Study on LGBT and Tourism:
Visible choices, invisible voices
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Glossary:

**Bisexual:** A person who is attracted romantically/ emotionally/ sexually to both men and women.

**Coming out:** The process by which a gay/ lesbian/ bisexual person acknowledges his/ her sexual identity to himself/ herself and a Transgender person acknowledges his/ her gender identity to himself/ herself and then proceeds to tell others about it. Coming out has many levels, starting from coming out to oneself, to coming out to family, friends, colleagues and the wider society.

**Cruising area:** There is an absence of space where LGBT communities can meet each other. Public parks, arcades of shopping complex, local trains and public toilets have emerged as places where they meet each other. These places are referred to as cruising areas.

**FTM:** A person who transitions from female-to-male, meaning a person who was assigned female at birth, but identifies and lives as a male. Also known as a Transgender man.

**Gay:** A word used to describe a man who is attracted to another man emotionally/ sexually/ physically.
**Heteronormative:** A heterosexist framework or discourse which determines the norms by which people are expected to live in society (usually biased against queer people).

**Heterosexual:** A person whose sexual/ romantic/ emotional feelings are for the opposite gender.

**Hijra:** A Transgender person who is biologically male and takes on the gender role of a female. Hijras in India have their own form of social organization and form a parallel society.

**Homophobia:** Prejudice against or fear/ hatred of homosexuals.

**Homosexual:** A person whose sexual/ romantic/ emotional feelings are towards those of their own sex/ gender.

**Intersex:** A term used for people who are born with external genitalia, chromosomes, or internal reproductive systems that are not traditionally associated with either a standard male or female.

**Jogappas / jogathi:** One of the lesser known Transgender communities in India the Jogappa are connected with the worship of Goddess Yellamma (mother of all). Many women and men also dedicate themselves their spouses, or their children to the service of Goddesses Yellamma. Both Jogappas and jogathi have same background however they differ in terms of their source of occupations. Jogappas perform pooja and are also involve in sex work while jogathi are dedicated to worship and service of deity of the temple for the rest of their life.

**Kothi:** In the South Asian context, a male homosexual who is feminized and takes a passive/ receptive role in sex.

**Lesbian:** A woman who is attracted to women emotionally/ sexually/ romantically.

**LGBT:** An acronym for Lesbian, Gay, Bisexual and Transgender. Usually used as an umbrella term for queer people.
**MSM:** A general term used to refer to Men who have Sex with Men.

**MTF:** A person who transitions from “male-to-female,” meaning a person who was assigned male at birth, but identifies and lives as a female. Also known as a “Transgender woman.”

**Sex Reassignment Surgery:** Surgical procedures that change one’s body to make it conform to a person’s gender identity. This may include “top surgery” (breast augmentation or removal) or “bottom surgery” (altering genitals). Contrary to popular belief, there is not one surgery; in fact there are many different surgeries.

**Sexuality minorities:** An umbrella term for people discriminated against due to their sexual identity/orientation or gender identity, including all non-heterosexuals.

**Transgender:** An umbrella term for people whose gender identity, expression or behaviour is different from those typically associated with their assigned sex at birth, including but not limited to transsexuals, cross-dressers, androgynous people, gender queers and gender non-conforming people. Transgender is a broad term and is good for non-Transgender people to use. “Trans” is short for “Transgender.”

**Transsexual:** A term for people whose gender identity is different from their assigned sex at birth. Often transsexual people alter or wish to alter their bodies through hormones or surgery in order to make it match their gender identity.
Context:

A. Introduction:

Social construction of gender recognises only two sexes – male and female which is based mainly on the reproductive paradigm where two people from the opposite sex come together to produce a new citizen. Belief in this paradigm sets the very basis for heterosexual norms for the society which determines behaviour of people in society. This norm is institutionalised through the process of socialisation by various social institutions such as family, schools, religion, hospitals, media, law and the state. By imbibing such heterosexual norms, people perceive male-female relationship as a natural form of relationship. This binary concept of gender leaves no space for people to understand that the linkage between sex and gender is socially constructed and not the natural one. In turn, it creates a lack of social acceptance of identities such as people with intersex, transsexuals, Transgender and bisexuals who can be called as sexuality minority communities. This has resulted in intolerant attitudes towards sexuality minority communities being dismissed as a western phenomenon, an upper class phenomenon or stigmatised as a mental illness, a disease or a crime. Perceptions such as these enforce invisibilisation of the LGBT communities pushing them to the margin and making it a challenge to ‘come out’. All these forms of non-recognition, lack of social acceptance and enforced invisibility expose them to various overt and covert forms of discrimination and violation of their rights.

A study done by People’s Union for Civil Liberties (PUCL) in 2001, a first of its kind, documented various forms of discrimination perpetrated by social institutions against LGBT. There are incidences of physical abuse, parents arresting their son/ daughter in house to break any connection with outside world, forcing the person into a heterosexual marriage, getting them treated by mental health professionals, disowning the person, discontinuation of their education by families which have serious repercussions on the physical and emotional well being of the person.
These are only some of the overt forms of structural violence committed by families but there are also many other covert ways of violence perpetrated by other institutions. Their existence and need for survival has always been either overlooked or portrayed as being against the interest of society on moralistic grounds and therefore needs to be removed. The role of the media (electronic and print) can not be ignored, as, by and large, either homosexual relationships are portrayed in a negative way or is subject to mockery, especially Transgenders. Transsexual comic character in Raja Hindustani (1996) is one such example.

Systemic biases towards them put an end to sources of employment and force them to choose sex work and begging for their survival. Stigma attached to sex work and their invisibility accentuates their situation and they are exploited by their clients and pimps as well. There are very few cases, especially of Transgenders, if they confirm either of sexual appearance (male/ female) they are able to find opportunities to work in bars, restaurants, hotels, and shops. However, they undergo emotional trauma of constant trial of hiding their identities due to fear of losing their jobs.

Intolerant attitude of the society towards sexuality minority communities has implications on their safe access to public spaces like school, work place, parks, hospitals, hotels and eating joints. They find it difficult even to meet their partners in a public space as there have been incidences of physical attack, harassment, abuse, rape, extortion and illegal detention committed by civil society, police and goons. Homophobia poses serious challenges before them to access housing places. Being perceived as a disease or sexually perverse behaviour, medical professionals carry social biases against sexuality minority communities or succumb to the social pressure to make the patient ‘normal’. These attitudes makes good medical services out of their reach. They face difficulty in accessing health services for treatment of Sexual Transmission Infection (STI)/ HIV/ AIDS and sex reassignment surgeries.
Reluctance to accept sexuality minority communities has led not only to a denial of their identity as a person with specific gender and sexual preferences but also as a violation of their rights as citizens. The study states that right to common property and inheritance, right to adoption, purchase of land and right to entitlements like ration card, voter card and passport are all driven by heteronormative discourse and therefore discriminates against LGBT on legal grounds.

All these problems are exacerbated for LGBT communities living in rural areas. Their violation of rights manifold since they are positioned in multiple layers of marginalisation linked to caste, class, religion, gender, rural-urban and people from non-english speaking backgrounds. There is an absence of connectivity to the city, collectives of LGBT, media - especially English ones (where issues of LGBT people are highlighted), lack of knowledge about groups of LGBT outside their places and the lack of role models to follow or even the ability to think about possibilities of ‘coming out’. It becomes more difficult for LGBT from these backgrounds to question heterosexual norms. While these are factors, isn’t the acceptance higher in rural areas than in urban? - No, this is the point we are raising in the para as why coming out is more difficult in rural areas

B. LGBT movements:

The emergence of queer movement in India started in late 1980s with the beginning of Bombay Dost, a gay magazine in Bombay and the establishment of Sakhi, a lesbian collective in Delhi. This paved way for many LGBT groups to come together in different parts of the country like Gay Scene (Kolkata), Freedom (Gulbarga), Fun Club (Kolkata), Aarambh (Delhi), Rush Club (Mumbai), Good As You (Bengaluru), Men India Movement (Kochi), Counsel Club/Pravartak (Kolkata), Sisters (Chennai), Red Rose (Delhi), Udan (Mumbai), Saathi (Delhi) and Gay Information Centre (Secunderabad). These steps were initiated to build a community of queer people by creating spaces to share their commonness with each other and uncommonness with the larger society. These early initiatives
worked as a platform to connect queer people living in different parts of the country.

