. Test of radicality in filmic constructions of same-sex politics however do not always accurately fit within the timeline of achievements of the Queer public. They rather evoke patterns of subversion of generic film plots or stereotypical roles forging a unique politics of their own in the creative sphere. The two films taken up for study are *Fire* directed by Deepa Mehta and released in the year 1996 and *Dostana (Friendship)* directed by Tarun Mansukhani, released in the year 2008. *Fire*, was released on a commercial scale and could be categorized Indian but trans-national cinema, lacking any dominant young face to fit into the roles of the hero or heroine and also one that deals with lesbianism explicitly unlike mainstream commercial Hindi films. *Dostana*, on the other hand is packaged for commercial entertainment and follows the generic plot of mainstream Hindi films to reach out to maximum audience.

The emergence of the identitarian string of terms, LGBT-Q mainly constructed through the bio-medical interventions in the context of HIV/AIDS prevention and the neo-liberal and transcultural inclusion of the “gay” citizen subject expanded the queer identitarian discourse in the realm of Hindi films although through faint insinuations and suggestiveness. The popular term, queer to label films depicting same-sex desire also spatialized a discursive terrain of

subversion of global patterns of same-sex representation. Alexander Doty says “queer” in mass cultural texts plays an important role in ‘intersecting and combining of more than one specific form of nonstraight sexuality’. (Doty, xvi) Queer thus becomes an inclusive term for retention of all aspects of “non-, anti-, or contra-straight” cultural productions. It might also be a position not necessarily pertaining to sexuality, in response to a hegemonic narrative in any discourse, offering multiple reference points for rearticulation through deconstruction. LGBT activists in India have often used the terms LGBT and queer interchangeably in pride marches and other spaces of political interventions.

Shohini Ghosh in her essay “False Appearances and Mistaken Identities: The Phobic and the Erotic in Bombay Cinema’s Queer Vision” writes that queer cinema like any ordinary cinema is a multidiscursive text that forges reciprocal relationship with the audience who may accept and reject parts of the film through their knowledge and instincts. (Ghosh 417), Queer spectatorship as Andrea Weiss talks about is a desire for visibility through the apparently invisible. According to her queer spectatorship “resembles a love hate affair which involves anticipation, seduction, pleasure, disappointment, rage and betrayal” (Weiss) Popular films in India enjoy a significant reach among the audience yet references on homosexuality are often subdued. Thus a spectator’s engagement with the cultural text of the film involves “reading, misreading and interpretations” It is this ambiguity that results in forging of “analogical identifications” by the audience which locates the filmic text in the socio-politico-cultural realities of the moment. (Ghosh, 418)

The queering process of Hindi films started through tropes of buddyship or friendship indicating homosociality between members of the same-sex. Themes of male-male friendship abound in *Namak Haram* (The Traitor, 1973), *Anand* (Joy, 1970) or *Main Khiladi Tu Anari* (I am the Player and You’re the Amateur, 1994). Thomas Waugh analyzed the male-male

friendship of the action film *Main Khiladi Tu Anari* (I am the Player and You're the Amateur, 1994) from an extra-textual discourse in which the star of the film Akshay Kumar was voted the “ultimate gay male fantasy” by the readers of *Bombay Dost*, an Indian gay magazine. (Singh, 129)). Although short-lived but an important period of decriminalization of homosexuality in India, same-sex desires were portrayed from 2009 to 2013 in various ambiguities in the films like *Page 3* (2005), *My Brother... Nikhil* (2005), *Fashion* (2008) and *Dostana* (*Friendship*, 2008). However, queer visibility has often been stereotyped within the binary frameworks of gendered desire where gay men are portrayed as “effeminate” and often an object of ridicule or flamboyance.

