



## The Historical Trajectory of LGBTQ+ Rights: A Global Perspective

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### Abstract

*This essay examines the evolution of LGBTQ+ identities from an international and Indian standpoint, emphasizing how important same-sex relationships and gender diversity have been to human cultures throughout antiquity. Numerous societies acknowledged different gender roles within religious, philosophical, and social traditions, as evidenced by early civilizations like Mesopotamia, ancient Greece, and Rome. Indigenous Two-Spirit traditions placed a strong emphasis on social and spiritual harmony, while Greek philosophers like Plato mirrored ideals of androgyny and fluid identity. These historical instances highlight the profound cultural foundations of gender and sexual diversity around the globe. However, many inclusive behaviours were later prohibited by colonial expansion and strict moral standards. Pre-colonial literature, temple sculpture, and cultural customs in India demonstrated a sophisticated awareness of third-gender groups and non-heteronormative identities. Through Section 377 of the Indian Penal Code, which made same-sex relationships illegal and exacerbated stigma, British colonial rule imposed Victorian moral norms. Long-term legal instability and social marginalization were caused by this law's continuation after independence. The report also charts the emergence of organized queer activism starting in the 1990s and the effects of significant court rulings, such as the decriminalization of transgender people in 2018 and the recognition of transgender people in 2014. Discrimination still exists despite advancements. The study comes to the conclusion that complete legal reforms, inclusive policies, and persistent attempts to change societal perceptions are necessary for full equality.*

**Keywords:** LGBTQ, gender diversity, third gender, Two-Spirit, ancient civilizations

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## INTRODUCTION

Cultural conceptions of gender and sexuality have changed significantly throughout time and geography, as seen by the historical development

of LGBTQ (lesbian, gay, bisexual, transgender, queer, and related) identities and communities. Though they have been influenced by different social, legal, and religious frameworks, non-

heteronormative identities have historically existed in a variety of civilisations<sup>1</sup>. Same-sex relationships and gender variance held acknowledged, if not necessarily privileged, roles in many ancient civilisations<sup>2</sup>. However, colonial laws and contemporary nation-state administration, which enforced heteronormative binaries and criminalized non-conforming sexualities, subsequently upended this reality. Sexual and gender identities are socially and historically constructed phenomena that are subject to change and contestation, according to queer theory, which has been expressed by academics like Annamarie Jagose<sup>3</sup>.

The AIDS crisis, post-Stonewall agitation, and growing human rights frameworks all served as catalysts for the late 20th century global surge in LGBTQ rights movements<sup>4</sup>. These campaigns aimed to decriminalize same-sex relationships, promote social acceptance, and challenge long-standing conventions. Classical literature, temple art, and local cultural customs all demonstrate how gender and sexual diversity have existed in India before colonial involvement<sup>5</sup>. Nonetheless, the Supreme Court of India only read down Section 377 of the Indian Penal Code in 2018, demonstrating the legacy of colonial administration in defining sexual deviance by its imposition and prolonged endurance.<sup>6</sup> Since then, India's indigenous queer groups have developed context-specific frameworks that combine cultural legacy with international

human rights rhetoric, establishing a distinct path in the fight for equality and respect.

A broad community of individuals with varying sexual orientations and gender identities is represented by the term LGBTQ+. Lesbians, denoted by the letter L, are women who are attracted to other women on an emotional, romantic, or sexual level. Although it can also refer more generally to those who are attracted to the same gender, the acronym G, which stands for homosexual, typically refers to males who are attracted to other men. A person who is attracted to more than one gender is said to be bisexual, or B. People whose gender identity differs from the sex they were assigned at birth are referred to as transgender, or T for short. Q stands for "queer" or "questioning," where "questioning" refers to those who are still figuring out who they are and "queer" is a general term for persons who do not identify as heterosexual or cisgender. Numerous different identities, including asexual, pansexual, non-binary, and intersex, are represented by the plus sign (+). Regardless of who they love or how they identify, the LGBTQ+ community as a whole advocate for equality, tolerance, and understanding for all individuals<sup>789</sup>.

### **Importance of historical and social understanding**

A thorough grasp of the social and historical development of LGBTQ+ populations on a national and international scale depends on this

research. The study illustrates how social attitudes, legal systems, and cultural norms have influenced LGBTQ+ lives by looking at the Experiences of sexual and gender minorities in many eras and societies, especially in the US and India.

