

to a small inner circle. For the moment the NAPM is concentrating on expanding its circle of involvement and considering how to intervene in the forthcoming Lok Sabha elections. It is clear that NAPM and its constituents are not contenders for power. It is a different matter that some who share the NAPM umbrella may on their own choose to participate in putting up, or supporting, candidates. But NAPM's interest lies in finding ways to place its agenda of concerns at the centre-stage of the political mainstream. How effectively it will be able to do this depends on how cohesive an organisational structure it is able to create. This is partly dependent on how many experienced full-time workers are available to NAPM and what momentum those in leadership roles can generate.

At present the co-ordinators of NAPM are Banwarilal Sharma of Azadi Bachao Andolan, Thomas Kochery of National Fishworkers Forum and Medha Patkar of Narmada Bachao Andolan. Among those who are also taking an active role are veteran socialist leader Kishen Patnaik, Abdul Jabbar of Bhopal Gas Peedit Mahila Udyog, Chittarayan of the Chilika Bachao Andolan, and G Narayana who comes from the Sarvodaya tradition. The process of building an effective team is going to place extraordinary demands on all involved, both in terms of establishing an acceptable chain of command and a collective perspective. By moving from their immediate issue-based or geographical spheres, to an endeavour like NAPM these activists are opening up the possibility of a veritable quantum leap.

So far all the various 'bachao' andolans have focused on the plight and rights of those victimised by the prevailing model of development. A decade of these struggles has created enough public debate to establish that there is an apparent stalemate between the beneficiaries and victims of 'development'. But is a significant, national, political mobilisation feasible exclusively on behalf of the over two crore people displaced since independence? The movement groups argue that those physically displaced from their homes are only the most dramatic examples of victimisation and their struggle is of the vast multitude left permanently below the poverty line - whether it is a landless labourer impoverished marginal farmer or rag-picker in some metropolitan city.

However, merely expanding the definition of displacement may not be enough. The central challenge is one of reaching out to the people who believe that a big dam will solve their economic problems. The Narmada Bachao Andolan, for example, has succeeded in building a case for the oustees but not yet

generated wide public awareness on how illusory the dam's benefits are in the long run. This means imaginatively articulating a vision of a different India, which even the stressed out city dweller who commutes to work every day in sub-human conditions, can relate to.

A political platform that voices the concerns of the most disadvantaged to the exclusion of other stratas of society is likely to have a limited scope. But if NAPM is to go beyond these limits it must contend with the reality of people's rising aspirations - with the cyclist who would own a scooter, and the scootrist who aspires to own a car, etc. The challenge before the fraternity, which

NAPM seeks to mobilise, is to create a cultural climate in which the destructive, self-defeating nature of the high consumption mode! becomes self-evident.

However, this ambitious task is probably well in the future. For the moment the NAPM's biggest challenge is internal. The larger societal challenges can be addressed only if the loose amalgam of activist groups can first succeed in forging an effective unity that strengthens people's struggles for control over their natural resource base.

[This was written for Charkha, a multilingual feature service for activists and others concerned with development and social justice issues.]

## Gay Rights in India

Vimal Balasubrahmanyam

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*Even within 'progressive' circles there appears to be ignorance and prejudice on the subject of homosexuality. None of the civil liberties groups have so far listed gay rights as an item on their agenda, although individual activists may be sympathetic. The task on hand today is to bring about the repeal of Section 377 of the Indian Penal Code which makes homosexuality a criminal offence.*

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THREE years ago on August 11, 1992 the AIDS Bhedbhav Virodhi Andolan (ABVA) had demonstrated in Delhi against harassment and arrest of suspected homosexuals under Sections 72-73 of the Delhi Police Act. The same year a petition was sent to the Petitions Committee of parliament seeking decriminalisation of homosexuality by repealing Section 377 of the Indian Penal Code.

As an organisation fighting on AIDS related human rights issues, ABVA is also involved in campaigning for gay rights, homosexuals being particularly vulnerable to victimisation in the prevailing anti-AIDS frenzy. Earlier, in November 1991, the group had released a citizens' report on the status of homosexuality in India entitled *Less Than Gay* which had included repeal of Section 377 in its charter of demands. Finally, last year in April 1994, ABVA filed a petition in the Delhi High Court challenging the validity of Section 377. The action was in response to the Tihar jail authorities' refusal to supply condoms to inmates despite the known prevalence of homosexual practice among prisoners and their consequent risk of exposure to HIV infection.

This was the background for a day-long meeting organised in Delhi this April to mobilise support for the public interest petition for which hearings have already begun. The meeting took place on April 22. soon after it was reported that a Tihar jail

inmate had died of AIDS. A resolution was passed which, among other things, highlights the following points:

- The culture, heritage and even religion in India have given sanction to all forms of sexual expression including homosexuality;
- Medical establishments all over the world (WHO, American Psychiatric Association) accept homosexuality as normal behaviour and not a disease.
- Section 377 of the Indian Penal Code of 1860, drafted during British colonial rule in India with a view to punish and criminalise consensual sodomy, is now antiquated, discriminatory and is a violation of the individual's right to privacy.
- The concept of human rights stands extended to people with different sexual orientation as prescribed in the London Declaration of 1988.