Queer sexuality in cinematic representation in India often establish an invisible standard of authenticity especially due to the conservative positions on homosexuality and the larger assumption of it being “unnatural” to the mainstream audience of any film. However filmic representations of objectification of the queer body have received criticism from a large section of queer activists, it largely remains a device to generate fun and laughter in the mainstream, commercial films, barring a few experimentations. Commercial cinema often struggles to portray metaphors of queer desire between populist notions of the queer and the political ones .It deals with the queer body in its multiple frames of ambiguities within the binaries of invisibility /visibility, stereotypical/sensitive, ambiguous/uncloseted and homophobic/gay-friendly (Singh, 129)

Shohini Ghosh traces the history of queer imagination on film and TV starting with the 1990s when the mediascape underwent dramatic changes. In 1991 the congress government changed its economic policy staging Indian economy in a global space. This was followed by an open sky policy that resulted in the exponential increase of satellite television destroying the

erstwhile monopoly of the government on television industry in India. Ghosh says that the technological development went simultaneous to the emergence of the Bharatiya Janta Party (BJP) an emblem of the Hindu right. (Ghosh, 419)

An urban middle class was slowly formed in India that derived from the cultural productions of visual entertainment. This slowly became a cause of anxiety, almost a disturbance to the long protected cultural values that the visual images subverted. The overt expressions of sex and sexuality was frowned upon not only by the Hindu right but also several feminist organizations. (Ghosh, 419)

Despite the anguish, sex and sexuality were important commodities for public consumption. The electronic and print media popularized queer expressions. Many sitcoms and TV shows provided alternate renderings of popular family values and fissured the assumptions of heteronormativity on screen. Films such as *Dayra* (The Square Hole, 1997), *Darmiyaan* (In Between, 1997) and *Tamanna* (Desire, 1997) expressed queer intimacies in India.

It was at this moment of a cultural quake occasioned by the rising middle class at the economic front and ideologies of control and repression from the globalizing tendencies of mass media that the film *Fire* was released. The film was a story of love and desire between two married women, Radha (Shabana Azmi) and Sita (Nandita Das) who are sisters-in-law. The film was radical in its portrayal of love between the two women and almost shook the traditional foundation of a heteronormative, patriarchal, North-Indian Hindu family. Not less than a fortnight after the release of the film the political goons of the Hindu Right namely the Mahila Agadhi, a militant women's wing of the anti-Muslim Shiv Sena, and Bajrang Dal, another Right wing group had suddenly become the policers and protectors of Indian culture. The film *Fire*

became a centre of controversy despite the Censor Board having approved it for public screening. The protests against the film took place in many places in India including Bombay, Delhi, Meerut, Surat and Pune resulting to destruction of many cinema houses and injuries to audience.

Sibaji Bandyopadhyay in his essay, "Approaching the Present" quotes from an advertisement published in a popular Bangla daily *Bartaman*: "*Fire*--- it may not be wise to watch the film with your wife. Before doing so see it alone and ponder over it..." (Bandyopadhyay, 61) These lines definitely harbingered the impending attacks on the film that was denounced for sabotaging Indian cultural values. An article "Ire over Fire" published in a news website mentioned:

Forward to December 2, Cinemax theatre in suburban Goregaon in Mumbai. The matinee show of *Fire* was almost halfway through in a packed house when a group of rampaging women belonging to the Shiv Sena Mahila Aghadi - the women's wing of the Sena - barged into the theatre. Accompanied by MLA R. Mirlekar, they smashed glass panes, burnt posters and shouted slogans. Soon after, the manager of the up-market New Empire in south Mumbai downed his shutters. Next day it was Delhi. At 12.40 p.m., a handful of the Sena's female foot soldiers hit Regal cinema like a tornado, pulling down posters and breaking glass panes as if on cue. It was all over in 15 minutes. The TV camera crews were there but where was the police? As *Fire* producer Bobby Bedi says, "The Delhi Sena chief 's letter informing the press about the demonstration said that they would do *tod-phod* and violence was expected ... almost as if tea will be served." After the attack on Regal, three other theatres stopped screening the film. The same day in Pune, *Fire* stopped unspooling. As it did in Surat after Bajrang Dal

workers with lathis invaded the twin theatres, Rajpalace and Rajmahal, breaking up everything in sight and forcing the audience to flee. (India Today.in)

The main reason for the Hindu Right's protest against the film *Fire* as Ratna Kapur points was that lesbian relationship was antithetical to Indian cultural values. (Kapur) This idea is very well connected with the Hindutva¹ concept of a Hindu national identity which only those who are naturally born in the land extending from the Indus to the seas can possess. He, therefore can address this "Sindhustan" as his "fatherland (Pitribhu)" and his "Holyland (Punyabhu)" (Savarkar 83). Savarkar's ideology of a Hindu national identity is championed and celebrated by all Right wing organizations in India. As he constructs the original and authentic citizens of the soil, he also brands the Muslims, Christians and Communists as second-class citizens. This idea is often evoked in the context of homosexuality being a western import despite having evidence of same-sex traditions in India's historical past. A spokesperson of Patit Pavan Sangathan, an extreme right-wing group based in Pune said that the movie must be banned to protect "society and our own daughters, wives and sisters" from the "Western concept of lesbianism". The extreme women's right-wing organization Mahila Agadhi felt that homosexuality would collapse the structure of Indian marriage, family and culture and cast a blow to the patriarchy of bonded relationships in Hindu joint family system. (Kapur, 185-190)

