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RRT RESEARCH RESPONSE

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Questions

1. Please provide updated information on the situation for gay men in Gujarat.

RESPONSE

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Previous relevant research

Previous RRT *Research Response IND35367*, of 31 August 2009, provides information about the 2 July 2009 decision by the High Court of Delhi regarding homosexual activity (RRT Research & Information 2009, *Research Response IND35367*, 31 August – Attachment 1).

In August 2009 the Bangalore-based Alternative Law Forum published a detailed analysis of the High Court of Delhi decision, including the background to the case and a selection of responses to the decision; this report is provided in its entirety as Attachment 22 (Narain, A. & Eldridge, N. (eds) 2009, *The Right that Dares to Speak its Name: Naz Foundation vs. Union of India and Others – Decriminalising Sexual Orientation and Gender Identity in India*, Alternative Law Forum, Bangalore website, August <http://www.altlawforum.org/news/gender-and-sexuality/the-377-campaign/The%20right%20that%20Dares%20to%20Speak%20its%20Name.pdf> – Accessed 15 October 2009 – Attachment 22).

Research Response IND34604, of 6 April 2009, provides the most recent update on the situation for minority sexualities in Bangalore, Mumbai and New Delhi, as well as background information on the range of identities through which men who have sex with men are perceived or represented in India. This response also provides information on the manner in which factors such as class and caste, level of education, level of income and urban or rural

location affect the situation for minority sexualities (RRT Research & Information 2009, *Research Response IND34604*, 6 April – Attachment 2).

Questions 1 and 2 of *Research Response IND30144*, of 22 May 2006, provide useful background information on the legal and social situation for homosexuals in India (RRT Country Research 2006, *Research Response IND30144*, 22 May – Attachment 3).

Introduction

Information on this response is divided into three sections, addressing respectively: reports on the [LGBT community in Gujarat](#); reports on [Manvendra Singh Gohil](#), the high-profile ‘gay Prince’ of Gujarat; and an update on the [High Court of Delhi decision](#) and the situation for the [LGBT community in India](#).

Reports on the LGBT community in Gujarat

Comprehensive reports on the situation for members of the lesbian, gay, bisexual and transgender communities in Gujarat could not be located, and it is recommended that the Member refer to the abovementioned previous Research Responses for analysis of the reportedly marginalised and stigmatised nature of these communities throughout India. The media articles referring to Gujarat located for this response do not report that the LGBT community of Gujarat differs from other states of India in this regard. Nonetheless, Gujarat does have an active grassroots gay advocacy NGO, the Lakshya Trust, and possibly the most high-profile publicly gay man in India, Lakshya Trust chairman Prince Manvendra Singh Gohil of Rajpipla (for more information, see the separate section [below](#)). Several reports from *The Times of India* present a positive slant on the situation for the gay community in Gujarat: a July 2009 article reports the work and influence of the Lakshya Trust; an article from June 2008 notes that Manvendra Singh Gohil plans to build a retirement home for gay men in Gujarat; a November 2006 article reports claims of increasing homosexual activity, and that homosexuality “is becoming more acceptable”, among students at Gujarat University; a May 2006 report on an NGO working with the wives of married gay and bisexual men; and an August 2004 article which reports on the Lakshya Trust’s encouragement of gay marriage, which is not recognised by the law, as a strategy to prevent the transmission of HIV through the community (see: Sharma, S. 2009, ‘Gay movement no longer limited to metros, big cities’, *The Times of India*, 16 July <http://timesofindia.indiatimes.com/news/city/vadodara/Gay-movement-no-longer-limited-to-metros-big-cities/articleshow/4786788.cms> – Accessed 15 October 2009 – Attachment 4; Doctor, V. 2008, ‘Old and helpless in Hetro India’, *The Times of India*, 22 June http://epaper.timesofindia.com/Repository/getFiles.asp?Style=OliveXLib:LowLevelEntityToPrintGifMSIE_TOI&Type=text/html&Locale=english-skin-custom&Path=TOIM/2008/06/22&ChunkNum=0&ID=Ar01601 – Accessed 16 October 2009 – Attachment 6; Sharma, R. & Dhattiwala, R. 2006, ‘Gujarat campus takes a “gay” turn’, *The Times of India*, 12 November <http://timesofindia.indiatimes.com/news/india/Gujarat-campus-takes-a-gay-turn/articleshow/411528.cms> – Accessed 15 October 2009 – Attachment 12; ‘Wives of gay men learn to cope with life’ 2006, *The Times of India*, 10 May <http://timesofindia.indiatimes.com/news/city/ahmedabad/Wives-of-gay-men-learn-to-cope-with-life/articleshow/1524674.cms> – Accessed 15 October 2009 – Attachment 13; and: Nandakumar, P. 2004, ‘Gay marriages groom anti-Aids battle’, *The Times of India*, 28 August <http://www1.timesofindia.indiatimes.com/articleshow/830976.cms> – Accessed 15 October 2009 – Attachment 14).