The primary goal of this study is to expose and demolish the myth that, in the sociocultural framework of India, LGBT identities are alien. Diverse gender identities and sexual manifestations were socially accepted and incorporated into Indian society even before colonial involvement, as historical documents and indigenous stories show. A long history of diversity and inclusivity was reflected in these identities, which were ingrained in social, religious, and cultural traditions. Furthermore, academic research shows that the criminalization and repression of indigenous manifestations of love, desire, and identity were mostly caused by the imposition of Victorian morality through colonial legal frameworks. Colonial laws imposed strict gender and sexual norms that upended pre-existing social structures and marginalized non-normative individuals. Thus, many long-standing customs were stigmatized or made invisible. This study highlights that LGBT+ visibility in India is neither a new nor Western influenced phenomena. Instead, it is the conclusion of a long-running historical fight for rights, dignity, and respect that became more socially and politically significant in the middle of the 20th century<sup>10</sup>.

A deeper understanding of current movements and a critical knowledge of the origins of resistance and discrimination are made possible by an understanding of this historical trajectory. Additionally, studying the social development of LGBTQ+ communities helps to preserve their identity and collective memory. It guarantees that their experiences are included in popular historical accounts, which promotes respect, empathy, and social acknowledgement. Additionally, studying the social development of LGBTQ+ communities helps to preserve their identity and collective memory. It guarantees that their experiences are included in popular historical accounts, which promotes respect, empathy, and social acknowledgement.

### **Relevance to Human Rights and Law**

LGBTQ+ rights' historical trajectory represents a significant paradigm change away from state-sponsored criminalization and toward the achievement of substantive citizenship. The Yogyakarta Principles, which serve as a final codification of current international human rights norms, provide the full framework for this progress. These guidelines contend that regardless of a person's gender identity or sexual orientation, the protection of fundamental human rights is universal and needs to be implemented uniformly<sup>11</sup>. Institutionalizing these standards acknowledges queer people as equal participants in the social contract, going beyond simple "tolerance" in the legal discourse. According to

scholars, this "from criminal to citizen" transformation is necessary to achieve sexual citizenship, wherein the state is required by the constitution—rather than by judicial discretion—to defend the bodily autonomy and dignity of every individual<sup>12</sup>.

A number of judicial changes in India support this justification. Gender identity is intrinsic to an individual's dignity, as demonstrated by the *NALSA v. Union of India* case, which recognized the "Third Gender" (AIR 2014 SC 1863)<sup>13</sup>. The Navtej Singh Johar ruling, in which the Court held that "constitutional morality" must take precedence over "social morality" in order to safeguard the LGBTQ+ community's fundamental rights, served to further cement this<sup>14</sup>.

## **Global Historical Evolution**

### **Pre-modern period**

In much of the ancient world, there was no rigid system of classification like today's LGBTQ categories, because people did not sharply distinguish between what we now call "homosexual" and "heterosexual." Instead, personal relationships were largely understood in terms of social belonging and individual choice, with love and intimacy seen as private matters.

### **Mesopotamia civilization:**

In the early civilizations of Mesopotamia, often called the cradle of civilization, same-sex

relationships and gender diversity appear to have been relatively common, as reflected in art, mythology, and literature. The early identification of a third gender is suggested by Sumerian texts from the second millennium BCE, which explain how the goddess Ninmah created a being "with no male organ and no female organ" to whom the deity Enki granted a significant social position, "to stand before the king" Some religious experts who served Inanna (Ishtar) in Babylonian, Sumerian, and Assyrian societies were considered gender-variant and are frequently categorized by scholars as third-gender.<sup>15</sup> Some priests and priestesses possessed both feminine and masculine characteristics and were interpreted as bisexual or transgender by contemporary standard. These traditions suggest that non-binary identities were recognized more than three thousand years ago and were viewed as part of divine intention. Rather than being marginalized, such individuals often held respected religious or social positions, and ancient texts indicate that same-sex relationships and gender diversity were seen as natural aspects of human life, blessed and sanctioned by the gods.