Fire had introduced a fresh stream of oppositions as Sibaji Bandyopadhyay points, on grounds of nationalism, morality and gender through the binaries of "authentic/inauthentic", "propriety/impropriety", "morally pure *Bharatiya Nari*²/Westernised and morally corrupt women". Lesbianism was thus western and a depiction of it a subversion of the long preserved patriarchal Hindu morals. Thus it gave a license to the virile protectors of the Hindu nation to campaign against foreign corruption and attack what was "impure" and preserve the racial-

cultural sanity of the nation. This religious fanaticism would then not cow down before structures of governance as these structures themselves were fuelled by nationalist ideologies of control. (Bandyopadhyay)

The film *Fire* involves the sexual attraction between two sisters-in-law, Sita and Radha. They are married to the two brothers, Ashok (Kulbhushan Kharbanda) and Jatin (Javed Jaaferi). Ashok is “saintly type, mild and amicable, composed in demeanour, wholeheartedly devoted to his saffron-clad guru, practices what his Master preaches” (Bandyopadhyay, 74) He wants to test his sexual resistance and transcend worldly desires for which he lies undressed every night before his naked wife Radha and practices controlling his sexual desires. Radha is the emblem of the Indian women or the *Bharatiya Nari* giving in to her domestic duties as per expectations. Jatin, the husband of Sita has an affair with an Indian Chinese woman who is set to leave the country for Hong Kong. Jatin only marries Radha to fulfill the promise he made to his elder brother to march the generation onward and has no interest in her beyond some moments of sex as per his interest. The household comes to life with the bell of the mother-in-law who is paralytic and has lost her speech. The family also has a servant whose main job is to attend to the mother-in-law and make her watch the generic Ramayana on television.

The family is a middle-class one. Ashok runs a canteen while Jatin, a video parlour where he also sells pirated versions of adult movies on the sly. Both the men are sexually frustrated, one owing to his self-disciplinary tactics and the other because of his carnal anxieties. Since desire does not flow in the patriarchal, gendered stream between the opposite sexes, the household is dominated mostly by the presence of the sisters-in-law who slowly develop attraction towards each other. In the scene depicting the *Karva Chauth vrata*³, Sita after hearing the story behind the *vrata* exclaims that she is sick of the devotion and asks whether there were

alternatives. Radha exclaims that women did not have choices. Quickly Sita answers saying that women themselves could find their choices. This scene is immediately followed by the one where Sita and Radha perform the *Karva Chauth* rituals in the absence of their husbands. In a dramatic moment of ending the fast when the husband is supposed to help his wife with water, Jatin's absence prompts Radha to give Sita the glass of water which she drinks joyously. The series of sisterly visuals of intimacies and affections finally climaxes to the bedroom scene where the two women get physically close. A scene immediately prior to this is that of the mother-in-law, asleep on her bed with her bell, a disciplinary tool for patriarchal enforcement, lying near her. It is also night time and the husbands are away. This is the moment of desire when it slips off customary patriarchal rulings to realize with the actual lived experiences of intimacy. It is after this scene that the two women find themselves in a constant exchange of affective emotions whether it is the scene of exchange of bangles in the kitchen or that of the picnic where Sita massages the feet of Radha. Interestingly while Sita begins to do that, Ashok looks at his mother and then to Radha and Sita and exclaims that he is lucky to have such a "good family". This marks a sudden disruption in the process of affective intimacy and Radha pulls her feet slightly while Sita does not cower and keeps smiling back. Ultimately, Radha gives in and lets her massage.

