



ISSN Print: 2664-9799
ISSN Online: 2664-9802
Impact Factor: RJIF 8.2
IJHER 2023; 5(1): 19-24
www.humanitiesjournal.net
Received: 21-12-2022
Accepted: 29-01-2023

Divya Sijwali
Ph.D., University of
Cambridge, Master of Laws
(LL.M) Harvard Law School,
Cambridge, MA, USA

Societal perceptions and homosexuality in India: The impact of colonialism on Hindu religious and cultural history of homosexuality

Divya Sijwali

DOI: <https://doi.org/10.33545/26649799.2023.v5.i1a.39>

Abstract

This paper explores the colonial underpinnings of societal perceptions of homosexuality. Using India as the point of contextualization, it delves into how the social order of the country, including its colonial past, religious values, and societal perceptions, impact the treatment of the LGBTQIA+ community. In particular, this paper explores how the British imparted their restrained Victorian value system of heteronormativity and how this destabilised the traditional and religious systems in India. This paper also discusses cogent ways in which India can decolonize its approach to homosexuality.

Keywords: Societal perceptions, homosexuality, colonialism

1. Introduction

Love need not take an explicitly sexual form, but it is nearly always expressed in the language of poetic excess and metaphoric power.... [I]t is generally believed that love can be either and only, familial or sexual, and that passionate love is singularly borne from the difference. But there is a special love that can only emerge through sameness: a love that is not necessarily sexual, but a passionate love nonetheless.

Ruth Vanita in Preface of Same
Sex Love in India. ^[1]

On September 6, 2018, India's Supreme Court made a historic ruling in favor of the LGBTQIA+ community by striking down a colonial-era law that criminalized homosexual acts between consenting adults. The court declared that Section 377 of the Indian Penal Code was unconstitutional and a five-judge panel issued the decision. The ruling had a major impact on the lives of millions of LGBTQIA+ individuals and reversed a previous decision that had made such acts illegal five years earlier ^[2]. On December 11, two judges on India's Supreme Court declared that the LGBTQIA+ community is a "minority" and thus reinstated a clause in the Indian Penal Code (IPC) that had been previously abolished by the Delhi High Court in 2009. Although Section 377 was repealed, homosexuality is still considered taboo in India ^[3]. The LGBTQIA+ community continues to experience social discrimination, both inside and outside of their families. Research shows that children who identify as LGBTQIA+ often face bullying and sexual harassment as early as elementary school. A study from 2018 found that 60% of LGBTQIA+ students in middle and high school reported being bullied, and 43% reported being sexually harassed. Despite these incidents, only 18% of students reported them to authorities, and 33% dropped out of school.

¹ Ruth Vanita *et al* Same-Sex Love in India: Readings from Literature and History, Penguin India, New Delhi, 2000, p.v

² TIMESOFINDIA.COM / Updated: Sep 6, 2018. "Supreme Court Decriminalizes Section 377: All You Need to Know: India News - Times of India." *The Times of India*, Times of India, 6 Sept. 2018, <https://timesofindia.indiatimes.com/india/sc-verdict-on-section-377-all-you-need-to-know/articleshow/65695884.cms>

³ "Life after Section 377." Mint Lounge, 15 Dec. 2018, <https://lifestyle.livemint.com/news/talking-point/life-after-section-377-111644650450964.html>.

Corresponding Author:
Divya Sijwali
Ph.D., University of
Cambridge, Master of Laws
(LL.M) Harvard Law School,
Cambridge, MA, USA

Bullying also occurs among adults, with a survey by the Mission for Indian Homosexual and Lesbian Empowerment (MINGLE) finding that 20% of gay Indian employees face prejudice in the workplace, resulting in financial losses ^[4]. A 2014 report by the World Bank estimated that discrimination against LGBTQIA+ individuals in India costs the country 31 billion dollars, equivalent to 1.7% of its GDP ^[5].

While diversity in love and desire is considered a "foreign import," it is actually a mainstay of ancient Indian cultural values that have been upheld for millennia. All this changed significantly when India was colonised by the British. The British established their idealistic Victorian values, which deemed homosexual activity "unnatural" and made it liable to punishment, by enacting the Indian Penal Code, which codified all substantive aspects of criminal law. This was not only the first time that gender and sexuality were governed by law in India, but it was also the first time that engaging in sexual behaviour with someone of the same gender was made illegal in India.

