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International News

Gay City NEWS

Trans Indians Under Assault

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11/13/2008

As India's gays, lesbians, and gender nonconformists struggle for legal recognition of their civil rights and the end to their criminalization, an ugly two-day incident of police violence against hijras - as the transgenders are known - and LGBT activists in the south-eastern city of Bangalore, the nation's third largest, illustrates their continued tenuous position in the world's second most populous country.



Trans actress Karpaga is set to star in D. Sivakumar's "Paal."

According to reporting from the Times of India, the country's newspaper of record, and other local media as well as an October 24 press release from Bangalore's Campaign for Sexual Minorities Rights (CSMR), the incident began on the morning of October 20, when five hijras were arrested and charged - "falsely," says the CSMR - with "wrongful restraint" and "extortion" for begging. Although arrests of hijras for public begging are commonplace, and usually lead to them being sent to a "beggars colony," the use of the extortion charge allowed police to hold them, without bail, at a local police station.

While they were in custody, said CSMR, "In the station Assistant Commissioner of Police (ACP) H.T. Ramesh beat one of them with a lathi [a long, thick police baton], breaking her bangles and other jewelry and making her bleed. Another hijra was forced to clean the floor of the police station."

After a phone call from one of the arrested hijras, a crisis team of five activists from Sangama, Bangalore's sexual minority resource and health center, visited the police

station to meet with officials about the arrested hijras. ACP Ramesh and Police Inspector Shivashankara Murthi repeatedly slapped and kicked these activists, beating them with lathis. The LGBT crisis team members, all with some legal training, were then taken to another police station, where police beat them with lathis, sexually abused them, and ordered them to strip, yelling, "Are you a man or a woman?" "Take off your clothes, let us see what you have there!" and "How dare you come to my area to support hijras?"

The assistant police commissioner slapped one of the LGBT crisis team's activists named Dilfaraz four times, while his police inspector slapped activist Madesh two times and put a wooden block on his head. ACP Ramesh screamed, "I will beat you here and your head will break in the center!"

All five LGBT crisis team activists were arrested on charges of "unlawful assembly," "obstructing a public servant in the performance of his duty," and "riot."

Alerted by Sangama, some 150 protesters- including human rights activists, lawyers, trade union leaders, and activists from women's and communal organizations - gathered outside the Banashankari Police Station, demanding to see the assistant police commissioner to negotiate the release of the first group of arrested hijras, especially those who'd been physically assaulted and required medical attention denied them in custody.

When Ramesh agreed to see six of the activists, including a representative of the Garment and Textile Workers Union, he told them, "We are asked by the senior officials to beat them [the hijras] up. We will not release them even if you go to the chief minister. We have orders from senior officials to round up all hijras on the streets of Bangalore and book them under extortion cases."

Earlier that same day, the newspaper Mumbai Daily Advance and Analysis reported that Bangalore's deputy chief of police for the city's south district, S. Rati, had launched "a new drive against the eunuch menace."

When the activist delegation questioned the legality of such an order, the assistant commissioner shouted, "Arrest these people and beat them up!" The defenseless delegation was then attacked by a half-dozen policemen led by Ramesh himself, who brutally beat the activists with fists and lathis and then shoved them into lockup.

Police then turned on the 150 or so activists remaining outside, charging them with lathis and beating them while hustling many of them into a police van. Activists carrying cameras were singled out and, in total, 31 were arrested and crammed into a small police van. Police physically abused male-to-female transsexuals in the group.

The 31 activists spent seven hours in the van with no water until taken to a magistrate's home; even there, lawyers who had arrived to represent them had to blockade the road

to prevent the police from driving the activists away again rather than produce them before the judge.

After a day and a half in custody without food, water, or medical attention for the injured, the hijras and the activists who had come to protest their arrest were released on \$40 bail each, a considerable sum for the impoverished transgenders. But Deputy Police Chief Rati afterward told the Mumbai Daily Advance, "We will continue on this drive until the eunuch menace is completely eliminated."

In a statement from its New York office protesting the police violence, the Human Rights Watch said, "Bangalore human rights organizations, including the People's Union for Civil Liberties-Karnataka (PUCL-K), have extensively documented police harassment and abuse of hijras. In Bangalore, as elsewhere in India, hijras are often unable to obtain identity papers because their gender identity and appearance do not correspond to their sex at birth. As a result, many cannot find housing, education, or legal employment - or, in many cases, even vote. The effective loss of basic citizenship rights - coupled with widespread social prejudice against people who violate norms for 'masculinity' and 'femininity' - leaves them economically marginalized and exposed to police abuse."

