



1. Please provide an update on relocating to New Delhi, and the general acceptance of gay men there.

Three recent pieces of Country Advice provide information on attitudes to homosexuality in New Delhi and other major urban centres of India:

- *RRT Country Advice IND39685*, of 12 January 2012, provides a substantial overview of attitudes to homosexuality in India, and information on relocation for gay men.¹
- Questions 4 and 5 of *RRT Country Advice IND39663*, of 16 December 2011, address the issue of the acceptance of gay men in Delhi.²
- Question 4 of *RRT Country Advice IND37162*, of 24 August 2010, addresses the issue of the public acceptance of homosexuality in New Delhi and other large urban centres in India.³

The sources quoted in these pieces of Advice suggest that the situation for homosexuals in India is slowly improving, particularly in the big cities, but that broader societal acceptance of homosexuality is some way off. Homosexuals in India continue to be subject to various forms of mistreatment, including harassment, violence and issues with accessing employment. *RRT Country Advice IND39685*, of 12 January 2012, addresses the issue of relocation for homosexuals in India.⁴ While this advice located no specific reports on relocation for homosexuals, information was located indicating that there is greater acceptance of homosexuals in urban areas of India as opposed to rural areas, although while homosexuality is increasingly accepted in India's urban centres it is still significantly stigmatised. The advice also located sources which indicate that the mistreatment of homosexuals still occurs in urban areas of India.

Since the 16 December 2011 advice, three media reports were located which refer to the acceptance of homosexuality in Delhi. On 6 January 2012, *The Times of India* reported that an artist had been assaulted by a masked man at the gallery where he was exhibiting gay-themed artworks in New Delhi. According to the *Times* report, the artist, Balbir Krishnan, had previously received threatening phone calls accusing him of 'spreading homosexuality' and 'ruining Hinduism', and posters advertising the exhibition had been damaged prior to the

¹ RRT Country Advice 2012, *Country Advice IND39685*, 12 January

² RRT Country Advice 2011, *Country Advice IND39663*, 2 December

³ RRT Country Advice 2010, *Country Advice IND37162*, 24 August

⁴ RRT Country Advice 2012, *Country Advice IND39685*, 12 January

assault. The artist re-opened the exhibition at a different gallery after the incident.⁵ No reports were located which indicate that further assaults took place after the exhibition was relocated.

The Two Circles website⁶ reported on 23 December 2011 that the American Centre⁷ in New Delhi had hosted a meeting of „experts and human rights activists’ with the aim of promoting “understanding and inclusion of the ... (LGBT) community in society”. An expert quoted in the article reinforces the point that, two years after the Delhi High Court decision⁸ decriminalised consensual homosexual conduct between adults, there “persists a significant fear in the gay community to come out of the closet in front of their families, friends and at workplaces”.⁹

In November 2011, the Fridae website reported that New Delhi had hosted the first Asian Symposium on Gay and Lesbian Tourism, with the aim of helping Indian tourism operators “understand their potential customers better as well as challenges and best practices associated with LGBT travel”. This article may be of interest, as it notes that the Indian Ministry of Tourism “was unwilling to support the event nor did any of its representatives attend”, and that a “major challenge” facing LGBT tourism operators “is providing sensitivity training to their vendors including drivers, tour guides and hotel staff”.¹⁰

2. Please provide information on MASI/HIJDA/Hijra and their interplay (if any) with gay communities.

[Note: this response will provide information on *hijras*. Although the terms are not strictly equivalent, the term „eunuch’ is often used interchangeably with ‚*hijra*’ in media reports.¹¹]

An article published by Tapania in the *Indian Journal of Gender Studies* in June 2011 provides background information on *hijras* in India. *Hijras* are often described as a „third sex’ in South Asia, “a religious community of biological men or hermaphrodites who dress and act like women, organise themselves in fictive kinship groups”, and often undergo castration in the process of becoming a *hijra*. The term *hijra* can also be used to describe eunuchs or castrated men, or individuals born possessing both male and female sexual characteristics. In traditional Indian culture, *hijras* are attributed “divine powers of generativity, that account for their traditional occupations of performing on auspicious occasions of childbirth and weddings”. *Hijras* live in quasi-religious cult communities, forming their own jati-like

⁵ Chowdhury, S 2012, „Artist assaulted for exhibiting gay works’, *The Times of India*, 6 January <http://timesofindia.indiatimes.com/city/delhi/Artist-assaulted-for-exhibiting-gay-works/particleshow/11381201.cms?prtpage=1> – Accessed 11 January 2012

⁶ Two Circles covers news from marginalised sections of India, with a focus on Indian Muslims. See <http://twocircles.net/about.html>.