The primary objective of this piece of writing is to claim that homosexuality is a manifestation of the traditional values that are upheld in India, namely the religious background that is associated with Hinduism. In order to accomplish this goal, this study will examine homosexuality in Hindu society, culture, mythology, and tales. In addition to this, it will highlight examples of homosexuality in Indian history before moving on to analyse how the British imposed their oppressive Victorian viewpoint on homosexuality, criminalized it, and made it liable to punishment. The paper concludes with a way forward for Indian society.

2. Homosexuality and Gender Expression in Hindu Religion and Mythology

Hinduism is one of the world's most widely practiced religions, with an estimated 1.1 billion followers ^[6]. Despite its size, it has been able to accommodate a diverse range of customs and beliefs. The rich history of Hinduism includes references to varied sexualities and genders in traditional storytelling, literature, and art for thousands of years. These references encompass a range of themes, including shifts in sexual orientation, homoeroticism, and characters who are intersex or of a third gender.

In Hindu mythology, there are gods and heroes who may symbolize individuals in the LGBTQIA+ community due to their non-binary or non-cisgender sexual traits, or because they do not conform to their assigned gender at birth. Hindu epics, Puranas, and local folklore often feature stories of sex changes, homoerotic encounters, and characters who are intersex or of a third gender.



Source: "Ardhanarishvara" Encyclopaedia Britannica. <https://www.britannica.com/topic/Ardhanarishvara#/media/a/3333/9/153447>. Accessed 29Dec 2022

Fig 1: Ardhanarishvara

In Hinduism, the gods Vishnu and Shiva are worshipped for their ability to embody both masculine and feminine energies, granting them a comprehensive understanding. Shiva is often considered to be the embodiment of masculinity, yet he has an androgynous form called Ardhanarishvara, which is a combination of himself and his wife, the goddess Parvati. The creation of this form symbolizes the idea that masculine and feminine energies can coexist and blend. Parvati wished to gain knowledge from Shiva's wisdom, so she merged her body with his. The masculine side of the form is adorned with traditional Shiva ornaments, which can be seen on sculptures throughout India and Southeast Asia. The feminine side is depicted with neatly styled hair, half of a tilak on the forehead, black eyeliner, perky breasts, a girdled silk dress, an anklet, and a foot adorned with henna.

Post-Vedic Hinduism's central divinity, Vishnu, often assumed the feminine form of Mohini. Every time Vishnu, in his position as the universe's guardian, assumed the feminine form of the celestial enchantress Mohini, the world was rescued. When gender-adaptability (here, femininity rather than masculinity) is required to solve an issue, Vishnu transforms into Mohini. Vishnu even fathered a child with Shiva while the latter was in the Mohini form; this child, Ayyappa, is a well-known god who is still adored by millions of people in southern India.

In the Mahabharata, one of the two major Sanskrit epics of ancient India, Vishnu takes the avatar of Mohini in order to marry Aravan, the son of Arjun and the Naga princess Uloop. *Aravan*, who has been chosen to be sacrificed for the victory of the *Pandavas* in the Battle of *Kurukshetra*, has

⁴ <https://vartagensex.org/wp-content/uploads/2019/10/1559396942000-mingle-lgbt-wrkplc-climt-srvy-2016.pdf>

⁵ <https://www.worldbank.org/content/dam/Worldbank/document/SAR/economic-costs-homophobia-lgbt-exclusion-india.pdf>

⁶ Vaughan, Don. "What Is the Most Widely Practised Religion in the World?". Encyclopaedia Britannica, 19 May. 2020. <https://www.britannica.com/story/what-is-the-most-widely-practiced-religion-in-the-world>. Accessed 3 January 2023

one final request: he does not wish to die unmarried. *Krishna*, the avatar of *Vishnu*, adopts the shape of *Mohini*, marries him, and is therefore considered the hero's widow after *Aravan's* death. Based on this story, Aravan is now seen as the patron god of the country's transgender people.

The planet Mercury, referred to as "Budh" in Hindi, is a symbol of conventional gender roles in Hindu culture. When "Lord of Sacred Speech" (in Sanskrit, "Rishi Brihaspati") learns that his wife Tara is pregnant by her lover Chandra, he curses the unborn child, Budh, to be an androgynous being, meaning neither male nor female. As a result, images of the Nava-graha, or the nine planets in Hindu astrology, depict Buddha as both male and female.