Nonetheless, a July 2008 article in *The Times of India* claims that “gay activity” is increasing in the district of Mehsana as a result of demographic skewing caused by female foeticide, and

that Mehsana now “ranks second of Gujarat districts in terms of HIV prevalence after the district of Surat”. Two April 2008 articles from *NDTV* address the marginalised and stigmatised nature of the lesbian, bisexual and transgender communities of Gujarat; the reports assess the work of grassroots advocacy organisations such as Parma, a lesbian support group that reportedly must work undercover because “in rural India, coming out means violence, brutality and even death”. A May 2006 article from *India eNews* reports on a protest against India’s laws against homosexuality, while a February 2006 article from *The Times of India* reports claims of a “concentrated epidemic” of HIV among the gay community in the district of Surat, in Gujarat. The abovementioned August 2004 report on gay marriage, while generally positive, nonetheless reports the experiences of one gay couple, one of whom claims that he endured “[t]aunts from parents, denial of one’s own sexuality and emotional turmoil”, while the other “does not want to reveal his sexuality to his parents”. A December 2001 article in *The Times of India* on the launch of an eponymous magazine by Lakshya notes the existence of an underground gay “scene” in the large cities of Gujarat, particularly Vadodara, but nonetheless states that “the stigmas, dilemmas and opposition (at least in the middle and lower sections of society), faced by homosexuals, is [sic] immense” (see: Jain, A. 2008, ‘Sans females, men go gay in Mehsana’, *The Times of India*, 15 July

http://timesofindia.indiatimes.com/Ahmedabad/Sans_females_men_go_gay_in_Mehsana/articleshow/3234150.cms – Accessed 15 October 2009 – Attachment 5; Venkatraman, S. 2008, ‘NGO reaches out to lesbian women in Gujarat’ 2008, *NDTV*, 28 April

<http://www.ndtv.com/convergence/ndtv/story.aspx?id=newen20080048215> – Accessed 15 October 2009 – Attachment 8; Venkatraman, S. 2008, ‘Lesbians forced to live in anonymity in India’, *NDTV*, 29 April

<http://www.ndtv.com/convergence/ndtv/story.aspx?id=NEWEN20080048221> – Accessed 15 October 2009 – Attachment 9; ‘Gujarat gays protest law against them’ 2006, *India eNews*, 19 May <http://www.indiaenews.com/india/20060519/8484.htm> – Accessed 15 October 2009 – Attachment 10; Nandakumar, P. 2006, ‘Surat tops again, this time in HIV’, *The Times of India*, 15 February <http://timesofindia.indiatimes.com/articleshow/1416648.cms> – Accessed 15 October 2009 – Attachment 11; Nandakumar, P. 2004, ‘Gay marriages groom anti-Aids battle’, *The Times of India*, 28 August

<http://www1.timesofindia.indiatimes.com/articleshow/830976.cms> – Accessed 15 October 2009 – Attachment 14; and: Menon, L. 2001, ‘I am proud, I am gay’, *The Times of India*, 10 December <http://timesofindia.indiatimes.com/articleshow/1249531931.cms> – Accessed 15 October 2009 – Attachment 15).

Extended extracts from the sources informing this introduction follow below, in reverse chronological order

A 16 July 2009 article from *The Times of India* notes the rise of grassroots gay advocacy organisations in several states of India, and claims that the Gujarat-based Lakshya Trust has been influential in this regard:

If you thought that the gay movement was limited to metros and big cities, you might be in for a surprise... Within Gujarat, organisations have come up in Rajkot and Bhavnagar, besides Vadodara and Surat.

At the heart of this development is the fact that more and more gay men are willing to come out with their status and are also keen to work on HIV/AIDS issues. In fact, many governments have also started recognising the need to work with the community for HIV/AIDS prevention.

Vadodara-based Lakshya Trust, the first organisation working with the men having sex with men (MSM) community in the state, has itself encouraged gay and bisexual men to form organisations in J&K, Maharashtra, Chhattisgarh and West Bengal. “Many of the persons we helped forming groups came in contact with us during our visits for HIV/AIDS awareness programmes or events in that direction,” said Sylvester Merchant of Lakshya (Sharma, S. 2009, ‘Gay movement no longer limited to metros, big cities’, *The Times of India*, 16 July <http://timesofindia.indiatimes.com/news/city/vadodara/Gay-movement-no-longer-limited-to-metros-big-cities/articleshow/4786788.cms> – Accessed 15 October 2009 – Attachment 4).

