CHAPTER-3

MOVEMENTS FOR PROTECTION OF RIGHTS OF
SEXUAL MINORITIES

“The gay and lesbian movement shows why sexual integrity is about more than ‘just sex’-it is about basic human rights”- Well-known author Naomi Wolf.

3.1. Introduction

It was discussed in previous chapter about sexual minority persons and some personality theories for understanding the biological, psychological and behavioural knowledge in various contexts. This understanding provided some approaches in making useful inferences about human sexuality in general and sexual minorities in particular. It was also tried to understand about some issues related to sexual minority without going into detail. During field research, various organisations, NGOs, working groups, useful places and individual activists showed a direction as a useful guide. Hence, it becomes very important to refer these within a separate chapter. Although, the practice and discussion on the issue of homosexuality is found in Indian history but here these organizations are included to understand a movement in Delhi.

According to S. A. Palekar, ‘the various organizations that participate indirectly or directly in policy formation are the legislature, the executive, the judiciary through interpretations and judge-made laws, top administrations, political parties, pressure groups, people, etc.’1. This chapter primarily introduces the historical and contemporary perspective of queer or sexual minority rights’ movement followed by the different types of organizations, NGOs and working groups related to queer or sexual minority rights movement based in Delhi. It includes such organizations and places which were found and visited during the research study.

---

3.2. Queer or Sexual Minority Rights Movement

3.2.1. Historical Perspective

One of the dominant tropes of same sex love in ancient India is through friendship, often leading to a life of celibacy or the forming of some very intimate relationships. In the ancient Hindu epic, Mahabharata, Krishna and Arjuna, frequently referred to as ‘the two Krishnas’ (Vanita and Kidwai, 2000) reflect bonds of friendship which go beyond marriage and procreation. In fact ‘Krishna clearly states that Arjuna is more important to him than wives, children or kinsmen- there can be many spouses and sons but there is only one Arjuna, without whom he cannot live’. The Mahabharata, one of the most important epics in Hinduism has numerous other examples of same sex ‘attachment’ many of which have been discussed by Vanita and Kidwai (2000).

Recent historians have challenged these views and the Indian archive has several visible examples of discourses around queer sexuality and queer identities too. An opportune moment to start talking about Indian sexuality would be Vatsayana’s celebrated text Kamasutra. However Indian historians and queer scholars, Vanita and Kidwai (2000) trace these discourses further back to ancient India. The history of India is quite problematic and complex. It has been the melting pot of several different cultures that have invaded the country and impinged their own cultural specificities on this land. From the earliest Vedic culture up to the colonial era, India has seen a multitude of laws and changing attitudes.

One of the liminalities of sexuality studies of this period is the absence of precolonial laws around queer sexuality. The Hindu religion is complex because of the several types of religious life that existed in ancient India. The Manusmriti (Laws of Manu), one of the earliest treatise on Hindu law prohibits men from practicing ‘ayoni’ (non vaginal) sex. However there has been no evidence found so far of anyone being executed or punished in ancient India for same sex relations Vanita and Kidwai (2000).

‘Homosexuality has an ancient history, extending back to the earliest historical records and including most cultures for which we have information (ABVA 1991;
Hindu festivals and sects which celebrate homosexual acts, the description of sodomy in Kama Sutra, the court customs of Babar, references to women loving women in the Mahabharata and the Ramayana and the description of Tantric initiation rites which evoked the idea of universal bisexuality in human personality are discussed widely. The behaviour has been existent in our cultures for centuries; however, the framework to understand and interpret these experiences as gay and lesbian identities developed only later in white societies [Shah 1993:17].

The ancient depictions are evident to have the sexual minorities’ related activities. This includes the temple in Southern reason known as Konark Temple, the Khazoraho Temples, Ajanta-Alora caves, the Vatsyayan’s Kamasutra. The stories in Mahabharata and Ramayana, etc. The homosexuality was considered as a separate culture and there was no violence against such practice. Even the Lord Ayyapa birth is known after the meeting of Lord Krishna and Lord Shiva.

3.2.2. Contemporary Perspective

After knowing about the historical existence of culture of homosexuality and its practices in history, the historians and academicians tried to explore this concept in history and after examining the existing literature, it was acknowledged that homosexuality as a culture was known and practiced in ancient history. The name of Ruth Vanita and Saleem Kidwai is pioneer in this regard.

‘Sexual practices clearly are a private matter; they become politicised when groups or institutions try to stamp them out. If gays and lesbians’ claimed only the right to perform certain sexual acts, however, they would not have been able to create a movement. Their claim rests on their sexual identity, which is a sufficient basis for a movement. It was since the late 18th century that organised groups developed a systematic theoretical critique of social life and tried to embody that critique in mass political movements designated to overthrow the existing order of economic ownership and political control. Since then, Marxist, socialist, feminist, national

---

liberation, civil rights, dalits, ecological and gay and lesbian movements have been born⁴.

‘Thus gay identity or the condition of being a homosexual is distinct from the phenomenon of same-sex behaviour. The term homosexual, coined in 1869 by K M Kertbeny, a German doctor who opposed German sodomy laws, but not popularised until the 1880s, was adopted by people who wanted to make sense of their own experiences which were not adequately explained by labelling them ‘unnatural’ or ‘immoral’. The Judaeo-Christian values and beliefs held that non-procreative sexual acts were a sin against nature and consequently frowned upon in the culture. This value system shaped the legal binding on sodomy as a criminal offence as seen in the Indian Penal Code (IPC)⁵.

‘Two major seminars have been held in India on the subject – ‘Gender Constructions and History of Alternate Sexualities in South Asia’ in December 1993 in Delhi, which aimed at reviving the alternate historical and mythological traditions and delved deep into diverse issues related to gay men, lesbians and bisexuals (Ashwini in Pravartak, 1994) and a year later, another one on ‘Gay Men’ and Men who Have Sex with Men in Mumbai. This First South Asian Gay Conference, as it is popularly known, in addition to generating discussions on emerging gay identities, dealt with the implications of their behaviour on their sexual health. Earlier in 1992, a seminar on Politics of Sexuality had been held in Delhi. Following the filing of the petition in Delhi High Court to decriminalise sodomy, AIDS Bhedbhav Virodhi Andolan (ABVA) organised a meeting in April 1995 to develop strategies of action (Joseph 1995). In the open session of the International Conference on AIDS: Humanity and Law, the constitutional validity of the Victorian sodomy law existing in India was questioned before an international audience in the context of HIV transmission⁶.

‘Gay themes were visible in the silver screen also. In January 1995, a programme entitled ‘Images on AIDS and Sexualities: A Tribute to Siddhartha Gautam’ was held in Delhi. Four documentary films ‘straight from the Money’, ‘Paris

⁵ Ibid.
Is Burning’, ‘Before Stonewall’ and ‘In the Year of the 13 Moons’ were screened during this event. The International Film Festival in India (IFFI) held in Mumbai in January 1995 screened the movie ‘Strawberry and Chocolate’; the centenary celebration of motion pictures in Delhi screened ‘The Naked Civil Servant’ in July 1995 and the movie ‘Twinkle’ was a part of the Festival of Japanese films in August 1995 in Delhi. These films are based on gay themes. In addition to this, Calcutta and Delhi gay groups organised a series of video shows on gay and lesbian stories, ‘Double the Trouble Twice the Fun’ and ‘Destiny, Desires, Devotion’. The Aarambh group staged a play titled ‘Varun’ in December, 1993, written and enacted by group members. The Indian first feature film on gays, ‘Adhura’ (Hindi) was to be released”\(^7\).