The prevalence of homosexuality in India has been documented in countless Vedic and religious texts. Similarly to the Mahabharata, the epic Ramayana also provides valuable insight into the acceptance and prevalence of varied genders and sexualities. During the course of the Ramayana, the god, Lord Rama, is exiled from his kingdom and made to live in the wilderness for 14 years, the epic Ramayana also provides valuable insight into the acceptance and prevalence of varied genders and sexualities. During the course of the Ramayana, the god, Lord Rama, is exiled from his kingdom and made to live in the wilderness for 14 years. He led his followers into the woods, but once there, he gave the order for everyone-men and women-to return to Ayodhya. However, the transgender (hijra) individuals remained with Lord Rama [7]. Lord Rama was moved by their loyalty and granted them the privilege of bestowing blessings at important events like weddings, births, and inaugurations.

Hanuman, who is credited with writing Valmiki's Ramayana, recounts seeing women kissing passionately in Ravana's palace and other places of residence in Lanka. They are said to be holding each other in their arms while acting as though they are making love to their male lovers while they are semi-clothed.

3. Homosexuality and human history

India had a more accepting attitude towards sexuality before the 13th century CE. Understanding the changing views on homosexuality in India can be achieved by looking at the subject over different time periods. India is credited with having produced the first literature that approached sexual interactions as a science and played a significant role in shaping perspectives on sexuality. The country is also recognized for influencing philosophical views on sexuality. Another important aspect of Hinduism with liberal views is the Kamasutra, a Sanskrit text composed by Sage Vatsyayana in the 2nd century CE. The text sets the standards for sexual conduct in India and considers desire, or kama, to be one of the four goals of a Hindu's life, along with dharma (duty), artha (purpose), and moksha (enlightenment). The Kamasutra serves as a guide for moral living, delving into topics such as love, family life, and the enjoyment of pleasure. It covers the philosophical and theoretical aspects of romantic love, the source of desire, and ways to fulfill it. The text recognizes three genders - male, female, and third sex - and provides descriptions of fellatio techniques used by individuals of the third gender,

which includes masculine and effeminate gay and lesbian individuals.

Khajuraho, a small city located in central India, is renowned for the numerous sculptures depicting various aspects of Indian culture, including sexuality, that adorn the exteriors of its 22 temples. These temples were constructed during the reign of Hindu rulers Yasovarman and Dhanga under the patronage of the Rajput Chandela dynasty between 950 and 1050 CE. Despite being recommended to both international tourists and Indian urban elites as the prototypical Kamasutra Temple, Khajuraho faces criticism as being pornographic and in violation of Indian tradition. The city presents a complex situation, with the conservative government promoting tourism that includes sexually explicit imagery in a deeply traditional society. The sexual themes in the temples were viewed positively and seen as a way to reach spiritual fulfillment and the divine, as they were taught to young people during their initiation into adulthood.

The Surya Devalaya, a thirteenth-century sun temple located in Konark, Orissa, features similar imagery to the Khajuraho temple. It is dedicated to the Hindu Sun God and features sculptures depicting sensual themes inspired by the Kama Sutra on its exterior. The Puri and Tanjore temples also feature sculptures of homosexual lovers. A depiction of two women engaging in oral sex can be seen at the Rajarani Temple in Bhubaneswar. The Ranakpur Temple in Pali, Rajasthan, is dedicated to Jain Tirthankara Rishabhanatha and showcases contributions from both Hindu and Jain communities in terms of erotic art. The temple and its surrounding structures are adorned with sculptures of dancing nymphs and wall panels depicting sexual acts and rituals.

The existence of such visual evidence refutes the claim that homosexuality was not present in Indian culture. The overt displays of sexuality and the British colonists' efforts to control them shocked the colonists, leading to a westernization of India's ethical framework and the outlawing of "perverse" sexual practices.

