

## Author's Notes

These author's notes provide not only formal attribution and references, but also commentary and suggested reading on several contextual issues that I've had to leave out of the book itself in the interests of narrative clarity.

Where possible, I have given web links to material. Publication years for books are given where this seems relevant, for instance with older books, where I list the year of the first edition.

Material marked in bold corresponds to sentences in the text of the book. Quotation marks denote language that remains very close to that of the source/author.

In addition to the people whose insights have informed particular chapters of this book and who are thanked in those specific notes, I'd like to express my deepest thanks to my friends Joanne Csete and Aniruddhan Vasudevan, and my editor Vrinda Condillac, for discussions and advice that enriched my thinking across the entire book. It bears emphasizing that I remain solely responsible for the views expressed in this book, not the people I've acknowledged or thanked, who may indeed not share my views.

## Chapter 1

Elite Calcutta was famous for striptease, can-can and drag performances until the 1970s. See, for instance, 'A merry journey', *The Telegraph*, 25 December 2011.

[www.telegraphindia.com/1111225/jsp/graphiti/story\\_14923690.jsp#.VVy4k1VViko](http://www.telegraphindia.com/1111225/jsp/graphiti/story_14923690.jsp#.VVy4k1VViko)

James Morris, born 1926, was already a renowned journalist and writer when he began to transition to becoming a woman, Jan Morris. In *Conundrum*, first published in 1974, Morris chronicles the 'conundrum' of gender she experienced, trapped 'in the wrong body'.

There is by now a rich literature on gender identity in children and adults alike, emphasizing the importance of parental/familial acceptance and support, and the individual and society-wide benefits of encouraging 'gender neutrality' (instead of the conventional emphasis on female and male).

For insightful discussions, see, for instance:

'Once a Pariah, Now a Judge: The Early Transgender Journey of Phyllis Frye', Deborah Sontag, *New York Times*, 29 August 2015. [www.nytimes.com/2015/08/30/us/transgender-judge-phyllis-fryes-early-transformative-journey.html](http://www.nytimes.com/2015/08/30/us/transgender-judge-phyllis-fryes-early-transformative-journey.html)

'How Changeable is Gender?', Richard A Friedman, *New York Times*, 22 August 2015. [www.nytimes.com/2015/08/23/opinion/sunday/richard-a-friedman-how-changeable-is-gender](http://www.nytimes.com/2015/08/23/opinion/sunday/richard-a-friedman-how-changeable-is-gender)

'What's So Bad About a Boy Who Wants to Wear a Dress?', *New York Times*, Ruth Padawer, 8 August 2012. [www.nytimes.com/2012/08/12/magazine/whats-so-bad-about-a-boy-who-wants-to-wear-a-dress.html](http://www.nytimes.com/2012/08/12/magazine/whats-so-bad-about-a-boy-who-wants-to-wear-a-dress.html)

'A Boy's Life', Hanna Rosin, *Atlantic Monthly*, November 2008. <http://www.theatlantic.com/magazine/archive/2008/11/a-boys-life/307059/>

'Gender Identity Disorder: Inconclusive Advice to Parents', Alice Dreger, Hastings Center Report, 2009. [www.thehastingscenter.org/Publications/HCR/Detail.aspx?id=3124](http://www.thehastingscenter.org/Publications/HCR/Detail.aspx?id=3124)

## Chapter 2

I'm grateful to Krishna Kumar, Vikram Seth, Tarun Tahiliani, my father and both my brothers for discussions, over the years, regarding Doon and, more generally, schooling in India.

My criticisms of Doon are, in spirit and conscious intent, a criticism of the fear- and hierarchy-based educational traditions that are so pervasive in India that they are now arguably woven into our culture, with a poisonous impact not just on notions of masculinity and on gender relations but also on the treatment of the poor and powerless. So these are equally criticisms of other prominent schools like Mayo College, the Lawrence Schools, La Martinière and Scindia School — as well as a myriad of lesser known places — where physical and, often, sexual abuse, have been endemic. 'Ragging' in colleges is of course a closely related pathology.

For reports on physical and sexual abuse in Indian schools and colleges, see, for instance: 'Losing their shine', Dev Lahiri, *Hindustan Times*, 30 August 2011; and, 'Bullying: A school teacher's perspective', Dev Lahiri, *Times of India*, 1 June 2009. Lahiri is a former principal of both Welham Boys' School and Lawrence School, Lovedale, and a former housemaster of Doon. He writes, 'When I took over a school in 1991, I found that it was commonplace for senior students to entertain themselves by hanging little boys out all night from the first floor windows, to break their arms with hockey-sticks and to proudly autograph the plaster cast, to brand their slaves with electric irons all in the name of tradition.'

'Liberal streak', Edward Luce, *Financial Times*, 2 January 2004, provides a thoughtful discussion of Doon's strong points as well as of the difficulties of curbing bullying there.

<http://harpritsan.com/BajpaiFinancialTimes.html>

'A bastion of tradition is restored', Jo Johnson, *Financial Times*, 9 June 2005, includes discussion of brutal bullying at Mayo College in the 1980s. [www.ft.com/intl/cms/s/0/97a92e80-d884-11d9-8fa7-00000e2511c8.html#axzz3pgoAE2CM](http://www.ft.com/intl/cms/s/0/97a92e80-d884-11d9-8fa7-00000e2511c8.html#axzz3pgoAE2CM)

In 'Catcher in the Rye', *Tehelka*, 7 October 2006, filmmaker Anurag Kashyap discusses his years as a sexually abused boarder at Scindia School, writing, 'Scindia was hell for me. The sexual abuse continued there for years. I hated myself. I couldn't understand why it was happening to me. I was often picked out, beaten, then taken to the toilets. To save myself from the beatings, I'd give in to the abuse.'

Also see: 'Lights out, bullies are out', Vishant Agarwala, *Times of India*, 31 August 2014. (Reports on a suicide attempt by an eighth-grader at Scindia School.). 'Boarding school bullies: Having a child in a richie-rich boarding school has always given parents bragging rights, but what goes on behind the closed doors can sometimes be ugly, as is evident from recent incident at Lawrence School Sanawar', *Hindustan Times*, 5 May 2009. 'Fed up of ragging, two boys leave Bishop Cotton School', *DNA India*, 22 May 2009. 'Ragging: Sainik School student tries to kill self', *Indian Express*, 11 June 2009. 'Is Hazing Worse in India?', Sudhin Thanawala, *Time*, 23 November 2007. <http://content.time.com/time/world/article/0,8599,1687207,00.html> 'Towards A Kinder Garten: Does corporal punishment leave a child disciplined or scarred?', *Outlook*, 5 July 2010. (Covers the devastating impact of physical and verbal abuse by teachers.) 'Ragging: A public health problem in India', Rajesh Garg, *Indian Journal of Medical Sciences*, 2009, Volume 63, Issue 6, Page: 263-271. Coalition to Uproot Ragging from Education CURE [www.noragging.com/](http://www.noragging.com/)

There is a particularly rich literature on physical and sexual abuse in British public schools, both in non-fiction and novels. In *Conundrum*, Jan Morris wrote of his school days in 1930s Britain, "I was habitually frightened ... the iniquitous prefectorial system could be very cruel." George Orwell, of *Animal Farm* and *1984* fame, wrote that "the pattern of school life" he experienced was of "a continuous triumph of the strong over the weak. Virtue consisted in winning: it consisted in being bigger, stronger, handsomer, richer, more popular, more elegant, more unscrupulous than other people — in dominating them, bullying them, making them suffer pain, making them look foolish, getting the better of them in every way." (*Such, Such Were the Joys*, first published 1953, available at [http://orwell.ru/library/essays/joys/english/e\\_joys](http://orwell.ru/library/essays/joys/english/e_joys)). In novels, *Lord of the Flies* is a searing depiction of well-educated British schoolboys descending into savagery after being marooned on a deserted island, revealing the "the darkness of man's heart", wrote author William Golding in 1954; this extraordinary book was part of our literature course work at Doon. Another classic of theatre and film is Julian Mitchell's *Another Country*, focusing on a homosexual scandal at an Etonesque school.

**Vikram Seth's Founders' Day address** in 1992, the first notable public criticism of Doon, is available at [www.doononline.net/pages/info\\_features/features\\_spotlights/spotlights/seth/speech.htm](http://www.doononline.net/pages/info_features/features_spotlights/spotlights/seth/speech.htm) On the prefectorial system, Seth wrote of 'the ridiculous concern for privileges and seniority and sometimes abuse of authority that one often finds among the captains and prefects and monitors; they exercise authority in the way that one would expect of an overgrown adolescent who has been pushed around without recourse of justice for years on end and then suddenly finds that he has been given the right to push other people around.'

**The bullying routinely escalated to physical as well as sexual abuse ...** From my discussions with alumni of Doon, Mayo and similar schools, it seems that bullying and outright physical and sexual abuse are longstanding, pervasive problems. My father wrote in his unpublished autobiography of his years at Doon in the 1940s, 'There was nothing really noteworthy in the five years I spent at the Doon School. Like in all boys' schools, bullying was the order of the day ... Homosexuality was rampant. As soon as an attractive-looking young boy joined, the seniors would befriend him and, before long, endeavour to seduce him. In case the seduction was resisted, the senior would have his life made miserable. Fortunately or unfortunately, this is what happened to me.' I never got around to asking my father to clarify whether this cryptic statement meant that he was sexually abused or had a consensual relationship with a senior. Nonetheless, these experiences doubtless contributed to my father's hostile views on homosexuality, which became empathetic only when he had to grapple with my orientation.

**But so overpowering was the atmosphere of fear and so complete the lack of redressal mechanisms ...** In the past decade, Doon has undertaken a range of reforms to specifically address bullying and abuse. For a description of these changes – which include, crucially, ensuring that students have access to on-campus counselors, and a comprehensive code of conduct for students that bars corporal punishment and 'fagging' – see Doon's website

[www.doonschool.com/](http://www.doonschool.com/), particularly the publication *Codes and Policies*. I have no personal knowledge of the impact of these changes, but hopefully they mean that students are now able to benefit from Doon's many good aspects.

Personally, my view is that co-education, a complete prohibition of harsh discipline (by either teachers or fellow students), and the avoidance of prefectorial or other hierarchical systems are essential to providing a constructive school life, particularly in boarding schools. Thus, my idea of an exemplary school is Rishi Valley, founded by the philosopher Jiddu Krishnamurti in the 1930s expressly to give children 'a start in life without fear, so that they would have a chance to develop fully as good individuals'.

### Chapter 3

I'm grateful to Rosemary George Marangoly for discussions regarding sexism as well as more generally the relations between men and women at St. Stephen's. She reminded me too of the Holi incident, which I had forgotten about.

See also: 'Of chick charts, hen charts and other such women's stories', Saba Dewan, *Kafila*, 8 May 2012. Dewan writes, 'We had to learn too the art of either being one of the boys or being the girl boys thought girls should be. We had to learn for example to laugh at ourselves as women; to appreciate or pretend to enjoy the sexist, even misogynist jokes, comments, put downers that came often and fast. To be counted as one amongst the boys we had to, for example, learn to look forward to that unique Stephanian contribution to sexism—the chick chart.' See also, 'Remembrances of St Stephen's past: Not so liberal, after all', Lakshmi Chaudhry, *Firstpost*, 10 May 2012.

**There was nothing in the India of the early 1980s to help a young man or woman deal with his or her homosexuality.** The one notable exception was a sympathetic book by the mathematics genius Shakuntala Devi, *The World of Homosexuals*, published in 1977. But the enforced silence about homosexuality was so extreme that despite Devi's fame the book went barely noticed. I didn't know of it until I was in my twenties.