‘The Indian gay and lesbian movement is unique in the sense that much of the visible liberation efforts are made by the activist group ABVA, which does not have an identity as a gay group. While in the western countries, the movement is spearheaded by gays and lesbians themselves. However, it is difficult to comment on the future as we see a growing awakening among the gays and the lesbians in India themselves”\(^8\).

‘Bombay Dost started with an editorial collective of three gay men and three lesbians. There was no imperative or necessity at all for the gay men to work with the women except for a sincere desire towards both gender justice and equity. Bombay Dost was started not just as a platform for gay activism but primarily to confront issues related to unprotected homosexual transmission of HIV/AIDS and STDs”\(^9\). ‘NGOs advocating for ‘sexual minorities’ invoke Constitutional rights to enter mainstream civil society and in turn seek to regulate the participation of lower class ‘target groups’ in this expanded civic space – a contradictory dynamic that cannot prevent further challenges from below’\(^10\).

‘The word ‘queer’ emerges in the context of the US gay movement in the 1990s. It emerged as an activist term by groups like Queer Nation, a group of radical

\(^8\) Id. at 2233.
AIDS activists in New York. Queer Nation was a militant group with confrontational, situationist-style modes of intervention. The group members were activists from ACT UP and were tired of the continuing discrimination against people with HIV/AIDS by the neoliberal, Reignite dispensation and sickened by the continuing heteronormativity of mainstream culture in the US. This term quickly became popular and was appropriated not just by the popular media but also by academia, spawning the subfield of Queer Studies in US academia. At the time in the US, this was a liberating term for sexual minority folk of colour and many disenfranchised along varying axes not acknowledged by the gay movement.11 How does this term travel from this specific context and reach the world over? How does the Indian ‘queer movement’ come into being? Isn’t this use of queer, as Neville Hoad points out “innocent of its own colonising fantasies?”12

‘Michael Warner whom Hoad was critiquing in the quote above, had himself written: “In the New World Order, we should be more than usually cautious about global utopianisms that require American slang.”13 Consider the various definitions and uses of queer in the Introduction to Because I Have a Voice: Queer Politics in India, one of the first anthologies of the ‘queer movement’ in India. They remain ahistorical in their appropriation of the term and utopian in their impulse. “A multiplicity of desires and identities”; “defiant political perspective”; beyond “‘homosexual’ and ‘heterosexual’”; “intrinsically and inevitably connected with the politics of class, gender, caste, religion and so on, thereby both acknowledging other

---

11 This is not to suggest that an ACT UP-style politics is what the ‘queer movement’ in India might replicate here which would be more useful. The contexts are so different that that would be impossible. However, the political impulse, passion and anger behind that moment in the US would be good to emulate and is missing from the ‘queer movement’ here altogether. How that might be articulated in the contexts of India is too heterogeneous and difficult (not to mention useless) to speculate about or draw a blueprint for, in this paper at any rate, available in Ashley Tellis, ‘Disrupting the Dinner Table: Re-thinking the ‘Queer Movement’ in Contemporary India’, 4 JGLR 148 (August 2012).

12 Neville Hoad, Queer Theory Addiction, in after Sex?: on writing since Queer Theory 35 (Janet Halley & Andrew Parker eds., 2011) (Hoad is citing his own pioneering essay on the racist and colonial genealogies of queer theory); See also Neville Hoad, Arrested Development or the Queerness of Savages: The Imperial and Neo-Imperial Uses of Male Homosexuality, 3 (2) post colonial Stud. 133-58 (2000), available in Ashley Tellis, ‘Disrupting the Dinner Table: Re-thinking the ‘Queer Movement’ in Contemporary India’, 4 JGLR 148 (August 2012).

movements and also demanding inclusion within them”; “questioning the fundamental assumptions of our society.”

How any of this is actualised in reality is not the priority here as long as the correct laundry list of identities is read out. What do these proponents see as the aims of this ‘movement’? “To name, visibilise and counter the violence faced by queer people”; “challenge the idea of a ‘normal’ and different ‘sexuality in itself’”; “object to all hierarchies and power structures”; “intersections” with feminist and other “movements at the margins.”

Sircar writes: “A classic illustration of ‘the nationalist resolution of the homosexual question’ in India was a talk show on the news channel CNN-IBN discussing whether independent India is open to homosexuality, aired during the Independence Day week, just a few days after the Delhi High Court judgment in the Naz Foundation case in 2009. The ‘experts’ invited to speak were responding to a CNN-IBN-Hindustan Times survey in which almost 70% of the respondents felt that homosexuality should be ‘illegal’ in India. The ‘liberals’ were represented by the likes of Shyam Benegal, Mukul Kesavan and Gautam Bhan. The ‘conservative’ was a young Hindu religious leader and sitting on the fence was Jaya Jaitley. The discussion sparked many a fire, but was hackneyed – the same arguments and the same defences that are not worth repeating here. Yet the unprecedented openness with which the audience was engaging with the issue of sexuality, and alternative sexuality, on prime time television was an encouraging sign. The findings of the survey (even if statistics are graver than damned lies) did throw light on the societal prejudice that queers face in India, despite progressive judgments like Naz.

The sharp divide in beliefs and perspectives among the panellists on issues of sexual morality finally reached a climax through a moment of nationalism-induced catharsis. Sagarika Ghose, the anchor, abruptly ended the show by asking everyone to stand up to the national anthem. And as per her instructions everyone did – the

---

14 Arvind Narrain and Gautam Bhan, Because I Have a Voice: Queer politics In India 1-29 (2005), available in Ashley Tellis, ‘Disrupting the Dinner Table: Re-thinking the ‘Queer Movement’ in Contemporary India’, 4 JGLR 149 (August 2012).
conservatives, the liberals, the fence-sitters, the homosexuals, the heterosexuals, the non-heterosexuals – everyone stood upright soaking in the buoyant verses of Jana Gana Mana and it seemed a perfect end to the crisis of India’s morals, culture, sexuality and religion where nationalist pride erased all differences and made us realise that, after all, we are all ‘Indians’ first – just like SRK’s Chak De India hockey team!”16. Once again how exactly this is done, and any evidence of it being done, is conspicuous by its absence. Among the modes of doing this are listed: challenging the law, protests and demonstrations, queering culture and creating queer culture and queer lives as political projects. No critique of the normalising impulses of the law and the State are offered, the AIDS Bhedbhav Virodhi Andolan is appropriated as ‘queer’, Voices Against 377, a loose coalition of different groups against Section 377, and its presence at the World Social Forum in 2004 and the first Pride march are offered as evidence of the queer movement’s activities.

‘On the ground, what have been the self-proclaimed campaigns of and challenges to the ‘queer movement’ in relation to its self-proclaimed aims and what do these campaigns say about it? To concentrate on one mode and one challenge and ask some questions of them in the hope of re-thinking the ‘queer movement’ in India, one must turn to the law which has been the major campaign in the ‘queer movement’ in India’17.

The mobilisation is mainly attributed to an NGO and while mention is made of how the NGO had to realise “that organising sexuality minority for their rights could not be achieved without bringing in issues of gender, caste, class and language backgrounds and other internal differences among them”18, none of how this translated into the practice of the mobilisation at all. What follows are a list of the strategies adopted in terms of crisis management, legality and media by the NGO. What is quite clear is that while lip service is paid to the complicated axes of marginalisation that exist, none of these actually become part of the way in which cultures of resistance are built. Instead, the hegemonic narratives of law and media

16 Ashley Tellis, ‘Disrupting the Dinner Table: Re-thinking the ‘Queer Movement’ in Contemporary India’, 4 JGLR 149 (August 2012).
17 Id. at 150.
18 People’s Union for Civil Liberties, Karnataka (PUCL-K), Human Rights Violations Against the Transgender Community (2003), available in Ashley Tellis, ‘Disrupting the Dinner Table: Re-thinking the ‘Queer Movement’ in Contemporary India’, 4 JGLR 150 (August 2012).
always come back in. Have the proponents of the ‘queer movement’ in India shown this caution? Not really. Bengal has ‘early growth of an institutionalised sexual minority movement (including India’s first pride walk in Kolkata in 1999), its links with the broader national sexual minority movement, and the expansion of NGOs across non-metropolitan and metropolitan areas, making for contact across socio-economic and geographic locations’19.