Ashok's idea of the "good family" could be read as a failing patriarchal grand narrative of discipline, hierarchy and control in the family. Through the desirous gazes and smiles between Radha and Sita the myth of the blissful family of Ashok crumples inch by inch. According to Sibaji Bandyopadhyay, "Lesbianism in *Fire* becomes a mobile metaphor---a metaphor that travels out, touches and contaminates, makes unstable the stable" (Bandyopadhyay,75)

Brinda Bose believes that the film *Fire* validates the efficacy of desire by knocking down desirelessness. The assault on desire is the bedrock of the patriarchal family run on the Hindu system of hierarchy and discipline. Ashok's performance of internalization and externalization of the code of desirelessness combines with notions of patriarchal autonomy of the male on matters pertaining to sexuality. Radha thus has no agency to express her desires openly and is supposed to be bound by duty as per the normative expectations of the Hindu tradition. Her subjectivity is restricted to the role of a devoted housewife who is disciplined into gender roles by the overarching forces of control. Thus expression of desire in this context marks feminist rebellion against the norms of repression. (Bose, 438)

Feminist rebellion here may not be simply about "choice" as Deepa Mehta would like us to believe. It is also about sexual autonomy and desire of the self to fulfill the bodily passion. It is important to note that the two women do not choose to fall in love or have affairs with other men but themselves. This assertion is not simply a rational choice but desire that seamlessly flows with instinctual drives serving as a cause for celebration of the physical. According to Lucy Sargisson:

If, as ...suggested by Freud, the libido governs our relations to the other, then a libido governed by femininity shifts the focus from masculinity and can potentially move away from a conception of the world ordered along an axis of what can be best described as binarity, opposition and phallogentrism. It is with this in view that libidinal femininity is treated...as a utopian concept; it provokes a paradigm shift in consciousness (Sargisson, 112-3)

Female libidinal desire thus causes the creation of the female desiring subject. According to Brinda Bose this is the utopia of feminist struggle since it dismantles male-centered consciousness, centralizes the female body as a text which then becomes the “subject of desire” and not an object of any other’s desire. (Bose, 440)

Queer politics in India apart from the socio-legal-cultural struggle is finally about freedom to live as desiring subjects. To desire is to overturn existing hierarchies and dynamics of control of desire. Queering heteronormative desire codes through political practice would attempt to understand codes of desire across the layers of social stratification such as class, caste, religion, gender, etc and subvert existing hegemonies of the same.

The film *Fire*, thus negotiates with the hegemonic cultures of expression in India, relating to family values, marriage, sexuality, etc. It negotiates to create a space for sexual difference, a free play of desires between two women. It also queerizes the home, family, marriage systems in India thus critiquing and exposing the heteronormative dominance in the lived experiences of people especially women. It, as Sibaji Bandyopadhyay says, was as if “the release of *Fire* had also released the “homosexual” from the depths of the “communal unconscious,” and that riddle of a being had arrived in the shape of a full-blown conceptual category”.(Bandyopadhyay, 19) Lesbian desire thus arrives in the form of a conceptual category here, not simply as a subjectivity but a hint towards an identity in all its complications in India. The explicitness in which the subject is dealt with draws on the inequalities of Indian culture and society making it a film in radical negotiation with culture.

In the year 2001, the Naz Foundation, an NGO working with HIV/AIDS filed a petition in the High Court at New Delhi seeking a reading down of Section 377 by eliminating the

criminalization of consensual sex among adults. In September 2003, the government informed the High Court at New Delhi that Section 377 could not be revoked since it was disapproved by the Indian society even if adults engage in it in private. There was thus an air of conflicted ambivalence on this issue which many films released around that time reproduced.

Dostana (*Friendship*, 2008) directed by Tarun Mansukhani and produced under the banner of Dharma Productions caused little controversy unlike *Fire* which had almost taken on the Hindu Right. The scant furore on the film was also because the treatment of gayness in the film is mostly in the garb of heterosexuality.

Dostana is one of the many Hindi films that are themed on buddyship or friendship. Friendship is an important trope in modern Hindi films that depict same-sex desire. According to Muraleedharan, male buddy films anchor the filmic plot on “celebrating the seemingly asexual, homosocial companionship among men as the pivotal concern of a narrative logic that defines ‘masculinity’ as norm and power” (Muraleedharan, 154-177)

Although male sociability renders a certain patriarchy to the narrative, it often also becomes a discursive space where same-sex intimacies play. Tropes like *dosti* and *yaarana* then are used to build a subversive space for the referencing of queer desires. R. Raj Rao notes that the word *yaar* could denote a male/female friend, one’s spouse or in pejorative terms, a lover of one’s wife. Thus the arena of *Yaarana* is one constructed through excess, regular habits, and playfulness. It does not connote sexuality but an infusion of same-sex passions, a liminal zone that resists conceptual identifications.