### Chapter 4

**... the early 1980s saw major advances in research on sexual orientation ...** For insights into the debates over sexual orientation among mental health specialists in that era, see 'Psychiatrists on homosexuality: Vigorous discord voiced at meeting', Jane E. Brody, *New York Times*, 26 Jan 1982. [www.nytimes.com/1982/01/26/science/psychiatrists-on-homosexuality-vigorous-discord-voiced-at-meeting.html](http://www.nytimes.com/1982/01/26/science/psychiatrists-on-homosexuality-vigorous-discord-voiced-at-meeting.html)

**... in 1973, the American Psychiatric Association had removed homosexuality from its list of mental disorders ...** Until 1973, homosexuality was classified as a 'sociopathic personality disturbance' by the psychiatric association. A new edition of the association's diagnostic manual dropped homosexuality and replaced it with 'ego-dystonic homosexuality', ostensibly to identify people whose sexual orientation caused them distress. The arcane qualification notwithstanding, homosexuality was no longer a mental illness; several gay newspapers

celebrated the victory with the headline 'Sick No More'. Eventually, in 1986, diagnoses pertaining to homosexuality were removed entirely from the diagnostic manual. For the medical profession's historically inept understanding of same-sex desire, see Ronald Bayer's *Homosexuality and American Psychiatry: The Politics of Diagnosis* (first published 1987) and Henry Minton's *Departing From Deviance: A History of Homosexual Rights and Emancipatory Science in America* (first published 2002). Both books underscore that mental health specialists unquestioningly began with the assumption that homosexuality (as well as alternative gender expression) was a serious illness or deviance essentially because Western religious traditions had long criminalized same-sex desire. The 'illness model' was eventually challenged by gay and lesbian activists in alliance with independent-thinking sexologists such as Alfred C. Kinsey and Evelyn Hooker.

**I read with disbelief the numerous articles about the hate and persecution faced by gay Americans ...** In a landmark 1991 study, the scholar Gary David Comstock documented the extraordinary levels of violence faced by gay men and women in the U.S. even in the end-1980s. One in four gay men and one in ten lesbians reported some form of criminal assault because of their sexual orientation in the past year alone. The violence included being beaten, assaulted with a weapon, spat on, chased, or having objects thrown at them. The perpetrators of the violence were disproportionately young, white, middle-class men or adolescents. Comstock's analysis suggested that they sought out gays for "recreational" violence when bored and intoxicated, often in groups, well aware that the police, courts and bystanders would not protect the victims. *Violence Against Lesbians and Gay Men*, Gary David Comstock, first published 1991. In numerous cases involving even extreme violence and murder, American courts showed indefensible bias against gays. Judges accepted the plea from killers of gay men and women that their revulsion against homosexuality had triggered their violence, awarding manslaughter rather than murder verdicts. In a 1988 Texas case involving the murder of two gay men, the judge commented, "[I] put prostitutes and gays at about the same level...[and] I'd be hard put to give somebody life for killing a prostitute." 'Panel to Examine Remarks By Judge on Homosexuals', *New York Times*, 21 December 1988.  
[www.nytimes.com/1988/12/21/us/panel-to-examine-remarks-by-judge-on-homosexuals.html](http://www.nytimes.com/1988/12/21/us/panel-to-examine-remarks-by-judge-on-homosexuals.html)

**But, prominently in the news at that time were legal battles over U.S. laws that criminalized homosexuality ...** The history of regulating sodomy and 'deviant' sex in the U.S. is exhaustively covered in *Dishonorable Passions: Sodomy Laws in America, 1861-2003*, William N. Eskridge Jr. Eskridge, a legal scholar, notes that the British-colonial laws criminalizing 'buggery', 'sodomy', and 'abominable and detestable crimes against nature' were comparatively rarely enforced in the U.S. until the late-19<sup>th</sup> century. But, then, deepening social conservatism, sex-crime panics, and government policing of morality began a long era of state-sanctioned persecution of gays and lesbians, reaching their peak in the 1950s. In these decades, anti-sodomy laws were made more specific – thus, prohibiting oral sex and sex between women – while punishments were made ever more severe. Thus, in most states conviction for sodomy meant at least five and as many as twenty years imprisonment. Anti-homosexual policing and public decency campaigns mounted, including mass arrests of gay men from bars and parks as

well as egregious invasions of their privacy at home, with numerous cases of spying by neighbors, family members and hired private investigators.

Illinois was an outlier in repealing its sodomy law in 1961. Other states began to repeal sodomy laws – or to lower the punishment to a misdemeanor – in the 1970s, largely through state legislatures and less frequently by courts. The process was set back when, in 1986, the US Supreme Court unexpectedly upheld the legality of sodomy laws (still present in twenty-five states) in a case where two men in Georgia were arrested while having sex at home. See, 'The Court Was "Superficial" In the Homosexuality Case', Paul Gewirtz, *New York Times*, 8 July 1986. Gewirtz, a Yale law school professor, called the decision "so superficial, peremptory and insensitive that it deserves to be criticized on this ground alone....The Court's insensitivity and offhandedness in this case represent more than a human deficiency; they represent a serious deficiency in the art of judging." [www.nytimes.com/1986/07/08/opinion/the-court-was-superficial-in-the-homosexuality-case.html](http://www.nytimes.com/1986/07/08/opinion/the-court-was-superficial-in-the-homosexuality-case.html) See also, 'What Was the State of Georgia Doing in Hardwick's Bedroom?', Nat Hentoff, *The Village Voice*, 22 December 1998; and, 'Sodomy for the masses', Debbie Nathan, *The Nation*, 19 April 1999.

In a thrillingly clear-eyed essay in 1999, when sodomy laws were still constitutional in the U.S., the philosopher Martha Nussbaum investigated the reasons put forward in defense of anti-gay laws as well as generalized hostility, showing that none could stand up to rational scrutiny. She concluded, "the time has come now when the question of fully equal rights for lesbians and gays can no longer be avoided", going on to argue for "fully equal rights" in all the major areas of life, including marriage and adoption. 'A Defense of Lesbian and Gay Rights', Martha C. Nussbaum, *Sex and Social Justice*, first published 1999. This and other essays in the book remain essential reading for anyone with a curiosity about human rights as they relate to the vital matters of desire, sexuality and reproduction.

Eventually, in 2003, the Supreme Court – once again hearing a case where two men were arrested while having sex at home (this time in Texas) – explicitly reversed its 1986 decision, calling its previous ruling 'demeaning' and saying sodomy laws were unconstitutional. See 'The Supreme Court: Homosexual Rights; Justices, 6-3, Legalize Gay Sexual Conduct in Sweeping Reversal of Court's '86 Ruling', Linda Greenhouse, *New York Times*, 27 June 2003. [www.nytimes.com/2003/06/27/us/supreme-court-homosexual-rights-justices-6-3-legalize-gay-sexual-conduct.html](http://www.nytimes.com/2003/06/27/us/supreme-court-homosexual-rights-justices-6-3-legalize-gay-sexual-conduct.html)

**... I read that U.S. immigration law explicitly barred 'suspected or self-declared' foreign homosexuals ...** In 1965, an amendment to the U.S. Immigration and Nationality Act specified homosexuality as a "sexual deviation", prohibiting immigration or even procuring a U.S. visa.

This policy was ended only in 1990-1991. See, Center for Immigration Studies. [www.cis.org/Immigration%2526Homosexuals-PolicyTowardHomosexuals](http://www.cis.org/Immigration%2526Homosexuals-PolicyTowardHomosexuals) And in 1994, the U.S. began to consider asylum pleas from individuals who could demonstrate that they faced persecution in their home countries because of their sexual orientation. 'Sheltering and Discriminating: Homosexuality and Immigration Law in the United States', Claire O'Sullivan. <http://blogs.law.columbia.edu/gslonline/files/2010/05/OSullivanPaper.pdf>

**... experts feared that this deadly disease had reached epidemic proportions among America's homosexual men ...**The classic non-fiction works on the devastation wrought by AIDS

among gay American men include Randy Shilts' *And the Band Played On: Politics, People, and the AIDS Epidemic*, first published 1987; Paul Monette's *Borrowed Time: An AIDS Memoir*, first published in 1988, and *Becoming a Man: Half a Life Story*, first published 1992; and, Charles Kaiser's *The Gay Metropolis: The Landmark History of Gay Life in America - 1940-1996*, first published 1997.

*The AIDS Crisis: A documentary history*, Douglas Feldman and Julia Wang Miller editors, 1998, is a fascinating collation of writing and reportage on AIDS, including iconic early documents and works. For briefer accounts that convey the intense fears of that time, see, for instance, 'Homosexuals confronting a time of change', *New York Times*, Michael Norman, 16 June 1983; and, 'Homosexuals' parade dedicated to AIDS victims,' *New York Times*, Douglas McGill, 27 June 1983.

**... how unwelcoming the Tufts campus was to gay students ...** I'm grateful to Michael Giangrasso for discussions regarding the Tufts Lesbian and Gay Community and more generally the state of life for gays at Tufts in the years that we were both undergraduates there.

**A year before I joined Tufts, homophobic graffiti ...** 'Anti-gay graffiti found on the Memorial Steps', entry for October 29 1980, Tufts Queer History Project on the website of the Tufts University LGBT Centre. <http://ase.tufts.edu/lgbt/about/tqhp/1980s.asp>

**It was "a miracle" that any homosexuals become stable and happy individuals ...** The quote is from Dr. Marshall Forstein, a Boston psychiatrist, in the article 'Psychiatrists on homosexuality: Vigorous discord voiced at meeting', Jane E Brody, *New York Times*, 26 Jan 1982. Another comment in that article that I was struck by was made by psychologist Dr Alexander Bell of the Kinsey Institute for Sex Research, who noted, "Sexual orientation goes far beyond sexual matters. It is a deep emotional situation—falling in love—that we've just begun to explore."

**... an article in The Statesman ...** 'Light at least a candle', Siddharth Dube, *The Statesman*, 16 July 1984.

## Chapter 6

**... A gay students group ... the several gay students' groups that sprang up over the years** For a timeline of the advances made because of the lesbian and gay groups see the website of the Queer Student Cultural Center at <http://qsc.org/>

**... the fact that Oscar Wilde, Walt Whitman, Thomas Mann, Garcia Lorca and E.M. Forster desired men ...** I'm grateful to Jonathan Barron, Rosemary George and Sankar Sen for discussions on this matter. In the U.S., lesbian and gay studies as well as 'queer theory' began to pick up pace from the mid-1980s onwards, with the pioneering institutions including University of California at Berkeley, Yale, and City University of New York. At Tufts, the first gay history course offered was in 1989.

For the analysis beginning **I was introduced to the pioneering works of gay and lesbian writing ...** and ending **I often felt that there was no safe place in the world for gay individuals ...** The most thorough source of worldwide information on human rights abuses of individuals because of their sexual orientation or gender identity is the yearly report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State-Sponsored Homophobia – A world survey of laws: Criminalisation, protection and recognition of same-sex love*. [www.ilga.org](http://www.ilga.org) For illuminating analyses of worldwide trends, see Aaron Xavier Fellmeth, 'State Regulation of Sexuality in International Human Rights Law and Theory', *William & Mary Law Review* 2008 (<http://scholarship.law.wm.edu/wmlr/vol50/iss3/3>) and 'Gay Rights: Why democracy matters', Omar Encarnación, *Journal of Democracy*, July 2014. (<http://journalofdemocracy.org/sites/default/files/Encarnacion-25-3.pdf>)

The overwhelming majority of laws criminalizing homosexuality were inherited or derived from colonial rule, particularly British colonialism. For an excellent analysis of the former British colonies, see *This Alien Legacy: The Origins of 'Sodomy' Laws in British Colonialism*, Human Rights Watch, 2008. For the British colonial legacy in the U.S., see Eskridge, op. cit., and Nussbaum, op.cit. The majority of these laws focus on sex between men, though others criminalize specific sexual acts, such as anal and oral sex, regardless of the sex of the partners.

Almost everywhere, punishments for homosexual conduct have been – and remain – extremely harsh, including long terms of imprisonment (up to life), physical and chemical castration or hormonal treatment, physical punishment (including whipping), and execution. Until the late 19th century, many British colonies retained execution as the maximum punishment in their laws. As of 2015, eight countries, in Africa, Asia and the Middle East, officially legislate the death penalty for same-sex acts, notably all under interpretations of Sharia codes.