‘The cross-cultural emergence and adaptations of modern identity-based conceptions of sexuality have inspired complex academic debates that are beyond the scope of this article20. ‘Given the transnational circulation of the term ‘gay’ in the media and the urban emergence of visible gay and lesbian-identified communities, the Indian movement commonly uses the ‘sexual minority’ schema of identities for civic activism and media representation directed at middle class audiences21.

‘Queer’ too is increasingly used in the sense of an umbrella term for sexual minority identities22– even though, academically, ‘queer’ may be deployed as a critique of identity-based politics23. ‘NGOs draw upon transnational HIV/ AIDS prevention discourse and use ‘sexual minorities’, MSM (men who have sex with men) and TG (transgender), rather than sexual minority, to denote ‘target groups’ and staff

21 See Abhay Deol Extends Support to LGBT Community, times of India, 2 Mar 2012 (For example, the listserv lgbt-india@yahoogroups.com is the primary national online forum for activist discussion. The media too increasingly uses LGBT as an umbrella term, available in Aniruddha Dutta, ‘Claiming Citizenship, Contesting Civility: The Institutional LGBT Movement and the Regulation of Gender/ Sexual Dissidence in West Bengal, India’, 4 JGLR 118 (August 2012).
in HIV/ AIDS interventions\textsuperscript{24}. ‘The most publicised instance would be the 1998-99 controversy over Fire, a feature film depicting a sexual relationship between two housewives, when the Hindu right wing entered the fray with virulent proclamations of lesbianism as a western import, not only un-Indian but also corrupting Indian womanhood and family values\textsuperscript{25}.

‘In response to these contradictory currents, dominant sexual minority activism has sought equal status within the national citizenry through a double move – both contesting and re-claiming the “intimate core” of national culture and identity on the one hand and evoking transnationally circulating models of liberal democracy and metropolitan culture on the other. For example, in response to the Fire controversy, lesbian activists highlighted the historical tolerance of same-sex desire within ‘Indian culture’, breaking down a monolithic and conservative view of Indian identity but also sometimes deploying essentialisms of their own – like a nostalgic idealisation of a libertarian Hindu antiquity or of the purported pre-colonial tolerance of different sexualities\textsuperscript{26}. ‘Since then, a common strategy has been to cite revisionist readings of pre-colonial India and to depict homophobia as an alien imposition of Victorian legislators\textsuperscript{27}.

‘On the other hand, there is also the desire to keep up with transnational patterns of conspicuous consumption and display that have become a hallmark of metropolitan gay/ lesbian culture. These are evidenced through events such as the ‘Pink Rupee Party’ organised by the Delhi-based queer group Nigah in the summer of


2009 a fundraising event preceding a week-long ‘Queer-Fest’ comprising film screenings, performances, workshops, etc. that asked members of the ‘queer’ community to attend a dance party at a prominent city pub for a donation of Rs. 400: “The pride of Nigah Queer Fest is that it is funded by the Queer Community. The last 2 years have been a great success with your love and support. Yet again, we invite you to the fundraiser party to show your support and dance the night away with us.”

‘Given that the movement is precisely about claiming space within civil society through the discourse of equal rights, this translates into a deep discomfort with hijra and kothi performances of gender/sexual difference and resistance. At the same time, the institutional movement in West Bengal (and India, more broadly) is heavily dependent on the low-tier involvement and support of such sections: especially for the crucial (and underpaid) labour of outreach work and peer education within State and donor-funded HIV/AIDS intervention programmes of nongovernmental and community-based organisations (NGOs and CBOs). In 2007, community members occupying relatively senior administrative ranks were designated to police the walk and control errant behaviour. People who used thikri in response to perceived taunts from surrounding crowds or used ‘vulgar’ or foul language, were disciplined by senior community members. Such disciplining finds support in the attitudes of middle class community members and allies.

Thus, the activist demand for freedom of gender/sexual expression is simultaneously raised and contained in terms of the Constitutional rights to privacy (“personal gender choice”) linked to the modern conception of an interiorised gender/

---


29 Ibid.

sexual personhood that does not challenge the broader public ordering of intimacy and gender (“The State has no business in the bedrooms of the nation”)31.

‘At the same time, in tension with the aforementioned tendency of assimilation to extant ideals of cultural citizenship, certain modes of difference, display and flamboyance might be valorised in terms of aspirational ideals of metropolitan (particularly ‘western’) gender/sexual progressivism. This is illustrated by the Hindustan Times article cited in the opening paragraph of this essay, which merits more detailed analysis: The sexual minority community in Delhi got together at Jantar Mantar to mark the first anniversary of the landmark court judgment decriminalising consensual gay sex. The party that began with loads of cheerful slogan shouting by gay rights supporters, ended a tad bit sourly when some decided to indulge in inappropriate behaviour. Dancing in the middle of the road, a few transgender started lifting their skirts and shouting swear words enough to embarrass those of their own community. “They are spoiling the moment’s sanctity,” said a bystander. Looking visibly disturbed, one participant said, “This kind of behaviour at a place like Jantar Mantar is so unacceptable.” “The gay community has to show whether it can behave responsibly,” says Ashok Row Kavi, India’s leading gay rights activist prior to the ruckus, the evening had its fair share of cheering, singing and dancing, in good fun. Men kissed men. Women hugged women some participants were wearing t-shirts bearing provocative images (two London Bobbies kissing), or words. “We have to go a very long way to convince the mainstream society that we are equal citizens with equal rights,” said Kavi. “We must learn how to use our rights sensibly”32.

‘All these phenomena mark the Indian postcolonial moment as well. The High Court judgment read down the colonial Section 377 from the Indian Penal Code and now consensual gay sex between adults is allowed, pride marches abound and so do

31 Pierre Elliott Trudeau, Canadian Minister of Justice, Remark to Newsmen, Ottawa, Canada, (December 21, 1967) reported in The Globe, Toronto, December 22, 1967 (He was commenting on the government’s proposal to overhaul Canadian criminal law, giving new recognition to individual rights in several areas, including sexual behaviour, available in Aniruddha Dutta, ‘Claiming Citizenship, Contesting Civility: The Institutional LGBT Movement and the Regulation of Gender/Sexual Dissidence in West Bengal, India’, 4 JGLR 129-130 (August 2012).

lesbian and gay cultural events and booming queer Internet communities. But does this constitute a ‘movement’? Before one addresses that question, one might follow the rest of Ho’s argument. She speaks of the retrenchment of the deeply homophobic state being a simultaneous process with the one on global governance; of how using UN discourse, Christian fundamentalist NGOs are producing a new sense of civility inimical to queers and child protection is used to bash queers. While most NGOs in India are not overtly religious in any way, they are nationalist and deeply conservative on many issues, like those around child sexual abuse. A Bill (Protection of Children from Sexual Offences) criminalising sex between adolescents drawn up in active conjunction with NGOS and educated experts shows the increasingly US understanding of sexual abuse that is permeating the Indian landscape. Fortunately, some subsequent judgments criticized this proposed Bill; Raising Age Limit for Consensual Sex Will be a Step Backward, says Court, and certainly work to re-trench nationalist and anti-sexual minority ideas, even figures and NGOs working ostensibly around issues of sexuality and HIV/ AIDS. On August 11, 1992 the AIDS Bhedbhav Virodhi Andolan (ABVA) had demonstrated in Delhi against harassment and arrest of suspected homosexuals under Sections 72-73 of the Delhi Police Act. The same year a petition was sent to the Petitions Committee of Parliament seeking decriminalisation of homosexuality by repealing Section 377 of the Indian Penal Code.