⁷ The American Centre is part of the Embassy of the United States, New Delhi.

⁸ Section 377 of the Indian Penal Code criminalises homosexual acts between adults, and has been used by the police to harass and target homosexual people. However, in July 2009 some provisions of Section 377 regarding homosexuality were overturned by the Delhi High Court. The court decriminalised consensual homosexual conduct between adults, declaring that Section 377 violates India’s Constitution. For the text of the High Court decision, see: High Court of Delhi 2009, *WP(C) No.7455/2001*, District Courts of India website, 2 July <http://lobis.nic.in/dhc/APS/judgement/02-07-2009/APS02072009CW74552001.pdf> – Accessed 24 March 2010

⁹ „Need for inclusion, acceptance of gay community: Activists’ 2011, Two Circles website (source: *IANS*), 23 December http://twocircles.net/2011dec23/need_inclusion_acceptance_gay_community_activists.html - Accessed 11 January 2011

¹⁰ Tan S. 2011, „Delhi hosts first Asian LGBT travel symposium’, *fridae* website, 29 November <http://www.fridae.asia/newsfeatures/printable.php?articleid=11352> – Accessed 11 January 2012

¹¹ For one example, see: Raina, A. 2011, „Eunuchs Mourn After Deadly Blaze’, *The New York Times India Ink*, 22 November <http://india.blogs.nytimes.com/2011/11/22/eunuchs-mourn-after-deadly-blaze/> - Accessed 19 January 2012

grouping in the Indian caste system with “a traditional claim on performing at wedding and birth ceremonies,” and are paid for doing so. *Hijras* socially organise into a community of gurus and disciples, and disciples can only be initiated into the community by a guru.¹²

Hijra communities have traditionally offered “gender ‚misfits’, with or without a homosexual orientation” an option of a social and economic niche in Indian society. With the increased urbanisation, education and Westernisation of Indian society, this niche has been greatly reduced as “the role of traditional ritual figures like *hijras* has become less viable and reduced.” In the last few decades, these traditional *hijra* roles have been largely supplanted by sex work and beggary as income sources for *hijra* communities, and the Indian media “has reported notorious cases of forced castrations of abducted young men who are pushed into the prostitution and beggary racket”. Taparia notes that “scholars and civil society activists have noted that the ease with which *hijras* have taken to prostitution is a result of the emergence of gay/LGBT culture in anonymous urban spaces” in India. Further, Taparia notes that there is a major division “between those *hijras* who engage only in the prestigious work of earning *badhai* (literally, the money given to them by their audience on occasions of births and weddings when they sing and dance) and those who earn a living through prostitution.”¹³

In a 2010 review of Reddy’s 2006 book *With Respect to Sex: Negotiating Hijra Identity in South India*, Chaudry notes that *hijras* “adopt various female practices such as removing facial hair, taking oral contraceptives, using makeup, wearing jewellery and women’s clothing and growing their hair long”. Wearing women’s clothes is “particularly important” in marking *hijras* in public spaces, as are the two distinctive practices of *hijras*: “the distinctive hand-clap and lifting of the sari to expose genitalia or the lack of it.” Chaudry also states that apart from the guru-disciple relationship, which is the primary relationship for a ‚real’ *hijra*, “*hijras* establish relationships with other *hijras* they come to regard as ‚mothers’, ‚daughters’ and ‚sisters’.” *Hijras* may have relationships with men, and may refer to them as their ‚husbands’, but these husbands are not regarded as “being part of their ‚family’ or kinship network.”¹⁴

Estimates of the number of *hijras* in India vary from 200,000, to over a million, to 1.5 million, or between 0.15% and 1.25% of India’s population.¹⁵ A December 2011 article from *The Times of India* claims there are 1.5 million “eunuchs” in India; the article also notes that while *hijras* are “mercilessly targeted and jeered at on the streets, eunuchs’ presence at social celebrations - marriage or at the birth of a male child - is considered auspicious”.¹⁶ A May 2008 article in the *New Statesman* said there were estimated to be 200,000 *hijras* in India, and observed that *hijras* have “faced severe harassment, ... crushing social stigmatisation, abuse

¹² Taparia, S. 2011, ‚Emasculated Bodies of Hijras: Sites of Imposed, Resisted and Negotiated Identities’, *Indian Journal of Gender Studies*, Vol. 18, No. 2, June