**Though most mainland European countries decriminalized victimless sexual acts ...**The process of repealing anti-homosexual laws goes back over two hundred years to the Napoleonic Code of 1804, which was rooted in the ideals of the French Revolution's *Declaration of the Rights of Man and of the Citizen* and ended the criminalization of offences "created by superstition" such as blasphemy, witchcraft or sodomy. France, Belgium and the Netherlands were the first to decriminalize consensual same-sex acts, followed some decades later by Turkey, Italy and several South American nations (including Argentina, Brazil and Mexico).

But, even in Europe, the major changes have come about in the last half-century. Thus, in 1950 two-thirds of today's 48 European countries still criminalized consensual sex between men and – less frequently -- between women, but by 2003 none did. 'Sexual orientation in international law', Douglas Sanders, 2009, available at <http://ilga.org/sexual-orientation-in-international-law/>

Elsewhere in the world, the speed of decriminalization accelerated from the mid-1980s, with domestic courts and legislatures striking down prohibitions on adult, consensual homosexual conduct with great rapidity. (Fellmeth, op.cit.) Between 1985 and 2005, 41 countries decriminalized consensual adult same-sex relations, so that the number of countries that still criminalized homosexual conduct fell to 92. The countries decriminalizing in this period notably included China, Cuba, South Africa, the U.S.A., and almost all of the former Soviet



republics of Eastern Europe and the Baltics, as well as several in Central Asia.

[https://en.wikipedia.org/wiki/Timeline\\_of\\_LGBT\\_history](https://en.wikipedia.org/wiki/Timeline_of_LGBT_history) and, *Statistical Timeline and Overview of Gay Life*, Zachary Chastain, 2011.

Both in Europe and elsewhere, “the campaign for gay rights was framed as part of a struggle for internationally recognized human rights”, writes Encarnación, *op.cit.* “Gay activists have turned to several articles of the [1948 Human Rights] Declaration—especially Article 2, which states that every person ‘is entitled to the rights and freedoms set forth in the Declaration without distinction of any kind, including sex.’ By the early 2000s, the human-rights strategy was paying dividends in spades, with courts in Europe, Canada, and Latin America ruling on issues of concern to homosexuals—especially adoption, immigration, and same-sex relationships—from the perspective that anti-gay discrimination was an affront to universal human rights.” See also Sanders, *op.cit.*, for an exhaustive time-line.

In 2015, as this book went to press, 75 countries – nearly 40 percent of the UN’s 192 member states – still explicitly or de facto criminalized homosexual conduct, including much of Africa, Asia and the Middle East.

Despite the positive overall trend, the persecution of gays has worsened recently in particular countries on virtually every continent, ranging all the way from Belize, Honduras and Jamaica, to Nigeria, Senegal and Uganda, to Russia and Malaysia. Governments have passed draconian new anti-gay laws, increased criminal penalties, enforced existing laws more brutally, specifically criminalized consensual sexual acts between women, and criminalized activism for rights (labeling it ‘homosexual propaganda’.)

In Uganda, for instance, President Museveni and his allies – supported by well-funded American preachers – have pushed for legislation that would sanction the death penalty for gay men and women and sentences of up to seven years for family and friends who failed to report them to the authorities. The law eventually passed in 2013 was only comparatively less draconian, sanctioning life imprisonment for some homosexual acts and a seven-year jail term for anyone who conducts a same-sex marriage ceremony. The Supreme Court overturned the law a year later on a technicality, but persecution and jail sentences remain rampant under the colonial-era anti-sodomy law.

In 2013, Putin’s government in Russia enacted a law banning the promotion of “sodomy, lesbianism, bi-sexuality, and transgenderism,” a law so broad that it outlaws gay-pride parades, public displays of affection by same-sex couples, gay symbols such as the rainbow flag, and even a public admission of homosexuality, unless made in a way that casts homosexuality in a negative light.

The political scientist Encarnación, *op.cit.*, comments, “Not surprisingly, the most favorable environment for gay rights is found in places where political freedoms, civil society, and the rule of law have taken root, especially in recent decades, as in Spain, South Africa, and Latin America. By contrast, gay rights are languishing where authoritarianism is on the rise and civil society is under attack, as in Russia, most of Africa, and virtually the entire Middle East.” Shamefully, India now belongs to the second group of nations, with right-wing authoritarianism threatening basic political and civil freedoms.

Soberingly, even in countries that have decriminalized same-sex relations and provided for marriage equality, anti-gay laws often remain in place. Thus, Yale law professors Ian Ayres and William Eskridge note that eight U.S. states and several cities and counties still continue to

have homophobic laws ostensibly aimed at protecting children from being polluted by homosexuality; several of these laws are more extreme than even the 2013 Russian anti-gay law that President Obama and other world leaders criticized. Thus, statutes in Alabama and Texas mandate that children be taught that “homosexual conduct is a criminal offense” even though criminalizing private, consensual homosexual conduct has been unconstitutional since 2003, while in Arizona even sex education classes are barred from stating that there are “safe methods of homosexual sex.” ‘U.S. hypocrisy over Russia’s anti-gay laws’, Ian Ayres and William Eskridge, *Washington Post*, January 31, 2014. [www.washingtonpost.com/opinions/us-hypocrisy-over-russias-anti-gay-laws/2014/01/31/3df0baf0-8548-11e3-9dd4-e7278db80d86\\_story.html](http://www.washingtonpost.com/opinions/us-hypocrisy-over-russias-anti-gay-laws/2014/01/31/3df0baf0-8548-11e3-9dd4-e7278db80d86_story.html)

**The main exceptions were Dutch, French and Spanish colonies ...** There are caveats to this general rule, however; thus, France imposed sodomy laws in a handful of colonies – such as Senegal – as a means of social control.

**It would be many more years before the history of same-sex desire in other regions ...** See notes for chapter 12, ‘A first glimpse of freedom’, below.

**A similar paranoia about sex crimes saw gays being vilified as “sex perverts” ...** Eskridge, op.cit; Kaiser, op.cit.

**... McCarthyist campaigns led to thousands of men and women suspected or known to be homosexual ...** In *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government*, historian David K. Johnson notes, “In 1950, many politicians, journalists, and citizens thought that homosexuals posed more of a threat to national security than Communists”.

**...a large but unknown number of men and women were forced to undergo sterilization ...** Walter Frank writes in *Law and the Gay Rights Story: The Long Search for Equal Justice in a Divided Democracy*, “It is difficult to know how many lobotomies and other forms of extreme treatments were imposed on homosexuals during the darkest period of their persecution because many records were destroyed.”

David Mixner writes about the infamous Atascadero State Hospital in California and its role in the pathologization of homosexuals from the 1950s through the 1970s: “At Atascadero State Hospital, doctors...were permitted under an obscure California law to commit those who practiced sodomy into the hospital. Once admitted, normal men and women were rendered mentally disabled through the torture of castration, lobotomies, forced chemical treatments and experimental treatments. The horrors experienced by hundreds are almost too hard to comprehend in America.” (‘LGBT History: The Decade of Lobotomies, Castration, and Institutions’, David Mixner, July 28, 2010, [www.davidmixner.com/david-mixner/](http://www.davidmixner.com/david-mixner/))

By most accounts, tens of thousands of American ‘sex offenders’ were forced to undergo sterilization, lobotomies and other devastating procedures in the first half of the 20<sup>th</sup> century; a large but unknown proportion were men and women whose ‘crime’ was to have consensual oral or anal sex with someone of the same sex.

**In New York City alone, by 1966 over 100 men were arrested every week on average ...**  
[www.pbs.org/wgbh/americanexperience/features/introduction/stonewall-intro/](http://www.pbs.org/wgbh/americanexperience/features/introduction/stonewall-intro/)

**Stonewall Revolution** For an evocative account, see  
[www.pbs.org/wgbh/americanexperience/features/introduction/stonewall-intro/](http://www.pbs.org/wgbh/americanexperience/features/introduction/stonewall-intro/)  
Many gay pride marches in the U.S. and elsewhere take place on the anniversary of the Stonewall Revolution, June 28.

**Inexplicably, given the state's long history of liberal politics, its sodomy law remained in force until 2001 ...** Judgment on Doe Vs. Ventura, 15 May 2001, State of Minnesota Court,  
[www.aclu.org/news/court-strikes-down-minnesota-sodomy-law-ventura-administration-may-fight-state-impact](http://www.aclu.org/news/court-strikes-down-minnesota-sodomy-law-ventura-administration-may-fight-state-impact)

**One doctor wrote of America's city hospitals at that time ...** 'Imagine a World Without AIDS', Dr Danielle Ofri, *New York Times*, 27 July 2012.  
[www.nytimes.com/2012/07/28/opinion/imagine-a-world-without-aids.html? r=0](http://www.nytimes.com/2012/07/28/opinion/imagine-a-world-without-aids.html? r=0)

**By the late 1980s, every third or second homosexual man in New York City was infected with HIV ...** 'Weak linkage between HIV epidemics in homosexual men and intravenous drug users in New York City', H.W. Hethcote and J.W. Van Ark, *AIDS Epidemiology: Methodological Issues*, edited by N.P. Jewell, K Dietz, V Farewell, 1992.

**I had not read the text of the Indian law by this time ...** The first mention that I recall of Section 377 in a major Indian publication was in a 1984 *India Today* article, 'Bombay: Gay Times', 31 January 1984. <http://indiatoday.intoday.in/story/changing-trends-gays-in-bombay-come-out-of-their-self-imposed-social-exile/1/360420.html>

**The one compelling reason to stay on in the U.S. was the knowledge that living in India as an openly gay man was sure to be even more difficult ...** The irony was not lost on me that I felt safer in the U.S. even though gays had until recently been persecuted there in the most brutal and systematic ways – far more so than in India – and indeed were still criminalized in many states. In fact, one of my gay Indian friends felt safer back in India than in the West, because as a graduate student in Canada in the late 1970s he had been arrested in a police raid on a gay bar and deported back to India.

## Chapter 7

**The first major article in the Indian press on gay men ...** 'The love that dare not speak its name: a journey through the secret world of the Indian homosexual,' *Sunday Magazine*, 31 July-6 Aug 1988, Page 32 onwards.

**There were no gay bars in the city in 1987...** Even in Bombay, light-years ahead of other Indian cities, the first bar or café discreetly catering to gays emerged only in the early 1990s.

**These men with homophobic views, unlike the relaxed ones, displayed all the depressing, warped twists of Indian male sexuality ...** See 'Sexuality', *The Indians: Portrait of a People*, by Sudhir Kakar and Katharina Kakar, first published 2007, for an illuminating analysis of the 'wasteland' of both male and female sexuality in contemporary India, a "cultural super-ego" torn by shame, fear and coercion. They locate the male obsession that "forty drops of blood" go to producing a drop of sperm in the Indian cultural belief that "semen, the purest bodily product of a man and the source of his power, needs to be protected from the women's ferocious and insatiable desire."

## Chapter 8

In addition to published materials, the sections on Dominic D'Souza in this and later chapters are based on interviews in Goa with Raj Vaidya and Isabel de Santa Rita Vaz, in Mumbai with Dr Ishwar Gilada, Anand Grover and Ashok Rao Kavi, and in Chennai with Dr Suniti Solomon.

The sections on Selvi in this and later chapters are based on interviews with Shyamala Nataraj, B Sekar, Dr Suniti Solomon and Mary Thomas, in addition to the specific written materials cited.