‘As an organisation fighting on AIDS related human rights issues, ABVA is also involved in campaigning for gay rights, homosexuals being particularly vulnerable to victimisation in the prevailing anti-AIDS frenzy. Earlier, in November 1991, the group had released a citizens’ report on the status of homosexuality in India

---

entitled ‘Less Than’ Gay which had included repeal of Section 377 in its charter of demands. Finally, last year in April 1994, ABVA filed a petition in the Delhi High Court challenging the validity of Section 377 IPC. The action was in response to the Tihar jail authorities' refusal to supply condoms to inmates despite the known prevalence of homosexual practice among prisoners and their consequent risk of exposure to HIV infection.38

‘This was the background for a day-long meeting organised in Delhi this April to mobilise support for the public interest petition for which hearings have already begun. The meeting took place. Soon after it was reported that a Tihar jail NAPM seeks to mobilise, is to create a cultural climate in which the destructive, self-defeating nature of the high consumption mode! Become self-evident. However, this ambitious task is probably well in the future. For the moment the NAPM’s biggest challenge is internal. The larger societal challenges can be addressed only if the loose amalgam of activist groups can first succeed in forging an effective unity that strengthens people’s struggles for control over their natural resource base. This was written for Charkha, a multilingual feature service for activists and others concerned with development and social justice issues. Inmate had died of AIDS. A resolution was passed which, among other things, highlights the following points-The culture, heritage and even religion in India have given sanction to all forms of sexual expression including homosexuality; Medical establishments all over the world (WHO, American Psychiatric Association) accept homosexuality as normal behaviour and not a disease. Section 377 of the Indian Penal Code of 1860, drafted during British colonial rule in India with a view to punish and criminalise consensual sodomy, is now antiquated, discriminatory and is a violation of the individual’s right to privacy. The concept of human rights stands extended to people with different sexual orientation as prescribed in the London Declaration of 1988.39

‘It should be noted that even Amnesty International took a long time to accept that homosexual preference is a human rights issue. The subject has been debated within AI from 1979 onwards and only in 1985 began to crystallise into a concrete stand. A 1987 AI report detailing its research project investigating into persecution of

39 Ibid.
homosexuals throughout the world has a comment by the researcher assigned to the project to the effect that Amnesty’s stand still contains anomalies which need to be set right. This is particularly in relation to the category of prisoner of conscience’ which needs to be widened in scope so as to ensure a more comprehensive protection of the right to sexual preference.\footnote{Vimal Balasubrahmanyan, ‘Gay Rights in India’, \textit{EPW} 258 (February 3, 1996).}

One of the activist working for the protection of rights of sexual minority person said that the fight for sexual minority rights will go long way and would not be ended in between. The statement seems very similar i.e. ‘for several days we were agonised: had we instead of helping the victim ended up further re-victimizing her? From this at least I (Upendra Baxi) learnt a major lesson: any activist intervention which tends to re-victimise the victim is morally wrong and concerned activities must bear full responsibility for atonement if that happens.\footnote{Upendra Baxi, \textit{Inhuman Wrongs and Human Rights: Unconventional Essays} (New Delhi, Haranand, 1994) in Firoze Manji, \textit{Development and Rights}, (Rawat Publications, Jaipur, New Delhi, Series Editor-Deborah Eade, 2006).}

\subsection*{3.3. Queer or Sexual Minority Movement in Delhi}

The queer or sexual minority rights’ movement in Delhi was originated after the incident of popular Lucknow case in 1992 when some of the members of Bharosa Trust, a non-governmental organization working for protection of rights of men who have sex with men, were arrested by the local police and took them into custody with a charge under section 377 of IPC. That incidence greatly shocked the sexual minority rights’ activists that resulted a collective voice for releasing of such persons. Under this protest, not only human rights activists and sexual minority rights’ activists were involved but also other women, child and health rights activists were involved.

\subsection*{3.4. Perspective on Movements for Sexual Minority Rights in Delhi}

Under the shadow of queer or sexual minority rights’ movement in Delhi, the different types of functions of all organisations, working groups, NGOs and activists are discussed here. The efforts of all these organisations, working groups, NGOs and individual activists are considered as a movement and included here. Again, for the purpose of protecting right to privacy and dignity, the names are included with utmost
care and proper reference in this chapter. As per study, it formulates the sexual minority rights’ movement in six broad categories. These six categories are academic, civil society, legal and human rights, political, media and corporate movement. There are some places which have been visited and found involved in taking part to keep this movement moving. During the research study, these places were frequently visited after knowing the information that an event relating to sexual minorities has been going.

3.4.1. Academic Movement and Sexual Minorities

3.4.1.1. Ambedkar University Delhi

There is a group named ‘AUD’ of students working for the sexual minorities’ rights. This group participates and supports the rights of sexual minority’ persons whenever any event, lecture or other activities happen. This group has joined lots of campaign when performed inside Delhi. There are demands of equal rights for all including sexual minorities. Researcher visited and participated in this university.

3.4.1.2. Delhi University

A group namely ‘Delhi Queer Collective’ (DQC) of students from various colleges under Delhi University and Delhi University itself are leading the causes of sexual minority rights inside and outside of Delhi University. This group is becoming more and more famous in Delhi specially for the issues related with sexual minority persons within the academic campuses. These issues are campus bullying, discrimination, giving spaces for sexual minority persons equally with others. This group is also leading for various events like lectures, protest rally and yearly pride parade of sexual minority persons. A Gender Studies Group (GSG) is also working in the area of gender and sexuality particularly in Delhi University. This group is an independent, non-funded, University-wide students group committed to reading, writing and thinking about gender. It also holds a regular reading group, organize events every month around questions of gender, organize and participate in campaigns around gender and sexuality in the university. The group also come out with some frequently asked questions booklets for sensitizing students to various issues around
gender, sexual harassment, the body and sexual orientation, and sexual governance. Researcher was very frequent in attending events there.

3.4.1.3. **India Habitat Centre Delhi**

During the research, India Habitat Centre was found as a place where academic and cultural programs were taken place. The research study explores the launching of book of Laxmi Narayan Tripathi. The book is titled as “Me Hijra-Me Laxmi”. The cultural events include the workshop on sexuality, gender and media. The researcher was first time interviewed by a news reporter generalist there. It gave an immense pleasure that media is also playing a pro-active role in such movement. It was the place visited many times by researcher.

3.4.1.4. **India International Centre**

This place is a highly recognized place available for various academic and cultural activities hence most of the time this place remains a suitable place for executing sexual minority related academic, cultural and other activities. It is also a place where film screening also takes place. Some of the biggest conferences and film screening related to sexual minorities’ rights were organized there. This place has an International recognition as far as such events are concerned. India International Centre is also situated at the central part of Delhi. Researcher was involved in various events took place there.