### **ROME:**

The Galli were priests in the religion of Cybele (sometimes called Magna Mater) and her companion Attis in ancient Rome. These priests separated themselves from traditional masculine identity through ritual self-castration, a symbolic

act undertaken as part of their religious commitment. Following this metamorphosis, they were perceived as belonging to a *tertium sexus*, or "third sex," as opposed to traditional classifications of man or woman, and they took on feminine attire, haircuts, and social roles<sup>17</sup>. As a result, their identity was perceived as existing outside of Roman society's typical gender norms. Later authors like Augustine of Hippo recognized this special position, noting that the Galli did not continue to live as men and were not completely changed into women. His remarks illustrate how these priests were perceived as holding a gender-neutral role that was influenced more by religious convictions and ceremonial practice than by biological sex alone<sup>18</sup>.

## GREECE:

The merging of male and feminine traits is symbolized by characters like Hermaphroditus and Agdistis in ancient Greek mythology, which reflects societal narratives that celebrated gender ambiguity and change. It was believed that Hermaphroditus, the offspring of Hermes and Aphrodite, united with the nymph Salmacis to form a single androgynous entity, signifying the Co-existence of both masculine and feminine characteristics within a single person a concept akin to what is now referred to as non-binary or gender-neutral identity.<sup>1920</sup>

Similarly, Agdistis was presented as a strong, dual-sex deity whose remarkable qualities

questioned gender norms and emphasized the influence of divine forces on social and physical identity formation. These topics were also covered in Greek philosophical traditions, particularly in Plato's *Symposium*, where Aristophanes explains how humans were initially spherical entities with both male and female components until the gods separated them into distinct male, female, and androgynous forms.<sup>21</sup> According to scholars, this event is not just a myth rather, it reflects broader Greek ideas on gender and sexual diversity. Greek myths, plays, religious rituals, and philosophical literature also demonstrate a rich and adaptable imagination that may contain androgynous and gender-fluid characters. Ideas regarding gender diversity were extensively discussed and explored in cultural and intellectual life, despite the fact that ancient Greece's legal and social systems did not formally recognize a third gender<sup>22</sup>. This indicates that Greek society was aware of and engaged with identities that went beyond rigid male and female divisions.

## Medieval to Early Modern Period

Christianity had a significant influence on the development of European moral and legal norms starting in the early Middle Ages. Same-sex partnerships were seen by Christian intellectuals as unproductive sexual behaviour that violated both religious and natural laws. Religious leaders consequently began to characterize such behaviours as sinful and punishable by law.

Following the eleventh century, church councils which had previously mostly regulated clergy were given more power to affect society at large and officially denounced sodomy as a grave sin. By the late mediaeval era, certain areas like France enforced severe punishments including. Execution demonstrating the intimate relationship between secular law and religious convictions.

### **Formal Criminalization of Same Sex Acts England's Buggery Act (1533)**

Henry VIII's 1533 Buggery Act, which penalised "the detestable and abominable Vice of Buggery committed with Mankind or Beast" was one of the nation's first civil sodomy laws and one of the first secular codifications. Although the phrase "buggery" was not specified in the Act, the court considered it to mean only anal penetration and bestiality, regardless of the participant sex, and excluding oral penetration. Until it was repealed and replaced by the Offences against the Person statute 1828, the statute remained in effect.<sup>24</sup>

### **The Labouchère Amendment (1885)**

Section 11 of the Criminal Law Amendment Act of 1885, also referred to as the Labouchère Amendment in the UK made "gross indecency" a crime in the late nineteenth century. In reality, this clause was regularly applied to males who were thought to be involved in same- sex relationships, especially when sodomy could not

be proven legally. Prominent prosecutions, such as the imprisonment of Oscar Wilde for having consensual intercourse with other men, brought the legislation particular notoriety. The Sexual Offences Act 1967 eliminated this provision as well, which was a significant step toward the partial decriminalization of male homosexual activities in Britain, even if Section 11 of the Sexual Offences Act 1956 was later repealed and replaced with Section 13.

### **Modern period**

The study of sexuality progressively moved away from moral and theological interpretations and toward scientific and psychological methods in the late 19th and early 20th centuries. Instead of viewing same-sex desire as a moral failing, many early sexologists tried to explain.