Famous representations of buddyship include the friendship presented in the song “*yeh dosti...*” between the two men Jai and Veeru. Films like *Main Khiladi tu Anari* or *Kal Ho Na Ho*

celebrate *dosti* between male members which is often charged with homoeroticism in an otherwise heterosexual arrangement of the film. In Nikhil Advani's *Kal Ho Na Ho* (If Tomorrow Never Comes, 2004) one finds ambivalent overlaps between friendship and eroticism especially in a scene where Aman and Rohit played by Shah Rukh Khan and Saif Ali Khan respectively are suspected of homosexual playfulness which the Gujarati housekeeper Kantaben shockingly discovers.

Tropes of same-sex friendship in mainstream commercial Hindi films, however operate within the conventional heterosexual frame of references, they do not overtly deal with the subject of homosexuality but hint at it playfully. This playful depiction of homosexuality could be read as packaging of an important social issue to generate acceptability among the largely heterosexual audience. In an interview on a national daily Karan Johar says *Dostana* (*Friendship*) is not a gay film but a film about two "straight-acting" men who "pose" as gay couples. He says this is mainly done to not harm the sentiments of the audience. Thus the subject of homosexuality is manicured to make it a feast for the family and invisibilising the homosexual by making it a subject of flamboyance and mockery. Buddyship or friendship between men thus becomes more a heteropatriarchal arrangement where men are perpetually the dominators and the women players, the dominated. Despite the presence of an affective intimacy between the male friends their friendship never crosses the boundaries of the possible but remains eternally trapped in the fantasies of the homosexual gaze.

Dostana begins in Miami-- the southeastern region of the United States--, a global space which the makers might have strategically thought could be used to enact the script of the so-called same-sex desire that often is seen as an urban, upper-class lifestyle or a western import among India's ruling class. This is in stark contrast to *Fire* which negotiates with a supposedly

“Indian” space, a patriarchal, North-Indian, traditional Hindu family. *Dostana*’s stealthy march to present the theme of gayness to fit in the tastes of the Indian audience thus begins. Two men—Kunal (John Abraham), a fashion photographer and Sameer (Abhishek Bachchan), a nurse pretend to be gay to get an apartment on rent from an older lady and her niece. Since the older lady would allow only women to stay in the apartment for the security of her niece, Neha (Priyanka Chopra), she denies them. Finally after a piteous performance of being a gay couple in absolute heterosexist terms the lady is convinced that they are “boyfriend/girlfriend”, an arrangement imagined through a sole heterosexual lens. Later in the film when the two men begin to get attracted to Neha one of them asks whether she would not have allowed them to live with her if they were straight. Ironically, Neha invokes the virtues of her family stating that it would have upset her dead parents. Here lies a serious contradiction and the stealthy “progressiveness” that the film seeks to claim. On one hand Neha is not disturbed by the homosexuality of Sameer and Kunal, on the other she poses herself to be a traditional worshipper of old family values almost crassly denying her class and status. It is important to also note that despite being portrayed as a liberated working woman, Neha claims insecurity for herself and justifies the presence of the two men as a sign of security for her. Friendship therefore does not emerge as a resistance against family here but a reconstitution of patriarchy through gendered roles.

Queer representation in *Dostana* (Friendship) is imbricated within an obvious heterosexual frame. Marriage, a heterosexual institution is invoked to validate a fake gay relationship which is ultimately performed to obtain a residency permit in the United States. When Sam’s mother is emotionally pushed to accept her son’s homosexuality as all dutiful mothers should, she follows the traditional heterosexual custom of letting the “bride”—in this

case Kunal—in the home, a performance although comical yet extremely stereotyped. She accepts Kunal as her *bahu* and gives her bangles as *shagun* (good omen). The whole acceptance drama is played out hilariously within a strictly heteronormative code valorizing family values such as respect, hierarchy and invisibility of gender violence.