3.4.1.5. **Indian Institute of Technology Delhi**

Out of various campus groups, Indian Institute of Technology Delhi is also one of them. The group is working for equal rights of sexual minority persons. This group is named ‘Indradhanush’ and it is fighting for establishing and recognising a permanent group for raising the voice of sexual minority persons inside and outside of Indian Institute of Technology Delhi. The issues of sexual minorities’ persons are discussed with the institutional authorities but it is remaining ineffective as such matters are not worthy for the institution. Researcher was part of an event there.
3.4.1.6. Jamia Millia Islamia University

Jamia Millia Islamia University has a supportive space for sexual minority persons as during the study it came to know that some of the students have initiated for different kinds of academic activities relating to sexual minorities. Under such academic initiatives, various projects, dissertation and lectures are included. During the study, it has also come to know that some teachers are very much helpful for leading such academic initiatives. Researcher has meetings with those teachers supportive for sexual minority persons’ rights.

3.4.1.7. Jawaharlal Nehru University

Like Delhi University, a group of some students is working for sexual minority rights especially inside the Jawaharlal Lal Nehru University campus. This group is known as ‘Dhanak’. For sexual minorities’ rights, this group is engaged in various activities like film screening, lectures, conferences and protest rally. Jawaharlal Lal Nehru University is a pioneer for all the universities as it was first time when one of student from sexual minority identified came out as a participant for contesting the student union election. Researcher has also approached this group and got valuable insights regarding research study.

3.4.1.8. Lok Kala Munch Delhi

This place is related to the organizing of first Delhi International Queer Theatre and Film Festival. This event was a starting to have the discussions, film showing, and meeting of new strategies with respect to the movement for protection of rights of sexual minorities. The researcher was also a part of this event and the sexual minorities progressively completed this event. The Lok Kala Munch is also known for various cultural and play training place in Delhi. Because of easy access to this place, researcher used to visit and attend various events, taking lead at present. This includes the play and programs relating to sexuality and gender.
3.4.1.9. School of Planning and Architecture

One event entitled ‘Let us talk Sexuality, Masculinity and Shame’ held on 11-09-2013 was attended by the researcher. This was delivered by Rahul Roy who also launched a book titled ‘Men’ written by him. This was the first event attended by the researcher and an understanding the conceptualization of sexuality with its categorization and classification became a fruitful outcome. It was the starting point to have the sexual minorities’ person in study. Researcher understood various concepts related to and around sexuality. Out of all, masculinity, femininity, power, dominance etc. were main.

3.4.1.10. Shri Ram Centre of Art

This is another institution famous for organizing and giving space for various cultural activities. Some of the cultural events like film screening, drama, play relating to sexual minorities were lively performed and screened there. Out of many institutions, this remains on priority for executing such cultural events. During the research, some events were attended for the exploration of issues related to sexual minority persons. These are few examples of academic institutions where sexual minorities’ related issues have been discussing. Except these more institutions are also in line. Researcher saw ‘A Straight Proposal’ play very famous and related to sexual minorities. It is important that the house remained full with male and female both.

3.4.2. Civil Society Movement and Sexual Minorities

Under this category various NGOs, organizations, working groups have been included. There are various organizations working for the protection and promotion of sexual minorities’ rights. Out of these, some are related to lesbian’s rights and gay’s rights while others are related to bisexual’s rights and transgender rights. These organizations are covering separate aspects like social, political, human rights and additionally the legalization of same-sex-activities amongst sexual minority persons.
3.4.2.1. Adhikar

Adhikar is an organisation works for documentation of sexual minority related issues and others. This organization has a message through a slogan i.e. ‘Adhikar ho sabke liye’. Out of all the events, programs relating with sexual minority persons not only nationally but also internationally are covered by the organization ‘Adhikar’. Some of the persons involved with this organisation are very famous for gay rights activism.

3.4.2.2. AIDS Bhedbhav Virodhi Andolan (ABVA)

AIDS Bhedbhav Virodhi Andolan (ABVA) is a first organisation that started the voices of sexual minority persons as the incident took place in Lucknow. After this incidence, the workers of AIDS Bhedbhav Virodhi Andolan and other social and human rights activists protested in Delhi against the arrest of some of the workers of Bharosa Trust, an organisation worked for HIV/AIDS and based in Lucknow. This protest instigated various groups for raising the voices of sexual minorities with a different method i.e. legal method. The filing of petition against sec. 377 of Indian Penal Code was started after this.

3.4.2.3. Ashmita Theatre

This group works for such persons who are minorities and not able to raise their voices. Gender based issues are mainly covered. This group raise such unheard voices through the drama, street plays, and theatre. The issues relating with sexual minority persons are regularly performed by Ashmita theatre inside and around Delhi. This group has a team which leads such programs very graciously.

3.4.2.4. Campaign for Lesbian Rights (CALERI)/Shakhi

This group works for lesbian identified persons. This is including the meeting, helpline counselling and active participation in various social, academic and other activities relating to sexual minority persons.
3.4.2.5. Creating Resources for Empowerment in Action (CREA)

This organisation is basically engaged with the gender equality functions but the inclusion of sexual minorities’ rights has also become an agenda for this organization. This organization has been participating in organizing lectures, seminars and other academic and cultural activities in relation with sexual minority persons. This organisation has also a resource bank of documentation particularly related with exploring the issues related with sexuality in general and reproductive rights in particular. Researcher has visited this organization. Researcher was helped in collecting data on research question noise from one pretext to another.

3.4.2.6. DU Queer-Collective

Various students in Delhi University are raising the voices for equal rights to sexual minority persons. This group is known as DU Queer-Collective and is very much active not only inside the Delhi University campus but also outside the campus. This group also leads for yearly pride parade of sexual minority persons. Researcher has been regularly invited by the group to take part in various events including parties (fund raiser), pride-parades, etc, since 2013.

3.4.2.7. Dwarika Gay Group

In this series, Dwarika gay group is based in Dwarika, Delhi which is now a very rich place in terms of having multinational companies and offices of government as well as corporates. This place is not directly visited but it was found during the discussion with the sexual minorities persons. It is becoming very popular in Delhi and a modern place where all the sexual minorities visit for meeting.

3.4.2.8. Ford Foundation

Ford Foundation is one of the reputed international organizations having its regional branch in Delhi. This organization works for issues related with human rights and provide advocacy in these matters. It also facilitates for funding opportunities in different areas including sexual minorities’ rights. It also contributes in sponsoring
various lectures, programmes, and film screening relating to sexual minority persons. Researcher attended three events held at Ford Foundation.

3.4.2.9. Gay Delhi

Unlike other NGOs, working groups, and organisations, this is also a group works for gay persons. This group provides helpline numbers, meeting place, daily parties, and arrangement for resolving the problems of gay and other sexually confused persons through the counselling by experts. This is a big space for fun, enjoyment and sharing the views of gay persons among same identified persons.

3.4.2.10. Harmless Hugs

This is a campaign for raising awareness about the sexual minority rights including the various issues attached with them. This campaign is including the interviews and programmes for knowing and discussing about the status and response of public in relation with sec. 377 of IPC. This campaign is a group of some youths having interest in equal rights for all including sexual minority persons. Presently, this group is becoming more popular as far as the sexual minorities’ movement is concerned. This group has contributed a lot in this research. Researcher is also member with this group and it takes many events in the credit of researcher so far as this group (now registered) is concerned.

