

LGBT - A Taboo in Today's World

Manjinder Singh, Dr. Renu

Abstract: *Not long ago, we heard the story of a young student who jumped off the roof of his college hostel, his only fault was that he was gay. India, where the usage of the word "sex" itself is considered a taboo, not to mention India being the 2nd most populous country, homosexuality is a farfetched idea that people despise, so much that they wouldn't even consider it. Even after 70 years of independence and being in what seems like the forever race of becoming westernised, couldn't become a people's country. Isn't choosing one's own sexuality or sexual orientation a part of personal liberty? Doesn't the devilish Section 377 IPC (unnatural offences) go directly against the right to personal liberty? Why can't we accept that the Lesbians, Gays, Bisexuals and Transgenders in our society? Isn't it very ironical for a country to somehow worship the transgenders and yet despise their whole community? —the biggest problem of our country is, "What will people say?" We know being modern doesn't mean being westernised, but what if the western countries are adopting something that is actually modern?—recognising the lesbians, gays, bisexuals and the transgenders of the society and giving them equal footing amongst others.*

Keywords: LGBT, IPC

1. LGBT- A Taboo in Today's World

From the very beginning even the ancient texts by Manu¹ suggest that the concept of marriage is the coming and living together of two people. It was not just about procreation and was much more than that. Marriage is a sacred institution in which both the husband and wife join their energies and destinies to promote each other's liberation by performing their respective obligatory duties which only married couple can perform. However, in the mythology it is nowhere observed that a couple has to have kids. Through the bond of this sacred act, the two people also bond their karmas. Marriage in India was basically performed so that two people can join hands to attain the four purusharthas of life² i.e. Dharma, Artha, Kama, Moksha; Dharma being the religion, Artha being the Economy, Kama being the sexual desire and Moksha being the Ultimate Salvation or freedom from the circle of life and death. Whatever may be the truth, sex constituted an important aspect of the Hindu society from the ancient times.

It is almost always argued that the gay marriage is unnatural because then the couple won't also procreate children, although there have been many instances in the Hindu Mythology where we could see same-sex relationships and also cases of bisexuals and transgenders.

2. History

Indian mythology has several stories of alternate sexual choices or even of men turning into women and vice-versa. Lord Shiva bathed in the Yamuna and became a gopi so that he can participate in the raas-leela with Krishna. In another tale, the son of Arjuna and Ulupi, Aravan, had to be sacrificed to ensure the Pandavas' victory in the war. However, Aravan did not die unmarried. As no women wanted to marry a man who had to die the next day, so Lord Krishna took his female form, Mohini, became Aravan's wife, spent the night with him and then mourned for him next morning as his widow, when he was killed. There is another instance where Lord Shiva and Goddess Parvati visit Lord Vishnu's home where Lord Shiva asks Vishnu to take

on the Mohini form. From their coupling, God Maha-Sastha was born.

Another instance where Lord Shiva and Maa Parvati took the form of 'Ardhangini' i.e. partial male and partial female in front of a devotee who would only pray to Lord Shiva and not Maa Parvati. In this great land of mythology with 36 Crore Gods and Goddesses, it is noted that the soul is important not the body.

Although some Hindu Dharmic texts contain injunctions against homosexuality, a number of Hindu Mystic stories have portrayed homosexual experience as natural and joyful. There are several temples which have carvings that depict both men and women engaging in homosexual sex. Same-sex relations and gender variance have been represented within Hinduism from Vedic time through ages.

There are occasional references to same-sex intercourse in Indian Epics and chronicles. In the Ramayana, Hanuman is said to have seen Rakshasa women kissing and embracing those women who have been kissed and embraced by Ravana. In padma purana and the fourteenth century kritivasa Ramayana, the king of ayodhya maharaja dilipa dies and his two widowed wives without any son. Lord Shiva therefore went to the queens and blessed them to bear a son. The two wives, with great affection for each other, executed Shiva's order until one of them conceived a child. The sage Astavakra accordingly named the child "Bhagiratha" – he who was born from two vulvas. Bhagiratha later became a king and is credited with bringing the river Ganges down to earth through his austerities. The sage Astavakra accordingly named the child "Bhagiratha" – he who was born from two vulvas.