¹³ Taparia, S. 2011, ‚Emasculated Bodies of Hijras: Sites of Imposed, Resisted and Negotiated Identities’, *Indian Journal of Gender Studies*, Vol. 18, No. 2, June

¹⁴ Chaudry, S. 2010, ‚Review of Reddy, G. 2006, *With Respect to Sex: Negotiating Hijra Identity in South India*’, *Indian Journal of Gender Studies*, Vo. 17, No. 3, pp. 482-485

¹⁵ See: Harvey, N. 2008, ‚India’s transgendered – the Hijras’, *New Statesman*, 13 May

<http://www.newstatesman.com/world-affairs/2008/05/hijras-indian-changing-rights> - Accessed 13 January 2012;

Gupta, M. 2011, ‚Where family matters’, *The Times of India*, 4 December

http://articles.timesofindia.indiatimes.com/2011-12-04/special-report/30474068_1_eunuchs-family-matters-male-child - Accessed 13 January 2012; Raina, A. 2011, ‚Eunuchs Mourn After Deadly Blaze’, *The New York Times India Ink*, 22 November <http://india.blogs.nytimes.com/2011/11/22/eunuchs-mourn-after-deadly-blaze/> - Accessed 19

January 2012

¹⁶ Gupta, M. 2011, ‚Where family matters’, *The Times of India*, 4 December

http://articles.timesofindia.indiatimes.com/2011-12-04/special-report/30474068_1_eunuchs-family-matters-male-child - Accessed 13 January 2012

and general derision from the wider community.” The article further notes that *hijras* are not recognised by Indian law, and thus cannot own property, marry, claim formal identity documents, or access healthcare, employment or education. *Hijras* are often mistreated by police, and robbed and sexually assaulted by „*goondas*”, or local gangs. Nonetheless, the article claims that the situation for *hijras* is starting to change as LGBTI NGOs and support groups gain funding and momentum in the larger Indian cities.¹⁷ In November 2009, *BBC News* reported that the Indian Election Commission would allow *hijras* to register their gender as „Other”; previously, all voters had to register their gender as either male or female.¹⁸

Little information was located on the interplay between *hijras* and the gay community in India. As noted above, *hijras* traditionally live in closed communities, and while they may take men as „husbands”, they do not consider these men to be part of their kinship group.¹⁹ In a paper presented at a 2008 Asian Law conference, an academic claimed that while the “integration of *Hijra* issues within a LGBT or queer political framework may be asserted by activist leaders, ... *Hijra* have very low standing in Indian society”.²⁰ A November 2011 article on the Delhi gay pride parade sourced from *The Hindu* quoted Ashok Row Kavi, who started India’s first gay magazine *Bombay Dost* in the early 1990’s. Kavi claimed that the parade was still being led by the “educated upper-class”, rather than reaching out to everybody, but he also noted more participation in the parade from the *hijra* community than in previous years.²¹

It should be noted that *Sify News* reported in 2003 that a group of *hijras* had abducted and castrated a man in Jabalpur city, Madhya Pradesh. The victim had reportedly stabbed a member of a local *hijra* community in a feud between the community of „real’ (castrated) *hijras* and a group of „fake’ (uncastrated) *hijras* over the collection of tribute payments at weddings and childbirths.²²

3. Please provide information on relocating to Bangalore for someone who has IT qualifications.

Bangalore (also Bengaluru), the capital of Karnataka state, is the fifth most populous city in India, having a population of 8,499,399 at the 2011 census.²³ Bangalore is widely reputed to be the „IT capital’ of India, or the „Silicon Valley of the East’.²⁴

¹⁷ Harvey, N. 2008, „India’s transgendered – the Hijras’, *New Statesman*, 13 May <http://www.newstatesman.com/world-affairs/2008/05/hijras-indian-changing-rights> - Accessed 13 January 2012

¹⁸ „Indian eunuchs given separate IDs’ 2009, *BBC News*, 13 November http://news.bbc.co.uk/2/hi/south_asia/8358327.stm - Accessed 13 January 2012

¹⁹ Chaudhry, S. 2010, „Review of Reddy, G. 2006, *With Respect to Sex: Negotiating Hijra Identity in South India*’, *Indian Journal of Gender Studies*, Vo. 17, No. 3, pp. 482-485

²⁰ Sanders, D. 2008, „377 – and the Unnatural Afterlife of British Colonialism’, 5th Asian Law Institute Conference, University of Singapore, IGLHRC website, 22-23 May <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/87-1.pdf> - Accessed 19 January 2012