However, in 1991, it was the report on “Less than Gay: A Citizens’ Report on the Status of Homosexuality in India” published by AIDS Bhedbhav Virodhi Andolan (ABVA) that made the challenges faced by gays and lesbians public. The report highlighted the violence against LGBT people by medical professionals, activists and intellectuals. They demanded rights of LGBT for same sex marriage, parenting, decriminalization of homosexuality, repeal of Indian Penal Code (IPC) 377 amendments in Special Marriage Act and AIDS Prevention Bill of 1989, and providing a positive homosexuality education in schools.

In 1992, the first public demonstration was organized by ABVA against the harassment and arrest of suspected homosexuals in public parks by police following the clauses related to nuisance of Delhi Police Act. ABVA filed a petition with the Petitions Committee of Parliament to repeal Section 377 in violation of Article 14, 15 and 21 of the Indian Constitution but could not succeed due to the lack of support from a Member of Parliament to argue the petition. In 1994, ABVA again filed a public interest litigation (PIL) in Delhi High Court. It was in follow-up to the findings of a survey stating that many male prisoners tested HIV-positive. ABVA demanded free condom distribution among prisoners, steps be taken to prevent stigmatization of prisoners with HIV and homosexuals and regular consult with the National AIDS Control Organisation (NACO). However, the demand to distribute condoms was turned down on grounds of violating Section 377. The case also did not find any response from the government. However, the protest that took place in 1991 carved a path for a series of protests in different parts of the country raising their voices against violations.

The 1990s has witnessed a range of events which opened up spaces for dialogue on sexuality, gay and lesbian issues. Seminars on the Politics of Sexuality in 1992 in Delhi, Gender Constructions and History of Alternate Sexuality in South Asia in 1993 in Delhi, Gay Men and Men Who Have Sex with Men in 1994 in Mumbai were held. Film screenings and video
shows on gays and lesbians were also conducted. Amidst all these, one of the landmark event was re-release of Hindi movie Fire which focused on the issue of lesbians. The film was protested by political groups, mainly right wing, on moral grounds and hurting the sentiments of the Hindu community by using names of Goddesses in the movie. However, the film also got support from political liberal parties, the National Commission for Women, intellectuals, and the film industry on grounds of freedom to express as guaranteed by the Constitution. The film has proved to be a significant mark for emergence of the Lesbian movement as the women’s movement was silent about sexuality and lesbian issues. Till this time, the lesbian movement was trying to integrate themselves within the women’s movement on grounds of questioning patriarchy and lesbian rights within the ambit of women’s sexual rights.

Voices raised in last decade mostly in context of sexuality, gay and lesbian, and their rights has made their existence in the country visible but has also been faced by violent attacks on the queer community. Society was undergoing significant changes due to the open market leading to an increase in employment opportunities, exposure to different cultures and role of the media in impacting attitudes of society, especially of youth. This led to the cautioning of conservative forces to control society on moral grounds. In matters of sexuality, it became difficult for state agencies, especially police and right-wing political parties to accept the change which was striking the very base of heteronormative norms and behavior. Frequent violent attacks on the queer community, increased patrolling on cruising areas, arrests, illegal detentions by the police were common. In particular, is the arrest and imprisonment of 4 activists from Bharosa Trust in Lucknow and Naz Foundation India Trust who were working on HIV/AIDS preventions. Despite of recognition from the Uttar Pradesh State AIDS Control Society (UPSACS) and working within NACO guidelines, the organisations were accused of promoting sodomy and polluting Indian culture. The people arrested did not receive any significant support from either of the state agencies. The arrest saw intense protests and led to the formation of the first political group ‘People for the Rights of Indian
Sexual Minorities’ addressing queer rights. Likewise, in 2002 Sangama, an organisation in Bangalore working with LGBT communities was asked by the police to conduct their meetings outside the city limits. It was followed because of a complaint by the neighbours objecting to their presence in the area. A similar incidence was experienced by Veshya Anyay Mukti Parishad (VAMP) working with sex workers in Nipani in Maharashtra. They built office on they had bought land but because of the opposition from the residents opposed the police ordered them to conduct their meetings outside the city. When opposed by sex workers, they were threatened, attacked and raped.

These developments also impacted donor agencies who were unwilling to recognise health interventions in context of sexuality rights. In 2004, Sangram – the parent organisation of VAMP was accused of promoting prostitution as they refused to accept one of the terms of having a policy explicitly opposing prostitution in accessing foreign funds (USAID) for HIV/ AIDS prevention.

It was in the context of the increasing violence and attacks by the police on queer people, that PUCL’s report on ‘Human Rights Violations against the Transgender Community’ was published which highlighted the issues and violence against LGBT communities. The report was significant for the movement as it brought the need to look at gender based demands and caste, class and economic disparities into queer politics. This is more in view of the criticism faced by Naz Foundation India Trust from the larger LGBT community following the petition they filed on the same grounds. In 2001, Naz Fondation again challenged Section 377 with support from the Lawyers Collective following the harassment of its outreach workers engaged with the HIV/ AIDS intervention programme. Since Naz Foundation was working to address sexual health of gay and ‘men who have sex with men’ (MSM) in context of its HIV/ AIDS intervention programme, it became easier for the police to target outreach workers carrying condoms and awareness materials on Section 377. Further, in an attempt to address the issue of HIV/ AIDS among the homosexual communities, NACO used the approach of Targeted Interventions (TI), which caused a shift in the way
LGBT are viewed. For e.g. Kothis started being known as MSM, which took away from their cultural identity and ascribed merely a sexual practice to them. This caused the further invisibilisation of the cultural identities of LGBT. Therefore, basing the petition on right to liberty, they raised the issue that the Section was hindering to reach out to the MSM. Therefore, the petition asked for exemption of private consensual adult sex rather than to repeal the section. Following this, the Foundation faced severe criticism that they had not followed a consultative process before filing the petition as it brought out the missing link of class dynamics. Demanding only for the exemption of private consensual sex left many LGBTs especially Transgenders, Hijras, Kothis out of its ambit, who are mainly from poorer economic class and do not have access to spaces except public places like parks and bus stops. Further, due to emphasis on MSM community only, other communities like Transgenders, Kothis, Hijras and lesbians didn’t find themselves represented in the petition.

In September 2003, the Delhi Court rejected Naz Foundation’s PIL saying that the Section 377 is meant for providing a healthy environment in society and that homosexuality is not approved by Indian society. At this stage, the Foundation along with the Lawyers Collective called for a national meeting participated by a range of stakeholders NGOs, child rights group, sex workers etc. to discuss whether to file a review or appeal in the Supreme Court. This meeting provided the group to resolve their differences and form a coalition ‘Voices against 377’ which played an instrumental role in bringing forth the atrocities and violations of human rights under the guise of Section 377. Consensus was built to file a petition for review and to generate public awareness about Section 377 among society as a strategy to mobilize social support for the petition. A range of activities targeting a wider set of audiences right from the police, media, politicians, academia, bureaucrats, and medical institutions and professionals was organised.