3.4.2.11. Human Rights Law Network

Human Rights Law Network (HRLN) is an organization works for human rights in India. This is a collective of lawyers, social activists, and human rights activists. This organization has provided a big support for this study as the issue under this study is not only a social, legal and political issue but also a human rights issue. Through its fact finding research, this organisation has done a long list of human rights protection work. Researcher got responses of the staff workers with HRLN. Researcher frequently visited this organization.
3.4.2.12. Humrahi

This is an organisation for gay and bisexual men based in Delhi. The group was officially started in February 1997, with an object of becoming a platform for discussing the needs of Delhi’s Gay Community. Its objects include creating awareness about issues relevant to sexual minorities and providing a support system to members of sexual minorities’ society. The group works closely with the Naz Foundation, a premier sexual health NGO. The Humrahi Group meets every Saturday from 7.00 to 8.30 p.m. at D-45, Gulmohar Park, New Delhi. The meeting provides a congenial atmosphere to discuss problems relevant to sexual minorities like marriage pressures and social/cultural stigma and also provides a support system for those who need it. It also helps in networking and meeting like-minded people. Total confidentiality and respect for privacy is guaranteed and expected. The group also runs a telephone counselling service on Mondays and Thursdays from 7.00 to 9.00 p.m. on phones.

3.4.2.13. India HIV/AIDS Alliance

India HIV/AIDS Alliance is a regional unit in India of HIV/AIDS International. Basically, this unit works for HIV/AIDS affected persons but simultaneously it is also working for equal rights of sexual minority persons. The office of India HIV/AIDS Alliance is based in New Delhi. Because of the relation of the issue of HIV/AIDS with homosexuality, the work of India HIV/AIDS Alliance is concerned about the exploration of facts relating to health of sexual minority persons. Researcher attended three events there.

3.4.2.14. Lawyers Collective HIV/AIDS Unit

This organization is basically related with the work of HIV/AIDS but because out of various complex issues involved with sexual minority persons, HIV/AIDS is one of them. Hence, the sexual minority persons are in the list of respondents on which lawyers collective works. This organisation is also a group of lawyers who plead and present themselves on behalf of HIV/AIDS persons including sexual minority persons. Lawyers collective has contributed in drafting the petition in sexual
minority related cases at Delhi High Court and Supreme Court. This organization was most of the times visited by the researcher.

3.4.2.15. Mitr Trust (MSM/TG CBO)

This trust is basically related to transgender persons who are facing problems in Delhi. This trust has first time launched a fashion show for transgender persons who want to make their presence in the field of modelling. This group is organizing the events for sexual minorities particularly the transgender persons who are either engaged with the fashion or cinema industries.

3.4.2.16. Naz Foundation India Trust

The name of Naz Foundation has become a history and for its ground-breaking work against sec. 377 of Indian Penal Code can never be ignored. This organization took the leading charge for upholding a legal battle in case of sexual minorities’ rights in India. The journey of Naz Foundation in respect of fighting against sec. 377 IPC was started with the Delhi High Court and still going. This organization has strongly putted its arguments before Delhi High Court which resulted the striking down of sec. 377 IPC as unconstitutional after a long legal battle ended on 02-07-2009 when the judgment of Delhi High Court came out. This case is popularly known as ‘Naz Foundation Case’ and this judgment as ‘Naz Foundation Judgment’. This organisation has a long contribution and becoming leading organisation as far as the rights of sexual minorities are concerned. After the Delhi High Court Judgment in Naz Foundation case, the case was again appealed in Supreme Court where Naz defended the case which was not succeeded. Researcher was pleased to visit Naz Foundation organization as it is the pioneer in terms of legal functioning for sexual minorities and sec. 377 IPC.

3.4.2.17. NIGAH

It was first group started in Delhi with an objective to work for sexual minority community by way of screening films and movies relating to sexual minorities. This group is now amalgamated in various organizations working at present. NIGAH is an organization of various persons from across the country who
works for sexual minorities persons. They work with the collaboration of HIV/AIDS program and sexual gender issues with sexual minorities. This is presently available in advertising and publicity whenever any event takes place.

3.4.2.18. PRISM

This is a collective of activists who work for sexual minorities around Delhi. The attachment of corporate persons has an important relation with this organization. This group includes the corporate persons who believe in equality for all irrespective of any sexual orientation and gender identity. It organizes corporate meetings and events on different occasions.

3.4.2.19. QASHTI

QASHTI is a group of those persons who are born female but do not believe in their assigned sex. This group works for lesbian women by arranging meetings, parties and discussion in Delhi. QASHTI has its own spaces and events particularly related to the meetings and discussion. This group does not work openly and remains in closet due to very specific voices the QASHTI has. However, the researcher got the chance to be a part in the meeting organized by QASHTI.

3.4.2.20. Sangini

Sangini was set up in 1997 under the umbrella of The Naz Foundation (India) Trust and provides information, counselling, support, help and advice, through operating a telephone help line service, for lesbians and women exploring their sexuality. It also welcomes calls from others affected by this; friends, family, partners etc. and other organizations seeking advice in this area. In addition, weekly meetings were organized for women who wish to meet in a group and discuss lesbian issues, share their experiences and talk openly about their sexuality in a supportive space. Sangini help line operates on Tuesday evenings only, from 6.00 to 8.00 p.m. Sangini support meetings were held every Saturday afternoon from 3.00 to 6.00 p.m. and were only open for lesbians, bisexuals and women exploring their sexual orientation.
3.4.2.21. Sidhartha Gautam Trust for Sexual Minorities

This group works mainly for counselling of sexual minorities who have any problem regarding their sexual orientation and gender identity. This group has also a task of documentation of related events whether, social, legal, medical, etc. This is also a place for providing space for discussing on the issues relating to sexual minorities.

3.4.2.22. TARSHI Delhi

Talking About Reproductive and Sexual Health Issues (TARSHI) is a registered NGO works for reproductive and sexual health issues not only for women related but also sexual minorities so that they may enjoy their life with freedom and dignity. This organization is very actively working in Delhi particularly the activities of organizing the courses, lectures, workshops and meetings relating to sexual and gender based issues. It is ranging its area into sexual minorities’ rights as well.

3.4.2.23. TEG Films

TEG Films is an organization which is engaged in making short films and documentaries particularly related with sexual minorities and other sexually and gender identity deprived minorities. Some of the efforts of TEG films are becoming nationally recognised. Researcher has approached to TEG films.

3.4.2.24. UNICEF

UNICEF has been a very active organization in India. This is working for many issues and submitting reports to the government. This organization has also worked in the area of sexual minorities. This group was attached with United Nation Development Program that does many projects in India. The issues of sexuality and gender are also in the list of this organization. Although, during research, no event or program was come into the knowledge but the studies relating to same issues have been studied.
3.4.2.25. Vidhi Centre for Legal Policy

Vidhi Centre for Legal Policy is not related to sexual minority rights functions but this organization arranges the talk and discussions on landmark judgments of High Courts and Supreme Court of India. In this series, the case of Naz Foundation v. Govt. of NCT Delhi, Suresh Kumar Khosal v. Naz Foundation and Others, and National Legal Service Authority v. Union of India were discussed and same were attended by researcher for taking the insights of legal luminaries. Generally, it organizes these events in Chicago University Centre in Delhi.

3.4.2.26. Voices against 377

Voice against 377 is a coalition of 12 Non-Governmental Organizations and progressive groups based in Delhi. This is a collective of various groups and organization working for sexual minority rights in India particularly in legal field. Such organizations and groups have joined hands in raising the voices against the violence and protection of rights of sexual minority persons. This collective includes Alternative Law Firm, NAZ Foundation, Lawyers collective, CREA, TARSHI, Aadhikar, etc. This is representing sexual minorities in Various Courts at Delhi.