Human rights activists demonstrated in the capital of New Delhi on November 7, demanding that the government take action to discipline the policemen involved in the Bangalore assaults on the hijras and the LGBT activists.

There are an estimated 1.5 million to 2 million transgendered in India.

The police campaign to "eradicate" Bangalore's hijras comes in the middle of a continuing public brawl between ministers of the national government over Article 377, the so-called anti-sodomy statute, which is a holdover from British colonial rule and provides for both fines and imprisonment for "crimes against nature." The law is used against gays, the transgendered, and even AIDS workers. Health Minister Anbumani Ramadoss believes Article 377 is severely hampering the struggle against AIDS and wants it repealed, but Home Minister Shivraj Patil, who controls the police forces, is firmly for maintaining the statute criminalizing private sexual conduct and gender nonconformity.

India's IBN network, on November 7, reported that this dispute can only be resolved by Prime Minister Manmohan Singh, the first person of Sikh faith to hold that post. The Sikh's holy book, the Guru Granth Sahib, is silent on the question of homosexuality, but some conservative Sikhs argue that its prohibitions against "lust" apply to same-sex relations, and some high-ranking Sikh clergy have issued denunciations of gay marriage and describe homosexuality as a "practice to be avoided."

Meanwhile, India's highest court is moving closer to ruling on a seven-year-old petition filed by the Naz Foundation, an AIDS-fighting organization, to remove homosexuality from the purview of Article 377, which also applies to cases of child abuse and

nonconsensual sexual activity. Currently, anyone convicted of homosexuality under the statute faces imprisonment for a minimum of ten years to life as well a hefty fine.

India's solicitor general, on behalf of the government, argued before the High Court in October that Article 377 acts as a deterrent to homosexual conduct, which he said was a cause for the spread of HIV and AIDS in the country.

"It was right for those in the LGBT rights movement to have reposed faith in the judiciary instead of asking the political class for change," said New Delhi-based gay rights activist and lawyer Aditya Bondyopadhyay. "The reaction of the court so far has been positive, non-prejudiced, and scientific while the government has taken an unscientific, moralistic, and homophobic view."

The next High Court hearing on the Article 377 case is scheduled for November 17.

Voices Against 377, the principal group campaigning for repeal of statute and also a plaintiff in the case, has launched a petition drive for a million signatures in favor of repeal.

There are some cracks in the wall of official homophobia and transphobia. In May, the government of Tamil Nadu, the seventh largest of India's 28 states, with more than 66 million people, became the first to grant recognition to the transgendered in its official documents. Applications for admission to educational institutions and government hospitals and for ration cards and welfare now allow sex to be designated as M, F, or T.

A hijra named Pooja told the Times of India, "The green book [ration card] gives me a sudden sense of belonging to the society - I can now apply for a passport, and open a bank account with no uncomfortable questions asked." There's been an avalanche of other "T"s who have successfully applied for recognition in Tamil Nadu since May. Unfortunately, no other state has yet followed suit.

Reporting from the Times make clear, however, that advances are happening on other fronts. Its film critic last month noted that beautiful Bollywood actress Karpaga is "the first transgender in the country to don the leading role in a mainstream movie," titled "Paal," now being filmed. Karpaga was training to be a dancer when director D. Sivakumar recruited her for the film.

The Times critic also observed that recently "Bollywood has offered several quite mature portrayals of homosexuality, be it Madhur's 'Page 3,' in which for the first time a gay character was looked at without prejudice, or the critically acclaimed 'My Brother Nikhil.'"

A new film, "Dostana," "may just be able to bring homosexuality to the forefront and into mainstream cinema," wrote the Times, adding, "In 'Dostana,' Bollywood hunks Abhishek Bachchan and John Abraham pretend to be a couple in a bid to rent an apartment," and share a kissing scene. "While Bollywood films still have a long way to go when it comes

to creating an award-winning, sensitive film solely focusing on homosexuality, at least the first stone has been laid in that direction," the Times continued, "and hopefully some day there will be awareness and understanding in urban India about homosexuals."

The Voices Against 377 web site is at <http://www.voicesagainst377.org>. The Naz Foundation's web site is nazindia.org. The Bangalore LGBT group Sangama is at <http://sangama.org>, and the Coalition for Sexual Minorities Rights may be contacted through them. Doug Ireland may be reached through his blog, DIRELAND, at <http://direland.typepad.com/>.

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