

‘There are few gay people in India’: stigma lingers despite legal victory

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A landmark ruling legalised gay sex in the country in 2018, yet the LGBT community still face stigma and violence

When India’s supreme court announced it was legalising gay sex, people hugged in twos and threes on the lawns outside the Delhi courthouse. They draped themselves in rainbow flags in Bangalore and released balloons into the sky. In Mumbai’s nightclubs, they danced all night.

In Patna, the dusty capital of the east Indian state of Bihar, Roshni did nothing. “We felt good when people were marching in Delhi and Mumbai,” she says. “Everyone wanted to follow [them], but then we feared what other people would think – how they would react.”

Six months ago, a landmark judgment legalised the sex lives of an estimated 104 million Indians. A law against “unnatural sex” enshrined by the colonial British government (and defended by successive Indian ones) was unanimously ruled to no longer prohibit homosexual acts. The reverberations of the decision – on sheer numbers, perhaps the largest single act of gay liberation ever – are still rippling across a vast, diverse and conservative country.

Rumblings can be felt in Patna, more than 1,000km from Delhi. “People are happy, but in their cocoon,” says Aditya Sagar, the teenage host of a youth issues programme on Patna radio.

Many of his LGBT friends greeted the news of the supreme court’s decision with carefully composed Facebook comments. “They wrote, ‘Congratulations to my homosexual friends’. Or they reposted what national Indian celebrities had written about it,” he says. “They feel like they’ll be shunned if they come out here.”

Among Indians, Bihar still conjures images of lawlessness and poverty. Though the state’s economy has rallied in the past 15 years, its poverty and school dropout rates are still among India’s highest. Even in its noisy, congested main city of Patna, people still hold fast to traditional values and family honour as pillars in a society where little else can be relied on.

“The ideology of marrying a woman and having children here is deeply rooted,” says Shubhankar Mondal, a medical student and one of the few openly gay people at his college in the city.

A few days after the verdict last September, Patna threw its first gay party. Around 50 men showed up to a hotel hall. The location had been kept secret until the morning of the event. Phones were banned, but still, “many didn’t come because maybe [someone] would take a picture and post it,” Sagar says. “And after that there’s been no parties. People are still scared.”

The lingering fear reflects the fact that Indian society does a better job of policing its gay members than law enforcement ever did. Violating India’s ban on homosexual acts was punishable by up to 10 years in prison. But fewer than 200 LGBT people were ever prosecuted for violating the law. Its real

impact, according to reports by human rights groups, was to embolden police and others to extort and abuse gay people, knowing most would be reluctant to seek help from a government that regarded them as criminals.

That stigma still lingers. "In India, it is a case of ethics," says Sanjay Paswan, a member of the Bihar state council and former Indian federal minister who opposed the decision to lift the gay ban. "[Gay] people are suffering from some psychological weakness or problem or trauma. There are very [few] of them in India. I don't think any lesbians are here."

The court has raced out ahead of the attitudes of Bihar's 110 million residents, he says. "Now people have no guts to oppose [homosexuality] ... But not out of conviction. Out of compulsion."

The brunt of the prejudice is borne by Patna's poorer and less educated LGBT residents, who have limited access to the empowering gay culture that has developed around the world in the past half-century and which tells them they should feel pride in who they are.

Asked how they identify, Roshni and Satya reel off a list of the slurs that are hurled at them in the street. Labels such as transgender or gay mean little to either one. "I am normal," Satya says. "But not to the world."

Queer cultures have always existed in India, and are interwoven with the rituals of the mainstream. Hijras, a south Asian term for a group that includes transgender women, served as guards for the harems of Mughal kings. Each year, thousands of transgender women flock to the south Indian city of Koovagam to re-enact the mythological marriage of Lord Shiva to Vishnu, who had taken the form of a goddess.

"Being queer in India is not a monolithic identity, other than in big cities, where the imitation of western culture defines how we party and how we do pride," says Ajita Banerjee, a researcher on gender and sexuality rights based in Delhi.

The night before we meet, Satya had worn elaborate clothing and makeup to portray the goddess Kali in a street procession for a Hindu festival. He had basked in the adoration of the crowd. "It was mind-blowing," he says. "It felt like - if I get off this stage people won't just hold my hand, they'll hug me. Worship."

It didn't last. "When the makeup came off, then we came back to the same place," he says.

Off stage, the pair struggle with finding jobs or apartments to rent, and face regular threats of sexual and other violence, including from police. "They used to harass us [before the lifting of the gay ban] and nothing has changed," Roshni says. "If we resist, they can arrest us and do whatever they want. We are living the way we were living before the ban."

"There is a difference," Satya tells her. "Tomorrow if I decided to start my life with someone or live with someone, the government will not stop us because of the law."

Social acceptance is lagging far behind legal sanction. But the end of India's gay ban is inspiring tiny acts of courage in unlikely places, the accumulated effect of which may only be known years later. At a college dance last year, Mondal decided to grasp his partner's hand.

"I don't think I would've done that before the judgment," he says. "Maybe the other person would have been reluctant. Or people would have said things. But we are protected by the law."

He had still hesitated a little. "But we were dancing a lot and it was a light moment. People were

watching, but I didn't look at them. I just focused on me and him and what was happening between us."

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