On 15 July 2008, *The Times of India* claimed that the “skewed sex ratio” of 801 women to 1000 men in the Mehsana district of Gujarat, due to alleged “rampant foeticide” of girls, was the cause of a “marked increase in gay activity” in the district. The report claims that as a result of the shortage of eligible women for marriage, “many affluent Mehsana men in their 30s are now wining and dining gays from Ahmedabad”, and quotes a gay man from Ahmedabad who claims that: “Most of them prefer men over women as taking female sex workers to guest houses is risky”. The report also notes that Mehsana ranks second of Gujarat districts in terms of HIV prevalence after the district of Surat (Jain, A. 2008, ‘Sans females, men go gay in Mehsana’, *The Times of India*, 15 July http://timesofindia.indiatimes.com/Ahmedabad/Sans_females_men_go_gay_in_Mehsana/articleshow/3234150.cms – Accessed 15 October 2009 – Attachment 5).

A June 2008 article from *The Times of India* reports plans to build a retirement home for gay men in Gujarat, led by “Prince Manvendra Singh Gohil of Rajpipla”, the founder of the abovementioned Lakshya Trust and arguably the most high-profile openly gay man in India. A report sourced from the One India website states that the home will be built at Rajpipla in south-eastern Gujarat, and that it “will have a state-of-the-art hospital and other facilities” (Doctor, V. 2008, ‘Old and helpless in Hetro India’, *The Times of India*, 22 June http://epaper.timesofindia.com/Repository/getFiles.asp?Style=OliveXLib:LowLevelEntityToPrintGifMSIE_TOI&Type=text/html&Locale=english-skin-custom&Path=TOIM/2008/06/22&ChunkNum=0&ID=Ar01601 – Accessed 16 October 2009 – Attachment 6; ‘Rajpipla Prince To Build Old Age Home For Gays’ (undated), One India website <http://living.oneindia.in/insync/2008/prince-manvendrasinh-gay-old-age-home-210608.html> – Accessed 16 October 2009 – Attachment 7).

An April 2008 report from *NDTV* notes the work of Parma, an unofficial lesbian support group in Gujarat, work that must be carried out “undercover as part of a larger NGO working on developmental issues”. According to this report: meetings of the group “are held in secret inside a building in a town in Gujarat”; “their existence is known only to group members who are spread across villages and towns”; and: “In official records Parma does not even exist”. The article also quotes a Parma member who states that this is because “[t]here is such stigma around this kind of love”:

As one travels from urban to rural India, the voices change. They become wary, muted and afraid.

But that’s not without reason. In a town in Gujarat, a group whose identity is virtually a secret, reaches out to each other only through undercover meetings.

Parma is a group that works with the sexually marginalised in Gujarat.

Parma was formed in 2004 in an attempt to reach out to lesbian women in rural Gujarat in adivasi villages and Muslim communities.

The idea was to create a safe space where women could meet.

...Creating a safe space in a state, severely polarised after the 2002 riots is not just difficult but dangerous.

So, Parma works undercover as part of a larger NGO working on developmental issues. Their meetings are held in secret inside a building in a town in Gujarat.

Even their existence is known only to group members who are spread across villages and towns.

In official records Parma does not even exist.

“We work under great pressure. There is such stigma around this kind of love. And since the riots the divide between Hindus and Muslims has widened and we have to find ways to reach out to women within that situation,” said a member of Parma.

“There is no support for such relationships so we do face great pressure. But through the group we are able to support and help each other,” added the Parma member (Venkatraman, S. 2008, ‘NGO reaches out to lesbian women in Gujarat’ 2008, *NDTV*, 28 April <http://www.ndtv.com/convergence/ndtv/story.aspx?id=newen20080048215> – Accessed 15 October 2009 – Attachment 8).

An article from the same source and author, also from April 2008, reports the experiences of ‘Mala’, “a female to male transgender” from Gujarat, and claims that lesbian and “transgenders” “encounter anger, pain and shame even in big cities where there is greater access to anonymity and private spaces”. The report also claims that “in rural India, coming out means violence, brutality and even death”:

In the anonymity of our cities, they still find spaces to blend in. But in rural India, coming out means violence, brutality and even death.

Travelling from Gujarat to Karnataka NDTV heard stories of transgenders, bisexuals and lesbians – some visible, most invisible.

...To openly choose alternate sexuality often means exposing one’s vulnerability to the world.

But it’s a risk Mala, a female to male transgender, who lives in a town in south east Gujarat, chose to take. Orphaned when she was eleven years old, Mala was raised by her grandmother.

She always felt attracted to women but kept it a secret because she knew her family would not accept it.

But when she turned sixteen, she found a job and became financially independent. It was time her to come out to the world.

“I wanted to be independent, a woman who could do whatever she wanted and experience the freedom my grandmother had never allowed me. I wanted to express the man inside of me,” said Mala, auto workshop supervisor.

Today, Mala is 22 and works as a supervisor in a two-wheeler workshop. At home, her grandmother constantly pressurises her to dress like a girl and get married. And at the workplace she has had to face worse.

“A customer came to the workshop. He thought I was a boy. My co-worker told him. “Don’t you know, it’s a girl you are talking to”. And the customer said, “Is that so? I must check her now”. I was shocked, speechless. But I could say nothing because he was a customer,” said Mala, auto workshop supervisor.