3.4.3. Legal and Human Rights Movement and Sexual Minorities

Under civil society movement various NGOs, organizations and working groups have been discussed which are also a part of legal movement for sexual minority rights however Naz Foundation India Trust and Lawyers collective are taking lead as far as the legal movement for sexual minority rights is concerned. Except these two organisations various others are also playing its part in leading this legal movement. This is done by way of documenting on the sexual minority related activities based on torture, discrimination, inequality, harassment, etc. This journey of legal movement for sexual minority rights includes lots of practices relating with sexual minority persons in society, legal complications involved with implementation of sec. 377 of IPC, argument based on Constitutional provisions, human rights principles, and judgment of Delhi High Court and Supreme Court.
This legal movement has variations as the judgment in Delhi High Court declared Sec. 377 of IPC unconstitutional and violates Article 14, 15, 19 and 21 of the Indian Constitution up to the limit insofar as it criminalise consensual sexual acts of adults in private. The provisions of Section 377 IPC will continue to govern non-consensual penile non-vaginal sex and penile non-vaginal sex involving minors. By ‘adult’ we mean everyone who is 18 years of age and above. A person below 18 would be presumed not to be able to consent to a sexual act. This clarification will hold till, of course, Parliament chooses to amend the law to effectuate the recommendation of the Law Commission of India in its 172nd Report which was believed to remove a great deal of confusion. Secondly, that judgment will not result in the re-opening of criminal cases involving Section 377 IPC that have already attained finality.

After passing of this judgment, the case was appealed before the Supreme Court where the judgment of Delhi High Court was reversed. This case is known as Suresh Kumar Khosal v. Union of India. The legal movement is not stopped here and the judgment in Suresh Kumar Khosal case was challenged with a review petition which was again not allowed and rejected by the bench of Supreme Court. Since then a curative petition against the rejection of review petition has been pending before the Supreme Court which has now been accepted and allowed for an open hearing. The same has again been referred to the Constitutional bench of Supreme Court after hearing in an open court hearing on 02-02-2016. It is also including of a fresh petition in the name of Navtej Singh Johar & Ors. v. Union of India asking for repealing sex. 371 IPC, the same is lying with present chief Justice of India at Supreme Court.

3.4.4. Political Movement and Sexual Minorities

Political movement was not concerned with sexual minority rights but after passing of Delhi High Court judgment in Naz Foundation case lots of sexual minority identified persons were come out of closet and decided to take part in every institution. Study reveals the existence of evidences of such sexual minority identified persons who contested election in general elections and university level election. The Right to Privacy Bill, 2011 drafted after the Justice Shah Committee report’s recommendations is also evident for political movement. Before general election
2014, the situation for sexual minority rights was underestimated in political movement but it was first time when in general election 2014, the talks relating to Sec. 377 IPC and sexual minority rights were initiated by different political parties. Although, political parties were talking about Sec. 377 and sexual minority rights but no party has included this agenda in their election manifestos. After a long time, it was first time when Thiru Tiruchi Siva, Member of Parliament in Rajya Sabha, introduced a private member Bill relating to protection of rights of transgender persons. This Bill has been unanimously passed in Rajya Sabha and now pending before Lok Sabha for discussion. After this, another private member bill relating to amendment in Sec. 377 of IPC was introduced by Dr. Shashi Tharoor, which was not accepted. Out of all, some of the political persons have said for protection of rights of sexual minority persons and providing a space free from violence, discrimination, and inhuman treatment. Bhariya Janta Party’s minister Arun Jaitley, Harsh Vardhan, etc. have spoken positive on the issue yet the government (earlier and present) stand is either abstaining or rejecting the sexual minorities’ rights. After the incident, held in Orlando, America (Accused Omar Siddiqui Matin’s killing of 49 sexual minorities in a gay club), the Prime Minister has not broken the silence. Before United Nations Human Rights Council, India has again not voted and remain abstained for an independent post of special Rapporteur on the issues of sexual minorities.

3.4.5. Media Movement and Sexual Minorities

Although, the print and electronic media is not giving much attention for homosexuality, same-sex-relationship and sexual minority movement in Delhi as well as whole India but the platform of social media and internet is becoming most comfortable area for sexual minority persons. Print and electronic media mostly becomes active when any order or judgment from Indian judiciary comes in. During research study, the presence of print and electronic media to cover the academic, social, civil society event was not handy. In spite of that, some persons from the journalist community are favouring to cover the issue of homosexuality as these persons are themselves open and have come out with their sexual orientation or gender identity as relating to sexual minority community. This is becoming a space for revolution in media which is known as ‘queer media’. Satmev Jayatey and discussion on IBN-7 with Barkha Dutt are exemplary in the regard.
3.4.6. Corporate Movement and Sexual Minorities

Some corporate companies have already created inclusive policies for sexual minority persons. They are providing peaceful and workable environment for sexual minority persons. This series is strengthening with the inclusion of other corporate companies. This includes that ‘despite the present status of gay sex, firms such as Godrej, Genpact, Intuit, Thought Works, Microsoft, Goldman Sachs, Apple are openly championing sexual minority rights. It is likely to emerge the biggest and most effective flagbearer of gay rights in 2016’\(^{42}\). It establishes a new movement for sexual minority i.e. corporate movement.

3.5. Queer or Sexual Minority Rights Movement in Delhi: Present Status

This movement is fully based on human rights and Constitutional rights and therefore the human rights framework as well as the Indian legal framework needs to refer. The next chapters have been included for better understanding of human rights framework. The status of rights of sexual minority persons in India is still illegal, discriminatory and violating but sexual minority community itself and the activists, engaged in protecting and promoting their rights, have been fighting for their rights at different front even after passing of Supreme Court judgement in Suresh Kumar Khosal case. They have not given up the matter and still fighting for their rights with a new energy and strategy too. The issue of homosexuality is still highly debatable amongst social, legal, political and other institutions. Various other organisations including Naz Foundation have also joined this movement in their protest and demand. This movement has now become a collective movement with not only limited and bound up to national boundaries but also to cross boarder boundaries. The academicians, Doctors, legal luminaries, politicians, civil society persons, filmmakers and politicians have also joined this movement. The relationship of sexual minorities with human rights is very much necessary to discuss as human rights are the universal phenomenon covers all the persons including sexual minorities.

\(^{42}\) Rica Bhattacharyya and Brinda Dasgupta, ‘India Inc. likely to emerge as biggest and most effective flagbearer of LGBT rights in 2016’, Economic Times Bureau, January 1, 2016.
3.6. Places Involved in Movement and Sexual Minorities

The researcher frequently visited all the places included in academic and civil society movement mentioned above and these are repeated again. Except these, other places were also visited for attending the events or programs related to research study. These are included separately here.

3.6.1. Bengali Market

This market has an attraction for common people including sexual minority persons. There are fine shops and an isolated place to meet and discuss. The Bengali market remains in list of meeting and discussion place. The place is very delightful because of nearing to India Gate and lot of central places like Sri Ram Centre, Connaught Place, etc. An event meeting was attended by the researcher.

3.6.2. Chanakyapuri

This place provides the opportunity to sexual minorities’ persons to gather with their sharing of further strategy and planning as far as the upcoming events relating to sexual minorities are concerned.

3.6.3. Connaught Place Central Park

One of the most centric places for roaming of sexual minority persons in Delhi is Cannaught Place in general and central park in particular. Out of various parks one park has been recognising as ‘Gay Park’ and sexual minorities’ identified persons visit and roam there in the gay park every day after 6:00 p.m. Most of the events related to sexual minorities take start from there. This place is very rushed and has a huge amount of visitors almost every time. This place is also a desired place for sexual minority persons because of having a shopping market under the park which is known as ‘Palika Bazar’. It is a place where general public can be studied as a respondent while executing an event relating to sexual minority persons. Researcher attended number of events in Connaught place Central Park’ Delhi.
3.6.4. Greater Kailash

The office of Naz Foundation India Trust and other organizations give this place a priority over all the places because the name of Naz Foundation can never be separated from sexual minorities’ rights and movement particularly in legal sense. Researcher visited this place whenever required.