Heterosexual desirability in the film is suggested through one of the posters of the film where Neha is shown sitting in between two apparently undressed men—Sameer and Kunal. In one of the scenes in the film Neha's boss M remarks that she is in bed with both of them even though they are in bed with each other, thus not completely erasing the scope of heterosexual desire in a fake gay arrangement. The film makes non-monogamous relationship seem impossible by placing Neha as the actual centre of desire of the two men. She is portrayed as the chaste Indian woman—the “desi girl” who is sought after by all men. The portrayal of Sameer and Kunal also fits in this heterosexual frame in which Sameer is shown as the “effeminate”, passive counterpart of Kunal, the muscular, active man.

Ashok Row Kavi, a gay activist says that the presentation of the male body as a site of narcissistic pleasure for consumption and the sidelining of the role of the heroine in mainstream Hindi films signals the opening of homoerotic desire for the hero's body. (Kavi, 312). *Dostana* (Friendship) however may have ignited the male gaze for a visual consumption of a male body yet it is important to critique the dominant form of masculinity worshipped in the films. This does more harm than good by stereotyping the male body of desire within the limits of the spectacular thus marginalizing other forms of masculinities.

Treatment of female sexuality in the film exposes the film's heteronormative bias. While Sameer and Kunal are shown with their respective female lovers at the outset of the film, Neha is

produced as the sexual inactive despite being twenty-seven years old. She is the women desired by men but she never desires herself until later in the film when she meets her new boss who has a child from a previous marriage. Here, the fashionable and flamboyant “desi girl” who travels around the world and has a successful job, and who wants to derecognize all forms of non-monogamous desire is finally imprisoned within the “pure” heterosexual relationship that already makes a mother of her something her parents would never be upset by.

Despite mainstreaming gayness in Indian cinema which Karan Johar may claim, *Dostana* celebrates the logics of heteronormativity, conjugality, monogamy and family values. Though it is not a radical film it exposes the kind of gayness the political class or religious camps would not raise furore over. Unlike *Dostana*, *Fire* contests the assumptions of “Indian” culture and challenges patriarchy through explicit representation of lesbian desire. While *Dostana* does not want to disturb the long held values on which the Indian society should rest, it gathers a populist space among the audience, thus diluting the seriousness of the issue through caricature. The location of the film *Dostana* and the social arrangements portrayed, one that focuses more on friendly kinship offers a space for homoerotic playfulness. *Fire*, is set in the home peopled by its members who follow a very traditional hierarchical pattern of relationship. The disruption of this patriarchal pattern is explored within the private itself; the scene of love making between Radha and Sita occurs in Radha’s bed, one in which Ashok sleeps too. Thus the private, domestic space is transfigured into a subversive space where same-sex desires flow freely.

Both films *Fire* and *Dostana (Friendship)* provide interesting critiques to understand the challenges of the queer politics in India. While the reactionary response to *Fire* from the Hindutva camp remains a stumbling block in the path of rights and representation of the queer folk in India today, *Dostana*’s stealthy “progressiveness” tries to co-opt queer desires within

acceptable and normative frames, like that of family, love and marriage. Neha in one of the scenes in *Dostana* calls that love is blind, something that stands as a justification to Sameer's mother who is unable to process the idea of "love" between two men.

This contradiction between the idea of a radical and inclusive queer politics on one hand and co-optation of the same within larger heteronormative frames on the other challenges queer politics in India today. In his essay, "New Queer Politics in the New India: Notes on Failure and Stuckness in a Negative Moment", Oishik Sarkar says, "What happens when queers become democracy's 'favourite minority' championed by the capitalists, the liberals, the conservatives, and the leftists, all singing in the language of rights? It marks the inauguration (or culmination?) of a moment that is not *bad* but *dangerous*." (Sarkar, 1) The idea of new India is a combination of the Hindu Right and neoliberalism and how it has affected queer politics in India. Through a number of examples, Oishik Sarkar points how the Hindu Right-wing parties like the BJP (Bharatiya Janta Party) have often used communalism to garner votes. This includes hate crimes against Muslims, policing of dietary choices, casteist oppressions and seeking a constant justification for their acts by invoking the hallowed grandness of an abstract Indian culture.