They encounter anger, pain and shame even in big cities where there is greater access to anonymity and private spaces (Ventakraman, S. 2008, ‘Lesbians forced to live in anonymity in India’, *NDTV*, 29 April <http://www.ndtv.com/convergence/ndtv/story.aspx?id=NEWEN20080048221> – Accessed 15 October 2009 – Attachment 9).

In May 2006, *India eNews* reported on a protest held by gay activists in Ahmedabad against Section 377 of the Indian Penal Code, the section that makes gay sex a criminal act and the subject of the recent Delhi High Court decision. The protest involved the abovementioned Manvendra Singh Gohil and other representatives from the Lakshya Trust (‘Gujarat gays protest law against them’ 2006, *India eNews*, 19 May <http://www.indiaenews.com/india/20060519/8484.htm> – Accessed 15 October 2009 – Attachment 10).

A February 2006 report from *The Times of India* notes that the district of Surat in Gujarat has the highest rate of HIV incidence in the state “among female sex workers (FSW) and gay men (MSM) according to a recent sentinel surveillance of HIV and sexually transmitted diseases (STD) carried out by six NGO partners and Gujarat State Aids Control Society (GSACS)”. The report also states that “GSACS calls it a ‘concentrated epidemic’ as even five per cent HIV prevalence is considered epidemic. The prevalence rate in the general population (low risk groups) has remained static at three per cent” (Nandakumar, P. 2006, ‘Surat tops again, this time in HIV’, *The Times of India*, 15 February <http://timesofindia.indiatimes.com/articleshow/1416648.cms> – Accessed 15 October 2009 – Attachment 11).

A November 2006 article from *The Times of India* claims that, among young men living at Gujarat University: “Playing homosexual games, ragging along gay lines and even chance homosexual encounters by otherwise straight boys and girls have become commonplace in hostels as homosexuality is fast ceasing to be a dirty word”.

Ask boys in the Gujarat University hostel and they tell you how one of the most popular party games for guys is one where they compare and feel body parts.

A student of NHL Medical College narrates how he gets patted by senior students all the time. “I like pursuing girls but have to deal with guys hitting on me all the time. A resident doctor once tried to get up close inside the operation theatre. It’s getting part of hostel life now,” he says.

A recent study by BJ Medical College students titled ‘Profiling sexual attitude and practices of youth’ conducted on 200 students in premier colleges like National Institute of Design (NID), LD Engineering College, among others, revealed that 7% conceded they were bisexuals.

Of the respondents, 38% boys and 44% girls said homosexuality was normal. Around 50% conceded their behaviour would not change if they came to know a person was homosexual. Significantly, 75% said homosexuality should be included in formal sexual education.

...“Homosexuality has become more acceptable,” agrees Vinay Tomar, Ahmedabad city president, National Students’ Union of India.

“The youth are basically getting more experimental. Most of the homosexual encounters in the young have roots in experiments and not in pathological homosexuality,” says psychiatrist Hansal Bhachech (Sharma, R. & Dhattiwala, R. 2006, ‘Gujarat campus takes a ‘gay’ turn’, *The Times of India*, 12 November <http://timesofindia.indiatimes.com/news/india/Gujarat-campus-takes-a-gay-turn/articleshow/411528.cms> – Accessed 15 October 2009 – Attachment 12).

In May 2006, *The Times of India* reported that “gay activists in Gujarat have now started sensitising women towards understanding their gay husbands”:

“We get at least four cases a month where gays or bisexuals walk in. Most of them are confused regarding their sexual orientation, are married, have kids and at the same time have problems leading a healthy sexual life. Our first effort is to make gay men aware of their orientation, then approach the wife and understand her needs and the problems she faces while engaging in a physical relationship with her husband and in the final parameter, we sensitise immediate family members of the gay partner and that of the woman,” says counsellor working with Gujarat State Aids Control Society (GSACS) Apurva Pandya.

“Generally women who realise that their husbands are gay or bisexual, their first reaction includes shame, guilt, and responsibility. Our role at the trust is to counsel women and tell them that they are in no way responsible for one’s husband’s homosexuality, as it is not a choice for the husband. In most cases, parents marry off gays hoping that his sexual preferences would change, but it can’t,” says gay activist Manav Gohil.

Counsellors say that women who have been sensitised recently do not mind their husbands going around with another man. In fact, activists have noticed that these women can tolerate their husbands’ homosexual relations, but can’t cope with the idea of them seeing other women.

“We have been repeatedly advising men with alternative sexuality against marriages as their wives end up paying a heavy price,” says another activist Sylvester Merchant (‘Wives of gay men learn to cope with life’ 2006, *The Times of India*, 10 May <http://timesofindia.indiatimes.com/news/city/ahmedabad/Wives-of-gay-men-learn-to-cope-with-life/articleshow/1524674.cms> – Accessed 15 October 2009 – Attachment 13).

