

Host Intro:

The state of Maine recently passed an anti-discrimination law that includes protection for the state's trans-gender population in employment, housing, credit and education. Meanwhile the transgender population in India is fighting the battle to remove the law that declares homosexuality itself to be illegal. And yet, there is progress. Charu Saxena, a native of India, who has now lived in Maine for more than a decade, takes a look at the issue from the viewpoints of people involved at the two ends.

Saxena:

The first annual gay-pride parade in India recently marched through the cities of New Delhi, Bangalore and Kolkata. Many of the participants wore masks: To avoid disclosure in public as well as to conceal their identities from their families. And yet, it was a huge achievement, a platform to celebrate their gender as well as to protest section 377 of the Indian Penal Code which declares homosexuality to be illegal in the country. Punishable by fines and a ten year prison term, this archaic law drafted by the British in the 1860s is used primarily by the police to harass same sex couples. Yet it underlines the social stigma that is faced on a daily basis by the gays, lesbians and the transsexuals of India, referred to in the ancient scriptures as Kinnars.

Anjali Gopalan is the executive director of Naz India foundation, a Delhi based NGO that is at the forefront of the fight to repeal section 377. She says that ultimately it's a question of rights.

Gopalan: *We are talking of consensual sex between adults, we are not talking of rape. We think it is very important for the law to go, because more than anything else, its used so cops can make money off of gay people. Because, you know they will threaten them with calling the parents, telling the family, all of that.*

Saxena:

In India where homosexuality has always been accepted, its only when it's talked about in the framework of rights has it become an issue. It has always been kept hidden however. It has not been uncommon for parents, to knowingly get their gays sons married, with the thought that after their boy gets married he would be just fine. The most unfortunately affected however, are the women who are married off to these men. A woman has no value in this society, exclaims Ms Gopalan. Her right does not count.

Gopalan: *We know of families where they've known that the boy is gay- they've gotten their daughter married, because they had to get rid of their daughter. They have seven daughters. So it really doesn't matter, what happens to her.*

Saxena:

And generally what does happen is violence. Ms Gopalan's foundation has come across many cases where violence against the woman in such a situation is extremely high.

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Gopalan: *For example, we had this case, where this guy said- he was in his thirties- he was married to a fifteen year old girl. because she was not getting pregnant- the family would beat her up regularly- and he said- [Hindi] kabhi kabhi main bhi haath lagaa detaa hoon- sometimes I also slap her- and he's never had sex with her.*

Saxena:

The wife has no recourse to action. She is kept locked in the house and has nowhere to go. Ms Gopalan counters that her organization is helpless in such a case, where there are no backup services available for the women who want to get out of violent situations.

I attend a meeting of a Koti-Kinnar support group facilitated by the foundation, a gathering of gays who belong to the lower socio-economic strata. It is organized and happy chaos, against a backdrop of honking traffic outside. When I ask them why they get married however, almost all of them speak out at once, citing familial pressure.

[Hindi Voiced Over]

-You may not marry for your own happiness, but you will marry for your parents happiness, no? If they are happy then I am also happy, no?

-See, marriage you have to do for your parents. Like my marriage is in 3 months. Now my family is putting pressure on me - now I can't say in front of them- See, I am impotent. This no one can say openly.

-In the society, marriage should happen with a girl only.

18:46 See in India is the joint family system. There is a big effect of that. Now in foreign or European countries , boy and girl come of age and they separate from the parents. Then they can live their life in their own way. Here the pressure on the children is too much in the joint family system that you have to live with the family, and when you live with the family, you have to think about the family before you can think about yourself.

Saxena:

I ask one of the gays in the group who's married, as to whether he has destroyed two lives: his own and his wife's?

Kotis:

[Hindi Voiced Over]

- See, as far as the question of my own life being destroyed is concerned, I have to live a dual life. As far as her life is concerned, I have not yet committed any violence on her. And have not put any boundaries on her- that don't go here or there- have given her full freedom. So our relationship is very good. She knows about me. She knows about my sexuality.

Saxena:

Another married gay in this group says that he in fact disclosed to his own family as well as to his wife's about being gay, before he was married. They still agreed even after he told them that he dances and is effeminate in his mannerisms. He now has two children.

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The pressure to perform normally is high. These Kotis who talk in the female gender to each other when alone, revert to male gender when they are in public. They try to pass for normal when confronted by cops, and feel pressured to deliver children early on after being married. What they find hardest however is the disclosure of their identities to their own parents.