**... K.F. Rustamji, India's most distinguished police official ...** A trusted aide to Prime Minister Nehru, Rustamji was a founding member of the National Police Commission, which in the aftermath of the Emergency urged far-reaching reforms of police performance, accountability and work conditions, the vast majority still unimplemented until today.  
[https://en.wikipedia.org/wiki/Khusro\\_Faramurz\\_Rustamji](https://en.wikipedia.org/wiki/Khusro_Faramurz_Rustamji)

The 2005 film 'My Brother Nikhil' is loosely based on Dominic. See 'Gay-Themed Film Tests Sensibilities in India', Somini Sengupta, *New York Times*, 6 April 2005.  
[www.nytimes.com/2005/04/06/movies/gaythemed-film-tests-sensibilities-in-india.html](http://www.nytimes.com/2005/04/06/movies/gaythemed-film-tests-sensibilities-in-india.html)

**He wrote later, "My arrest and isolation were the most traumatic and terrifying experiences ..."** This quote is from an op-ed article that Dominic published while still under house arrest, 'There but for the grace of God go I', Dominic D'Souza, *Mid Day*, 10 September 1989.

**They badgered him with questions about his personal and sex life ...** D'Souza, op.cit; also 'Caged AIDS-carrier pleads for freedom', *Times of India*, 19 March 1989.

**Lucy D'Souza filed a case in the High Court ...** *Smt. Lucy R. D'Souza etc Vs. State of Goa*, 1989. [www.lawyerscollective.org/hiv-and-law/judgements-a-orders.html](http://www.lawyerscollective.org/hiv-and-law/judgements-a-orders.html)

**'AIDS is the last thing the Indian homosexual needed,' the Sunday cover story ...** *Sunday*, op.cit.

**The Times of India commented ...** 'Goa reviews AIDS Act', Pushpa Iyengar, *Times of India*, 4 April 1989.

**The court gratuitously instructed Dominic ...** Order of the Goa Bench, Bombay High Court, dated 18.04.1989, in the case of *Smt. Lucy D'Souza versus State of Goa*.

**The head of the Indian Council of Medical Research, Dr. A.S. Paintal ...** quoted in *Less than Gay: Citizens' Report on the Status of Homosexuality in India*, AIDS Bhedbhav Virodhi Andolan (ABVA), 1991, pages 32 and 85. ABVA has made the full text of *Less than Gay* available freely online to the public, as befits a 'citizens' report'.

<https://s3.amazonaws.com/s3.documentcloud.org/documents/1585664/less-than-gay-a-citizens-report-on-the-status-of.pdf>

The events from the Madras reformatory to the Indian government's public statement are detailed in an unpublished course paper by Sunil Suhas Solomon, Dr Suniti Solomon's son, 'From 6 to 6 million in two decades: The story behind the first six cases of HIV detected in India'. More critical assessments of Dr Solomon, officials of the Indian Council of Medical Research, and bureaucrats and politicians – especially the competition for fame that motivated many of this cast of characters – are presented in 'Avoid promiscuity', Sadanand Menon, *Sunday Observer*, 18 May 1986; 'AIDS: premature panic', Salil Tripathi, *Imprint*, August 1986; 'Madras, India: Locking up prostitutes', Shyamala Nataraj, *The Third Epidemic: Repercussions of the Fear of AIDS*, Panos Institute, 1990. <http://panos.org.uk/>

**... the six who tested positive—including Selvi—were not taken to court.** Two of these six women were apparently already serving two-year sentences at the reformatory, according to press reports, but continued to be held illegally even after they had finished their sentences. See Menon, op.cit.

**The panic was most intense in Madras when a south Indian newspaper ...** 'Six cases of AIDS detected in T. Nadu', *The Hindu*, 30 April 1986, page 1. 'Strict vigil over AIDS cases', *The Hindu*, 1 May 1986. 'AIDS cases, no cause for panic', *The Hindu*, Thursday 1 May 1986. For a sense of the scale of the panic, see also, 'Alert as AIDS patients flee', *Times of India*, 30 April 1986, which reported that two of the six HIV-positive women in the reformatory had escaped; and 'TN to present white paper on AIDS cases', *Indian Express*, 30 April 1986, which reports that the state health minister felt pressured to develop a 'white paper' on AIDS because of "agitated opposition members".

**Selvi later described it to a friend as being 'like an isolated cell for the condemned'.** Interview with Mary Thomas.

**Despite their anguish, they were not given any counseling ...** Ironically, officials insisted that the women were intentionally being kept uninformed because "we do not want to scare them unnecessarily." Dr Suniti Solomon quoted in Menon, op.cit.

**And they were 'sexual' women, that last fact making them prey to particular scorn ...**

For an illuminating discussion about Indian 'anxiety around female sexuality' see Kakar and Kakar op. cit. They note that the 'inflexible checks' on female sexuality are evident in many contradictory dynamics, ranging from the idealization of both female chastity and the 'good mother' to the mix of ignorance, hostility and violence that typify men's sexual relations with their wives (instead of tenderness and eroticism); the paradoxical 'dark imagery' in myth and images that women are 'lustful and sexually rapacious by nature'; and, in women's overpowering guilt and shame about sexual matters and their own bodies (particularly their genitals).

## Chapter 9

**The eminent evolutionary biologist Stephen Jay Gould warned ...** 'The Terrifying Normalcy of AIDS', Stephen J Gould, *New York Times*, 19 April 1987.

[www.nytimes.com/books/97/11/09/home/gould-aids.html](http://www.nytimes.com/books/97/11/09/home/gould-aids.html)

**Jonathan Mann, the architect of the international response ...** Mann died tragically young in the 1998 Swissair crash that also killed his wife, scientist Mary Lou Clements.

'Jonathan Mann, AIDS Pioneer, Is Dead at 51', Philip Hilts, *New York Times*, 4 September 1998.

[www.nytimes.com/1998/09/04/us/jonathan-mann-aids-pioneer-is-dead-at-51.html](http://www.nytimes.com/1998/09/04/us/jonathan-mann-aids-pioneer-is-dead-at-51.html)

'A Tribute to Jonathan Mann: Health and Human Rights in the AIDS Pandemic', Lawrence O. Gostin, 26 *Journal of Law, Medicine & Ethics* 256-258, 1998.

<http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1746&context=facpub>

**He had taken a disease that government officials inevitably sought to ignore ... health officials, not wanting their nations to be identified with a sordid sexually-transmitted disease ...** Greg Behrman, *The Invisible People: How the U.S. Has Slept Through the Global AIDS Pandemic, the Greatest Humanitarian Catastrophe of Our Time*, 2004.

**The results showed that AIDS was spreading exponentially ...** 'Global estimates of AIDS cases and HIV infections: 1990,' James Chin, 'AIDS 1990: A year in review', *AIDS*, 1990, 4 Suppl 1:S277-83.

**Though these estimates were disparaged at that time for being alarmist ...** Behrman op.cit.; *AIDS in the World: A Global Report*, Jonathan Mann, Daniel Tarantola and Thomas Netter, editors, 1992.

**Soon, 90 per cent of all people infected were expected to be in developing countries ...** Mann et al, op.cit, page 568; 'Poor man's plague', *The Economist*, 21 September 1991.

**... the epidemic was now taking its greatest toll amongst men and women in sub-Saharan Africa.** By 1990, an estimated 5.5 million people in sub-Saharan Africa had contracted HIV, five times the numbers infected in North America. (Data from 'History of AIDS: 1987-1992', accessed at [www.avert.org/history-aids-1987-1992.htm](http://www.avert.org/history-aids-1987-1992.htm)).

Insightful books about the AIDS pandemic include: *HIV/AIDS: A Very Short Introduction* by Alan Whiteside, 2008, which provides a brisk overview. *AIDS in the Twenty-First Century: Disease and Globalization*, Tony Barnett and Alan Whiteside, and, *The Epidemic: A Global History of AIDS*, Jonathan Engel, both published in 2006, are detailed, thought-provoking works. The broad public health context is provided in two excellent books by Laurie Garrett, *The Coming Plague: Newly Emerging Diseases in a World Out of Balance*, 1995, and, *Betrayal of Trust: The Collapse of Global Public Health*, 2001.

For valuable analysis of governmental and public action failures, see *Body Count: How they turned AIDS into a catastrophe*, Peter Gill, 2006, and, *The Wisdom of Whores: Bureaucrats, Brothels, and the Business of AIDS*, Elizabeth Pisani, 2008.

For Mann's efforts and achievements in bringing human rights concerns to the forefront of HIV-focused policies, see 'Voices from the Past: Jonathan Mann: Founder of the Health and Human Rights Movement,' Tarantola D, Gruskin S, Brown T, and Fee E, *American Journal of Public Health*, vol. 96, no. 11, November 2006; 'Jonathan Mann, HIV/ AIDS, and Human Rights', Elizabeth Fee and Manon Parry, *Journal of Public Health Policy*, Vol. 29., No. 1, Apr 2008; and Behrman, op.cit.

**The first global resolutions approved on AIDS...did not explicitly mention human rights** ... See, for instance, 'Global strategy for the prevention and control of AIDS', *World Health Assembly resolution 40.26*, 15 May 1987; 'Prevention and control of acquired immune deficiency syndrome (AIDS)', *UN General Assembly resolution 42/8*, 26 October 1987; and, 'The World Health Organization's global strategy for the prevention and control of AIDS', in *AIDS – A global perspective*, *Western Journal of Medicine*, December 1987, 147:732-734.

**But by the following year, the world's health ministers had declared at a London summit** ... *London Declaration on AIDS Prevention, World Summit of Ministers of Health*, 28 January 1988, World Health Organisation, WHO/GPA/INF/88.6

**... UN General Assembly resolution...** 'Prevention and control of acquired immunodeficiency syndrome (AIDS)', *UN General Assembly resolution 46/203*, 79th plenary meeting, 20 December 1991.

## Chapter 10

I'm grateful to Naomi Akers, Priscilla Alexander, Joanne Csete, Melissa Ditmore, Anand Grover, Smarajit Jana, Shyamala Nataraj, Swarup Sarkar and Meena Seshu for illuminating discussions on sex work in India, the U.S. and elsewhere.

**Though it had been just five years since the first domestic cases of HIV were detected** ... 'In an Unaware India AIDS Threat Is Growing', Sanjoy Hazarika, *New York Times*, 9 August 1990.

'AIDS: It's Here', Siddharth Dube, *Sunday*, 25 August 1991.

'The Indian Face of AIDS', Harinder Bawja and Arun Katiyar, *India Today*, 30 November 30 1991.

**J.J. Hospital in Bombay ... Dr. Smita Gupta ...** Dube, op.cit.

**Mann had described these human rights abuses as the AIDS epidemic's 'third wave' ...** This is from Mann's 'Statement at an Informal Briefing on AIDS to the 42<sup>nd</sup> Session of the United Nations General Assembly,' 1987, quoted in Fee and Parry, op.cit.

**Thus, in an article that very summer of 1991, *The Economist* ...** *The Economist*, 1991, op. cit.

**Extrapolations from studies suggested that forty to sixty per cent of the prostitutes ...** 'Sex Work and HIV/AIDS', Priscilla Alexander, *Health Policy* 1994; Vol. 8: p. 1, 11-12. Washington, D.C.: The World Bank.

**Consequently, Western prostitutes who contracted HIV did so overwhelmingly from injecting drug use ...** In contrast, it remained close to zero amongst women working in legal brothels... Alexander, op.cit.; 'Offering sex for money', *The Third Epidemic: Repercussions of the Fear of AIDS*, Panos Institute, 1990, <http://panos.org.uk/>; and, *Love For Sale: A World History of Prostitution*, Nils Johan Ringdal, 2005.

**Yet, in a parallel to the pattern in the West, HIV rates remained low amongst better-off prostitutes ...** Alexander, op.cit.

**Amongst the poorest groups of prostitutes in Kenya as well as India and Thailand ...** Alexander, op.cit; *The Economist*, 1991, op.cit; .

For the entire section on the development of WHO's first guidelines on HIV and sex work, I have drawn extensively on Karen Booth's valuable analysis, 'National mother, global whore and transnational femocrats: the politics of AIDS and the construction of women at the World Health Organization', *Feminist Studies*, 1998.

The guidelines *Making Sex Work Safer: A guide to HIV/AIDS prevention interventions* were eventually published only in 1993, because of delays that Alexander and Booth attribute to opposition faced by Alexander within the new leadership of the global AIDS programme.