Another report from *The Times of India*, from August 2004, quotes “Lakshya Trust project officer Sylvester Merchant” who states that gay marriages in Gujarat “will promote single-partner sex, which will help the HIV prevention campaign”. Nonetheless, the report also notes that “such marriages don’t have legal sanction”, and reports the experiences of one gay couple, one of whom claims that he endured “[t]aunts from parents, denial of one’s own sexuality and emotional turmoil”, while the other “does not want to reveal his sexuality to his parents” (Nandakumar, P. 2004, ‘Gay marriages groom anti-Aids battle’, *The Times of India*, 28 August <http://www1.timesofindia.indiatimes.com/articleshow/830976.cms> – Accessed 15 October 2009 – Attachment 14).

A December 2001 article from *The Times of India* reports on the launch of ‘Lakshya’ magazine, published for the gay community by the Lakshya Trust (no further reports on this publication could be located):

Call it a movement or even a revolution, Lakshya is being seen by the gay community as a small step in the long battle against prejudice, stigma and insecurities that have always plagued them.

Spearheading the movement is Sylvester Merchant, a 22-year old activist from Rajpipla, now settled in Vadodara. The brain behind Lakshya – the organisation and the magazine – is remarkably unassuming, but has provided inspiration to hundreds of gays across the state to come out in the open.

The obstacles are aplenty, though Vadodara, with its supposedly liberal and ‘gay-friendly’ attitude provides a perfect platform for the community, to take such a bold step. According to sources, the gay sub-culture is most active in Vadodara, more than any other city in Gujarat. Apart from meeting, socialising and sex activities (there are reportedly 28 cruising sites in the city), it has a ‘happening’ party scene too. All of course, under wraps and cloaked in mystery.

Even so, the stigmas, dilemmas and opposition (at least in the middle and lower sections of society), faced by homosexuals, is immense.

...Though it will be distributed only within the community, merchant says a change in attitude is slowly creeping in. ‘Gays in the city are still an insecure lot, but now a few of them are willing to open up’ and the change, though understated, can be seen (Menon, L. 2001, ‘I am proud, I am gay’, *The Times of India*, 10 December <http://timesofindia.indiatimes.com/articleshow/1249531931.cms> – Accessed 15 October 2009 – Attachment 15).

The Lakshya Trust does not appear to maintain a website, but information sourced from the Indian INFOSEM website states that it has offices in Baroda, Surat and Rajkot (‘Lakshya Trust’ (undated), INFOSEM website <http://www.infosem.org/lakshya.htm> – Accessed 16 October 2009 – Attachment 16).

Manvendra Singh Gohil

A June 2006 article from the *Indian Express* provides background information on the abovementioned Manvendrasinh Gohil, “scion of the former royal family of Rajpipla”, who was “dispossessed” and disowned by his family when he came out to the public in 2006. In this report, Gohil claims that “[t]he homosexual movement in Gujarat is gaining momentum, particularly in Vadodara, Rajkot and Surat”:

Four years ago, when 40-year-old Manvendrasinh Gohil, scion of the former royal family of Rajpipla, near Vadodara, came out to his parents, he anticipated trouble.

“I knew that they would never accept me for who I truly am, but I also knew that I could no longer live a lie. I wanted to come out because I had gotten involved with activism and I felt it was no longer right to live in the closet,” says the Rajput prince.

Earlier this year, he took the plunge, coming out to the public. “I came out as gay to a Gujarati daily because I wanted people to openly discuss homosexuality since it’s a hidden affair with a lot of stigma attached,” says Gohil, who is chairperson of Lakshya Trust, a Vadodara-based NGO working to check the spread of HIV/AIDS among the gay community in Gujarat.

His family would have none of it, though. It wasn’t long before the prince was dispossessed – two days ago, two different notices in a leading vernacular daily in Vadodara put an end to his claim to the family property.

...His work includes liaising with Humsafar Trust, Mumbai, and Lakshya which is documenting and counselling MSM (men who have sex with men) and sensitises society on the gay community.

“The homosexual movement in Gujarat is gaining momentum, particularly in Vadodara, Rajkot and Surat. Five years ago, gays weren’t ready to come out. Now, they are talking and debating about it,” says Gohil (Maddox, G. & Ahmed, S. 2006, ‘Out of closet, Rajpipla royals turn back on gay prince’, *Indian Express*, 25 June <http://www.indianexpress.com/story-print/7235/> – Accessed 16 October 2009 – Attachment 17).

On 3 June 2009, the American *ABC News* reported on the life and work of Gohil, and on the work of the Lakshya Trust. The article also provides general information on Indian attitudes to homosexuality, which it characterises as “a combination of homophobia and ignorance”, and quotes a counsellor from Lakshya who claims that a “lack of education about homosexuality and a national obsession with marriage” underlie Indian attitudes to homosexuality:

If it’s not obvious, the Prince is a gay man, which makes life rather complicated in a country where being gay is illegal. Article 377 criminalises the act of homosexuality between men.