Kotis:
[Hindi Voiced Over]

Chorus: Very difficult.

- And because of this sometimes people have had to face a lot of problems. With many its happened, they have told their family, and thinking that they are mental, they have been admitted to the mental hospital.

-Electric shocks have been given

-Many have committed suicides.

-Removed from inheritance

-Thrown out of house

-Can't tell the family all at once you know. A mother always knows that my son is how and how not. But still can't tell like that. Because they know that they have brought you up since childhood, given you baths and all, how can we accept that you are a gay? Even if you tell than that we can't do this or that- they won't accept.

Saxena:

Ultimately, it all boils down to the law, they say. If section 377 was not there, perhaps people like them would not have to live their lives in such fear.

Kotis:
[Hindi Voiced Over]

Somewhere our law and the society are joined together. If law changes, the viewpoint of society changes also, no?

People's thinking will also change when they realize that even the law is agreeable to it.

Saxena:

Wendy Chapkis, professor of women and Gender studies at USM in Portland agrees. She says that with the passage of the anti-discrimination law in Maine that also included protection for transgender people, it appears that the LGBT community may finally have some legal protection.

Chapkis:

And that's huge, because many people that face discrimination- people who also face violence- its less because of who you sleep with then what you look like. People who can pass for straight- who look conventional, unless they are doing something to flaunt their relationship, maybe able to escape the penalties associated with homosexuality.

1:56When you see gay bashing, its often people who are effeminate looking men or masculine looking women or couples that are very very visibly different.

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*And the same thing is true of discrimination. People who look non-conventional face higher levels of discrimination. I think its crucial that law-
It doesn't mean of course that discrimination stops but it means that at least you have some line of defense that's obvious enough.*

Saxena:

From the right to non-discrimination in employment and housing to that in marriage- the struggle for equal rights for the gay community in America continues. Why, says Chapkis, does her partner of nineteen years be not allowed to get social security after she dies? Why should every penny the university pays for her partner's health insurance be counted as income for Chapkis and she be taxed on it, when her heterosexual colleagues get that benefit as a straight benefit? It's not the gay and the lesbians who want the special rights, she insists, it is the heterosexuals who want to preserve them.

Chapkis:

They are the only ones who get a pass on social security. The only ones whose benefits are not taxed. The only ones to bring a non-national partner into the country and give them residency. LGBTs can't do that. Those are all special rights that accrue to heterosexuals. So, there's a recognition, both conscious and unconscious that this means surrendering privileges. I mean giving up special rights and sharing them more broadly with the gay community.

Saxena:

Meanwhile, the Koti-Kinnar group back in New Delhi is making their own manifesto of rights to present to the State. They are being asked to ratify the following list of options in response to the question: 'What do you want from the state?'

Kotis:

[Hindi Voiced Over]

- no violence from the police.
- access to legal aid for marginalized
- fixing of rates for clients
- old age pensions
- admission for children in schools
- housing loans
- access to health care
- special concessions in govt schemes
- voters identity and ration cards
- bank accounts
- passport

Saxena:

Sumit Dutta, a facilitator for the foundation at this meeting, says that things have begun to change already, especially because of the media.

Dutta:

Now people are coming out of the closet and parents are accepting them. Parents coming to the TV show and talking about it- give so much of encouragement to other people who are actually in closet and their family who are still in doubt or in two minds- what's going to happen to our son or daughter. So parents if they themselves are sensitized, society will also. Because they say charity begins from home.

Saxena:

The main problem even for parents who accept their son however is the worry about his future in the current society.

Dutta:

They were so worried for their son because being a gay he wouldn't be getting married to a girl and like the usual family system we have. What he's going to do? We're going to get old one day and die. Who will look after him? That's one thing- the tension they have. Will he be able to find a good partner for himself and how he is going to lead his life. Will he be discriminated against because of his sexuality in his office- so these are their concerns. These concerns - they should be there- but the very fact that they have accepted the kid should give so much encouragement to the kid that he or she can actually fight with the world.

Saxena:

This fight for gay rights goes on, spanning from East to the West. In name and progress in time, the rights may differ: From asking for homosexuality to be legalized in the east to the right for equality in marital rights and in state benefits in the west. Ultimately however, it is a struggle for acceptance and equality, not just tolerance. It is a fight to be allowed to expand the two accepted genders of male and female to encompass those that transcend human made definitions.

I'm Charu Saxena reporting from Maine and New Delhi.