**The Ministry of Health had recently estimated that the country had about 1 million women sex workers ...**Table 9.6, page 376, Mann et. al. 1992, op.cit.

**... the fallout of mass raids on Bombay's red-light areas ...** 'Indian, Nepali prostitutes rounded up, detained in AIDS raids', John Stackhouse, *Toronto Globe and Mail*, 10 September 1990. In the article, Colin Gonsalves, a legal activist in the city, comments, "You cannot find any worse succession of violations of basic rights."



**Tests forcibly carried out on the women ...** ‘Most rescued women infected by AIDS virus’, *The Hindu*, 14 June 1990. ‘Burdened with AIDS,’ R. Bhagwan Singh, *Sunday*, 8-14 July 1990. ‘Freed prostitutes – Yet another bondage’, V. R. Mani, *Times of India*, 28 July 1990.

**Nataraj, formerly a correspondent for the Indian Express, had gained entry to the reformatory ...** ‘Madras, India: Locking up prostitutes’, Shyamala Nataraj, in *The Third Epidemic: Repercussions of the Fear of AIDS*, Panos Institute, 1990. <http://panos.org.uk/>

## Chapter 11

**Dr. A.S. Paintal insisted that homosexuality didn’t exist in India simply because it was banned ...** quoted on page 32 of *Less than Gay*, op.cit.

**Thus, by end 1990 just six of the several thousand cases of HIV reported to health authorities were listed as homosexually acquired ...** *Less than Gay*, op.cit., pages 62 and 84, citing *ICMR Bulletin* November-December 1990.

**The few of us confident enough to subscribe to Trikone ... or Bombay Dost ...**  
[www.trikone.org/index.php/about-us/trikone](http://www.trikone.org/index.php/about-us/trikone) and [www.bombaydost.co.in/](http://www.bombaydost.co.in/)

See ‘Coming Out in India, With a Nod From the Gods’, Edward Gargan, *New York Times*, 15 August 1991, for a description of the nascent gay life in Bombay and the launch of *Bombay Dost*. [www.nytimes.com/1991/08/15/world/bombay-journal-coming-out-in-india-with-a-nod-from-the-gods.html](http://www.nytimes.com/1991/08/15/world/bombay-journal-coming-out-in-india-with-a-nod-from-the-gods.html)

**Rohit Khosla** [https://en.wikipedia.org/wiki/Rohit\\_Khosla](https://en.wikipedia.org/wiki/Rohit_Khosla)  
**Rippan Kapur** [www.cry.org/about-cry/history.html](http://www.cry.org/about-cry/history.html).

**But when doctors or health officials asked how they were infected, they had simply said that they were heterosexual ...** ‘HIV/AIDS in India - Gulf between Rhetoric and Reality’, Radhika Ramasubban, *Economic and Political Weekly*, Vol - XXXIII No. 45, 07 November 1998.

**‘Dominic was naughty, childlike, and very sensitive ...’** Interview with Isabel de Santa Rita Vaz.

**Writing to a sympathetic Bombay doctor about three impoverished, HIV-positive people ...** Letter to Dr Gilada, dated 26 September 1989, reproduced in *Dominic D’Souza: The complete story*, India Health Organisation (henceforth IHO). (No publication date given.)

**Dominic’s newfound spirit of activism reflected a unique quality about AIDS ...**  
**GMHC ...** [www.gmhc.org/](http://www.gmhc.org/)  
**ACT-UP ...** [www.actupny.org/](http://www.actupny.org/)  
**TASO ...** [www.tasouganda.org/](http://www.tasouganda.org/)

**... The courts were less responsive to human rights principles ... as government doctors refused to tend to him.** ‘Segregation of AIDS patients upheld’, Pushpa Iyengar, *Times of India*, 24 December 1989.

‘I know who my friends are now’, Dominic D’Souza interviewed by Devika Sequeira, *Goa Today*, February 1992.

**‘Dr. Vaidya didn’t allow me to enter the office,’ Dominic wrote later ...** IHO, op.cit.

**... Norma Alvares recalled.** IHO, op.cit.

**It was India’s first association of ‘positive people’...** For the work of the group since, see [www.positivepeople.in/](http://www.positivepeople.in/)

**... mainstream daily Gomantak Times expressed evident pride in their native son ...** Quoted in IHO, op.cit.

For the prejudiced early reaction of the press and public, see Dominic’s interview in *Goa Today*, op.cit., where he notes the press accused him “of being a highly promiscuous person...even my mother said the people in the village were looking at her in a very peculiar way.”

**In his will ...** See ‘Goan AIDS activist succumbs to virus’, *Times of India*, 28 May 1992. The will is reproduced in IHO, op.cit.

**In a booklet published by the Positive People group shortly before his death, Dominic wrote ...** The quote about his struggles to accept his orientation is from page 3, IHO, op.cit.

**The writer Paul Monette, dying of AIDS ...** Monette, op.cit., 1992.

## Chapter 12

I’m grateful to Rustom Bharucha, Saleem Kidwai, Madhu Mehra and Jaya Sharma for discussions on various points in this chapter.

**The council’s top official had stoked public hysteria with his rabid comments ...** quoted in *Less than Gay*, op.cit., page 61, with an attribution to *Sunday* magazine, 26 February 1989.

**From this effort was born the activist collective AIDS Bhedbhav Virodhi Andolan (ABVA)** [https://en.wikipedia.org/wiki/AIDS\\_Bhedbhav\\_Virodhi\\_Andolan](https://en.wikipedia.org/wiki/AIDS_Bhedbhav_Virodhi_Andolan)

**An activist Catholic nun ...** This was Sister Shalini D’Souza, of the Sisters of Charity of Nazareth, at that point director of women’s programs for the Indian Social Institute in New Delhi. <http://scnfamily.tumblr.com/post/101985939036>

**A grassroots feminist ...** This is Lalitha S.A. Nayak. [www.careers360.com/news/3670-Women-s-Welfare](http://www.careers360.com/news/3670-Women-s-Welfare)

**... the Bank approved India's AIDS-control loan after the government gave it private guarantees ...** 'Facade of AIDS Prevention?', Siddharth Dube, *Economic and Political Weekly*, 11 April 1992.

*India National AIDS Control Project: Project Performance Assessment Report*, Timothy Johnston and Martha Ainsworth, Operations Evaluation Division, The World Bank, 2003/4.  
*Epidemic Of Abuse: Police Harassment Of HIV/AIDS Outreach Workers In India*, 2002.  
[www.hrw.org/reports/2002/india2/](http://www.hrw.org/reports/2002/india2/)

**... the historical evidence showing that homophobia was a British colonial legacy ...** For subsequent scholarly research on this matter, see the following important works, which unanimously conclude that overt persecution of same-sex relations and alternative gender identities began on the subcontinent only under British rule, though they differ in emphasis regarding how tolerant or accepting social attitudes were.

*Same-Sex Love in India: Readings from Literature and History*, edited by Ruth Vanita and Saleem Kidwai, first published 2000, brings together extracts translated from a wide range of texts in fifteen Indian languages, representing all of India's major faiths, and written over a period of more than two millennia. Vanita and Kidwai conclude that throughout India's history homoerotically inclined individuals "were honoured and successful members of society...These people were not necessarily regarded as inferior in any way nor were they always ashamed of their loves or desires...Labels like 'abnormal', 'unnatural' and 'unhealthy' are of relatively very recent origin in India." They note that this relative tolerance is strongly linked to the most fundamental of Hindu concepts. Thus, the concept of rebirth absolves same-sex partners (or those of widely differing caste) of blame because their mutual attraction is involuntary attachment that needs to be brought to a resolution in the present birth. And the basic Hindu idea that "the universal spirit pervades all things means that in the ultimate analysis nothing is abnormal or unnatural...In this context, people inclined to alternative sexual behaviours are also expressions of divine play or *leela*."

Psychoanalyst Sudhir Kakar argues that "India has had a tradition of 'benign neglect' of alternate sexualities, a tradition that is very much part of the Indian mind ... two of the most successful and creative civilizations of the past, ancient Greece and classical India, were much more tolerant... In ancient India, homosexual activity itself was ignored or stigmatized as inferior but never actively persecuted." (Quoted in 'The judgment helps validation of homosexual identity', interview with Devika Sequeira, *Deccan Herald*, 23 July 2009.) For a full discussion, see the chapter on 'Sexuality' in Kakar and Kakar, op.cit. About Indian sexuality in general, they write, "Many observers wonder as to what could have happened to the same people who produced the *Kamasutra* to turn contemporary Indian eroticism into a sexual wasteland."

Devdutt Pattanaik's scholarship on Hindu mythology underscores conclusions about sexuality and gender that discredit the obscurantist readings of Hindutva ideologues. He writes, "Ancient Indian authors and poets without doubt imagined a state where the lines separating masculinity and femininity often blurred and even collapsed ... Such tales were consistent and

recurring, narrated matter-of-factly, without guilt or shame. Such outpouring has its roots in Indian metaphysics ... The wise see masculinity and femininity as ephemeral robes that wrap the sexless genderless soul. The point is not to get attached to the flesh, but to celebrate its capabilities, discover its limitations, and finally transcend it.” See, for instance, ‘When gayness was out in open, not a matter of guilt’, Devdutt Pattanaik, *Times of India*, 3 July 2009.

Historian Wendy Doniger emphasizes that mutable androgyny and desire are a vital part of Indian mythology, with numerous deities and heroic humans alternating between being male and female alongside non-judgemental allusions to a variety of sexual desires and activities. See especially *The Hindus: An Alternative History*, first published 2009.

**The colonial elite considered its Indian subjects not just primitive and inferior but also innately lustful ...** There is now an extensive and fascinating literature on how arguments of racial superiority – particularly on matters of ‘morality’ and sexuality -- were pivotal to British colonizers in bolstering their view that they were uniquely fitted to rule. See, for instance, *Race, Sex and Class under the Raj*, Kenneth Ballhatchet, 1980; *Women and Law in Colonial India: A Social History*, Janaki Nair, 1996; *Dangerous Outcast: The Prostitute in Nineteenth Century Bengal*, Sumanta Banerjee, 1998; *Empire and Sexuality: The British Experience*, Ronald Hyam, 1991; *Colonialism and Homosexuality*, Robert Aldrich, 2002; *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire*, Philippa Levine, 2003; *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay*, Ashwini Tambe, 2009.

The evangelical reformer who referred to Hindu gods as ‘absolute monsters of lust’ was William Wilberforce, quoted in ‘Imperial deceivers’, Kevin Rushby, *The Guardian*, 18 January 2003. [www.theguardian.com/books/2003/jan/18/featuresreviews.guardianreview19](http://www.theguardian.com/books/2003/jan/18/featuresreviews.guardianreview19)

**This tolerance ... was not destroyed by the spread of Muslim rule ...** On the Indian sub-continent, Kakar and Kakar, op. cit., emphasize that the attitude of ‘benign neglect’ to matters of same-sex desire ‘did not change materially in spite of the advent of Islam.’ Vanita and Kidwai, op.cit., emphasize that the tolerant attitude of Muslim rulers on the sub-continent reflected both the particularly strong influence of Sufism and the fact that as a minority the ‘Muslim elite did not find it necessary to live according to the dictates of the orthodox.’ More generally, they note, ‘Homoerotically inclined men are continuously visible in Muslim medieval histories and are generally described without pejorative comment....Compared to Christian Europe, trials and punishments for homosexuality are rare in the history of Muslim peoples in medieval times.’ This point is reiterated in Khaled El-Rouayheb’s *Before Homosexuality in the Arab-Islamic World, 1500-1800*, first published 2005.

For analysis of the complex local and international dynamics that are resulting in worsening persecution of sexual and gender minorities in numerous Muslim-majority nations today, see ‘What Does Islam Say About Being Gay?’, Mustafa Akyol, *New York Times*, 28 July 2015. [www.nytimes.com/2015/07/29/opinion/mustafa-akyol-what-does-islam-say-about-being-gay.html? r=0](http://www.nytimes.com/2015/07/29/opinion/mustafa-akyol-what-does-islam-say-about-being-gay.html? r=0) For detailed analysis, see Scott Siraj al-Haqq Kugle’s *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims*, first published 2010; and Joseph Massad’s *Desiring Arabs*, 2007.