India’s attitude toward homosexuality is a combination of homophobia and ignorance. Sometimes, homosexuality is flat-out ignored. Walk past any black-and-yellow taxi at midnight, and you’re just as likely to see two men spooning in the front seat as a flashing-neon Ganesha on the dashboard.

India’s attitude toward sex, in general, seems hypocritical. After all, it’s the birthplace of the Kama Sutra, and some of its famed temples offer graphic murals and sculptures depicting sex, including same-sex sex behaviour. It’s a country where men can walk down the street, holding hands, arms wrapped around each other, but young men and women must cower in parks to sneak a kiss away from their families.

...India doesn’t make it easy for gay men. Ashok Row Kavi, considered India’s first openly gay man, explains that India doesn’t even have a translation for the term “gay.”

“‘Gay’ is a Western word,” said Kavi, 62. So what do you call it?

“We don’t,” he said. “There’s no word here.”

The closest term is “masti,” which means “mischief.” So when two men have sex, it’s nothing more than “mischief.”

...“Being a gay in India is very, very, very difficult,” said Siddhi Pandya, a counsellor at Lakshya.

Pandya attributed most of the problems to lack of education about homosexuality and a national obsession with marriage.

“They have constant marriage pressures if the guy is of the age 22 or 24,” she said. “They do not have a very strong reason to say why they don’t want to get married. They stay in constant anxiety, depression.”

Much of Pandya’s work is to offer support and guidance through their often tempestuous relationships with other men. On occasion, she has the opportunity to educate families of the gay men who come to the centre. Slowly, she is making a change (Russo, K. 2009, ‘Young, Royal & Gay: the Life of an Indian Prince’, *ABC News*, 3 June

<http://abcnews.go.com/International/Travel/story?id=7362042> – Accessed 16 October 2009 – Attachment 18).

An August 2008 article from *The Times of India* reports that Gohil was a guest at the EuroPride festival in Sweden, and that “the Swedish government and NGOs” has committed to providing “support to him for his movement to take up issues of gays in India”. In this report, Gohil claims that this work will focus “on mental health conditions of gay men in India since most of them are either disowned by their family or are forced to marry out of their wish”:

Under one of the tie-ups, HIV Sweden – an umbrella group formed by HIV positive people in Sweden – will come to India to document Lakshya’s body of work for gay men in Gujarat state. Even Swedish International Development Agency, formed by government of Sweden, has agreed to render financial and technical support to Gohil for his projects.

Many ministers and parliamentarians in Sweden have agreed to initiate talks with Indian ministers in order to make LGBT an acceptable community in India. Another agency, Noah Ark, has agreed to train people, especially counsellors working with LGBT community in India.

... ‘We would be concentrating on mental health conditions of gay men in India since most of them are either disowned by their family or are forced to marry out of their wish. I too was disowned by my family but was later accepted when I did not give in to their pressure,’ added Gohil.

He also gave due credit to Gujarat in his inaugural speech and highly publicised the State for helping him carry on his body of work peacefully (Chaturvedi, D. 2008, ‘Gay prince returns from EuroPride with goodies’, *The Times of India*, 7 August <http://timesofindia.indiatimes.com/news/city/ahmedabad/Gay-prince-returns-from-EuroPride-with-goodies/articleshow/3335429.cms> – Accessed 16 October 2009 – Attachment 19).

A 4 July 2009 article from *The Times of India* quotes Manvendra’s comments on the progress made by the LGBT movement in India in recent years:

“When I decided to come out of the closet, it was a conscious move. I wanted debates, discussions and empowerment. I knew it was a taboo topic but look at us now! I mean, now the Gay Pride Parade takes place in Mumbai, Bangalore, Chennai and Bhubaneswar apart from where it originally started, that is, Kolkata and Delhi. There has also been the ‘mainstreaming’ of gay and lesbian issues – in terms of representation in cinema, theatre and media. And finally we have been successful,” he says.

“I see change all around me. At the Gay Parade in Delhi, I found it encouraging to see people take off their masks, to witness parents taking part in the rally because they cared for their children and were proud of them.

This is the shift I wanted to experience. In fact, in a research-survey, we found out that almost 85 per cent of gay men are married because they feel pressurised to do so. This puts the women that they marry, at great risk. That is why acceptance by parents is very important,” explains Manvendra (Shah, P. 2009, ‘Gay prince has no time for love!’, *The Times of India*, 4 July <http://timesofindia.indiatimes.com/life-style/Gay-prince-has-no-time-for-love/articleshow/4733498.cms> – Accessed 16 October 2009 – Attachment 20).