4. Homosexuality and Islam in India

According to the hadith and the teachings of Muhammad's companions, the Islamic law of Sharia typically calls for the death penalty for the act of sodomy. Homosexuality is widely regarded as unacceptable in Muslim societies due to the belief that any sexual activity outside of marriage is not valid in Islam. With the arrival of Islam in India through the invasion led by Muhammad Qasim in 753 AD, a significant body of literature about same-sex relationships emerged, although there is little to no evidence of such relationships in earlier Indian writings. The establishment of the Delhi Sultanate in the middle Ages marked the solidification of the Islamic tradition in India [8].

Several historical texts, particularly the Tarikh-e-Firozshahi, document the romantic relationship between Ala ud-din Khilji, the Turco-Afghan emperor of the Khalji dynasty that ruled the Delhi Sultanate, and Malik Kafur. According to these accounts, at the peak of his power, Khilji was said to have maintained a harem of 50,000 men with beards, one of whom was Kaif, whom he became enamored with after his conquest of Gujarat. He purchased Kaif as a slave for 1000

⁷ <https://www.nytimes.com/2018/02/17/style/india-third-gender-hijras-transgender.html>

⁸ Singh Vipul, 'Interpreting mediaeval India', volume 1, 'early mediaeval, Delhi sultanate and regions (circa 750-1550)

dinars due to his attraction. Malik Kafur took advantage of Khilji's affection and rose through the ranks to become the Malik Naib (deputy ruler). Additionally, the founder of the Mughal Empire,

Zahir-ud-din Muhammad Babur, also held non-platonic feelings towards the same gender.

Mahmud of Ghazni and the Mughal Emperor Babur, both of whom had extensive experiences in Afghanistan, are recognized for their preferences for young male partners and limited interest in women beyond their role in expanding their empires. In Babur's own written accounts, he expresses a deep and intense romantic attraction to a man he saw in a market^[9]

"In those leisurely days, I discovered in myself a strange inclination." I am maddened and afflicted for a boy in the camp-bazar, his very name, Baburi, fitting in. I had no inclination for anyone, let alone love and desire, based on hearsay or experience; I had not heard, I had not talked. From time to time, Baburi used to come to my presence, but out of modesty and bashfulness, I could never look straight at him; how then could I make conversation (ikhtilat) and recital (hikdyat)? In my joy and agitation, I could not thank him (for coming); how was it possible for me to reproach him for going away? What power had I to command the duty of service to myself?

One day, during that time of desire and passion, when I was going with companions along a lane and suddenly met him face to face, I got into such a state of confusion that I almost went right off. To look straight at him or to put words together was impossible. "With a hundred torments and shame, I went on."

The Mughal era was characterized by a vibrant sensuality in its art and a more inclusive outlook on sex and sexuality compared to the previous century. The "Jahangirnama" or the

"Tuzk-e-Jahangir," the autobiography of Mughal Emperor Jahangir, provides insight into the role of eunuchs within the empire. Another notable source is the "Story of Mogor or Mogul India," written by Venetian historian Niccolo Manucci during Shah Jahan's reign, which chronicles his travels to the Mughal court. During his seventeenth-century visit to the Mughal court, Dutch merchant Francisco Pelsaert made a surprising discovery about the power and prestige of eunuchs, known as members of the third gender, in the imperial family. Pelsaert's journal entries indicate that eunuchs enjoyed the luxurious lifestyle of the aristocracy, with access to fine horses for transportation, male and female slaves for their services both inside and outside the home, and clothing that was on par with that of the king. Foreign travelers and historians have written about the privileged position of eunuchs in the Mughal Empire for a long time.

The presence of eunuchs in Islamic courts was a widespread practice that continued in India with the arrival of Islamic monarchs. They played important roles in each Islamic dynasty and were necessary to maintain a harem as protectors and guardians. This tradition was maintained by all emperors, from the Sultanate through the Mughals, with some slaves also being castrated. During the Mughal era, eunuchs were known as Khawaja Saras or Nazirs, depending on their court status. With the administration

system established by Emperor Akbar, many eunuchs rose to become high-ranking officials, including military leaders and provincial governors.

5. British colonialism and Anti-homosexuality legislation

The impacts of colonialism have been extensively discussed in various forms of literature. The political structures established during colonialism have been criticized for being inefficient, leading to the strengthening of local leaders and the implementation of strict forms of governance. Some believe that Western colonialism has had devastating effects on indigenous communities, causing harm to both their economies and cultural heritage, including the loss of traditional knowledge and intellectual property.