**The Habitual Offenders Act perpetuated the view of the Criminal Tribes Act ...** In 1897, the Criminal Tribes Act was amended to expressly include 'eunuchs' – in the Indian context meaning hijras – who could now be arrested without warrant and imprisoned for up to two years. (The subtitle of the law now became: 'An Act for the Registration of Criminal Tribes and Eunuchs'.) Local authorities had to keep a register of all eunuchs 'reasonably suspected' of 'committing offences under Section 377'. "Now cast as both a criminal tribe and a sexual deviant, hijras could be arrested merely on the presumption of sodomy." See Human Rights Watch, *This Alien Legacy*, op.cit.

**The barbaric 'two-finger test' ...** See *Dignity on Trial: India's Need for Sound Standards for Conducting and Interpreting Forensic Examinations of Rape Survivors*, Human Rights Watch, 6 September 2010. [www.hrw.org/report/2010/09/06/dignity-trial/indias-need-sound-standards-conducting-and-interpreting-forensic](http://www.hrw.org/report/2010/09/06/dignity-trial/indias-need-sound-standards-conducting-and-interpreting-forensic)

**Homosexual conduct was a criminal offence not only in India but also in an overwhelming majority of the world's nations ... No country, so far, provided constitutional guarantees of equality or anti-discrimination ...** See the notes for Chapter Six above.

**ABVA filed a public interest case in the Delhi High Court ...** The petition is reproduced in *Humjinsi: A Resource Book on Lesbian, Gay and Bisexual Rights in India*, edited by Bina Fernandez, 2002. See also, 'Gay Rights in India', Vimal Balasubrahmanyam, *Economic and Political Weekly*, 3 February 1996. [http://orinam.net/content/wp-content/uploads/2013/08/COMMENTARY\\_Gay-Rights-in-India\\_EPW.pdf](http://orinam.net/content/wp-content/uploads/2013/08/COMMENTARY_Gay-Rights-in-India_EPW.pdf)

### Chapter 13

**The Bank and IMF were now confronting unceasing demands ...** For critical but contrasting views on the Bank/IMF's impact, see *The Lords of Poverty: The Power, Prestige, and Corruption of the International Aid Business*, Graham Hancock, first published 1989; *Globalization and Its Discontents*, Joseph E. Stiglitz, first published 2002; and *The World's Banker: A Story of Failed States, Financial Crises, and the Wealth and Poverty of Nations*, Sebastian Mallaby, first published 2004.

**Indeed, there lay much truth in the branding of Bank technocrats as the 'Lords of Poverty' ...** The criticisms of inflated salaries and profligate spending that erupted in the early 1990s are covered in the following – 'How the World Bank cuts costs', *The Economist*, 14 April 1990. 'Breaking open the World Bank', Ken Ringle, *The Washington Post*, 25 September 1990. [www.washingtonpost.com/archive/lifestyle/1990/09/25/breaking-open-the-world-bank/b04a7ddc-cc33-495d-981f-f3aac046dde1/](http://www.washingtonpost.com/archive/lifestyle/1990/09/25/breaking-open-the-world-bank/b04a7ddc-cc33-495d-981f-f3aac046dde1/) 'Let them eat honey-roasted peanuts: World Bank's mismanagement', Michael Irwin, *The Washington Monthly*, 1 June 1990. [www.thefreelibrary.com/Let+them+eat+honey-roasted+peanuts.-a09085511](http://www.thefreelibrary.com/Let+them+eat+honey-roasted+peanuts.-a09085511) 'Banking on Poverty: An Insider's Look at the World Bank', Michael H. K. Irwin, *Cato Foreign Policy Briefing No. 3*, 20 September 1990. [www.cato.org/pubs/fpbriefs/fpb-003.html](http://www.cato.org/pubs/fpbriefs/fpb-003.html)

... appeared as the lead front-page item in the fall 1994 issue ... 'Sex Work and HIV/AIDS', Priscilla Alexander, *Health Policy* 1994; Vol. 8: p. 1, 11-12. Washington, D.C.: The World Bank.

**Several years later, when the Bank first fully enunciated its thinking on HIV-prevention** ... In *Confronting AIDS: Public priorities in a global epidemic*, published in 1997, the Bank argued that "attempts to curtail commercial sex....(have) only rarely been effective... These efforts rearrange the problems associated with commercial sex, but do not eliminate them...In summary, prohibiting and punishing commercial sex is unlikely to be an effective approach to reducing HIV transmission ... draconian measures to curtail commercial sex could actually worsen an HIV epidemic."

#### Chapter 14

In addition to specifically cited materials, the section on the development of the South India AIDS Action Programme (SIAAP) is based on discussions with Shyamala Nataraj, B. Sekar, Suniti Solomon, Mary Thomas and members of SIAAP's 'sangam' in Theni district, Tamil Nadu.

The section on the work of the Durbar is based on discussions with Smarajit Jana and interviews over the years with numerous Durbar officials and members, including Bharati Dey and Sadhana Mukherjee.

I'm also grateful to Ashok Alexander, Joanne Csete, Anand Grover, Smarajit Jana, Shilpa Merchant, Shyamala Nataraj, K. Sujatha Rao, Swarup Sarkar and Meena Seshu for broader discussions regarding sex work and HIV prevention in India.

**The epidemic had outstripped even the worst-case scenarios** ... By the late-1990s, there was a strong consensus – spanning the World Bank, UNAIDS, major foundations, leading publications and close observers (including myself) – that India's AIDS epidemic was set to reach vast proportions. See the following: 'Denial and Taboo Blinding India To the Horror of Its AIDS Scourge', John F Burns, *New York Times*, 22 September 1996.

**The US government's National Intelligence Council** ... *The Global Infectious Disease Threat and Its Implications for the United States*, U.S. National Intelligence Council, 2000.

... a **New York Times** editorial commented ... 'India's AIDS Crisis', *New York Times*, 27 March 2001. [www.nytimes.com/2001/03/27/opinion/india-s-aids-crisis.html](http://www.nytimes.com/2001/03/27/opinion/india-s-aids-crisis.html)

'India's AIDS Explosion', Siddharth Dube, *Washington Post*, 4 January 2001. Here and in a later op-ed in the *Hindu* [www.thehindu.com/thehindu/2001/06/16/stories/05162523.htm](http://www.thehindu.com/thehindu/2001/06/16/stories/05162523.htm), I wrote "India's epidemic is running far ahead of the government's response. The programs in place today would possibly have been sufficient to curb the epidemic a decade ago; today they serve only to mask the fact that it is all but unchecked."

'Slowing the Spread of AIDS in India', Bill Gates, *New York Times*, 9 November 2002. Gates wrote, "The choice now is clear and stark: India can either be the home of the world's largest and most devastating AIDS epidemic -- or, with the support of the rest of the world, it can become the best example of how this virus can be defeated." A few days later, Gates said, "India is at once on the cusp of economic greatness and of an epidemic of tragic proportions."

'Gates Offers India \$100 Million to Fight AIDS', Amy Waldman, *New York Times*, 12 November 2002. [www.nytimes.com/2002/11/12/world/gates-offers-india-100-million-to-fight-aids.html](http://www.nytimes.com/2002/11/12/world/gates-offers-india-100-million-to-fight-aids.html)

'When silence is not golden' (editorial) and 'Abating, or exploding?' (special report), *The Economist*, 17 April 2004. "India ranks second only to South Africa in terms of the number of infections", the editorial noted.

**In Madras, and generally across Tamil Nadu, brothels were a rarity ...** See notes for chapter 17, below, particularly 'Demography and sex work characteristics of female sex workers in India', R. Dandona et. al., *BMC International Health and Human Rights*, 14 April 2006.

**The Commission's report ...** *Societal Violence on Women and Children in Prostitution*, National Commission on Women (NCW), Ministry of Women and Child Development, Government of India, 1996.

**... the text of a recent petition by Selvi and six other sex workers ...** Petition against the Commissioner of Police, Mumbai, and others filed by the members of Representative Inter State Committee of Sex Workers in India, included in the NCW report, op.cit.

For the Durbar's development in its first decade, I've drawn extensively on the penetrating article, 'Going Brothel to Brothel, Prostitutes Preach about Using Condoms', Celia Dugger, *New York Times*, 4 January 1999.

<https://partners.nytimes.com/library/world/asia/010499india-aids.html> Specific points quoted include: **'Very few wore the gaudy sarees, tight pants and revealing halters favoured in the Bombay areas ...'**

**'One result was that instead of treating just syphilis and gonorrhoea ...'**

**'The Durbar had turned into a force to be reckoned with in Sonagachi ...'**

**'It was also in their self-interest to check the trafficking ...'**

For the development of the cooperative society as well as the foundational steps of building self respect and an ethos of support rather than competition, see 'Calcutta sex workers unite under the co-operative banner', Allie Irvine, September-December 1997, *Co-op Dialogue*, International Cooperative Alliance. (Available at

[www.uwcc.wisc.edu/icic/orgs/ica/struc/Regional-Offices1/Regional-Office-for-Asia-and-Pacific1/Asia--Co-op-Dialogue--Vol--7--No--3--1991/Calcutta-Sex-Workers-Unite-Under-the-Co-1.html](http://www.uwcc.wisc.edu/icic/orgs/ica/struc/Regional-Offices1/Regional-Office-for-Asia-and-Pacific1/Asia--Co-op-Dialogue--Vol--7--No--3--1991/Calcutta-Sex-Workers-Unite-Under-the-Co-1.html))

Another useful source is 'Sonagachi: A Sex Worker Project in a Red Light District of Calcutta, India', *Female sex worker HIV Prevention Projects: Lessons Learnt from Papua New Guinea, India and Bangladesh*, 2000, UNAIDS.

For later material, I've drawn extensively from Prabha Kotiswaran's landmark study *Dangerous Sex, Invisible Labor: Sex Work and the Law in India*, 2011. Specific points relate to the layout of the area, the women's clothing, the structure of sex work in Sonagachi, as well as the following: **'The exact terms on which women worked in Sonagachi varied...the dank cell-like rooms, all of two hundred square feet ...'**

**'It was only among the 'Agrawalis ...'**

**'Thuggish local men ...'**

**The country's Home Minister, the legendary Communist leader, Indrajit Gupta ...** 'Sex workers: legal soliciting', Udayan Namboodiri and Nandita Chowdhury, *India Today*, 8 December 1997; and, *Co-op Dialogue*, 1997, op.cit.

For valuable documentation of the massive scale of sex trafficking of girls and women in several major cities in the 1990s, see Human Rights Watch, *Rape for Profit: Trafficking of Nepali Girls and Women to India's Brothels*, October 1995; and 'India's Shame – Sexual slavery and political corruption are leading to an AIDS catastrophe', *The Nation*, 8 April 1996.

An invaluable resource on sex work that I turn to constantly is the one-thousand-page *Encyclopedia of Prostitution and Sex Work*, edited by Melissa Hope Ditmore, first published 2006. This two-volume reference has wide-ranging entries related to prostitution and the sex industry worldwide, past and present.

**... The Economist commented ...** 'Giving the customer what he wants: To its buyers and sellers, the sex trade is just another business', *The Economist*, 12 February 1998. [www.economist.com/node/113208/print?story\\_id=113208](http://www.economist.com/node/113208/print?story_id=113208) The first of this publication's insightful commentary on sex work, this lengthy article is a classic, worth a close read even now.

*The Economist* was not the only agenda-setting publication to reach this position in that period, fifteen years into the AIDS pandemic. Just a few years earlier, *The Lancet* – arguably the world's most influential public health and medical journal – began to recommend decriminalization of sex work, in developing and rich countries alike. In a page-length editorial, the journal emphasized that "Decriminalisation, rather than legalisation, offers a valuable opportunity both to lessen the unnecessary harassment of prostitutes by police and to assist women in finding safer urban areas to work." 'Buying sex, safely', *The Lancet*, 10 August 1996.