Protests against violence and harassment by police continued. Pride marches played an important role which celebrates the identities, thereby, going beyond raising issues of violence. It started in Kolkata in 2003 on 29th June, known as Stonewall Day later joined by other cities like Delhi,
Bangalore, Bhubaneswar and Chennai. It has been helpful in bridging the gap within the queer communities from diverse backgrounds as well in mobilising the society (families, heterosexual friends and general supporters) to join the march. In September 2006, an open letter titled ‘Same Sex Love in India: Open Letter Against Section 377’ was addressed to the Government of India, the Judiciary and all citizens of India. The letter sought wide support from different segments of society. The entire process to build support in favor of the petition filed in the Delhi High Court has led to declaring Section 377 unconstitutional in 2009.\(^{11}\) However, the judgment is challenged in the Supreme Court by the Delhi Commission for Protection of Child Rights and religious organizations like All India Muslim Personal Law Board, Utkal Christian Council and Apostolic Churches Alliance, Tamil Nadu Muslim Munn Kazhgam, astrologer -Suresh Kumar Kansal and yoga guru- Ramdev on moral grounds.\(^{12}\) In 2009, Suresh Kumar Koushal filed Special Leave Petition(SPL) in the Supreme Court challenging the Delhi High Court judgement. In addition to this, between 2009-2011, there were other fifteen SPLs filed opposing the judgement of the Delhi High Court. On other hand, interventions petitions were also filed in support of the judgement before the Supreme Court. The division bench of the Supreme Court had reserved its order in March 2012. After hearing the case at length, the Supreme Court turned down the Delhi High Court judgement stating sex against the order of nature is constitutionally valid, therefore, a person found guilty will be fined and imprisoned for maximum 10 years.\(^{13}\) The Court stated that LGBTQ constitute a very ‘miniscule’ portion of the population and there are less evidences to show that Section 377 is used against them. Only 200 cases are prosecuted in the last 150 years. However, the Court left the matter to Parliament stating that such laws can be declared void through legislative bodies. In terms of its applicability, the Court held that Section 377 applies to all irrespective of age and consent. The Section criminalizes the sexual act and not the identities, orientation or particular people. The judgement saw outrage and protest from public at large. In response to the ‘miniscule population, LGBTQ activists told that the number of cases the Court has relied upon are only registered cases and ignores the large number of cases that fails to register
at trial level itself. With regard to passing the matter to legislative bodies, concerns were raised that why the same judges do not have problems with disregarding the border of judicial and legislative bodies in matter of other cases. Following the judgment, a review petition was filed in the Supreme Court by the Central government and activists stating the judgment as violation of fundamental rights under Article 14, 15 and 21 of the Constitution. However, the Court has refused to review the petition. Nevertheless, the LGBTQ activist believe that the judgment has given rise to new generation of activism in view of the public backlash as well as support from political parties against the judgment.

While the battle for repealing the law has seen progress in certain pockets of the society the movement has a long way to go to challenge fundamental issues revolving around the queer identities.

Addressing a range of issues crucial for living a day-to-day life remains one of the critical challenges. The HIV/AIDS intervention programme has left its impact on political fervor of the movement. Focus on building awareness about safe sex under the programme has impacted the state’s intervention. The agenda of ensuring safe sex for sexuality minority communities overshadowed the role of the state in guarantying their rights and the entitlements which would have addressed their marginalization. Challenging hierarchies within the movement is another area that needs to be thought about. On the one hand, while the HIV/AIDS programme, focuses on MSM and the Transgender community thereby creating space for them ‘come out’, on the other it has left out other identities like lesbians thereby pushing them to the margin. In West Bengal, Manas Bangla AIDS control centers and the provision of basic facilities are supported by the government, thereby, covering the MSM communities under the government’s sexual health drive but not other sexuality minority identities. There is also accusations on MSM communities by lesbian, bisexual and Transgender women that they have hijacked spaces for these communities from government’s recognition and support under AIDS control drive.
Challenging patriarchal notions within the women's movement and exploring new ways of articulating gender needs to be anticipated. While the women's movement is open to accept MTF (male to female) but resisting FTM (female to male) as they see it as reinforcing patriarchy by aspiring for masculinity. The idea is challenged by transfeminism stating that by looking body as a site of resistance means accepting the social construction of gender. This notion of body and gender do not recognize realities of trans and gender variant bodies – maybe break this idea down a little more as for a lay person it is difficult to understand. Going by the binary concept of gender also means denial to the space for self-definition and self-declaration of gender. One of the critical concern about the battle against Section 377 was that it was confined into the hands of educated, English-speaking and metropolitan city based people and continues to remain so. There are many LGBT who struggle to form their allies at local level characterized with multiple marginalisation based on caste, class, religion, education and geographical locations. They are more vulnerable to different forms of exploitation and abuse but either they lack knowledge of legal measures or scared of raising their voices due to intense criminalisation they face in their day to day lives. Given this, reading down of Section 377 can be seen only as a starting point wherein translating the spirit into realities while addressing core issues inherent to the struggle is a major challenge before the movement.

C. LGBT and Tourism:

One of the critical concerns raised about the movement is related to class dynamics which has its impact beyond the movement. This is very much visible in tourism wherein LGBTQ tourism is catching attention of the industry at a national and international level. In India, after Delhi High Court ruling out Section 377, there was a special session on Gay and Lesbian Tourism in 18th South Asia Travel and Tour Expo organised in Delhi in 2011 wherein the LGBTQ community were seen as having maximum disposable income as they belong to DINK (Double Income No Kids) group. Travel and tour companies came out with new ways
to attract LGBTQ tourists however such promotions were opposed by groups like Bharat Swabhiman Trust (BST) started by Baba Ramdev, Hindu Janajagruti Samiti (HJS) and the Church in Goa. Irrespective of the response, promoting LGBT tourism on one hand and silence about presence of a large section of the community on other hand reveals the very nature of tourism industry which tends to serve the interest of a particular class. They have been serving the various needs of the tourists at tourism destinations for long but there issues remain invisible.

Anonymity inherent to tourism gives relaxation from social norms to the tourist which serves the livelihood interest of the sexuality minority communities in limited ways. For e.g. indulging in activities such as drinking, gambling, deriving sexual pleasure out of marriage do not fall under the prescribed social norms thereby, not respected in real lives. Therefore, seeking sexual pleasure or fulfilling whims and fantasies is a reality that exists at tourism destinations. This reality attracts LGBT communities in large numbers to earn their livelihood through sex work. Apart from sex work, begging and dancing are other main sources of livelihood. However at few places they are also associated with religious events like dancing at religious occasions like Holli, Dassara, Diwali or birth ceremony and performing poojas at shops to prevent the evil eye.

LGBT communities, apart from visiting migrating to tourism destinations for their livelihood, also do so for cultural and religious purposes. There are certain festivals which has a strong presence of LGBT community. For e.g. some temples like the Yellamma Temple in Hubli, is an important site for them from a religious point of view. Other such festivals are the nine day Urs festival at Khwaja Garib Nawaj’s Dargah in Rajasthan and Koovagam festival in Tamil Nadu which attracts a large number of visitors to the place. These pilgrim sites known for getting the blessings from Transgender communities like for a child through performing poojas.

However, these realities have always been either overlooked or portrayed as being against the interest of society on moralistic grounds and therefore needs to be removed. Given the situation of non-acceptance by society
and constant harassment by law enforcing agencies, it becomes necessary to understand the realities of LGBT communities at tourism sites. While tourism offers spaces to LGBT to engage, other realities at tourism sites complicates the situation. As tourism is a seasonal activity, to make most out of it, every stakeholder puts their best foot forward. Patrolling of police increases to address safety and security of the visitors, specially at places like bus stops, railway stations, parks, streets which also happens to be a meeting points for LGBT. Lodges and restaurants are hard to access with increased rates during the season. There is a drive to chase unwanted people like street vendors, sex workers, beggars, street children and homeless people away, in the name of cleanliness. These people are chased away due to the trend to beautify tourist destinations by ‘clearing out the unwanted’ and creating a façade of beauty. Demand of services like accommodation, food and local transport affects the cost of living. Local goons and constables look for opportunity to earn extra money through bribe or force. In scenarios like this wherein every activity revolves around economic interest, exposure of LGBT communities to constant harassment and abuse is relatively high. Therefore, it necessitates understanding their realities in a holistic manner before examining what tourism is offering to LGBT communities to enable them to live a dignified life.

In this backdrop, a study on LGBT and tourism was proposed to understand the realities of LGBT communities at tourism sites first and to examine the nature of interaction between tourism and LGBT communities.

2. Methodology:

The study in Karnataka was guided by the following research questions:

- Nature of interaction between LGBT communities and tourism- What are the realities at tourism sites? What are the activities LGBT communities engaged with? What kind of benefits are they getting from tourism? How is a tourism site impacted by the presence of LGBT communities? How is their experience with tourists and other
stakeholders such as lodges, auto drivers, police officials?

- What forms of associations/ forums/ organisations related to LGBT communities exist at tourism sites? What mechanisms do they have to safeguard their interest?