The British colonial presence in India was one of the most successful among England's imperial ventures. During the 18th and 19th centuries, British India attracted attention for its imperial exploration, cultural exploration, and scholarly study of the Orient due to its richness in natural resources and strong commerce. Based on the conditions of colonialism at the time, British colonizers and imperial forces utilized different ideological and political methods to sustain their dominant position over a period of two centuries.

The denial of LGBT rights in former colonies is considered a harmful aspect of Britain's colonial history. Starting in 1860, the British Empire established a common set of laws throughout its colonies, based on laws from India and Queensland. These laws strictly prohibited homosexual relations between men and carried a penalty of life in prison instead of capital punishment^[10]. As we shall see in the next part, the British not only introduced these prohibitions but also poisoned the possibilities of liberalisation and the repeal of such laws.

In Britain, fervent efforts to maintain strict moral standards fueled discussions about sexual issues. These debates had strong connections to similar discussions taking place in the colonies. The colonial authorities were worried that soldiers and administrators without partners might engage in homosexual activities. To address these concerns and promote Christian values, the British Empire introduced the Indian Penal Code. This code aimed to reform local practices and protect Christians from immorality^[11] Section 377 of the IPC, for example, states:

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to a fine. Explanation.- Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section^[12].

¹⁰ According to Human Rights Watch, the countries that directly inherited the Australia, Bangladesh, and other countries in the British Empire have laws that criminalise homosexual behavior. Bhutan, Botswana, Brunei, Fiji, Gambia, Ghana, Hong Kong, India, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Marshall Islands, Mauritius, Myanmar (Burma), Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Swaziland, Tanzania, Tonga, Tuvalu, Uganda, Western Samoa, Zambia, and Zimbabwe (Gupta 2008, 6)

¹¹ (Gupta 2008, 16)

¹² For access to the IPC, see,

<http://districtcourtallahabad.up.nic.in/articles/IPC.pdf>

⁹ <https://thediplomat.com/2016/06/afghanistans-love-hate-relationship-with-homosexuality/>

Although not explicitly defined, "carnal intercourse against the order of nature" has been interpreted as an offence encompassing anal sex, oral sex, and, in some cases, other nonprocreative sexual acts such as mutual masturbation, thus broadening the ambit and bringing them under the definition of the unnatural offence^[13]. The Indian Penal Code (IPC) was the first comprehensive codified criminal legislation issued anywhere in the British Empire^[14].

The Indian Penal Code and the Queensland Penal Code of 1899 established a legal framework for British colonial territories in Asia and Africa. Colonial authorities implemented these laws without considering local cultural beliefs, with the goal of exerting greater control over their colonies. They aimed to criminalize homosexual acts because they believed that such behavior was not punished by local societies. Section 377 served as a model for many similar laws in other colonies. The British aimed to shape Indian society by promoting traditional Christian values and protecting their subjects from immorality. This resulted in the widespread belief in India that homosexuality was incompatible with traditional Indian culture. According to historian Harbans Mukhia, the reasons behind the British making homosexuality illegal can only be understood through a deeper knowledge of Indian history.

"The British brought their own rules to India, including Section 377, which banned homosexuality and made it a criminal act. This law was enforced by them, but it didn't conform to India's attitude toward homosexuality. It was more to do with their Christian belief systems."

6. Current Situation

Decriminalization of section 377: The Legislative History of Section 377

Section 377 is a remnant of British colonial rule, modeled after the 1828 "Offenses against the Person Act," which in turn was influenced by the Buggery Act of 1553. This act made homosexuality illegal and carried the punishment of death. The Buggery Act was enacted during the reign of King Henry VIII and defined "buggery" as any sexual act that went against the laws of God and man. It aimed to criminalize bestiality and anal penetration, as well as homosexuality more broadly. The Offenses against the Person Act later broadened the definition of unnatural sexual practices.

The British government also passed the Criminal Tribes Act of 1871, which was highly controversial. This act classified the term "eunuch," which could encompass transgender individuals, as a criminal tribe or individual. This resulted in increased policing and harassment of the transgender community, further perpetuating stigma and erasing their presence from official policies. It is important to recognize the historical roots of sodomy laws and understand them as a product of colonialism.