It as a normal part of human variation.<sup>26</sup> Magnus Hirschfeld, the creator of the Scientific Humanitarian Committee, was a prominent person in this movement. He actively promoted legal reform and maintained that gender identity and sexual orientation were inherent characteristics<sup>27</sup>. Similarly, Havelock Ellis did not consider homosexuality to be a medical condition but rather a natural variant of human sexuality. Before the contemporary age, same sex relationships were typically viewed as behavioural patterns rather than personal characteristics. However, new classifications like heterosexual, bisexual, and gay came into being

in the nineteenth and twentieth centuries, which helped shape contemporary sexual identities.<sup>28</sup>

Early manifestations of LGBTQ+ advocacy also started to appear with advancements in scientific study. Magnus Hirschfeld was a major proponent of social acceptance of sexual minorities and legal reform in Germany<sup>29</sup>. Throughout the 1950s, groups like the Daughters of Bilitis and the Mattachine Society in the US fought to advance social acceptance and legal protection for homosexuals.<sup>30</sup> However, a police raid at the Stonewall Inn in New York City in 1969 marked a significant turning point in LGBTQ+ history and led to massive demonstrations against governmental repression and discrimination.<sup>31</sup> Many people believe that this rebellion marked the start of the contemporary worldwide LGBTQ+ rights movement, turning activism from cautious advocacy into overt mass resistance. The World Health Organization's 1990 removal of homosexuality from the International Classification of Diseases, which formally acknowledged that same-sex orientation is not a mental disease, marked another important turning point.<sup>32</sup>

The pursuit of legal equality became a more prominent goal of LGBTQ+ advocacy starting in the late 20th century. Campaigns focused on marriage equality, anti-discrimination rights, partnership recognition, and the decriminalization of same-sex relationships. Early in the twenty-first century, a number of

nations in North America and Europe passed legislation allowing same-sex marriage and civil partnerships, establishing models for legal reform in Other areas.<sup>33</sup> International human rights norms, constitutional litigation, and persistent grassroots action were the main forces behind these legal advances. But progress has been uneven and LGBTQ+ identities are still illegal or restricted in many nations. Because of this, current movements continue to concentrate on tackling social bias as well as legal inequity.

## **National Perspective: India**

### **Pre-Colonial India**

Sexual orientation and gender identity were not typically stigmatized in pre-colonial India. A complex and inclusive view of human sexuality can be found in numerous ancient writings and cultural traditions. Non-heteronormative behaviours and same sex relationships are mentioned in classical texts like the Kamasutra as normal parts of human existence.<sup>34</sup> Similarly, a wider societal acceptance of various types of intimacy and artistic expression is reflected in the sculptures of the Khajuraho Group of Monuments, which serve as visual symbols of sexual diversity and fluidity.<sup>35</sup>

Manu Smriti (200 BC - 200 AD) foundation of Hindu law explains the biological origins of the three sexes: “A male child is produced by a greater quantity of male seed, a female child by the prevalence of the female; if both are equal, a third-sex child or boy and girl twins are

produced; if either are weak or deficient in quantity, a failure of conception results”.<sup>36</sup> Patanjali an Indian linguist work on Sanskrit grammar, the Mahabhaya (200 BC), states that Sanskrit's three grammatical genders are derived from three natural genders. The earliest Tamil grammar, the Tolkappiyam (3rd century BC) also refers to hermaphrodites as a third “neuter” gender (in addition to a feminine category of unmasculine males)<sup>37</sup>. The Puranas, also gave a references to three kinds of devas of music and dance namely Apsaras (female), gandharvas (male) and kinnars (neuter).

There is also a mythological story where Lord Rama, in the epic Ramayana, was leaving in the forest upon being banished from the kingdom for 14 years ask all the men and women to return to the city. Among his followers, the Hijras alone did feel bound by this direction and decide to stay with him. Impressed with their loyalty, Rama sanctioned them the power to confer blessings on people on auspicious occasions like child birth and marriage, and also at inaugural functions which, it was supposed to set the stage for the custom of badhai in which hijras sing, dance and confer blessings. Also Aravana the son of Arjuna and Nagakanya in Mahabharata, offer to be sacrificed to Goddess Kali to ensure the victory of the Pandavas in the Kurukshetra war, the only condition that he made was to spend the last night of his life in marriage. Since no woman was willing to marry one who was doomed to be killed, Krishna assumes the form

of a beautiful woman called Mohini and married him. The Hijras of Tamil Nadu considered Aravan their progenitor and call themselves Aravanis.<sup>38</sup>

### **Colonial Legal Imprint**

In 1861, Section 377 of the Indian Penal Code, which forbade “carnal intercourse against the order of nature,” officially criminalized consensual same-sex relationships in India during the British colonial era. This clause reflected Victorian moral norms that were strongly impacted by Christian theological perspectives on sexuality and was based on British anti-sodomy legislation. Specifically, colonial legal systems were influenced by religious beliefs that emphasized procreative sex as morally acceptable, which resulted in the stigmatization and punishment of non-procreative sexual behaviours, such as gay behaviour. Consequently, Section 377 helped to marginalize LGBTQ+ populations in India for a long time by enshrining moral and religious standards in colonial legislation<sup>39</sup>.