In the Mahabharata also, the Pandavas were told to sacrifice Arjuna's son Aravan if they wished to win the war at Kurukshetra. Aravan refused to die a virgin. As no woman was willing to marry a man doomed to die in a day, Krishna's help was sought. Krishna turned into a woman, married Aravan, spent a night with him and when he was finally beheaded, mourned for him like a widow. These stories allow women to have sex with women and men to have sex with men on heterosexual terms. One may interpret these tales as repressed homosexual fantasies of a culture.

¹ The Laws of Manu by George Buhler (Translator)

² Purusharthas in Hinduism by Jayaram V

In the same epic of Mahabharata, way before the war, the father of the Pandavas, King Pandu was cursed by a sage that he would surely die if had intercourse with any of his wives. Pandu gave himself exile and still lived together with his two wives. They had their child through the boons granted to Kunti by Durvasa. This proves that marriage was not only about procreation³.

King Koperunchozhan and Pisuranthaiyar are said to have not seen each other at all and still shared love and regard for each other, so much that they die at the same time at different places⁴.

The word 'Pedi' used in various texts referred to the transwomen. This shows that they existed even then and it's not a western concept that recently mushroomed in metropolitan India.

3. Recent Scenarios

From the 1990's onward, modern gay and lesbian Hindu organisations have surfaced in India's major cities and in 2004, plausible calls were made for the first time to repeal India's outdated and non-traditional laws against homosexuality.

As we all know, Jun 26, 2015 was marked as an important day in the history of US as the Supreme Court of USA ruled out a judgment in lieu of which the United States of America became the 23rd country to legalise same-sex marriages.

On the same note, the Delhi High Court in India had struck down the 150year old Section 377 of the Indian Penal Code. In favour of this decision, the United Kingdom Hindu Council issued a statement that 'Hinduism does not condemn homosexuality'. With this, the High Court legalised consensual homosexual activities between adults. However, the Supreme Court of India overruled the said judgment of the Delhi HC. This was a shock to many, because the Supreme Court of India has had an eminent record of ensuring that the fundamental rights and liberty of the people are not taken away by the State.

It is ridiculous to even think that homosexuals can be cured. Baba Ramdev⁵, welcomed the Supreme Court's verdict and remarked that homosexuality is just a bad addiction and that yoga can cure it. He added, "Homosexuality is not genetic. If our parents were homosexuals, then we would not have been born, so it's unnatural." He has also invited the gay community to his ashram and 'guaranteed' to cure them of THIS DISEASE.

If we listen to the CONSERVATIVE people who are opposed to gay marriages, we might get the idea that the Indian Mythology has taught us that the purpose of marriage is just procreation and that marriage exists to 'sanction' sex. It is almost always argued that the gay marriage is unnatural because then the couple wont also procreate children,

although there have been many instances in the Hindu Mythology where we could see same-sex relationships and also cases of bisexuals and transgenders.

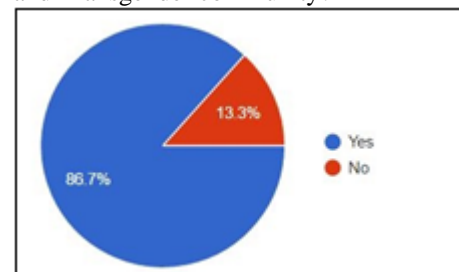
Today when Babas or other religious heads preach us or PM Modi's government votes (against the benefits for same-sex couple working at the UN) with Russia, Pakistan and Iran to curtail the rights of those who have an alternate sexual orientation under the garb of 'Indian Culture', it is highly doubted if they actually know or have studies what the Indian Spirituality is all about.

When we talk about procreation, it is likely that people will call same-sex marriage as 'unnatural'. Do we know what the laws of nature are? No we don't. If it was unnatural, there would not have been any 'members' of the LGBT group, because they will be weeded out automatically by nature. But no, they have subsisted since perpetuity and will continue to exist. If marriage was only about procreation, then there would have been attempt to prohibit unions between a sterile woman and a fertile man or vice versa. Nor does legislation exists which requires a married couple to have children. It is true that homosexual cannot procreate within their union but there are many options available which enable them to have children including adoption and artificial insemination⁶.

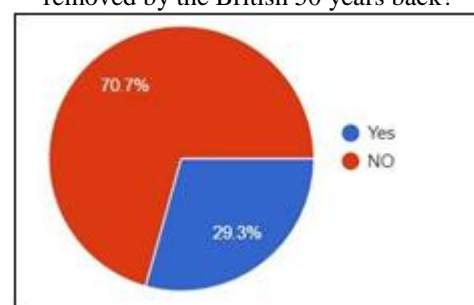
4. Findings

In a recent survey that was conducted by us to know what general public felt about the LGBT Community, various questions were asked which were answered as follows:-

Are you in support of the rights for the Lesbian, Gay, Bisexual and Transgender community?