- Challenges and demands faced by the LGBT from the tourist site. How are these challenges different from the challenges at non-tourism sites? What support mechanism do they have to address these challenges?

- Approach of the government and the tourism industry towards LGBT? How is their interaction with LGBT? How open are they in supporting LGBT? What initiatives have been taken by government and other stakeholders?

**Selection of research sites:**

Broad criterion followed to choose the sites were:

A. Tourism activity at the site

B. Presences of LGBT communities

C. Presences of LGBT groups/ associations/ unions / CSOs / CBO working with the LGBT community

**Details of the sites:**

**Mysore:** As per the Karnataka Tourism Policy (2009-2014), Mysore along with other heritage centres is identified under the classified tourism zones and planned to be developed in an integrated manner with Integrated Tourism Development Master plans. Demand for declaring Mysore as a heritage city has been on the agenda for long. The Association of Concerned and Informed Citizens of Mysore (ACICM) had submitted its demand to the then Chief Minister B. S. Yeddyurappa to declare it as a heritage city. Later, the same appeared in Congress manifesto released
by Siddharamaiah in April 2013 with the creation of Greater Mysore and a budget of Rs. 200 crore for development for 2013-14. Considering the historical importance and heritage, Rs. 100 crore is sanctioned in the budget (2013-14) for infrastructural development. The government has proposed to set up a tourism development authority with a plan to develop a three-day “tourist circuit”. Dussehra, is one of the festivals that attracts a large number of tourists every year to Mysore. To popularise the festival and promote tourism in the city, there is a demand to set up a Dasara authority and Tourism authorities. During the festival it is considered auspicious by business community to get the blessings from the Transgender communities. On seeing the potential of also attracting clients, many members of the sexuality community from nearby move to the city. To address the challenges faced by sexuality minority communities, Ashodaya, a NGO of sex workers and the Karnataka Sexuality Minority Forum (KSMF) have been working to advocate for their rights.

**Yellamma Temple, Saundatti and Jogappas in Hubli:** The temple of Goddess Yellamma is a popular pilgrimage site in the state and has religious significance for Jogappas - who are a sub-community within the sexuality minorities. Large number of Jogappas and devotees, especially from 4 states in South India throng the place during annual Jatra (fair) season. During the Jatra, the Jogappas mainly perform rituals and dance. Apart from annual Jatra, many Jogappas from Hubli visit the place on Pournami. Therefore, both the places - the temple in Belgaum district as a research site and Hubli as a place of residence for most of the Jogappas were chosen for the study purpose. To mobilise sexuality minorities including Jogappas to fight for their issues, Samara, a CBO has been working in Hubli for long and the KSMF have been working to advocate for their rights.

**Shivmoga:** A place having huge tourism potential has been on the radar of the government following which, they have proposed to set up a tourism development authority. The place has also caught attention of Federation of Karnataka Chambers of Commerce and Industry (FKCCI) who shared during a symposium on “Opportunities in tourism in Shimoga
organised by the Shimoga District Chamber of Commerce and Industry, that tourism’s potential remains untapped due to a lack of good connectivity and other infrastructure facilities. There are many tourist spots in and around Shivmoga like Gajanur Dam, Jog Falls, Tirthalli, and the Elephant Training Camp, which not only attracts tourists but also LGBT communities. For the purpose of this study, Jog Falls, Elephant Training Camp and Gajanur Dam were chosen as these are located on the outskirts of the town visited by day tourists. In the late evenings as the crowd is lesser, it serves the purpose for community members who go to these sites either for sex work or to meet their partners. Many LGBT communities from Shivmoga and also from nearby places visit the sites during tourist season. Raksha, a community based organisation (CBO) has been working to mobilise and collectivise sexuality minority members to fight for their cause and the KSMF have been working to advocate for their rights.

**Respondent groups:**

As part of the study, the researchers spoke to members of the LGBT communities and with CSOs, CBOs & Forums working with LGBT. In addition, researchers interviewed government officials (guards, traffic police, tourism officials) and the tourism industry (lodge owners, auto drivers, Karnataka State Tourism Development Corporation).

**Data collection:**

A pilot study was undertaken in Mysore during Dussehra (October, 2012) to test the questionnaire developed and to understand the possible challenges that could come up. The visit enabled the team to grasp the issues and concerns of LGBT communities during the festival. However, it was also difficult to meet community members and other stakeholders like auto drivers due to their business. Based on the learnings from Mysore visit, questionnaire was revised and visits were made to Hubli, Shivmoga and a second round of visit to Mysore to meet stakeholders who could not be met in the first round.
**Time-frame:** Field visit for the study started in October 2012 and ended up in January 2013 covering the sites chosen for the study.

**Limitations:**

During the visit, a conscious decision was made not to have any kind of interactions that may have negative impacts on any of the respondent groups. For example, there was a clash between the police and community members and therefore, it was agreed not to meet with the Commissioner in Mysore, as there were chances that the clash might have created negative perceptions and therefore, the probability of getting unbiased information about community members were high. Similarly, in Shivmoga, an auto driver had allegedly murdered a girl. Following the case, auto drivers were under close scrutiny therefore it was not possible to talk to auto drivers.

Though the team had identified a range of stakeholders like sexuality minority communities, auto drivers, lodge owners, guards, traffic police and tourism officials, however, it was also dependent on kind of stakeholders at different sites. For e.g., we were not able to speak with lodge owners in Shivmoga as tourists do not stay at Gajanur Dam, Jog Falls and Elephant Training Camp. Jungle Lodges and Resorts has a lodge at the Elephant training camp site but it was closed because of the tourist off season.

**3. Status of LGBT at the sites visited:**

In general, LGBT communities are one of the most marginalised sections of society who face the worst forms of exclusion which deprive them basic entitlements that a person require for his/her survival and which is enshrined in the Constitution of the country. Refusal from society to recognise them as a citizen and their due rights and entitlements forces them to choose sex work, street vending, collecting money from shops in exchange of blessings, basthi (collecting money) during festival season and performing rituals and dance during religious occasions. The communities do not stick to one of these occupations but depending on the situation
and profitability, they move from one to another. A very small section of the community, especially the pant-shirt Kothis get opportunity in lodges, restaurants and shops without revealing their identity. Public places like streets, parks, market area, bus stops, railway stations are their main cruising areas.

To fight for their cause, there are CSOs formed by LGBT like Sangama, Samara and Aneka and collectives/ forums/ associations like Karnataka Sexuality Minority Forum who work to mobilise and collectivise the communities across the state. Their work includes providing support during crisis, counseling services to the community members and their families, care and support for people with HIV+ and regular health check-ups for all the members. They organise training programmes for building leadership capacity, life skill education and behaviour change communities (BCC) focusing on building vocational skills such as computer training, beautician, English speaking, cooking and driving. These organisations/ collectives work towards influencing attitude and perspectives of the society by organising sensitisation and awareness programmes for range of stakeholders such as police, local government authority, political leaders, academic institutes, auto drivers and IT companies. These programmes not only focus on sensitising them to different identities but also to make them aware about related laws like Immoral Trafficking Prevention Act and Section 377 of IPC.