### **Post-Independence Era**

Section 377 of the Indian Penal Code, which continued to criminalize consenting same-sex relationships, was one of the colonial legal structures that India mostly kept after gaining independence in 1947. As a result, Sexual minorities continued to be socially and legally marginalized. LGBTQ+ people have been

excluded from public life for a long time because political parties and public discussions have rarely addressed problems pertaining to sexual orientation and gender identity. Members of the LGBTQ+ community endured persistent institutional neglect, societal stigma, and discrimination during this time. Members of the LGBTQ+ community endured persistent institutional neglect, societal stigma, and discrimination during this time. Fears of harassment, arrest, and unfavourable social reactions prevented many people from publicly expressing who they were. Homosexuality was often viewed as immoral and socially unacceptable, even though multiple sexualities were long present and culturally recognized in pre-colonial traditions. Furthermore, authorities frequently disregarded, underreported, and failed to appropriately address acts of violence and abuse against LGBTQ+ people due to the absence of protection laws and anti-discrimination regulations.

The World of Homosexuals (book by Shakuntala devi), which advocated for “full and complete acceptance” as opposed to merely tolerance or sympathy for sexual minorities, helped raise awareness of LGBTQ+ movement in India in the early 1990s. Gender diverse communities also became more collectively mobilized during this time. Nearly 50,000 people from all over the nation allegedly attended the first All-India Hijra Conference in Agra in 1994, demonstrating the Hijra community's rising political

consciousness.<sup>40</sup> A major turning point was reached in 1994 when Hijras were officially acknowledged as voters under the designation of the “third gender,” which allowed them to participate in politics and gain legal recognition (NALSA vs Union of India). The Court ordered governments to guarantee access to healthcare, work, and education while upholding their right to self-identification. Since then, transgender people have been a powerful and significant part of the larger LGBTQ+ movement, fighting for social inclusion, equality, and dignity. They are now officially acknowledged in India's legal and political debate as an essential component of the LGBTQ+ community.

## Conclusion

The history of LGBTQ+ identities around the world shows that same-sex relationships and gender variety are not new or alien occurrences; rather, they have been a part of many societies since antiquity. Diverse gender roles and non-heteronormative partnerships were acknowledged within religious, social, and cultural frameworks by early civilizations, such as those in Mesopotamia, Greece, Rome, and Indigenous societies in North America. These customs demonstrate how gender and sexuality were once viewed as fluid rather than completely binary in many countries. However, these inclusive traditions were suppressed and discrimination was institutionalized as a result of the expansion of colonial control and strict moral

systems. Pre-colonial customs in India demonstrated a complex and comparatively tolerant view of gender diversity and sexuality. British colonial legislation, especially Section 377 of the Indian Penal Code, which made same-sex relationships illegal and altered social perceptions, broke this cultural continuity. Following independence, these prohibitions were kept in place, which left LGBTQ+ populations marginalized, socially silent, and legally vulnerable for an extended period of time.

Modern LGBTQ+ groups have emerged globally as a result of scientific discovery and early activism that questioned moralistic conceptions of sexuality starting in the late nineteenth century. The 1990s saw a surge in organized activity in India, which resulted in important social and legislative changes. Significant advancements in equality and dignity were marked by historic court decisions, such as the 2014 recognition of transgender people and the 2018 decriminalization of homosexuality.

LGBTQ+ people in India and around the world still experience stigma, discrimination, and little legal protection in spite of recent advancements. As a result of social movements, constitutional values, and human rights principles, LGBT rights have gradually evolved from criminalization to partial acknowledgement. In the end, the contemporary LGBTQ+ movement is a resuscitation and continuation of ancient human experiences. In order to provide justice,

dignity, and equal chances for everyone, both domestically and globally, comprehensive legislation, inclusive policies, and persistent attempts to change social attitudes are necessary to achieve full equality.

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