In the year 2015 when BJP was in power, India's first gay matrimonial advertisement appeared in *Mid-Day*. Padma Iyer, mother of Harish Iyer, a prominent gay rights activist and media personality had advertised in it seeking a groom for her son. The advertisement was perceived as highly radical in certain circles especially after the 2013 judgement of the Supreme Court that recriminalized consensual sex between same-sex adults. The advertisement read:

Well-placed, animal-loving, vegetarian GROOM for my SON (36, 5'11") who works with an NGO, caste no bar (though IYER preferred) (*The Indian Express*)

What makes this advertisement interesting is because it was published in a mainstream English daily in a time when consensual sex is a criminal offence. And the advertisement on the other hand seeks rights for gay people through the traditional heteronormative and casteist form of marriage, an institution and a social structure both of which have oppressed queers for long. Heterosexual matrimony sites with their casteist and capitalist nexus have only propagated discrimination against lower castes and classes. An urban gay man's co-optation with these structures painting it as liberal introduces a dangerous territory of queer politics in India.

A global, neoliberal market closely aligned with Hindutva does the work of painting a "progressive" image of the queer subjects in India. The UN, after the 2013 judgement of the supreme court of India launched a Bollywood style video titled, *The Welcome*. Produced by Free & Equal, the campaign of the United Nations for lesbian, gay, bisexual and transgender equality it shows a very rich family in a Hindu marriage setting, very similar to the grand, luxurious settings in Karan Johar's films. The location, dresses and the whole scene hints at a particular class fixation. The family actually waits for its son and his better half about whom nobody knows. When they arrive and it is discovered that the partner is male, all members of the family stare and all of a sudden the eldest member, the grandmother smiles almost validating the son's preference. The video reveals a combination of Hindutva and neoliberalism vouching for marriage equality in a global context which India identifies itself in. It is very important to question the message of liberation the video gives, the targeted audience across the various fractures of caste, class, religion, etc the video tries to identify with., its tendencies to orientalise an Indian setting and the conceptions of queer it produces.

These advertisements normalize the queer liberation through monogamous conjugality. Access to the domestic space is negotiated through caste and endogamous marriage on one hand

and on the other through class as a marker of queer consumerism. (Sarkar,10) However these advertisements through the message of queer liberation, commit the violence of class, caste and sexuality thus inching towards more homonormative forms of discourses. Thus the opposition between the conservatism of so called Indic cultures on homosexuality and the emerging queer subject as the modern, global, neoliberal, corporatized one needs to be problematized. Not doing so would lead to a violent co-optation of queer rights with the modern, neoliberal Indian nation-state thus dissolving criticality of the queer discourse and making it more divided and fractured.

Oishik Sarkar gives an example of a placard used in the 2014 Delhi Pride that carried the Hindi words “Ek Bharat” (One India) in Devanagari script with a rainbow colored background behind. The choice of “Bharat” and not India contributes to a larger question of identity in the country and points at its Hindu influences. Upendra Baxi in one of his writings has exposed the hollowness of the word “Bharat”:

Does it contain codes of memory and identity of some vision of pre-British, even millenarian, Hindu empire and civilization? What would the word ‘Bharat’ mean, for example, to a Konyak Naga, a Bhil, a Santhal, and a Bodo person/ woman? What would this mean to India’s Islamic peoples, among them the Bohras, Meos, Khojas, the Ahmadiyahs, the Shias and the Sunnis? And what may this notion convey to Indian Christians, the Parsees and the microscopic Jewish communities? And how may [we] relate the idea of Bharat to the diasporic Tibetan, Pakistani, and East Bengal (Bangladeshi) migrants to India after the independence? How may be one an *Indian* without at the same time being a *Bharati*? What mix of human rights and rightlessness does this all signify? (Baxi 17)

Oishik Sarkar writes : “I read the queer articulation of “*Ek Bharat*” at a pride march as signifying the very troubling, inseparable vision of sexual unity conditional on secular (read: Hindu) assimilation; which is equally troubling when read the other way: as secular unity predicated on sexual” (read: homonormative/homonationalist) assimilation) (Sarkar)

The Queer movement in India is certainly not homogenous but has a certain dominance of the urban English-speaking elite within it. It is conditioned on the specificities of class, caste, religion, etc. Thus inclusiveness has always been a critical question. As the issues on queer citizenship are debated in the legal spaces it is important to assess its implication within a neoliberal-Hindutva frame. Films like *Dostana* may celebrate these violent combinations. Citizenship is an important aspect in the fake gay performance in the film and one cannot miss the inclusion of the gay citizen subject within the patriarchal structures of marriage and family. It is a very homonormative presentation where homosexuality is normalized to fit in the heteronormative imaginations of the Indian society while refusing to deal with the issues that *Fire* raises. *Fire* breaks into the conservative imaginations of a largely self-satisfied middle-class Indian society and questions the silence of the neoliberal inclusion of the nation-state that is blind towards oppressive Indic cultures. While *Dostana* raises no furore among the ruling class, it offers a clear signifier of how the neoliberal politics of the nation-state would like to speak of homosexuality unlike *Fire* and other creative expressions of cultural criticism that receive sharp vitriol from the powers that be.