Apart from CSOs/ collectives, there are CBOs who mainly came into existence as a part of HIV / AIDS interventions. However, it has given them a space to realise the strength of collectives, thereby expanding their scope of work. CBOs mainly focus on the formation of collectives of LGBT communities, crisis intervention in case of violence and sensitising and building awareness among the society through the media and to establish Integrated Counseling Testing Centre (ICTC) for HIV testing. CBOs also have Drop-In-Centre (DIC) which is a safe space for the community members to express themselves with freedom. Over the years, while fighting for their very cause, they have been able to influence the state government to accept their demands and pass a Government Order
October 2010 issued by the then Karnataka Chief Minister which talks about the list of demands to be met by government. These demands are:

- Pension of 500/- per month for the community members aged 40 yrs. and above
- Voter ID and ration Card
- Housing
- Loans for self employment
- 1 % of educations reservations
- Health services in government hospitals

Though the government has passed the GO, there is no implementation on the ground except on one of the demands - Loans for self-employment. The Department of Women and Child Development has asked the community members to form SHGs (five members in one group) who will be given 1 lakh each to start their own enterprises. In 2013, the government has announced the ‘Mythri’ scheme under which Transgender will be paid monthly pension of 500/-. Though the community has welcomed the move but they also find the amount meagre to meet their basic needs. Akkai Padmashali of Sangama said that “in places like Bangalore, Hubli-Dharwad and Bellary, it is very difficult to survive with just Rs 500. A kilogram of rice costs Rs 40 and a litre of oil is Rs 96. The pension is not enough for a bus pass,” she said. “It must be revised to Rs 5,000. We also requested the government to set up a Gender Minorities Welfare Board but they have not heard us”32. Both (loans for self employment and Mythri) the initiatives are under implementation in the state. A challenge faced by the Transgender community so as to avail the scheme is the submission of an age certificate, an issue raised with the department. To overcome this problem, the department has agreed to accept an affidavit from the CBO stating that the person is a member of the organisation.
Mysore:

I. LGBT Communities and their work:

In Mysore, sexual identity of most of the members is pant-shirt Kothis and sathla Kothis. Places like the zoo, Mysore palace, Chamundi hill, bus stops and railway stations are their cruising areas where they pick-up their clients and go to secluded/ quiet places to have sex.

Due to the difference between sexual identities, sathla Kothis face more violence from the police. As pant-shirt Kothis wear saree while going for sex work only, therefore, it becomes difficult for police to recognise them in day time whereas sathla Kothis only wear sarees and are easily recognised and harassed by the police.

II. Initiatives taken by Ashodaya and Karnataka Sexuality Minority Forum (KSMF):

Ashodaya, an NGO of sex workers and KSMF works in Mysore to advocate for their demands and engaged with sensitisations and awareness building among the society. While both the groups work together following the strategies shared above, KSMF focuses on the implementation of the GO copy. Ashodaya started in 2004 with HIV intervention programmes but they realised their dependency on funds. In 2005, they formed a CBO named Mahila Samanway Samithis. However, due to the challenges that cut across all the sexuality minorities, all the groups including Mahila Samanway Samithi came together and organised themselves under the Ashodaya Samithi. The Samithi has around 8000 members working in 6 districts of Mysore, Mandya, Chikmagalur, Kodagu, Hassan and Chamrajnagar. While advocating for their demands by engaging with the society, the Samithi is also involved in rehabilitating the sex workers. As a result of this, rehabilitated sex workers have taken an initiative to run a restaurant for their living, however, it closed down due to losses they suffered. The Samithi thinks that MSM community are at high risk as they have anal sex where condoms get damaged easily. They also face more violence from
clients due to their biological features. The Samithi has a crisis team that intervenes and support community members during crisis.

Due to constant engagement through various interventions including sensitisations and awareness building efforts, violence over the years has reduced. Many community members have come forward to reveal their identities and join the group to fight for their cause. There is a small change with the government and political leaders as they are at least open to talk.

**Hubli:**

**I. LGBT Communities and their work:**

In Hubli, though the Jogappas & Jogathis are dominant in terms of their presence but the place has also the pant-shirt and sathla Kothis. Jogathis are known for performing rituals and dance during Jatras and not for sex work while Jogappas worship the goddess but also involved in sex work. Since Jogathis are not involved in sex work, therefore, they earn respect from the devotees and the society. Apart from this, they also involved in cleaning the temple and washing vessels and clothes of the Goddess. While pant-shirt Kothis get opportunities in hotels, shops, restaurants or dancing at different occasions, sex work and begging are main source of occupation for sathla Kothis and the Jogappas.

**II. Initiatives taken by Samara and KSMF:**

In 2006, Samara started with HIV intervention programmes as a federation of Samara based in Bangalore. Later they decided to have their own identity by registering themselves and gradually started engaging with broader issues of LGBT communities. The main objective of the CBO is to create awareness about their rights, initiatives taken by the government among themselves and to sensitise and build awareness about people with different sexual choices in society. The CBO has around 200 members.
One of the challenges the CBO faces is to mobilise LGBT communities. Initially, LGBT communities pointed out their lack of continuous engagement with the issues. It took time for Samara to make its members understand about their dependency on funds which affects the continuity of the work and therefore the cause. It was later decided to increase the annual membership fee from 18/- to 25/- as they wished to establish themselves as an independent institutional identity. Like other organisations, Samara too faced difficulty initially with its neighbours who used to harass them and also filed complaints against them in the police stations. Gradually with interventions, they are now aware about their work and have accepted their space in the area.

Due to the support provided by the CBO, community members have started coming out and number of sathla Kothis has increased. Also, they are becoming aware about education and other sources of employment.

With society, the CBO feels that the level of tolerance has increased over the years. They organised a rally to bring about awareness on the amendment to Section 377 of IPC which has resulted in an attitudinal change within the society. Earlier, auto drivers, sweepers and, bus drivers used to insult them but now at least they ask about their organisations and their well being. The CBO thinks that there is a need to engage on regularly with government officials to sensitize them about their situation. Also, awareness about sexuality needs to be included in curriculum at the school level.

In all, LGBT communities have realised the strength of collectives and feel motivated to come forward and strengthen their voice at the local level. Interventions at different level with different stakeholders including police and local government authority have helped them to build an understanding with people. However, this remains restricted to their daily interaction and has not been helpful to address their broader demands by holding the government accountable for the violations of the rights of LGBT communities.
Shivmoga:

I. LGBT Communities and their work:

In Shivmoga, sexual identity of most of sexuality minorities are the pant-shirt Kothis. Therefore, the number of Kothis working in lodges, shops and restaurants was greater in comparison to Mysore and Hubli. In addition, they are also involved in sex work and begging during the tourist or festive season. Sexuality minorities from Shivmoga and nearby places like Bangalore, Mysore, Tumkur visit the tourist sites in and around the place during rainy season only as waterfalls are the main tourist attraction.

II. Initiatives taken by Raksha:

Raksha, a CBO registered in 2010 with the HIV intervention programme and has gradually increased their advocacy for their basic demands. The CBO works with all sexuality minorities with a goal to empower them. The organisation has around 250 members who pays Rs 5/- annual as membership fee. Since the membership is annually, they pay Rs 11/- to renew their membership. Lifelong membership is Rs 51/-. The CBO organises LGBT communities and works towards resolving their problems with family and society. It is difficult to organise LGBT communities as it is a very small place and people are conservative. Initially there was tension in the neighbourhood where their office was located and a complaint filed against them for making noise. However, with regular engagement the people now understand their work and issues they are engaged with. There is change in people as they recognise that LGBT are organised and can fight together in case of harassment. It is also because of the amendment in Section 377 in IPC when people came to know about such provisions in our law.

Over the years, there is a change in LGBT communities as they have started opening up, sharing their engagement with the issues through the CBO with their families but not their identity. At times, people from LGBT communities take their friends home which has also led to an increasing
level of acceptance among families. LGBT communities are more aware about education. Further, they also spoke about the difference within LGBT communities. They feel that there is a difference within the LGBT in their lifestyle like hair styles and, clothing which prevents them from uniting. For example pant shirt Kothis do not mingle with sathla Kothis in day time as it will reveal their identities which causes friction among Kothis. Also, there is a difference of opinion within themselves about revealing their identities in family. Some are of the opinion that they will loose the support of their families while others reveal their identities in a strategic manner.

