

SOCIAL PARTICIPATION OF GENDER AND SEXUAL MINORITIES IN KERALA

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Abstract: LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer) has become a widely accepted designation for minorities based on sexual orientation and gender identity. It refers to a population of people united by having gender identities or sexual orientations that differ from the heterosexual majority. Gender and sexual minorities are suffering from various forms of socio-economic and cultural injustice. Lesbian, gay, bisexual and asexual (LGBA) are the sexual minorities. Intersex and Transgender (I&T) people are gender minorities. The term Queer is understood as an umbrella term for all gender and sexual minorities. Sexual orientation refers to a person's physical, romantic and emotional attraction towards other people. Everyone has a sexual orientation, which is integral to a person's identity. Gender identity reflects a deeply felt and experienced sense of one's own gender. A person's gender identity is typically consistent with the sex assigned to them at birth. For transgender people, there is an inconsistency between their sense of their own gender and the sex they were assigned at birth. Gender and sexual minority people of all ages and in all regions of the world suffer from violations of their human rights. In the context of India, Section 377 of the Penal Code prohibits homosexuality in India. And other forms of legal discriminations and human rights violations of gender and sexual minorities is visible in India. Religious fundamentalists are also against homosexuality. The struggle for equal rights to gender and sexual minorities cannot be separated from the broader human rights struggle for economic, political and social liberation. This paper examines the social participation of gender and sexual minorities in the context of Kerala.

Keywords: Gender Identity, Gender Minority, IPC 377, LGBTIQ, Sexual Minority, Sexual Orientation.

Introduction: "We declare that human rights are for all of us, all the time: whoever we are and wherever we are from; no matter our class, our opinions, our sexual orientation."

- Former UN Secretary General, Ban Ki-Moon

Human beings of all sexual orientations and gender identities are entitled to the full enjoyment of all human rights without any discrimination on the basis of their sexual orientation or gender identity. LGBTIQ is an acronym for Lesbian, Gay, Bisexual, Transgender, Inter Sex, Queer/Questioning, and others. It refers to a population of people united by having gender identities or sexual orientations that differ from the heterosexual majority. It was observed that LGBTIQ people were found from the ancient periods. India consists of much LGBT text in its history. LGBT relation use to found from Vedic period. Several temples in India define the relationship of same sex. There are many stories in Hinduism which talks about Gods changing their gender. Some religious art which depicts homosexuality in ancient India such as the Walls of Khajuraho, Kandariya Mahadev Temple situated in Khajuraho and Shiva temple at Ahmadabad.¹

LGBTIQ people in India has been documented in recent times due to the unbanning of homosexuality and promotion of LGBT rights has made caused large amount of researches and opinions regarding the LGBTIQ in India. Human rights of the gender and sexual minorities in India threaten by societal norms and customs. LGBTIQ community neglect and harassed by the heterosexist majority. Like any other

person they need social acceptance and participation in the main stream society as a human being and protection for their lives from threats.

The law as well as religious fundamentalists is trying to oppress LGBTIQ person's visibility all over India. Even then, in a progressive state like Kerala, Gays and Transgenders have succeeded in community organizing and presenting their issues to society in the past few years. The biggest challenge that gays of India & Kerala face is the legal stand of the state. In 2009, Delhi High Court decriminalized consenting-adult homo-sex.² Some religious fundamentalists appealed against this verdict and in December 2013, Supreme Court cancelled the landmark judgment of high court and referred the decision on this to be made by Parliament.³ Hence, every homosexual in India is living in constant fear, i.e. if you reveal your identity, you will face tremendous stress and anxiety from society. Also the LGBTIQ coming outs in the society are comparatively less because of the lack of social acceptance. In Kerala many people live completely hiding their sexuality. People who are not able to reveal their identity to their family eventually end-up in arranged-marriages and create big troubles to another innocent person.

After the 2009 Delhi High Court verdict, things are really looking promising in India and especially in Kerala. But the Supreme Court verdict in 2013 canceling the High Court verdict and referring the decision to Parliament was really disappointing. At that time, both Congress and Communist parties had raised their voice against the Supreme Court verdict.

In Kerala there is some positive initiatives to support LGBTIQ people both at governmental and non-governmental levels in the past few years. Kerala has been at the forefront of the transgender rights movements. It was one of the first States in India to introduce a welfare policy for the transgender community in 2015. Queer pride rallies also played a vital role in changing the mindset of Kerala's society. The last pride march were conducted in August 11, 2016 at Kozhikode.

Kannur, a District in Kerala in the year 2016 allocated a part of its budget towards the employment and skill training programmes for transgenders in Kerala. Thiruvananthapuram Corporation budget also allocated 20 lakhs of its present budget to the development of LGBTIQ people. Dr. Shashi Tharoor, Member of Parliament is one of the strong proponents of LGBTIQ rights and introduced a private member's bill twice at the Lok Sabha for repulsion of Section 377 that criminalises sexual activity 'against the order of the nature'. Section 377 is widely misused by the police to harass LGBTIQ community members. In 2016, President Pranab Mukherjee also opened a 'Gender Park' in Kozhikode aimed at researching for policy with regards to the LGBTIQ community and its empowerment. The State Government has proposed several pilot initiatives to empower the group through this mechanism and is one of the first of its kind in India. Kerala celebrates its queer pride every year, the first time it was held at Thrissur on July 2nd in 2010. Queer pride is celebrated around the world by lesbian, gay, bisexual, transgender people and their supporters.