3.6.5. Green Park Extension

This place has a unique identity as far as the sexual minority persons are concerned. It is because of having a space of meeting and some vibrant NGOs there work for sexual minorities’ rights. The meeting places are familiar, confidential and maintain privacy altogether.

3.6.6. Gulmohar Park

Gulmohar Park is known for availability of various offices of NGOs which are working in the area of sexual minorities’ related issues. There are meeting places, counselling for sexual minorities and giving aids in terms of legal and social issues if any.

3.6.7. Hauj Khas Village

During a film screening relating to sexual minority persons, it was found that a place i.e. Hauj Khas Village was a part of film. From the research point of view, this place is very crucial to study. There are spaces available for gay and lesbian parties. There is a historical building named after Alauddin Khilji followed by Firoj Shah Tuglak, where many of sexual minority persons like to visit frequently. This place has hotels, restaurants, book stores and party clubs. Out of various places for sexual minority persons, this place can be categorically putted on priority as far as the availability and sexual minority persons’ based research is concerned. For purchasing books relating to sexual minorities, this place was visited and found that the place is one of the fashioned places and the visit of sexual minorities is highly frequent there. This place is considered as best suited place for sexual minorities. Researcher has also visited and attended events there.
3.6.8. Indian Coffee House

When we move in Delhi particularly in Connaught Place, Indian Coffee House is an open meeting place for all. The same facility is applied by sexual minority persons. This study starts with the first meeting with some persons who are engaged in working for sexual minority persons. Indian Coffee House is in Connaught place and near to central park and Jantar Mantar too. Hence, Indian Coffee House can be considered as a meeting place having eatables too not only of general public but also for sexual minorities’ persons. This place is unique for meeting and makes a great contribution not only for sexual minorities but also for every couple, corporate persons, official meetings, etc. Because of special arrangement of sitting, this place gives true feeling of a party or meeting place. Researcher visited this place on every occasion there or near around.

3.6.9. Janakpuri

Except various historical places, educational institutions and cultural places, some proceedings related with sexual minorities’ rights are also conducted at different places of Delhi like hotels, shopping malls, private houses, etc. Although such hotels are business oriented but there are some private sector companies, organizations and corporate houses which are promoting equal rights keeping in view the sexual minorities’ rights are also providing a handful support and space for arranging such events. Janakpuri area is also a meeting place for sexual minorities. Researcher attended one event there.

3.6.10. Jangpura Extension

This place is very central and famous in respect of sexual minorities’ rights because many of the offices of organisations and NGOs working for sexual minorities’ rights are situated there. The office of Human Rights Law Network, Lawyers Collective, CREA etc. are situated there. This place was frequently visited during the research. This place is very crucial and has a status of central place if anyone requires to be suggested as far as the research relating to sexual minorities is
concerned. This place has contributed a lot in conducting this research study. Various NGOs have helped every time whenever approached.

3.6.11. Jantar Mantar

Jantar Mantar is also a historical place and very famous for arranging dharnas and rallies not only by a single person or group but also various groups and political parties. During study, most of the time the sexual minority persons were approached and discussed about their participation in the research study. Various pride parades, rallies and protest march are executed by the sexual minority persons at Jantar Mantar. This place has become a symbol of ‘Dharna Place’ and very centric not only for sexual minorities but also for every political party, NGOs, groups, organizations, fighting movements, etc. Researcher was presented in pride parades, rallies and other events held at Jantar Mantar Delhi.

3.6.12. Lado Sarai

Presently, this place is known for organizing the parties for sexual minorities. These parties are fully commercialized with proper licence. This place has been turning as a better place for meeting of sexual minorities of different age groups. Not only the sexual minorities’ parties but also other events are organized there.

3.6.13. Lajpat Nagar

This place is also a place where the persons were available during the study. A meeting from Qashti group was attended here. This group also participates in all the activities relating to sexual minorities’ rights. Presently, this place is becoming a priority place as far as the sexual minorities’ movement is concerned.

3.6.14. Lodhi Garden

The place Lodhi Garden is also very dear place for sexual minority persons in Delhi as this is also a historical place and has a big space to meet and sit. There are various meetings take place on various occasions then Lodhi Garden becomes a witness for such meetings and discussions. During the study, this place was regularly visited and many meetings and events were attended there. During the study, the
queer-holi meet, poster-card making event, general meeting for all the sexual minorities were attended and participated by the researcher.

3.6.15. Lodhi Road Institutional Area

This place is a regular visiting place as far as the research study is concerned. The reason being is availability of lot of offices, buildings relating to cultural activities, and space for foreign groups and organizations like Ford Foundation, India Habitat Centre, Indian International Centre, etc. During the research many events and programs were attended and participated at Lodhi Road and its surrounding. Researcher recommends this place or utmost place to visit and examine for the purpose of present of present research study.

3.6.16. Malviya Nagar

Among various places for arranging meetings, gay parties, planning for movement, the Malviya Nagar is also one of the attracting places. The availability of historical and monumental places make this more important for such discussion, parties, meetings and programs.

3.6.17. Max Mullar Bhavan

The Queer-Fest is one of biggest event for Sexual minorities persons as it includes the discussion on the policies and planning for future regarding this movement by introspecting the whole year activities related to sexual minorities. This year (2015) Queer-Fest was organized at Max-Mullar Bhavan. This place has an involvement of an Embassy. Researcher was part of queer-test of 2015.

3.6.18. Nehru Park

Nehru Park is also a known park where sexual minorities’ persons visit. It is known in the same as the Gay Park, Central Park, Connaught Place. The roaming of sexual minorities’ persons is frequently found there because of easy accessibility. This place is considered as the oldest place in Delhi for gay persons. Many sexual minority persons visit there for meeting, rallies, parades, and other events. Researcher initially visited this place and got many sexual minorities there.
3.6.19. Sarojini Nagar

There is a place where the events like meetings, lecture and discussion take place. It is including the shopping markets and corporate offices where such events are organized. The connectivity of airport makes this place more important one.

3.6.20. Shahpur Jat Village

Shahpur Jat village is a place where some cultural events relating to sexual minorities’ persons were organized. These cultural events include a famous event of organising a long duration event in the name of ‘queer bazar’. This event includes lots of fun and joy among the sexual minorities’ persons who come there with a huge number. This place also provides a space for some other cultural events such as singing and dancing of sexual minorities persons.

3.6.21. South Extension

South Extension Delhi is one of most vibrant place relating to availability of sexual minorities because of having so many multinational companies offices, corporate offices, shopping places, admiring hotels and restaurants and market. It is also a fashioned place in terms of having the meetings of number of persons who come and live there. This also includes the foreigners who visit place for their respective purposes whether studying or doing jobs in Delhi.

The institutions included in academic movement were regularly visited. These organizations and places are not conclusive but only indicates the reach of researcher. and here are other organizations; working groups and places are available where the events relating to sexual minorities have been conducted. Many new groups are regularly joining this movement. Although this study is based on Delhi and the organisational structure of various institutions and organisations which are working for sexual minority rights have been included but during the study some information related to the same issue also provided a larger view on the initiatives for sexual minority rights’ movement in India as whole. Out of these, TATA Institute of Social Science, Mumbai; National Law School Banglore, Karnataka; NUJS Kolkata, West Bengal; IIAS Shimla, Himanchal Pradesh; university of Pune and having an
organisaton/NGO in almost every State of India seem progressive in discussion. Keeping in view the relation between human rights and sexual minorities’ rights, the next chapter provides international human rights framework for sexual minorities.