With the society, the CBO feels that there is a need to work with auto and bus drivers who seek for services of LGBT communities but are not aware about the challenges faced by them. To organise any kind of programmes, the CBO takes the support of local government departments and police. They have organised sensitisation programmes for government officials. Initially, it was difficult to ensure their participation but now the challenge is more about ensuring participation of an official who has decision-making powers. Also, the CBO thinks that Department of Women and Child should provide the amount of Rs 1 lakh to SHGs without any interest in first round as setting up a business is risky and one may also incur losses. Therefore, the community members first need support to establish themselves and from the 2nd round onwards, they can start repaying the amount. In addition to this, following the demand for housing, the community members need to produce a medical certificate from a doctor/ counsellor/ psychiatrist who do have capacity to recognise their sexuality. So the CBO demands that the doctor/ counsellor/ psychiatrist recognises their registration membership receipt provided by the CBO as proof.
4. Nature of interaction between LGBT communities and tourism:

Tourism season brings opportunity for LGBT not only to earn money and benefit from donations of food and clothing, but also provides a space to meet members from their own community. Many of LGBT at the sites shared, that they get opportunities to earn money through sex work as well as by performing poojas, dance, basti (begging) and working in lodges and restaurants, during the season. However, accessibility to these opportunities depends on their sexual identities. Jogappas and Jogathis at Yellamma temple perform pooja and dance during Jatras primarily but occasionally also engage in sex work. It was shared by other community members that Jogathis go outside the temple premise for sex work as the temple is seen as an auspicious space. The pant-shirt Kothis, especially in Hubli and Shivismoga get opportunity to work in lodges without revealing their identities. There are other opportunities available to pant-shirt Kothis in shops and restaurants too as shared by the President of Raksha. However, sex work is one of the main sources of earning for majority of them across the sites for 2 reasons. Firstly, sex work fetches more profits to the community members - they earn 1000/- to 2000/- from begging whereas through sex work they can earn between Rs 2000/- to 3000/- per day. Secondly the LGBT have limited access to employment opportunities at tourism sites. Accessing opportunities in lodges or any other place is closely related to their physical appearances. It is easier for pant-shirt Kothis to hide their identities due to their prominent masculine features, however this is not the same for hijras who have combined (masculine and feminine) physical features. It was shared by a sathla Kothi in Mysore who works as the President of Ashraya, a group of people living with HIV, that she had no choice, but to engage in sex work as her occupation. She shared that she is a trained nurse and used to work in a hospital. But she was forced to leave that job due to harassment such as making fun of her, sexual and verbal abuse and false complaints against her.
It was shared by majority of sexuality minorities that they earn well during the tourist season as they get more clients or devotees for their business. A member of LGBT from Shivmoga shared that their per day earning from sex work which is in the range of Rs 500/- increase to Rs 1000/- during the season. Similarly, female sex worker from Mysore shared that earnings during Dussehra season varied between 2000-5000/- per day, depending on the number of clients.

Apart from economic reasons, tourist season also provides an opportunity to meet their social-cultural needs. It is an opportunity for community members to meet each other, network, celebrate occasions together, perform during Jatras and share each other problems.

However, making most of the opportunity offered by tourism is not easy for them. LGBT communities from Mysore shared that lodges are not accessible as they are denied to enter. This forces them to carry on their business in more public spaces such as parks, behind bushes, road side and bus stops, which makes them vulnerable to exploitation. Similar facts reflected in case of Jogathis and Jogappas who perform pooja and dance at the Yellamma temple during Jatras. A jogathi shared that they visit the temple during Jatras and stay there for 4-5 days in open place which is provided by Sri Renuka Yellamma Temple Management Committee (SRYTMC) to perform their activities. When we asked the Director of SRYTMC about providing proper accommodation facility, he said that there is a yatriniwas but they do not prefer staying there which was quite disturbing for the Jogappas and Jogathis. It must be known to the Director that cost of the yatriniwas varies between 250-300/- per day which is not affordable to most of them Jogathis who live on food given by devotees.

During tourist season like Dussehra, patrolling of police increases not only to manage the crowd but also due to the fact that large number of sex workers from neighbouring areas visit the place. As a result, arresting them for soliciting at public places, beating them or filing false charges against them like theft, harassment or creating nuisance in public places is a common practice followed by police. Police also target them by taking
away their earnings, forcing them to have unsafe sex (without using condom), take bribes and hit them. Local goons also look for opportunity to attack them and grab their money since everyone knows that its the season to earn good money. Struggling to earn money on daily basis in these situations is a harsh reality which the community is forced to live with, due to the intolerant attitude of society towards them.

While speaking about problems faced with tourists, most of the community members said that generally tourists do not harass them, however, there are cases when community members have faced violence when they refused to provide sexual services to clients. President of Raksha shared, that during the Ganapati festival which is celebrated for 9 days in Shivmoga many people and community members from nearby places visit the place during the occasion. There is demand for sex work during the festival. Also sometimes it happened that a person approaches individually and later is joined by his group. They not only have free sex but also steal jewellery and money from community members. However, this trend has reduced because of a strategy adopted by CBOs, who call each other in crisis by clapping.

A LGBT person from Shivmoga shared that since tourists do not know the place, they are only interested in getting their sexual needs fulfilled and avoid getting into any arguments with them. However, bachelors visiting the place in groups harass them. They get drunk and start abusing or making fun of sexuality minority people resulting in fights. In cases like these, the police or guard at the spot ask LGBT members to leave the place rather than taking action against the group. This was reiterated by a board member of Samara.

Asking LGBT communities to leave the place as a solution to any complaint reveals their vulnerable situation wherein they are considered to be at fault without committing any mistake. Most of the times, they are perceived only as sex workers, and are therefore considered a nuisance at public places, who do not deserve the right to access these spaces - even as a tourist. While talking about the interaction between tourists and LGBT
people, a shop owner at elephant camp site, Shivmoga, said that there was a clash between LGBT people and local men. A group of people with different sexual identities from Bangalore visited the camp site. The local men were drunk and started teasing and making fun of them. Then security guard intervened and asked LGBT people to leave the place as it was difficult to manage the situation. There was no effort on the part of the security guard or the management of the camp to understand the situation and take action against the culprits.

Another experience was shared by a LGBT person from Shivmoga, when he went to the site with his friend who was wearing saree. Visitors at the site found them dubious and complained to the police saying that a boy is dressed as a woman and is creating a nuisance. This complaint resulted in their arrest without any effort to investigate the facts.

This general perception not only affects their access to public spaces but also causes harassment and humiliation to people with different sexual identities who visit these places to earn a living. There is a stereotyping that takes place and there is a perception among people that all LGBT persons, are involved in sex work, which is not the case. A Jogamma in Hubli shared that she performs dances and poojas during Jatra. Jogammas get respect from local people but people visiting the sites from nearby areas harass them by beating and abusing them verbally.

Struggling hard to earn their livelihood on daily basis while facing the stigma attached to their occupations and their sexuality throws a challenge before them in many ways. One of the challenges is to face cut throat competition in getting clients in a threatening and insecure working environment. In a situation such as this, sharing the opportunity with LGBT people who migrate to these places during the tourist season makes the opportunity more scarce. However, there is not much conflict between the local and migrant community members. A LGBT person from Shivmoga shared that they support each other by sharing information about the site in terms of profit, security issues and sharing accommodation as well. They also support migrant LGBT people during crisis unless they find it is the fault of
the member. However, it was shared by a member from KSMF in Mysore that sometimes migrant LGBT people do steal valuables belonging to the tourists. In this case, police generally catch and harass the local LGBT people as they do not know the migrant ones.

To deal with the challenges, they do not have much support from the outside. People from LGBT communities across the sites shared that there is a change in situation since they have started working for their own cause. This has helped to organise and support one another during times of crisis. One of the common practices followed by them is to call in the crisis team if they get arrested. To deal with harassment from their clients, they call each other by clapping. Also, while working over the years, CBOs like Samara in Hubli, Raksha in Shivmoga and KSMF with help of a local NGO, Ashodaya in Mysore have been able to build a rapport with police officials by taking their support in organising cultural event or sensitisation programmes. This helps them to intervene during a crisis and they try to resolve the matter by mutual understanding and avoid legal action to be taken against people with different sexual identities.

Apart from CBOs, many auto drivers also support community members in crisis. An auto driver who is a partner of a community member shared that they face problems not only from public but the police also arrest them under false charges. Some of auto drivers help them to get away from the site when police or local goons chase them. The same was shared by a police official at a bus stop that most of the time, auto drivers support them by giving information on whether there is a police patrol nearby.

However, there is no support for the community to engage with other sources of livelihood. There are very few lodges or restaurants that are open to employing community members in their places. These opportunities are mostly available to those people who are able to hide their sexual identity. There is an openness to avail their services in many ways but not to pay their rightful share. It appears that support is limited for their survival only so that they can serve the various needs of society. Director of SRYTMC accepted that many devotees visit the temple because of the Jogathis
only, which helps the temple make a profit. However supporting them by providing facilities like accommodation, drinking water and sanitation is not even on their minds.