In 1994, the non-government organization AIDS Bhedbhav Virodhi Andolan (ABVA) submitted a petition to the Delhi High Court (HC) calling for the reconsideration of the constitutionality of Section 377. This came about as the number of inmate sexual activity increased at Tihar Jail, which had become a center for the spread of AIDS. In response, a group of medical professionals suggested the

distribution of condoms to prevent the spread of the virus. However, the jail administration, led by Warden Kiran Bedi, declined on the grounds that it would violate Section 377 by acknowledging the homosexuality of the inmates. ABVA then filed a writ petition with the Delhi High Court, requesting that Section 377 be declared unconstitutional and that condoms be made available to inmates. Despite their efforts, the petition was eventually dismissed in 2001 and ABVA was unable to continue their case in court.

In 2001, Naz Foundation (India) Trust, a non-profit organization, filed a petition in Delhi High Court to challenge the legality of Section 377 with regards to consenting adult homosexual relationships. The organization believed the section should only apply to non-consensual acts or acts involving minors. The High Court initially dismissed the petition in 2003, but the decision was appealed and ultimately referred back to the High Court by the Supreme Court. In 2009, the High Court issued a landmark ruling that decriminalized sexual acts between consenting adults, but it remained in effect until amended by Parliament.

In December 2013, the Supreme Court in India upheld the constitutionality of Section 377 of the Indian Penal Code, which criminalized homosexual sex. The decision was met with widespread condemnation and sparked protests both within India and around the world. In response, several individuals, including celebrities and business owners, joined together to challenge the law in a writ petition filed in the Supreme Court. The case was eventually heard by a five-judge bench in 2018, with the petitioners arguing that the existence of Section 377 violates their fundamental rights to equality, fraternity, dignity, life, and liberty.

On September 8, 2018, the Supreme Court made a ruling regarding Section 377 of the Indian Penal Code, reversing its earlier decision from 2013. The Court determined that using this section to criminalize homosexuality was now considered illegal and would remain so. The verdict stated that the portion of the statute dealing with adult sexual relations between consenting individuals was unconstitutional, while other aspects such as those involving minors, non-consensual sexual acts, and bestiality, were still valid.

7. False assumptions About Indian Homosexuality's History: Affecting People Today

Even now, heterosexuality is often accepted as the norm. Heterosexuality is imposed on everyone in various ways, such as through the institution of marriage and family structures, conventional role models presented from childhood onward, and pervasive image marketing in the media (movies, books, and TV shows).

"The Indian society prevalent before the enactment of the IPC had much greater tolerance of homosexuality than its British counterpart, which at this time was under the influence of Victorian morality and values in regard to family and the procreative nature of sex."

The above argument was made by the former Attorney-General G.E. Vahanvati in front of the Supreme Court to defend a number of appeals against the decision of the Delhi High Court^[15].

¹³ Gaur, KD, Chapter 8, 'Criminal Law, cases and materials', 7th edition, LexisNexis, 2013

¹⁴ Friedland 1992, 1172)

¹⁵ How the British Imposed Their Idea of Sodomy? History of Homosexuality in India (Part II/III) - Academike." *Lawctopus*, 6 July 2021, <https://www.lawctopus.com/academike/colonial-history-of-homosexuality/>. Accessed 29 December 2022

After overthrowing these colonial oppressors, the founding fathers of India brought together a heterogeneous nation by infusing their constitution with the ideals of secularity, unity, diversity, and equal rights for all. India is incredibly inclusive of race, caste, and religion. However, India has fallen woefully behind in sexual and gender rights. Homosexual activity is still considered "unnatural" in India, and the transgender population is extremely marginalized and ostracized. This matters because the same concepts that create strict norms of stronger and weaker gender rights and wrong love are the same norms that translate into society, where rape is more normal than homosexuality and where rampant female infanticide is creating a gender imbalance.

8. Conclusion and Way Forward

The negative impact of Britain's colonial history on the rights and freedoms of LGBTQIA+ individuals around the world is significant. The blame for the current state of affairs in this regard can largely be placed on the British Empire. The empire imposed anti-homosexual penal laws during a time when the native cultures did not have the same perspective on the matter, leading to a significant influence on the colonized societies.