Are you in favour of section 377 of the IPC, which was even removed by the British 50 years back?



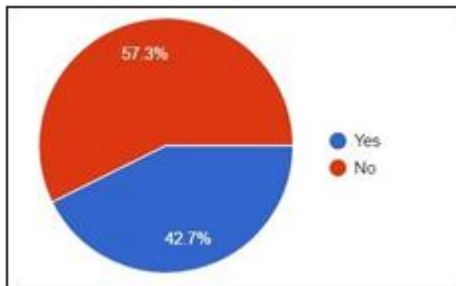
³ Article by ApamNapat

⁴ Cited in "No more under siege" by A. Shrikumar

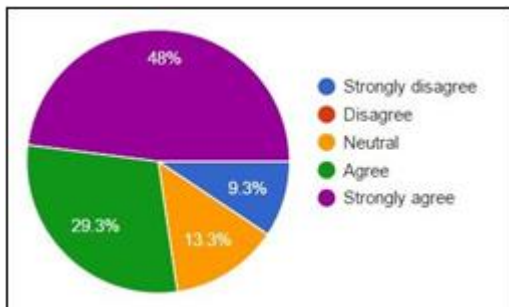
⁵ Stated in Hindu mythology accepts homosexuality, why can't you? By TehseenPoonawalla.

⁶ Stated in "Homosexuality in India" by Anuradha Parasar

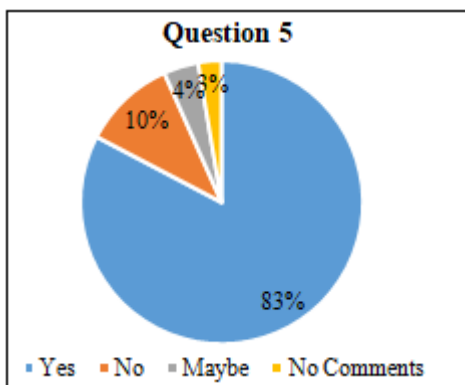
Do you support the recriminalization (of sec 377) and overturning of the judgement of the High Court by the Supreme court of India on 11 December 2013?



Should they be recognized and given equal opportunities in the society as equal people



Would you accept if someone you know turns out to be one of the LGBT community?



As we can see, 86.7% of the people who had completed the survey are in support for the rights of LGBT Community. LGBT have seen a lot of discrimination ever since, and this discrimination is very impractical. It is like calling someone an untouchable. If we have reserved almost 50% of the categorical classes in almost every aspect and our constitution talks about protective discrimination of the suppressed classes, the least we could do is give them their rights, let them live peacefully in this ‘democratic’ country and not put them behind bars under the banner of ‘unnatural offense’.

When we talk about the Section 377 IPC the same survey results show that 70.7% people are against this dead set law. The British who had made this IPC have already decriminalised this act about 50 years ago. The British had also recognised that this phenomenon is natural and listened to the plea of the people of the Country.

In the next question, to see if the people are with the Supreme Court’s decision on upholding the Section 377 and overruling the judgment given by the Delhi High Court which decriminalised the same, 57.3% are against the Supreme Court’s decision. As stated above, Supreme Court which has a record of ensuring the fundamental rights and liberty of the people of India, just took away the sheer ray of light which was shown to the suffering community.

When we asked them if the LGBT Community should be given equal recognition and opportunities in the society as equal people, 48% of the people strongly agreed and 29.3% of the people agreed to the same. When about 50% of the people are of the view that the community should be given equal rights and opportunities in day to day life, why is Supreme Court not of the same view?

When asked if they would accept if someone they knew turns out to be a Lesbian, a Gay, a Bisexual or a Transgender. 83% of the answers were yes, so this suggests that the society is looking onto various things from a different perspective and leaving the orthodox thinking behind and coming forward to accept the members of the LGBT Community as a part of their society who are being treated as aliens from another planet in the Indian Society.

As to what does a common man feels about their condition and what they want to do about it, the various responses are as follows:- (these responses are completely unabridged and haven’t been edited in any manner)

“Every person havehave right to live his life according to his choice. No body can interfere. India should change there thoughts accordingly”

“Their condition has been bad in india from the very beginning however with change in society and mentality of the youth i think their condition in improving as they are being recognized as the third gender.”