²¹ Vijetha, S. 2011, „Spectrum of sexual diversity out on Delhi streets’, *The Hindu*, 28 November <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/article2666856.ece> - Accessed 19 January 2012

²² Narad, S. 2003 „Eunuchs, corporator held on castration charge’, TNUKdigest blog website, (source: *Sify News*), 28 May <http://groups.yahoo.com/group/TNUKdigest/message/6668?l=1> - Accessed 13 January 2012

²³ „Urban Agglomerations/Cities having population 1 million and above’ 2011, Census India website http://www.censusindia.gov.in/2011-prov-results/paper2/data_files/india2/Million_Plus_UAs_Cities_2011.pdf - Accessed 19 January 2012

As noted in Question 1 above, RRT *Country Advice IND39685*, of 12 January 2012, addresses the issue of relocation for homosexuals in India.²⁵ While this advice located no specific reports on relocation for homosexuals, information was located indicating that there is greater acceptance of homosexuals in urban areas of India as opposed to rural areas. Nonetheless, although homosexuality is increasingly accepted in India's urban centres it is still significantly stigmatised. The advice also located information which indicates that the mistreatment of homosexuals still occurs in urban areas of India.

Several recent reports were located which indicate the presence of an active homosexual community in Bangalore, and their integration into the workforce of some of the multinational companies with offices in the city. An annual Queer Film Festival is held in Bangalore, with the fourth edition to be held over three days in February 2012.²⁶ The most recent Bangalore Gay Pride week took place in November 2011, and consisted of a street march, a cricket match, a panel discussion, a garage sale, and a ‚kooth party‘ (kooth is a form of south Indian dance).²⁷ A December 2011 article in *Midday* noted the presence of “a bunch of corporate types proudly holding the rainbow flag high at the recent Bangalore pride parade, their company logos emblazoned on their t-shirts.” These marchers were from large multinational companies with offices in Bangalore, such as Google and Goldman Sachs, and the report notes that “diversity training” is carried out in such organisations and that “the rights of their LGBT personnel are explicitly safeguarded as a matter of policy.”²⁸ *The Times of India* also noted the presence of IT professionals in the Bangalore pride parade, claiming that “800 to 1,000 software professionals from the lesbian, gay, bisexual and transgender (LGBT) community.”²⁹

An older report was located indicating that there has been an active gay scene in Bangalore for a number of years. An October 2005 report on gay men in India from *CNN* quoted a gay NGO employee living in Bangalore, who claimed that he used online resources to organise parties for gay men, which were held at “well-known clubs in the city” and which had at least 100 people in attendance.³⁰ Nonetheless, while Bangalore may have an established homosexual community, and may be comparatively safe for gay men, as noted in Question 1 above, homosexuals in India continue to be subject to various forms of mistreatment, including harassment, violence and issues with accessing employment.

²⁴ For examples, see: Roul, A. 2009, ‚India’s Home-Grown Jihadi Threat: A Profile of the Indian Mujahideen‘, *Terrorism Monitor*, Vol. 7, Issue 4, 3 March; Baas, M. 2006, ‚Students of Migration: Indian Overseas Students and the Question of Permanent Residency‘, *People and Place*, Vol. 14, No. 1; and ‚Karnataka IT & BT Hub of India‘ 2011, Government of Karnataka Department of IT, BT and S&T website, 2 February <http://www.bangaloreitbt.in/> - Accessed 12 January 2012

²⁵ RRT Country Advice 2012, *Country Advice IND39685*, 12 January.

²⁶ ‚The 4th Bangalore Queer Film Festival‘ 2012, The Bangalore Queer Film Festival website <http://blrqueerfilmfest.com/> - Accessed 20 January 2012.

²⁷ ‚Queer Pride: Bangalore 2011‘ 2011, Gaysi website, 2 December <http://gaysifamily.com/2011/12/02/queer-pride-bangalore-2011/> - Accessed 20 January 2012

²⁸ Phukan, V. 2011, ‚The gays maze‘, *Midday*, 29 December <http://www.mid-day.com/news/2011/dec/291211-The-gays-maze.htm> - Accessed 18 January 2012

²⁹ ‚Techies reveal their colours‘ 2011, *The Times of India*, 28 November http://articles.timesofindia.indiatimes.com/2011-11-28/bangalore/30449546_1_techies-colours-sexual-orientation - Accessed 19 January 2012

³⁰ Tusing, D. 2005, ‚Gay men find refuge on the Net‘, *CNN*, 4 October http://www.cnn.com/2005/WORLD/asiapcf/10/04/india.eye.gays/index.html?section=cnn_latest – Accessed 11 May 2006

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