It’s been a long, long time

Tracing the storied, 25-plus years of the fight for LGBTQ rights in India that came to a head this week

BY VIDYA KRISHNAN

It was August 11, 1992. Outside the police headquarters in the ITO area of Delhi, the first known protest for gay rights in India was being held.

It was sparked off by the police picking up men from Central Park in Connaught Place on suspicion of homosexuality — in those days, this kind of harassment was still a ‘normal’ practice. But activists from an organisation called AIDS Bhedbhav Virodhi Andolan (ABVA) decided not to let it pass this time and blocked the entrance to the police headquarters to protest the harassment.

Nothing came of it.

Two years later, in 1994, a medical team landed up at Tihar Jail to investigate the high incidence of sodomy reported from the quarters. ABVA activists wanted to distribute condoms to the prisoners, but Kiran Bedi, then Inspector General of Prisons, refused permission.

Bedi argued that it would encourage the practice. But activists from an organisation called the HIV unit of Lawyers Collective, a legal aid organisation fighting for gay rights, stumbled upon ‘Less Than Gay’. Divan, then a queer 20-something law student in Mumbai, found the pamphlet in the library run by Humsafar Trust, an NGO that provided support to Mumbai’s emerging gay community.

Divan says the pamphlet ‘happened’ to him, as if it was a force of nature. “It was path-breaking for that time. There was no gay community, gay literature, or HIV movement then. I started attending support group meetings at Humsafar, and in 1997 I attended a workshop by Lawyers Collective. That’s when I quit my practice to work full-time in its HIV unit,” says Divan.

On July 7, 2001, matters came to a head. Enthusiastic about enforcing Section 377, Lucknow police raided a park and once again arrested a few men on the grounds of suspected homosexuality. One of them was a health worker with an NGO called the Bharosa Trust, and the police immediately raided the offices of Bharosa, seized documents and arrested nine more people. “The police confiscated safe-sex aids like condoms, lubricants, instructional videos — a variety of dildos,” writes Dave in his book.

For the most part, journalism around gay rights in those days was uninformed, non-nuanced and sensationalist, and much to the delight of a giddy press.

When the Lucknow incident happened, we were already contemplating a petition. The media sensationalised the arrests, describing it as the bursting of a sex racket. For the most part, journalism around gay rights then was unformed, non-nuanced and sensationalist,” says Divan.

The nine arrested were denied bail, with the court stating that “the work of the accused is like a curse on society”. It took a month for Lawyers Collective to establish that Bharosa was not involved in a sex racket, and bail out the arrested members.

A public health measure

Meanwhile, the health ministry was facing a different problem. By 2002, government estimates put India’s HIV affected population at around 3.97 million people — more than any other country except South Africa.

This was before the appearance of generic anti-retrovirals, and prevention was literally the only cure. The homosexual community was in the throes of the epidemic, but the health ministry could not convince the police to stop harassing them when they came forward for treatment.

Former Union health secretary Sushatha Rao recalls visiting NGOs in Bengaluru in 2006. “I was stunned and shocked to hear about the police violence and the amount of fear and exploitation these people were under. That visit strongly influenced my thinking,” says Rao, who played a key role in convincing the health ministry to take a pro-LGBTQ stand.

“The then Home Minister Shivraj Patil was bitterly opposed, but Health Minister Anbumani Ramadoss was firmly in support,” says Rao.

Lawyers exploited this difference of opinion between the two ministries to their advantage. “We wanted to make the most of it,” says Anand Grover, president of Lawyers Collective. “I got an affidavit from Rao supporting our case. At that point, we could only argue this as a public health measure in order to succeed.”

When asked what the upcoming Supreme Court verdict means to him, Divan narrates an incident. In 2006, Lucknow police picked up six men from the chat room of Planet Romeo, a website for gay, bisexual and transgender men. The newspapers mentioned their real names, contact details, and even landline numbers. “These were married men, with wives and children. Their lives were destroyed,” Divan recalls.

As this goes to press, the country awaits the Supreme Court’s ruling. Awaits a decision that will prevent more lives from being destroyed.