Update on the High Court of Delhi decision, the situation for the LGBT community in India

On 17 September 2009 the *Indo-Asian News Service* reported that: “Gay activists and lawyers Thursday welcomed the government’s decision to leave it to the Supreme Court to arrive at a view on decriminalising homosexuality among consenting adults”. According to this report, the Indian government put forward no position of its own on the Delhi High Court judgement. The report quotes “Information and Broadcasting Minister Ambika Soni”, who reportedly “announced that the ‘cabinet considered the report of the group of ministers and decided to ask the attorney general to assist the Supreme Court in every way desired in arriving at an opinion on the Delhi high court judgement’”:

‘I feel that the government is not interfering. This is a good stand. It is not negative because it implies they don’t oppose the high court recommendation,’ Ashok Row Kavi, a gay rights activist, told IANS.

Kavi stressed that the government had to consider views of both the majority and minority and its ‘decision is not going against the gay minority.’

‘It is a matter of constitutional morality. This will let us fight it out in court,’ he said.

The UNAIDS also welcomed the government’s stance.

‘Today the union Cabinet took a small but extremely important step in the fight against HIV and AIDS by upholding the rights of men to have sex with other men through not contesting the historic Delhi High Court ruling on 377,’ said a statement issued by Charles Gilks, UNAIDS Country Coordinator, India.

Agrees Lesley A. Esteves, journalist and gay rights activist.

‘I feel the government has studied and recognised that the Delhi high court judgment is a solid judgment and as per the Constitution. Hence, it is a broad and liberal stand,’ he added.

On Thursday, Information and Broadcasting Minister Ambika Soni announced that the ‘cabinet considered the report of the group of ministers and decided to ask the attorney general to assist the Supreme Court in every way desired in arriving at an opinion on the Delhi high court judgement.’

The announcement came after a meeting of the union cabinet chaired by Prime Minister Manomohan Singh (‘Activists welcome government’s stance on gay sex’ 2009, *Trak.in News*, (source: *Indo-Asian News Service*), 17 September <http://trak.in/news/activists-welcome-governments-stance-on-gay-sex/5542/> – Accessed 16 October 2009 – Attachment 21).

A 6 July 2009 report from *Forbes* magazine also analyses the impact of the High Court of Delhi decision, and provides background information on the position of the LGBT community in India, claiming that: “Most gays in India remain in the closet for cultural and social reasons, irrespective of the law; many still feel that the Delhi court’s ruling will not really impact their day-to-day lives as long as social stigmas remain”:

Over the 149 years of its existence, the infamous (if rarely enforced) Section 377 of the Indian Penal Code has remained a psychological threat to India’s sexual minorities. It has resulted in countless instances of misery and harassment, and spawned a thriving blackmail industry.

The psychology of fear that the law begat, by its mere existence, has been lifted with the court’s ruling that it is unconstitutional. In that alone, a great wrong has been righted. For the

millions of gays, lesbians and other sexual minorities in India – and with the country’s population of 1.3 billion, we are talking many, many millions – to be able to hold their head high and be who they are, equal before the law, is both a huge psychological boost and an affirmation of their human dignity.

For urban, middle-class homosexuals, being gay in India is akin to being gay in the U.S. in the 1950s. The condition of homosexuals in small towns and rural India is far worse. Most gays in India remain in the closet for cultural and social reasons, irrespective of the law; many still feel that the Delhi court’s ruling will not really impact their day-to-day lives as long as social stigmas remain.

I don’t know the non-pejorative word for homosexual in Hindi, but “gandu” – the equivalent of bugger – and the word “homo” are routinely used colloquially as put downs and abuse. Many families have “the gay uncle” who “nobody talks about,” a semi-visible personage in the family pantheon.

This “don’t ask, don’t tell” kind of blindness has only further emasculated the image of the gay person by making him invisible. It is not surprising that the law has remained untouched all these years after independence, undisturbed by any political will, cocooned by a culture that turned a blind eye.

...the media storm has brought a number of anti-gay prejudices and beliefs from ordinary people to the fore – revealing the warped images people have of what it means to be gay, fed largely by stereotypical Bollywood portrayals of them as effeminate objects of ridicule.

Coupled with religious orthodoxy, the risk of a prejudiced majority bullying a minority out of its rights runs high when emotions and feelings are aroused from moral outrage. Gay activist groups, which have been at the forefront of the fight for repeal of the law, are being careful not to fall into the trap.

It is critical that they keep the framework of the debate where the court has pegged it--as an issue of fundamental rights--and thereby address our changing consciousness and society.

The real opportunity for the gay community in India now, after a favorable court ruling, is to concertedly address these social stigmas. It must also strive to make itself more visible--not in any stereotypical way, but by presenting itself to the public eye as it is, or rather, as it emerges (Sinai, R. 2009, ‘Gay in India’, *Forbes*, 6 July <http://www.forbes.com/2009/07/06/gay-homosexual-court-decision-opinions-contributors-india.html> – Accessed 16 October 2009 – Attachment 23).