The repeal of Section 377 of the Indian Penal Code aimed to promote equality for the LGBTQIA+ community and recognize diverse sexual orientations. To achieve this goal, it is important to foster open dialogue about sexuality and gender in educational institutions, starting with elementary school classes. This requires incorporating LGBTQIA+ issues into the curriculum and ensuring that teachers have the necessary knowledge and skills to facilitate these conversations. However, the current education system often lacks teachers with the competence to initiate discussions on these topics in primary school.

It is crucial for teachers to shift away from conventional educational practices and ban practices that categorize gender based on societal norms. Schools currently contain both active and passive elements that reinforce heteronormativity. Incorporating curriculum that addresses LGBTQIA+ issues can create a safe learning environment and promote transformation in students' understanding of gender and diversity in families. If all schools in India included lessons on sexuality, students would gain a deeper understanding of gender stereotypes.

It's crucial for society to recognize the valuable contributions made by members of the LGBTQIA+ community in India's pre-colonial religious and cultural history. To do so, we need to reject the Victorian-era limitations and binary thinking imposed by Britain. Understanding and respecting this history will give the LGBTQIA+ community a stronger sense of identity, and challenge misconceptions that homosexuality is a foreign concept. The historical and mythological evidence shows that homosexuality was widely accepted and not criminalized in ancient India, disproving the notion that it conflicts with cultural values and traditions. We must educate the next generation that a balance of both masculine and feminine energies is the strongest, and that sex in its diverse forms is natural, healthy, and important.

9. Acknowledgments

Thank you, Ms. Emmah Khisa Senge Wabuke, Ph.D. candidate at the University of Cambridge and Master of Laws (LL.M.) at Harvard Law School, Cambridge, MA,

USA, for allowing me to find my way through this exercise, for providing valuable input from time to time, for gently nudging me when necessary, and for valuable assistance with the literature review, editing, and reading draughts of this paper. Her vitality, vision, genuineness, and ambition have profoundly inspired and motivated me. She taught me how to conduct research and present the findings as clearly as possible. It was a great privilege and honour to work and grow under her direction. I'd also like to thank her for her friendship, empathy, and delightful sense of humour. As a result of her mentoring and encouragement, I was able to develop critical thinking skills that will be beneficial in my future academic and professional endeavours.

I'd like to express my appreciation to my family, who, despite their hectic schedules, helped me collect data, provided me with direction when I needed it, and gave me insightful feedback that greatly aided in the development and refinement of this research. They all motivated me to keep going and finish the paper in the allotted time. Without their assistance, this research paper would not have been completed.

10. References

1. Aldrich, Robert. Colonialism and Homosexuality. Taylor and Francis; c2008.
2. British Colonialism and the Criminalization of Homosexuality. Google Books, Google. https://www.google.com/books/edition/British_Colonialism_and_the_Criminalization/c3dZDwAAQBAJ?hl=en&gbpv=1&dq=british%2Bcolonialism%2Band%2Bthe%2Bcriminalization%2Bof%2Bhomosexuality&printsec=frontcover.
3. Chakraborty Kaustav, Rajarshi Guha Thakurata. Indian Concepts on Sexuality. Indian Journal of Psychiatry, Medknow Publications & Media Pvt Ltd.; c2013 Jan. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3705691/#ref8>.
4. Clay Rebecca A. Decriminalizing Homosexuality in India. Monitor on Psychology, American Psychological Association; c2019 Feb. <https://www.apa.org/monitor/2019/02/homosexuality-india>.
5. Han E, O'Mahoney J. British Colonialism and the Criminalization of Homosexuality. Taylor Francis. <https://centaur.reading.ac.uk/80592/1/British>.
6. Karen E, *et al.* Shifting Ground (s). Taylor & Francis. https://www.tandfonline.com/doi/abs/10.1300/J082v52n01_01?journalCode=wjhm20.
7. Greene, Frederick. Jstor Home. Introducing Queer Theory into the Undergraduate Classroom: Abstractions and Practical Applications. <https://www.jstor.org/>.
8. Sathanarayana Rao TS, Jacob KS. Homosexuality and India: Indian Journal of Psychiatry. LWW. https://journals.lww.com/indianjpsychiatry/Fulltext/2012/54010/Homosexuality_and_India.1.aspx.
9. Wilcox Melissa M. Outlaws or in-Laws? 11 Aug. 2010. https://www.tandfonline.com/doi/abs/10.1300/J082v52n01_04.