Notes:

1. A day-long Hindu festival celebrated by married Hindu women for the safety and longevity of their husbands.
2. An epitome of chastity and virtue as imagined in an Indian woman by propagandists of nationalism.
3. An ideology that seeks to establish Hindu hegemony or a Hindu way of life. It often is spearheaded by a political institution or a group with a fixed agenda

Conclusion

The dissertation thus shows that in the construction of the history of nation-state gender and sexuality have been complex categories of contest in the national and cultural realm. This process had started in the British period when Indian nationalists began to forge the diversity of the country within a narrow version of the nation. Nation, nationality and nationalisms became a construction of the powers that be. Ideas on sexuality and the nation were combined to create acceptable subjects of men and women. Women as gendered subjects were turned from humans to demigods and represented as the ethos of the nation, a sense of pride that the nation could not afford to lose. A dominant middle-class was involved in these constructions who then decided the limits to morality against a “pure” national identity that the women of the country represented. Members of the lower class, caste and also from a different religion than Hindu found themselves missing in the idea of the nation thus bereaved of any identity that they could relate to it. After the liberalization phase of the economy in the 90s new relations although not entirely different from the past reconstituted the ideas of the nation and sexuality.

A recurring theme in the dissertation shows how with the rise of the Hindu Right, religious ideology defined the limits of nationalism and gender identity in the nation. The furore over *Fire* marks this attempt to reconsolidate supposedly national cultures against foreign influences. The film which explicitly hit the normative notions on female sexuality and the nation also opened up discourses on queer sexualities and whether they could lay any stake on the turf of the “nation”. Thus projects to reduce the monolithic ideas of national history came up and historical re-readings from a queer perspective provided a way for marginalized sexual

identities to claim their stake in the nation. Ideas of tolerance to queer expressions in pre-colonial space in India were advocated which had got marred in the colonial. Thus the postcolonial was supposed to reclaim this national-cultural tolerance. However in these discourses between the nation and what culture it should represent, complex local and subcultural queer lives and those that belonged to the lowest ranks of class and caste were neglected. A national subject is thus supposed to be formed that provides credence to the heterogenous queer identities that exist in the postcolonial nation state.

Today, with the rise in consumer class and increasing manifestations of industrial capitalism in our cultural transactions, queerness has also become a marketable commodity. While the class, caste, religion, race and gender inequalities in the queer fold remains an abiding question, activist and legal fight against Section 377 of the Indian Penal Code also comprise a small section of people who hardly have any connect with the larger queer public. In the urban spaces that represent a certain class of people, Section 377 would hardly matter but among the lower and lower-middle class of non-metropolitan spaces, who are either illiterate or do not know English, fights against Section 377 is a daily affair. It is they who suffer the violence of the police almost at a daily basis along with homophobic attitudes of society.

Apart from the larger questions of legal rights and representations, basic human issues of the queer have often been abandoned. Questions of security and livelihood of old and ageing queers have been a perpetual issue. Many queer people especially the older *kothis* or hijras who are either abandoned by their families or choose to quit them have no shelter home for themselves, no jobs and security. The social perceptions on them hinder their access to public services. While the queer community may have the pride walks which is in itself a symbol of

political occupation of the streets and visibility it needs to address questions on inclusion within itself while it battles with public moralities in the sphere of law and society

The dissertation was an attempt to understand the politics of the queer in negotiation with dominant ideas of culture through the complex intersection between various spaces and texts. These cultural ideas define the limits of nationalism, the nation and appropriate gender constructions within such imaginations. The spaces and texts discursively negotiate with these constructions to produce challenges and fissures in queer politics at large. Since a discourse is like a patchwork of varied and competing points of view, the queer in the realm of politics is also a discourse. However, it is through problematization of the discourse in the abstract that a praxis of the same can be grounded.

The dissertation thus finds itself pushing the debate on queer politics further while not abandoning anything in the process of negotiation with history, law and representation to question the dominant ideas of morality that often become the basis of exclusion of the queer subject.

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