Another prominent voice arguing in favor of decriminalization, legal protections and better work conditions was that of the philosopher Martha Nussbaum, who criticized 'feminist arguments about prostitution, surrogate motherhood, and even marriage contracts [that] standardly portray financial transactions in the area of female sexuality as demeaning to women and as involving a damaging commodification and market alienation of women's sexual and reproductive capacities.' On the contrary, Nussbaum argued, 'the correct response...seems to be to work to enhance the economic autonomy and the personal dignity of members of that class, not to rule off limits an option that may be the only livelihood for many poor women.' To my mind this endures as the most powerful exposition of why sex work is indeed legitimate, honorable work. 'Taking Money for Bodily Services', *Sex and Social Justice*, Martha Nussbaum, 1999. For a short introduction to her argument, see 'Trading on America's Puritanical Streak', Martha Nussbaum, *Atlanta Journal-Constitution*, 15 March 2008, where she writes, 'the idea that we ought to penalize women with few choices by removing one of the ones they do have is grotesque, the unmistakable fruit of the all-too-American thought that women who choose to have sex with many men are tainted vile things who must be punished.'

<http://uchicagolaw.typepad.com/faculty/2008/03/martha-nussbaum.html>



**... it published two landmark sets of guidelines ...** *International Guidelines on HIV/AIDS and Human Rights*, OHCHR/UNAIDS, 1998 and 2006. ([http://data.unaids.org/Publications/IRC-pub07/jc1252-internguidelines\\_en.pdf](http://data.unaids.org/Publications/IRC-pub07/jc1252-internguidelines_en.pdf))

*Handbook for legislators on HIV/AIDS, law and human rights*, UNAIDS/ IPU, 1999.

Other key UNAIDS and co-published reports on sex work from that period include *Female sex worker HIV prevention projects: Lessons learnt from Papua New Guinea, India and Bangladesh*, Best Practice Collection, UNAIDS, 2000; and, *Sex Work and HIV/AIDS: Technical Update*. June 2002.

One of the first acts of the Bush administration was to undermine the emphasis on human rights and on the well-being of sex workers, gays and injection drug users in the Declaration of Commitment, the global roadmap on AIDS endorsed by world leaders at the UN General Assembly Special Session on HIV/AIDS in June 2001. In doing this, it allied with governments notorious for their hostility to human rights. 'U.N.: AIDS Conference Whitewash; U.S., Vatican, Egypt Undermining Frank Language in Conference Document', Human Rights Watch, 19 June 2001. [www.hrw.org/news/2001/06/19/un-aids-conference-whitewash](http://www.hrw.org/news/2001/06/19/un-aids-conference-whitewash) The Bush administration also derailed efforts to have the UN General Assembly endorse the *International Guidelines on HIV/AIDS and Human Rights*. Even the Commission on Human Rights (now the Human Rights Council) could only get so far as 'welcoming' the Guidelines because of opposition from the U.S. and other reactionary governments. See 'HIV/AIDS and Human Rights', Joanne Csete, *HIV/AIDS Policy and Law Review*, 2005, Volume 10, number 1.

## Chapter 15

In addition to the people quoted here, I'm grateful to Vivek Anand, Anjali Gopalan, Anand Grover, Ashok Rao Kavi, Saleem Kidwai, Sunil Menon, Shyamala Nataraj and Radhika Ramasubban for discussions, over the years, that informed this chapter.

### **The annual AIDS death toll in the U.S. had fallen from over fifty thousand ...**

Epidemiology of HIV/AIDS in the United States, HIV InSite Knowledge Base Chapter, March 2003, Dennis H. Osmond, University of California San Francisco.

<http://hivinsite.ucsf.edu/InSite?page=kb-01-03>

**... an extreme that far dwarfed even that borne by gay men ...** See *Human Rights Violations against Sexuality Minorities in India*, People's Union For Civil Liberties, Karnataka, 2001, and, *Human Rights Violations against the Transgender Community: A Study of Kothi and Hijra Sex Workers in Bangalore, India*, People's Union of Civil Liberties, Karnataka, 2003.

An invaluable early report on the epidemic's worldwide impact on men who have sex with men is *The Silent Epidemic - HIV/AIDS and men who have sex with men in the developing world*, Neil McKenna, Panos UK, 1996.

[www.panos.org.uk/images/books/THE%20SILENT%20EPIDEMIC.pdf](http://www.panos.org.uk/images/books/THE%20SILENT%20EPIDEMIC.pdf)

See also, *AIDS and men who have sex with men*, UNAIDS technical update, May 2000.

**... studies ... reported HIV prevalence rates ranging from two percent to over fifty percent ... And research commissioned by the government's National AIDS Control Organization ...** 'HIV Prevalence Levels State-wise: 2001', table, Estimation of HIV infection among adult population: HIV estimates for year 2001', Government of India, National AIDS Control Organisation. [www.naco.nic.in/vsnaco/indianscene/update.htm](http://www.naco.nic.in/vsnaco/indianscene/update.htm)

**But barely any of the government's own, larger funding ...** *Epidemic of Abuse: Police harassment of HIV/AIDS outreach workers in India*, Human Rights Watch, 2002, pages 24-25. [www.hrw.org/reports/2002/india2/india0602.pdf](http://www.hrw.org/reports/2002/india2/india0602.pdf)

Several key points about the transformative years of gay mobilization are taken from the following important essays:

'Culture, Politics and Discourses on Sexuality: A history of resistance to the anti-sodomy law in India,' Radhika Ramasubban, in *SexPolitics: Reports from the Frontlines*, editors Richard Parker, Rosalind Petchesky and Robert Sember, 2007. [www.sxpolitics.org/frontlines](http://www.sxpolitics.org/frontlines)

'AIDS and the globalization of sexuality', Dennis Altman, *Social Identities*, 2008, 14:2.

**The Delhi-based group was founded in 1994 by Anjali Gopalan ...** <http://nazindia.org/>

**It challenged the constitutional validity of Section 377 on several grounds ...** Because most anti-sodomy laws derived from British colonialism make no distinction between homosexual acts committed with or without consent, or between homosexual acts committed by adults as opposed to adults' abuse of children, the Naz petition asked to 'read down' rather than strike down the Section 377, so that consensual homosexual acts between adults are no longer criminal under the provision, while leaving intact Section 377's application to non-consensual acts and to children (until India passed a modern, gender-neutral rape law, and provided express legal protection for male children against sexual abuse.). See Ramasubban op. cit.; *This Alien Legacy*, HRW; 'Gay activists get court to examine Article 377', *Hindustan Times*, 7 December 2001; and, Petition from Naz Foundation (New Delhi) to the High Court of Delhi at New Delhi (Extraordinary Original Writ Jurisdiction), Writ Petition (case) no. 7455/2001, December 2001.

For an overview of the legal process and links to all the relevant legal documents visit <http://orinam.net/377/background-of-sec-377/> and [www.lawyerscollective.org/vulnerable-communities/lgbt/section-377.html](http://www.lawyerscollective.org/vulnerable-communities/lgbt/section-377.html)

**For well off and upwardly mobile gay men and women ...** These points are detailed by Ramasubban, op.cit.

**... lower-income gay men and transgenders failed to share in the liberation ...** Ibid; and also *Love in a Different Climate: Men Who Have Sex With Men in India*, Jeremy Seabrook, first published 1999.

**A 2002 investigation by Human Rights Watch ...** *Epidemic of Abuse: Police harassment of HIV/AIDS outreach workers in India*, Human Rights Watch, 2002.

**In the most concerted case of persecution ...** HRW, op.cit

**... individual cases of persecution and sexual violence by policemen and thugs against gays and transgenders multiplied ...** People's Union of Civil Liberties, 2001 and 2003, op.cit.

**Maharashtra Chief Minister Manohar Joshi ...** Sena leader Bal Thackeray... 'Ire over Fire', Madhu Jain and Sheela Raval, *India Today*, 21 December 1998. [www.india-today.com/itoday/21121998/cinema.html](http://www.india-today.com/itoday/21121998/cinema.html)

**Dasgupta ... now took it upon himself to attack homosexuality in his newspaper columns ...** See the following of Dasgupta's columns and blogs: 'The problem is not homosexuality', *Rediff*, 23 August 2004. [www.rediff.com/news/2004/aug/23swadas.htm](http://www.rediff.com/news/2004/aug/23swadas.htm)

'Aggressive gay evangelism', *Sunday Pioneer*, 5 July 2009. <http://swapan-dasgupta.blogspot.com/2009/07/aggressive-gay-evangelism-july-5-2009.html>

'Inclusive desire - Homosexuality was seen as an aberration in Hindu society', *The Telegraph*, 10 July 2009.

[www.telegraphindia.com/1090710/jsp/opinion/story\\_11219092.jsp](http://www.telegraphindia.com/1090710/jsp/opinion/story_11219092.jsp)

'The curious case of convenient liberalism', *Times of India*, 14 December 2013. <http://blogs.timesofindia.indiatimes.com/right-and-wrong/the-curious-case-of-convenient-liberalism/>

**The BJP-led Union government ...** Affidavit filed by the Ministry of Home Affairs, Government of India, 2005. See <http://orinam.net/377/background-of-sec-377/delhi-high-court-judgement-2009/>

## Chapter 16

For discussions about sex work and trafficking that informed this and the following chapter, I'm grateful to Joanne Csete, Bishakha Datta, Jean d'Cunha, Melissa Ditmore, Anand Grover, Gray Handley, Andrew Hunter, Smarajit Jana, Shilpa Merchant, Shyamala Nataraj, Cheryl Overs and Meena Seshu.

The opposition to the Bush AIDS policies was so strong and sustained that it resulted in a voluminous body of policy and general literature. I have cited here the sources I have drawn on most.

Two valuable books critically review the Bush administration's record on AIDS – *Body Count: How they turned AIDS into a Catastrophe*, Peter Gill, 2006; and, *The Wisdom of Whores: Bureaucrats, Brothels, and the Business of AIDS*, Elizabeth Pisani, 2008.

For a superlative analysis of why the Bush administration began a global anti-prostitution crusade turn to 'Running from the Rescuers: New U.S. Crusades Against Sex Trafficking and the Rhetoric of Abolition', Gretchen Soderlund, *Feminist Formations*, Fall 2005. Soderlund writes, "Like the war on terrorism, what abolitionists have called the global "War Against Trafficking" is decidedly U.S. directed. The United States is also using its status as a superpower and major donor nation to force other countries to allow its citizens to raid brothels and send prostitutes into rehabilitation programs as well as to create domestic legislation that further criminalizes sex trafficking (and by extension other forms of prostitution)." [https://muse.jhu.edu/journals/nwsa\\_journal/toc/nwsa17.3.html](https://muse.jhu.edu/journals/nwsa_journal/toc/nwsa17.3.html)

As an editor at the AIDS-care magazine *Poz*, Esther Kaplan was a trenchant critic of the Bush administration's AIDS policies – see the in-depth articles archived at [www.poz.com](http://www.poz.com), and the chapter 'AIDS, Born Again' in her 2004 exposé, *With God on Their Side: How Christian Fundamentalists Trampled Science, Policy, And Democracy In George W. Bush's White House*.

Human Rights Watch, Amnesty International and the Open Society (which led a decade-long legal challenge to the 'prostitution gag rule') published a wealth of detailed critiques of the Bush AIDS stance. In addition to specific reports cited here, see their websites at [www.amnesty.org](http://www.amnesty.org), [www.hrw.org](http://www.hrw.org), [www.opensocietyfoundations.org](http://www.opensocietyfoundations.org)

For criticism by public health experts, see [www.thelancet.com](http://www.thelancet.com), including the articles specifically cited here.

A passionate and intelligent review is provided in 'Rights Matter: structural interventions and vulnerable communities', Dennis Altman, Jonathan Mann Memorial Lecture, July 14 2004; reproduced in *HIV Australia*, September-November 2004.