“First of all the things should remain natural and if ppl are not satisfied abt their gender and want it to be changed then they should think more abt themselves before taking any step. On the whole acc. To me things should be natural”

“LGBTs are treated like they are from another planet. And I cant measure their pain in which they face partiality, Abuse, and many other sinful things. I think, they should be accepted and respected just like others and ofcourse, there is a need to amend the existing draconian laws to provide The LGBTs what they deserve. I hope to see a better India in which LGBTs are not treated like aliens.”

“They are generally looked down upon but as per my opinion everyone has the right of choosing their ways of living.”

“The condition of LGBT community is worse in the indian society, i think proper laws should be framed to get them on par with other people”

“Right now the conditions of LGBT community are poor so by giving them their fundamental rights they could live as we are living.”

*“Need to improve and work for their humane rights”
 “Worse. Nthg is in my hands.. but ppl here r narrow minded,
 dere conditions will improve bt not immediately but soon.”
 “A sight of equality should be provided by the citizens !”*

“Spreading awareness among people about the biology of these facts and empathetic approach may help in shaping a more acceptable society towards our dear friends.”

“They should have there own recognition and all authority given to all the people”

“I feel bad as the people of india see them as different but they are just like us the same human beings with same blood and flesh but a bit unique. I just people to take them as equal and don't judge them for being who they are.”

“In India, condition of LGBT community is worse than described in various sources. They should be treated equally as any other citizen in this country.”

“They are part of our community, still we are not accepting them. We should accept them like other normal people,becauseits not their fault.”

“I think this community suffered a lot in the past but it is moving towards a better condition lately. And to help them achieve full equal rights as others' have we should spread as much awareness as we can and talk about it open mindedly.”

“They are miserable ... And deprived of jobs ... If given jobs maybe things will change ..for good ...there need to be a start ...from somewhere”

As we can see, the people of India have started changing their thinking and are leaving behind the rigid yet wrong notions of regarding the members of the LGBT Communities as Outcasts and Outlaws. However, their conditions are not as one would see in textbooks, its worse than that. We make fun of such people when we get to know about them. One person can be attracted to any one irrespective of their sex. It is totally natural. And what we say is that it is against the rules of nature just because if a person is attracted to someone of his/her sex they can't make babies, does nature tells us that it is compulsory to make babies? No its not. So it's not against any nature. There should be proper rights for LGBT community. And we should change our thinking.

The Gender is related to the physical and emotional perception of an individual. Here we do not want to narrow down our emphasis on homosexuality, rather we want to emphasise gender variants. Gender and Sexuality are rights of an individual and interfering in those is like interfering in personal freedom. This oppressive Section 377 of IPC straight away infringes their right to life or personal liberty given to all people of India under Article 21 of the Constitution of India. Do the members of LGBT Community not come under the term People of India? Dr. Srinivas Ramchandra Siras was a professor at the Aligarh Muslim University who was suspended after it was discovered by the University Authorities that he was a homosexual person. It was only after he was taped by two unknown persons. He had kept his sexual orientation secret for over 20 years

because of fear of harassment and persecution and as it turned out, his fears were proved to be true. It is known that he had killed himself but the bitter truth is it was a societal/institutional murder⁷.

Article 14 of the Constitution of India provides for equality before the Law and equal protection within the territory of India and prohibits discrimination on the grounds of religion, race, cast, SEX or place of birth. As pointed above we do not emphasise on homosexuality rather we want to lay our emphasis on gender variants. The Indian Society should get out of their worn and torn shoes and wear the new ones by accepting the Transgender as another type of Sex/gender. It is very ironical for a country that worships the 'kinnars'⁸ does very little to nothing for their fundamental rights and liberty. The transgenders have subsisted through the timeline we are in and will continue to do so, why won't India's backward minded society accept them?

What will People Say?

This hard to digest question gets stuck in back of every person's mind that wants to go against the flow.

Homosexuality is seen as a part of Karma, we are creatures of Karma and our actions contribute to future Karma. Thus, homosexuality is seen as the manifestation of Karma. We cannot fight it, we have to deal with it. Just as heterosexual desires need to be regulated, so does the homosexual desire. The extent of regulation varies depending on context. Some believe a sex must be only for producing children; some believe it to be only between people in love; while some believe sex is just a form of pleasure and must not be taken too seriously. Hindu society had a clear cut idea of all these people in the past. Now that we have put them under one label of LGBT, there is a lot more confusion and other identities have got hidden⁹. However, it is not the concern of other people how Two people live their life, be it a heterosexual OR a homosexual couple.