The proceedings of the April 22 meeting were not reported in the media for the simple reason that the media was not invited to be present. In ABVA's experience, media treatment of this particular issue, that is homosexuality, tends to be titillating and sensational or insensitive and unthinking. ("Who are the homosexuals in your group, we will interview them.") Such an attitude is not helpful in building up public understanding of, and sympathy for, the central issue which is: people with homosexual preference are not abnormal, immoral or

licentious, they should not be treated as criminals or be discriminated against. Incidentally, a review in *Sunday* had described *Less Than Gay* as 'pornographic' and it was only after an 18-month battle in the Press Council that the magazine agreed to publish ABVA's rejoinder.

In the Indian milieu it seems to be an uphill task to tackle public prejudice on this topic. At the April 1995 meeting the advocate who Tiled ABVA's petition in the high court spoke of the initial hostility of the judges. They wanted to know: does ABVA favour free sex? Does ABVA want AIDS to spread (by promoting homosexuality)? They were not responsive when told of WHO guidelines for supplying condoms in prisons for AIDS prevention. Reportedly the judges' attitude changed when senior advocates appeared in the court to argue the case. Another point made at the meeting was that doctors and lawyers who are aware of the public health angle to this issue (leave aside the human rights aspect for the moment) have been unwilling to take a public stand.

It should be noted that even Amnesty International took a long time to accept that homosexual preference is a human rights issue. The subject has been debated within AI from 1979 onwards and only in 1985 began to crystallise into a concrete stand. A 1987 AI report detailing its research project investigating into persecution of homosexuals throughout the world has a comment by the researcher assigned to the project to the effect that Amnesty's stand still contains anomalies which need to be set right. This is particularly in relation to the category of 'prisoner of conscience' which needs to be widened in scope so as to ensure a more comprehensive protection of the right to sexual preference.

The Amnesty report contains an exhaustive listing of the law in different countries as well as the forms of victimisation that gays are being subjected to. In China, for example, the topic is not mentioned in the law but in actual practice homosexuals are being persecuted under article 158 of the Criminal Law (disturbance against the social order). And in the USSR (the report was compiled before the collapse of the Soviet Union) male homosexual acts are illegal under article 121 of the Penal Code, while punishment is known to have taken the form of psychiatric treatment and drugs to "convert the homosexual into a heterosexual". I mention China and USSR to emphasise that this is an area where the Left and the Right appear to think alike.

The gay rights movement in the US does not need to be described since it has had continuous media coverage over the last few years. In fact Indian newspapers which faithfully carry reports on gay demonstrations

in the west tend to give little importance to similar initiatives in this country except in a totally counter-productive way as described at the outset. However, ABVA mentions that a few Delhi newspapers have recently carried edits calling for repeal of Section 377.

Even within 'progressive' circles there appears to be ignorance and prejudice on the subject of homosexuality. None of the civil liberties groups have so far listed gay rights as an item on their agenda though ABVA activists tell me that they have been sympathetic and supportive during discussion. At a PUCL-NHRC seminar held in March this year, ABVA was given an opportunity to present its viewpoint on gay rights.

It is relevant to note that the women's movement in the west has gone through intense conflicts among feminists regarding lesbianism and women's rights. In India the first time that this issue was taken up at a public forum was only last year at the national women's conference in Tirupati in January 1994. And women's groups by and large have not initiated action in response to the cases of harassment of lesbians occasionally reported in the press over the last few years. Last year a woman leader of the CPI had issued a statement lashing out at homosexuality. It was in the context of a proposal to hold an international gay rights meet in India and while I cannot recall the text of the statement. I think it was something to do with permissiveness and decadence.

But coming back to the question of the law, obviously legal sanction for homosexuality is not a guarantee for its social acceptance. The country wise status described in the Amnesty report amply bears this out. Meanwhile, the AIDS scare has resulted in

two kinds of reactions on homosexuality. In India an organisation like the Indian Medical Association (IMA), not exactly famous for its espousal of human rights causes, has supported repeal of Section 377 and has chosen to pronounce that homosexuality is not a disease. This was last year, in response to reports of HIV positive cases in Tihar jail and IMA's recognition of the fact that condom supply would not be taken up unless homosexuality is decriminalised. This is one kind of reaction-supporting gay rights because it is necessary for AIDS control and prevention.

The second kind of reaction is a strengthening of the attitude that it is 'these homosexuals' who are responsible for the AIDS epidemic and therefore they should be suppressed not encouraged. This attitude appears to be hardening in countries like the US. An article in the *Nation* (March 20) by Meredith Tax says: "Homosexuality has become the anathema of the religious right, replacing abortion". The author's book, *Families*, which was being used as a textbook in the first grade Family Life Education curriculum was withdrawn after a campaign by conservatives, because "there's a lesbian couple in the book". Used for eight years 'without complaint' in Fairfax County (Virginia) schools, it was removed after a controversy in 1993 and replaced by one which contained "no one who might be a lesbian".

In India it might take a lot more struggle before gays and lesbians can come out of the closet, leave alone for them to be portrayed in school textbooks. Right now the task on hand is to get Section 377 repealed and for that the support of all progressive groups, particularly those involved in civil rights is necessary.

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