A June 2009 article from the Toronto *Globe and Mail* provides information on the effect of Section 377 of the Indian Penal Code on the LGBT community in India, on the case mounted by the gay advocacy group the Naz Foundation against Section 377, and reports claims of police violence and extortion against gay men:

All the men had been harassed and detained by police who demanded money and, with no trace of irony, also often wanted sex, with the threat of charging and exposing the victim as a homosexual.

The police invoke Section 377 of the Indian Penal Code, the law that criminalizes “carnal intercourse against the order of nature,” including homosexual acts between consenting adults, with a possible sentence of life imprisonment. The law is almost never used for actual prosecutions: Men would have to be caught fully engaged in a sex act to hold up a case. No one has been convicted under 377 in 20 years. But few police officers are interested in actually enforcing the law. They prefer it as a blackmail tool.

...“Although the jails are not full of people arrested by 377, to say it doesn’t have a violent effect in the community is totally false,” said Gautam Bhan, a gay activist in Delhi and co-editor of the anthology *Because I Have A Voice: Queer Politics in India* .

Gay people are afraid to disclose their sexuality to their doctors, the human-rights commission won’t touch issues such as men who lose their jobs, AIDS organisations have been raided for abetting obscenity because they give out condoms to gay men, he said.

“For us as activists, our hands are constantly tied. So to argue that just because this law does not appear in court records and people are not charged is irrelevant ... the law is alive and well in the lives of gay people in India.”

...So sacred is marriage in Indian society that many men who were attracted to men found it far easier in terms of family and social pressure, and often, more acceptable on their own terms, to marry a woman, and produce a couple of obligatory children, but satisfy sexual desires with long-term lovers or men they met in parks.

...Naz was the initial plaintiff, but as the case dragged on, it emboldened the gay and lesbian community, and a new coalition of gay groups and human-rights organizations, called *Voices Against 377*, joined the AIDS organization in the case. That group filed a second petition, specifically asking that the law be changed on the basis of the equal rights of gay, lesbian and transgendered citizens. “It was very important to us politically that we expand the ambit of the case to talk about rights,” said Mr. Bhan, who is part of the group.

The government countered that homosexuality is inherently “against Indian culture” and that the majority of Indians opposed legalisation.

“Unnatural carnal intercourse is abhorrent to civilised society – even if consent is given, that is immaterial,” said Solicitor-General P.P. Malhotra. “Our moral values require one man and one woman, his wife ... law is what society feels to be immoral.”

He also argued that legalising homosexuality would lead to more gay sex and so more transmission of HIV and that the law was necessary to protect men from AIDS.

...While public discussion of any sexuality remains constrained in India, and homosexuality is particularly taboo, it is also true that the past few years have seen a gradual thaw in public attitudes. Bollywood movies have gay characters and even plot lines these days; ever-increasing access to the Internet is giving thousands of once-isolated young people access to chat rooms and dating services. It bears noting that this burgeoning gay movement is an almost entirely urban phenomenon, while three-quarters of Indians live in rural areas. But last year, Delhi, Mumbai and Bangalore held their first ever gay pride parades, with about 900 people marching in each city while a largely supportive crowd looked on.

And yet the social pressure on gay people remains intense. Many Indian gay websites, for example, have sections for people seeking a “marriage of convenience” – gay men and lesbians seeking to marry each other, so their parents can be placated and they can pursue their real romantic lives without harassment. “I am 27-year-old gay Indian female in Mohali in Punjab looking for Gay Indian Guy for marriage of convenience,” writes Preeti S. (As with Rajiv, her last name is being withheld because she has not discussed her sexual orientation with her family.) “I have to do this cuz of my family. I am preferably looking for guy who is settled abroad so that we can lead a more free life and there is less intrusion of relatives and society.”

At the drop-in centre, which is run by Naz, a gorgeous young kothi (a female-identified, cross-dressing gay man) who goes by Katrina – and charms the boys with elaborate

Bollywood dance numbers he performs in spangley outfits, caramel curls flying – described how his mother had twice had him committed to a mental hospital. “That was hell – it was like a graveyard,” he said. “She tells me, ‘Just kill yourself.’ But I’ve never done anything wrong. This is who I am, God just made me that way.”

He, too, has a police brutality story – three police officers stopped him in the road a few months ago, when he was dressed in women’s clothes and heavy makeup. They forced him to strip, he said; when they saw his penis, they beat him nearly unconscious.

Gay and transgendered Indians, especially those who belong to the visible hijira (transgendered) and kothi communities, and femme and proud boys like Rajiv, are particular targets for police brutality carried out in the name of 377. An elite of educated, English-speaking gay men and lesbians moves relatively freely, meeting on the Internet or at dedicated queer nights at upscale bars; their money insulates them from the threat of police harassment (Nolen, S. 2009, ‘Gay community fights for dignity’, *The Globe and Mail*, 18 June <http://www.theglobeandmail.com/news/world/indias-gay-community-fights-for-dignity/article1188209/> – Accessed 16 October 2009 – Attachment 24).

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