The Malabar Cultural Forum based in Kozhikode has been conducting a state level cultural festival for transgenders "Orukam" for the last few years. Nileena Atholi, a young journalist at Mathrubhumi daily in Malayalam recently won the SBT Media Literary Award for her series on the lives of transgenders titled "Ardhajeethangalude Arakshithavasthakal". Her aim was to give gender and sexual minorities visibility and spread awareness about their issues. She believes that artistic expression has direct impact on the lives of struggling communities and feels it is important for them to get many opportunities to prove their caliber and thereby enter the mainstream. Jayan Cherian's 'Ka-Bodyscapes' and Akhil Sathyan's 'That's my Boy', 'Avalilekkula Dooram' (The Journey to Her) a documentary directed by P. Abhijith are the Malayalam films about the LGBTIQ lives. In the history of Malayalam press and literature, for the first time a queer column published in Mathrubhumi weekly. LGBTIQ activists and community members shared their life experiences and struggle in this articles.

'Sahayatrika', a women organization more concentrated to the lesbian issues and welfare of

Kerala. Sahayatrika is the very first organization who address the LGBTIQ issues in Kerala. Queerala is another organization working for the betterment of LGBTIQ people in Kerala. Dr. Jijo was the founder of this organization. Queerala's main aim is the welfare, counseling and organizing of middle-class Malayali gays. "Vathil" and "Oasis" Cultural Society are another organisations works for the LGBTIQ community in Kerala. Queerhythm is a newly registered community based organization for the LGBTIQ people located in Thiruvananthapuram.

The Honorable Supreme Court of India (vide judgment dated 15th April 2014) has firmly established the right to equality and equal protection for transgender persons under Article 14, 15, 16 by prohibiting discrimination on the ground of gender identity. It has expanded the scope of the term sex in Articles 15 and 16, which till recently referred only to binary genders of male and female, to include TG as a third gender. Transgenders are the oppressed group in our society. The problems of TGs in India lies in the stigma and discrimination they face in the society, resulting in their exclusion from socio, political and economic spectrum. TGs have unique needs which are ignored by society. In view of the systematic injustices that prevent this minority community from realizing equal rights, they are forced to live as second-class citizens in their own country. To rectify this situation State Government of Kerala issued the Transgender policy to ensure the constitutional rights of TGs, taking into account the Supreme Court judgment (2014) and the findings of the Kerala State TG survey. This policy covers all categories of TG including Male to Female TGs, Female to Male TGs and intersex people. The policy emphasizes the rights of the citizens as man, woman or TG as stated in the judgment. This policy includes goals and objectives of TG policy, approaches, implementation process and select areas of socio-economic development of TGs. LGBTIQ community in Kerala waiting for the proper implementation of the policy.

First time in India a residential transgender school named as 'Sahaj International School' was inaugurated in Kochi, Kerala on December 30, 2016. The first batch of the residential school will have 10 transgender students, who will study under the National Open School system. As the part of empowering transgender people in Kerala Kudumbashree has launched it's first ever Ayalkoottam or Neighbourhood Group (NHG) for transgender community named 'Manaswini'. It has been registered under Kottayam Municipality North CDS as special NHG.

The 21st International Film Festival of Kerala (IFFK 2016), conducted by the Kerala State Chalachitra Academy offered special facilities to the transgender

community including a 'Gender Bender Package.' A special category has been created for the registration of the transgender community for the first time. They would also be provided with a special toilet facility titled "We Toilet." The Vibgyor International Film Festival, another annual festival in Kerala, also regularly showcases alternative films and seeks participation from LGBTIQ community from all over India.

The Kottankulangara Devi Temple is a Hindu temple where the deity is goddess Bhagavathy, it is located in the village of Chavara near Kollam. Transpeople come together and being showcase themselves in an annual cross-dressing festival in Kottankulangara temple called chamaya villaku. This novel event is part of a special temple ritual during the festival. In the festival night men dresses up in women's attire bearing traditional lamps and will swarm the premises of the temple. Then they will move as a procession towards the temple accompanied by the traditional orchestra. This unique festival attracts hordes of crowds each year. Chamaya villaku is organized at the end of March every year. The cross-dressing festival is rooted in the belief that, by dressing as a woman a man can be absolved of his sins.⁴

It is a huge boost and recognition for the transgender community, Syama a postgraduate has become the first transgender in Kerala to get an education scholarship of the Social Justice Department. It marks the beginning of the implementation apart of the Transgender Policy of Kerala 2015. An initiative offering jobs to members of Kerala's hijra community aims to tackle prejudice and bring transgender people into the mainstream. In an effort to integrate trans people into Indian society, Kochi's Metro has hired 23 members of the hijra community, who will start working behind ticket counters and on housekeeping teams.

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