All together, tourism brings opportunities to earn and meet their socio-cultural needs for community members but at the cost of their life and dignity. Getting access to those opportunities remains not only challenging but risky in many ways. Sex work, begging, staying in open places during Jatras exposes them to situations risky for health. This is more in view of a dearth of any kind of support from society. Leading a life with dignity and respect seems a far-fetched dream for them, when their every day survival is at stake. They are a source of earning for people including police, local goons, auto drivers and temple but no one looks at them as service providers who deserve their rightful share.

5. Legal Framework:

The Constitution guarantees six fundamental rights to its citizen. Article 14 to 18 ensures right to equality and prohibits discrimination on any grounds of caste, sex, religion, race and place of birth. Article 19 to 22 talks about the right to freedom which includes freedom of speech and expression, freedom to assemble peacefully and without arms, freedom to form associations and unions, freedom to carry on any occupation or trade, and freedom to move freely, and reside and settle in any parts of the country. Article 23 and 24 deals with the right against exploitation. Article 25 addresses the right to freedom of religion. Article 29 is related to cultural and education rights meant specially for minorities to conserve their culture and Article 32 is about constitutional remedies to enforce fundamental rights.

To exercise these fundamental rights as a citizen, one must have an official identity proof such as voter ID, pan card, ration card, passport, and driving license. Application of all these ID proofs requires one to specify their sexual identity, the options for which are limited to only 2 categories – male/
female. This means that people not falling under either of the categories are not eligible to file any application, therefore, not considered as a citizen. In this backdrop, the question arises on the applicability of fundamental rights which is based on a heteronormative social order leaving people with diverse sexual and gender orientation out of the Constitutional premise.

Apart from these, two very specific laws that criminalise LGBT communities are: Section 377 of IPC and Immoral Traffic Prevention Act.

Section 377: Unnatural offences: “Whoever voluntarily has carnal inter-course against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine.”

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

The Section 377 is seen in conflicting interest with the LGBT communities on many grounds:

1. One of the core issues is related to a lack of differentiation between coercive and consensual sex. Therefore, it leaves ground for prosecution of cases of abuse and voluntary sex between two adult under same provision.

2. In view of the changing perception towards sex, it also raises question on the definition of unnatural offences. Earlier, following the order of nature, sex was defined only in the context of procreation and not for pleasure but now it would not be considered as against the order of nature.34

3. The word ‘carnal intercourse’ is left vague to include all sexual acts which are procreative in nature. This provision gives enough power to police to target LGBT communities.35
4. Though the section talks about specific sexual acts which can be practised both by homosexual and heterosexual people, it is often used to target homosexual people.

The Section 377 is also questioned in violation of Article 14 – 15 (right to equality and protection against discrimination), Article 19 (right to freedom of speech and expression) and Article 21 (right to life and liberty which includes the right to privacy).

Immoral Traffic Prevention Act is mainly meant to regulate sex work but not to criminalise sex workers. Though the Act criminalises soliciting within 200 meters of public places, it is often used to arrest, for extortion, rape and all forms of exploitation against sex workers. Initially, the Act was applicable only to women but later with an amendment in 1986, the Act was made gender neutral which brought men and Transgender also under its ambit.  

In practice, though none of the provisions of the Act talk about homosexuality in particular but mentions certain acts or certain acts conducted in public places. However, it is often used against LGBT communities either due to the vagueness in the Act or the state agencies finding LGBT communities an easy target to extort money due to their invisibility in and lack of accessibility of the provisions in the constitution. They may not be necessarily soliciting at public places but their mere presence is seen in context of sex work only and are therefore criminalised.

At state level, recent amendment in Karnataka Police Act by introducing Section 36A criminalises hijras which gives power to police to arrest hijras involved in begging and sex work.

**Approach of government and tourism industry towards LGBT communities:**

There was a reluctance among government officials, lodge owners and security guards at the sites to talk on the issue. However, we managed to speak to a few. Talking about the accessibility of LGBT people to the
site, Assistant Director, Regional Tourist Office (Mysore) and Manager, Karnataka State Tourism Development Corporation (KSTDC), Jog Falls, Shivmoga maintained that tourism sites are open to everyone and they have not heard any complaint against LGBT people. However, Manager, KSTDC said that all the visitors should maintain decorum of the place by not indulging in drinking, dancing or removing their clothes.

According to the Assistant Director, Regional Tourist Office, Mysore, there are opportunities like selling food or massages at tourism sites, incentives which can be provided if they approach the Department of Tourism (DoT). However, he later added that the DoT does not have any specific schemes for sexuality minority communities. It shows the ignorance of Assistant Director about the challenges faced by the LGBT people in accessing such opportunities which is very different from other social groups of the society, therefore, requires a very different kind of strategy.

Similarly, ‘one size fits all’ approach is reflected in case of the Hunar se Rozgar Scheme, of the Ministry of Tourism. Both the Assistant Director and Manager shared that it is open to every one and the nodal agency can be linked to CBOs to encourage their members to participate in the programme. However, they appear unaware of the fact that one of the eligibility criteria i.e. minimum 10th pass with English as a subject – this would go against a large number of LGBT people. Further, if hotels are not open to employing them, what would be the use of this training?

Stigma attached to people with different sexual identities makes them vulnerable to humiliation and harassment. Security personnel of the Forest department, Ganjanur Dam, Shivmoga also shared that they try to resolve the case and warn LGBT people to leave the place. The police go a step further and arrest them on complaint without any interrogation. A police official at a bus stop in Mysore said that during Dussehra, there are huge crowds at bus stops. Most of the LGBT people visit the place for their enjoyment and to earn their livelihood. In case they receive complaints, the police try to resolve the matter if it is related to people passing comments, making fun and having a laugh on the expense of the community but
arrests are made under charges of robbery, creating a nuisance in public places or extortion. The Department of Police in Mysore maintains that “it is the duty of every police officer to take firm action against antisocial elements, goondas and rowdies in an area”\textsuperscript{37}. But, this same principle is not applied in case of harassment faced by sexuality minority people.

Though Section 377 or ITPA is not used by police at any of the sites, but arresting them under false charges is a common practice. It is evident from the experiences shared by LGBT people that police do not investigate the complaint. There is no question of extending an opportunity to LGBT people to defend themselves. In Shivmoga, a LGBT person was arrested based on a complaint from the tourists accusing her of sexual harassment. A Board member of Samara was arrested in Goa without being informed of the reason. After reaching the police station, she came to know that she was charged for theft based on a false complaint by a tourist that was not investigated. The police see their action of non-arrest as an act of benevolence. Incidents such as these have become a common occurrence in the lives of the LGBT communities, and every time they are wrongly subjected, they are faced with humiliation and loss of dignity which tears down their self-confidence.

This only shows that these harassment and humiliation by police and security guards are deeply rooted in systemic reality where only heterosexual norms for sexual behaviour are accepted. The society looks at sexuality minority communities with disdain and hatred, not considering them as human beings and therefore it seems acceptable to treat them disrespectfully and subjecting them to a violation of their rights.

There are very few lodges who are open to CBOs working with sexuality minorities to organise any meetings or workshops. The HR manager of a hotel in Mysore feared that sometimes they may misuse the rooms. Also, they do not want their customers to be disturbed. However, they do provide the hall to members from Ashodaya to organise training programmes or meetings but allow individual sexuality minority person only on recommendation of Ashodaya. A letter from Ashodaya for verification
Another manager of a lodge in Hubli was quite open in supporting LGBT communities and he has close tie-ups with Samara. He said that “it’s our responsibility to provide space as people with different sexual identities face more problems than any other social group in society”. However here too, the lodge provide rooms and meeting spaces to LGBT on recommendation of Samara only. It was shared by a LGBT person that a MSM community member works in the lodge but his identity is known only to the manager.

However, most hotels/ lodges are not accessible to the LGBT community to stay at. The fear of loosing their business again has its roots in social acceptance of people with different sexual identities and not merely because they may be disturbing other visitors or misusing the rooms. There is no such restriction on other visitors to monitor these activities. Even though, they ask for an ID proof from the visitor but the purpose of visit still remains unknown and that illegal activities are taking place in hotels is not unknown. This actually forces community members to spend their days in public spaces like bus stops, railway stations, streets, parks, etc. where they are seen generally as a sex worker or as a thief.