While some people like Baba Ramdev suggest that homosexuality is a mental disorder and that it can be cured by yoga, it is funny that Baba Ramdev is talking like those British people who put the famous scientist Alan Turing¹⁰ on various medications to 'cure' him of being a gay person. Alan Turing died a miserable death, killing him socially, emotionally, and physically. Some people like Baba Ramdev argue that we should not accept homosexuality just in the name of westernization, what he doesn't want to accept is that this is not westernisation but a progression towards a fully democratic society. The Indian Psychiatric Society acknowledges that homosexuality is a kind of mental illness, however, the American Psychiatric Association and World Health Organisation have removed homosexuality from their list of mental illness in 1973 and 1981 respectively.

⁷ Article by Mohd. Asim,30/01/2016

⁸Kinnar are also called Transgender / Hijra

⁹ Gopi Shankar in National Queer Conference, 2013

¹⁰ Alan Turing was a great mathematician/scientist who cracked Hitler's Enigma machine and helped in winning the war

Homosexuality is natural. There is substantial agreement amongst researchers that sexual orientation is due to genetic factor. While some people suggest that homosexual marriages are the outcome of today's "complex individualised post-modern industrial utilitarian society"¹¹ whereas instances of homosexuality can be seen even in ancient, medieval and modern India¹². It is not the development of post-modern society.

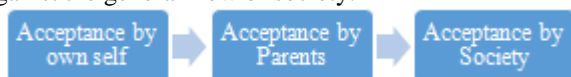
It is argued that human species will be in danger of dying out if homosexuality is legalised due to lack of reproductive power in homosexuals. In fact, gays are doing a big favour by not bringing more hungry mouths into this excessively over-populated world especially in India. At the same time the continuity of the species can never be in danger due to sexual minority which represent not even 10% of the total world's population.

5. Conclusion

Out of all the fallacious arguments that people make while condemning homosexuality, the worst one is made by the person itself, **What will people say?** We have seen what a homosexual person goes through in his life being what he never chose to be. He is condemned by everyone in his peer group. He drops out of school, high school or college just to save himself from the bullying he would have undergone otherwise. Due to all this, either he confines himself and becomes depressed or he depresses his individuality or takes some grave steps.

There are about Three stages that a homosexual goes through:-

- 1) At first, when a person finally discovers his orientation, it is a huge log to carry on his own. But he has very confined choices to choose from. He struggles a lot, then either he drops out of the world not accepting himself or he finally gains the courage to acknowledge himself against the general flow of society.



- 2) He has finally accepted himself. Now what about his parents, would they even accept this fact about their son/daughter? What about their expectations of having grandchildren? What about their concern about his marriage? How would they react? Ok, confession is done, they have also accepted this, and are somehow coping up with the decision of their child.
- 3) Now, **What will People Say?**

This society has killed people without even saying a single word. Then it is very scary to imagine what would happen if they say something. The members of the LGBT Community are mentally molested by the society. The person kills himself just thinking about all the bullying he would have go through if the truth comes out, must be it the case of Dr. S.R. Siras or any college going student.

The need of the hour is not to mend what is happening with the community, rather why it's happening and to rectify it otherwise they will continue to suffer the inhumane abuse just because of their different orientation.

References

- [1] The Laws of Manu by George Buhler (Translator), sacred-texts.com
- [2] Homosexuality in India – The Invisible Conflict by Anuradha Parasar
- [3] "When AMU killed a Gay Professor" by Mohd. Asim
- [4] "No more under siege" by A. Shrikumar
- [5] Indian Mythology by ApamNapat
- [6] Role of Family in Political Theory by Lauren K. Hall &otrs.
- [7] Tritya-prakriti by Amara Das Wilhelm
- [8] Devdutt.com
- [9] Bombaydost.co.in
- [10] Nazindia.org
- [11] Connect-humsafar.org
- [12] Planetromeo.com
- [13] Pink-pages.co.in
- [14] Saathii.org
- [15] Hrw.org
- [16] Hinduwebsite.com
- [17] Indiankanoon.org
- [18] timesofindia.indiatimes.com
- [19] dailyo.in
- [20] youtube.com
- [21] Wikipedia.org

¹¹ Stated in "Homosexuality in India" by Anuradha Parasar

¹² It has been noted above, many cases of Gods and Kings