The approach towards LGBT simply reveals various ways of discrimination against the community which is manifested in heteronormivity. People confirming to this ideology are socially accepted, therefore, entitled to exercise their rights but those whose life style and culture do not fit in to the ideology are seen as miscreant, therefore, are not entitled to exercise their rights.

6. Can tourism fulfil/ address their demands/ aspirations?

One of the foremost demands is linked to exercising their fundamental rights as a citizen. Ration card, voter ID, right to inherit property, right to access public places like schools and hospitals. are some of the demands which will enable them to access their rights. Acceptance in society and family, respectful attitude towards them, equitable treatment, access to
education and employment opportunities, vocational training, job security are another set of demands shared by LGBT.

During tourist season, safe and free accommodation facility, food and jobs are their main requirements as many LGBT visiting the sites are forced to stay on the roadside, in parks, temples or share a friend’s place. To meet these demands, tourism has the potential to meet few of their immediate requirements if not all. This is more so because of the realities that exist at the tourism sites. To bring about a systemic change in the way tourism interacts with LGBT community, is a start, we believe that needs to be considered.

Tourism offers seasonal employment opportunities which can be harnessed by the LGBT to meet needs. Street vending, small eateries, guides, salesperson, masseurs are few of the opportunities which serve the need of tourists at relatively low prices. Guides, tour operators, taxi drivers, working in lodges and restaurants are other areas with potential. However, this necessitates the tourism industry to change its approach towards tourism. Often, there is a cleanliness drive against this particular section who do not seem to fit into the social lens of beautification. The general approach of the industry and the government tilting in favour of high-end tourism also gets reflected in case of LGBT. On one side, industry is open to earning profits from gay and lesbian tourists who are educated, English-speaking and characterised with all possible criterion that puts them at high positions in power equations but not open to a large section of the same community who are living their life in a precarious situation and is in need of opportunities that the sector can offer them.

Violence against LGBT and various forms of exploitation are caused by the systemic realities. Due to the stigma attached to their sexual identities and their work, there is limited space for healthy interactions between LGBT communities and the society. Enforced invisibility caused by the very heteronormative behaviour not only makes them vulnerable to exploitative situations but restricts the open interaction between the two. Opportunities available at tourism sites like street vending, working
in lodges/ restaurants, guides, taxi drivers. can not only be a source of earning but it will create a platform for open interaction. Now tourism is not confined to a higher class of people only, as many people with low budgets visit places and look for their services to be met at lower price. Small lodges, restaurants or take away services are in demand, especially at small sites. Such places offer more opportunities to interact rather than a high end resort. Also, a certain section of people seek interaction with the local community and this serves a good opportunity for an open interaction between tourists and LGBT people which can help in developing an understanding about LGBT. An example of this is a restaurant run by LGBT communities in Mysore. They took this initiative to help people with HIV+ with profit earned from the business. Initially, people avoided to go to the restaurants fearing infection. To deal with this, they organised a rally to build awareness about the purpose of running the restaurants. Gradually people started coming to the restaurants, though later they had to close it down due to loss.

Following the implementation of GO copy (October 2010 issued by the then Karnataka Chief Minister), Department of Woman and Child Development in Karnataka has asked CBOs/ CSOs working with LGBT communities to form SHGs which then will receive one lakh to start a business. In this case, Department of Tourism in coordination with CSOs/ CBOs working with LGBT can help the community members to start businesses at tourism sites. Membership of local CSOs/ CBOs can be used as an identification proof. This will also pave the way to meet basic requirements such as food and stay of people including LGBT communities at the sites.

In view of the realities at tourism destinations, the various forms of exploitation caused by the Section 377 and criminalization of sex work needs to be looked at. It not only results in forced invisibilisation of the community but also prevents any interaction between LGBT and tourists. It is more so when their services are sought by the tourists. Yellamma temple is a case in point, where non-recognition of such identities do not allow people and different arms of the state (police, temple management committee in context of tourism) to engage with the challenges faced by
such identities. It’s not only about the challenges but more about accessing public places such as the site, accommodation, restaurants, parks and temples.

There is a lack of awareness about skill development programmes launched by the MoT. To build awareness, there is a need to build awareness among sexuality minorities but also about how they can avail the scheme. Next is the criterion to participate in such programmes which needs to be relaxed. For example, Hunar se Rozgar scheme includes English as one of the criterion which can be relaxed by including it as a skill to be taught to the target group. This will help LGBT to access the scheme. Under the same scheme, there is Tourist Facilitators Programme for Pilgrimage Tourism which is applicable only in Jammu and Kashmir. This scheme can be extended to other states as well. Building skills as a Tourist Facilitator will not only provide employment opportunities to LGBT but would also offer opportunity for interactive learning to the tourist about significance of the particular tourist site.

These steps will also help in addressing the violence against LGBT people as most of the time they are accused, because they do not have voice in public. Stigma attached to professions like sex work and begging render them isolated and invisible which creates a ground for their exploitation. Interaction with society through these channels will create an environment where taking advantage of their invisibility will be less. In such a context where our main social institutions construct an environment wherein sexual identities are seen as a deviant behaviour, or refuse to have any kind of open interaction with them, little space like these will go long way for a positive attitude towards LGBT communities.

Given the potential of tourism to bring out systemic change as well as in addressing immediate needs of LGBT, tourism sector must acknowledge the contribution made by them and recognise the missing gender to make tourism work for all.
ENDNOTES

1 Towards Gender Inclusivity: A Study on Contemporary Concerns Around Gender, Sunil Mohan, May 2013


3 Since the movement is supported by people irrespective of their sexual identities, therefore, queer word is used in context of movement to represent voices of people from all sections of the society.

4 Culture, Politics, and Discourses on Sexuality: A History of Resistance to the Anti-Sodomy Law in India, Radhika Ramasubban, 2007

5 Gay and Lesbian Movement in India, Sherry Joseph, Economic and Political Weekly, August 1996

6 Refer end note no 26 (Radhika Ramasubban, 2007)

7 Ibid


9 Refer end note no 26 (Radhika Ramasubban, 2007)

10 A term used to refer to the 1969 riots at the Stonewall Inn in New York City. This incident is commonly recognized as a turning point in the queer rights movement as one of the first signs of resistance to State oppression.

11 Refer end note no 30 (Arvind Narrain & Alok Gupta, 2011)

13 Supreme Court says gay sex is illegal, only government can change law, NDTV, December 11, 2013, accessed on 17th March 2014

14 We Dissent: Siddhath Narrain, http://kafila.org/2013/12/12/we-dissent-siddharth-narrain/


16 Wrapped in a Cocoon: Sexual Minorities in West Bengal, Prothoma Rai Chaudhuri, Economic and Political Weekly March 17, 2007

17 Refer end note no 22 (Sunil Mohan, May 2013)


20 Urs festival is 18 day long festival celebrated in Ajmer district in Rajasthan wherein large number of eunuchs participate to offer their prayers. The historical reason behind this is that one eunuch got pregnant due to the blessing from Khwaja Garib Nawaj. So many eunuchs participate in the event with a hope to seek the same blessings from Khwaja Garib Nawaj.

21 Koovagam festival is celebrated to offer prayers to Aravan, a significant character in Hindu Epic of Mahabharata. His main temple is located in Koovagam and the festival celebrates the marriage between deities-Aravan and Mohini. Eunuchs in that area call themselves ‘aravanis’
therefore, during the festival, they enact the marriage.

22 Karnataka Tourism Policy (2009-2014)


25 Government of Karnataka Budget 2013-14, 12th July 2013, Presented by Sri Siddaramaiah


29 Pournami is the word used for full moon day that comes every month.

30 Refer end note no 37


Refer end note no 23 (A PUCL-K Fact-finding Report about Bangalore, 2001)

Refer end note no 30 (Arvind Narrain & Alok Gupta, 2011)

Refer end note no 1 (Arvind Narrain, 2004)

http://www.mysorecitypolice.org/law.html, accessed on 19th March 2013
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