And for insightful short commentary, see the following: 'Oversexed', Debbie Nathan, 29 August 2005. [www.thenation.com/doc/20050829/nathan](http://www.thenation.com/doc/20050829/nathan)

'US ideologues put millions at risk', Aryeh Neier, *International Herald Tribune*, 5 March 2005.

'Too much morality, too little sense: Politicians must suspend moral judgments if AIDS is to be defeated', editorial, *The Economist*, 28 July 2005, and the related articles in that week's issue. [www.economist.com/node/4223619](http://www.economist.com/node/4223619)

'Early Tests for U.S. in Its Global Fight on AIDS', Deborah Sontag, *New York Times*, 14 July 2004.

**... it was unconscionable to let many millions die when lifesaving anti-AIDS medicines existed ...** The most illuminating commentary on this matter is 'Look at Brazil: the world's AIDS crisis is solvable', Tina Rosenberg, *New York Times*, 28 January 2001. [www.nytimes.com/2001/01/28/magazine/look-at-brazil.html?pagewanted=all](http://www.nytimes.com/2001/01/28/magazine/look-at-brazil.html?pagewanted=all)

**The pandemic was an inexplicable choice for Bush ...** For Bush's hostile early record, see 'Dangerous Council', Esther Kaplan, *Poz*, November 2002. [www.poz.com/articles/182\\_994.shtml](http://www.poz.com/articles/182_994.shtml)

On Bush's record on gay rights, see, 'Stealth Homophobia: What a Bush Administration Would Mean for Gays', Richard Goldstein, *The Village Voice*, 12 December 2000.

**Reverend Billy Graham, the celebrity preacher and Bush's spiritual guide, had called homosexuality a 'sinister form of perversion' ...** 'Billy Graham's Anti-Gay Fundamentalism', Michael Long, *Huffington Post*, 17 October 2012.

**Reverend Jerry Falwell welcomed it as 'God's punishment for homosexuals'... Senator Jesse Helms ... had called homosexuals 'morally sick wretches' ...** 'God and the Fight Against AIDS', Helen Epstein, *New York Review of Books*, 28 April 2005.

**'Unsurprisingly, superpower realpolitik calculations explained Bush's motivations ... PEPFAR would prove to the world that America was a charitable, righteous empire ...'** Soderlund op.cit.

**... asked *The Lancet* ...**'Is it churlish to criticise Bush over his spending on AIDS?', *Lancet*, 24 July 2004. [www.thelancet.com/journals/lancet/article/PIIS0140-6736\(04\)16732-9/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(04)16732-9/fulltext)  
See also Sontag, op.cit.

**At precisely the point when Bush was insisting that the world accept his trumped-up evidence ...** Soderlund, op.cit.

**... even on the plainly humanitarian matter of saving millions of lives ... the American government's reputation on the matter of fair access ...** Gill, op.cit.; Sontag, op.cit.

**... Africans in even the most impoverished nations of the continent soon showed that they could adhere to treatment regimens ...** 'Think Again: AIDS', Tina Rosenberg, *Foreign Policy*, 22 October 2009. <http://foreignpolicy.com/2009/10/22/think-again-aids/>

For critical responses to Andrew Natsios' comment, see Rosenberg 2001 op.cit; 'In America; Refusing To Save Africans', Bob Herbert, *New York Times*, 11 June 2001; and 'Dead Wrong on AIDS,' by Amir Attaran, Kenneth A. Freedberg and Martin Hirsch, *Washington Post*, 15 June 2001.

The U.S. government continues to put its pharma-industry profits before human lives and well-being, attacking access to cheap essential generics. See 'Obama Administration, Congress Intensify Opposition to Generic Drug Industry', Zach Carter, *Huffington Post*, 28 June 2013. [www.huffingtonpost.com/2013/06/28/obama-generic-drugs\\_n\\_3513011.html](http://www.huffingtonpost.com/2013/06/28/obama-generic-drugs_n_3513011.html)

**... a key reason why Bush's hardline Christian backers had overcome their aversion... proclaimed arch-conservative Senator Jesse Helms, who ... now backed massive government aid for AIDS prevention abroad ...** Epstein, op.cit.; Soderlund op.cit.

**'The United States should help pay for these important programs,' the *New York Times* editorialized ...** 'Ideology and AIDS', *New York Times*, editorial, 26 February 2005. [www.nytimes.com/2005/02/26/opinion/ideology-and-aids.html?\\_r=0](http://www.nytimes.com/2005/02/26/opinion/ideology-and-aids.html?_r=0)

**Sex work was the other target ... Bush declared in an address to the UN General Assembly that ... the US would also lead the world in a global war against sex trafficking ...**

these sections draw from the following sources, in addition to the books by Gill, Kaplan and Pisani cited above, Nathan op.cit. and Soderlund op.cit.

United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, 2003. 22 USC 7601. <http://openjurist.org/title-22/us-code/section-7601/findings>

'The Fight to End Global Slavery', E. Benjamin Skinner, *World Policy Journal*, Summer 2009. Skinner notes, "Bush only decried one discrete form of slavery in the speech: child sex trafficking, a monstrous crime to be sure, but a small fraction of the 'trade in human beings for any purpose' that the president purported to address." This "reductionist" focus on sex trafficking to the exclusion of more prevalent forms of slavery explains why some 90 percent of trafficking prosecutions worldwide in 2009 targeted sex traffickers even though the UN's International Labour Organization had emphasized that just 11 percent of forced laborers were trapped in commercial sexual exploitation, he notes.

On the abolitionists use of dubious 'sex slavery' data in the U.S. and worldwide, see Nathan op.cit. and 'Human Trafficking evokes outrage, little evidence', Jerry Markon, *Washington Post*, 23 September 2007. Markon notes, "The administration has identified 1,362 victims of human trafficking brought into the United States since 2000, nowhere near the 50,000 a year the government had estimated." Astonishingly, the higher figure proved to be the fanciful handiwork of a CIA analyst who had extrapolated to the U.S. from newspaper clippings about trafficking cases *overseas*.

'The US Anti-Prostitution Pledge: First Amendment Challenges and Public Health Priorities', Nicole Franck Masenior and Chris Beyrer, *PLoS Medicine*, July 2007.

'U.S. Backs Off Stipulation on AIDS Funds', David Brown, *Washington Post*, 18 May 2005.

**The pioneering groups that had worked most respectfully with sex workers on the frontlines ...** Csete 2005 op.cit.; Altman op.cit.; and, 'Where Prostitutes Also Fight AIDS: Brazil's Sex Workers Hand Out Condoms, Crossing US Ideological Line', Reel Monte, *Washington Post*, 2 March 2006.

[www.washingtonpost.com/wpdyn/content/article/2006/03/01/AR2006030102316.html](http://www.washingtonpost.com/wpdyn/content/article/2006/03/01/AR2006030102316.html).

**... the vast, confused problem of human trafficking, spanning extreme kinds of exploitation of men and women alike ...** In addition to Skinner and Soderlund op.cit., the following are essential reading:

The extensive research undertaken by the UN's International Labour Organization (ILO) has been vital to developing a more fact-based understanding of trafficking, even though important uncertainties persist. *ILO global estimate of forced labour: results and methodology*, published 2012, concludes that of the conservative global total number of 20.9 million forced labourers, more than two of every three (14.2 million people) are victims of forced labour exploitation (spanning agriculture, construction, domestic work and manufacturing), with another one in five (4.5 million people) victims of forced sexual exploitation, and the remaining one in ten (2.2 million people) in state-imposed forms of forced labour. Women and girls comprise 55% of forced labour or trafficking victims, while 45% are men and boys. Three in every four victims are adults above the age of 18. [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf) On almost every key point

of fact, the ILO's conclusions show up the wrong-headedness of American 'prostitution abolitionists'.

Regarding Asia, a comprehensive World Health Organisation report notes, "All statistics on sex work need to be treated with caution ... Statistics can mislead because they appear to impose order on an infinitely complex industry. Figures produced by anti-prostitution NGOs are inaccurate in that they probably overestimate the number of trafficking victims. Statistics produced by governments, by contrast, probably underestimate the number of sex workers because they are based on a very restricted view of sex work and fail to adequately enumerate indirect and part time sex workers." *Sex work in Asia*, WHO Regional Office for the Western Pacific, July 2001.

'India has to rethink human trafficking', Prabha Kotiswaran, *The Hindu Business Line*, 27 March 2012. She underscores that India's "legal response to the problem of trafficking has been inordinately influenced by some other states' use of the [UN] Protocol for achieving the twin ideological goals of eradicating sexual exploitation and enforcing border control."

'Trafficking and the Conflation with Sex Work: Implications for HIV Prevention and Control', Svati Shah, Working Paper, Global Commission on HIV and the Law, July 2011.

[www.hivlawcommission.org/index.php/working-papers?task=document.viewdoc&id=100](http://www.hivlawcommission.org/index.php/working-papers?task=document.viewdoc&id=100)

'Think Again: Human Trafficking', David A Feingold, *Foreign Policy* 20 October 2009. <http://foreignpolicy.com/2009/10/20/think-again-human-trafficking/>

'People-trafficking and people-smuggling: Drawing lines in a dark place; Coercing hapless human beings into sex or servitude is obviously evil, but defining the problem (let alone solving it) is very hard,' *Economist*, 14 August 2008.

For two insightful early analyses, see 'The Tragedy of Victimization Rhetoric: Resurrecting the Native Subject in International/Postcolonial Feminist Legal Politics', Ratna Kapur, *Harvard Human Rights Law Journal*, 2002; and, 'The Prostitution Questions(s) (Female) Agency, Sexuality and Work',

**Asserting that "hundreds of thousands of teenage girls... Bush...His fiery rhetoric was patently a bid to claw back some moral high-ground... Soderlund, op.cit.**

**... an influential section of American feminists—even ostensibly progressive leaders like Gloria Steinem—now allied with them in the anti-sex work crusade. They ignored the almost exact parallel ... See Kaplan, Nathan, Skinner, Soderlund op.cit., for penetrating analyses of what Nathan calls a "pact ... too weird to imagine."**

**Republican Congressman Chris Smith, a hardline Catholic infamous for calling abortion 'child slaughter' ... 'Rep. Chris Smith Addresses 35th Annual March for Life', excerpts, Priests for Life, available at [www.priestsforlife.org/government/chris-smith5.htm](http://www.priestsforlife.org/government/chris-smith5.htm) (accessed 15 October 2015)**

**I testified against this rising tide before a US Congressional panel ...The Congressional Human Rights Caucus; later renamed the Tom Lantos Human Rights Commission. See <http://tlhrc.house.gov/about.asp>**

**Peter Gill ... wrote back ...** Email correspondence, 9 May 2005.

**... a *Hindustan Times* headline ...** 'US accuses NGO of trafficking', Rema Nagarajan, *Hindustan Times*, 29 September 2005.

**Meena Seshu—the feminist and social worker...** See, 'Human Rights Watch to Honor Leading Indian AIDS Advocate', Human Rights Watch, 7 November 2002.

[www.hrw.org/news/2002/11/07/human-rights-watch-honor-leading-indian-aids-advocate](http://www.hrw.org/news/2002/11/07/human-rights-watch-honor-leading-indian-aids-advocate)

'Meena Saraswathi Seshu: tackling HIV for India's sex workers,' Priya Shetty, *The Lancet*, 3 July 2010. [www.thelancet.com/journals/lancet/article/PIIS0140-6736\(10\)61044-6/fulltext?elsca1=TL-020710&elsca2=email&elsca3=segment](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(10)61044-6/fulltext?elsca1=TL-020710&elsca2=email&elsca3=segment)

**Dybul ... calling them a 'compassionate response' to prostitution ...** 'Aids chief denies morality comes before life', Andrew Jack, *Financial Times*, 17 August 2006.

**UNAIDS was embattled rather than praised ...** For a review of criticisms, see 'What next for UNAIDS?', Pam Das and Udani Samarasekera, *Lancet*, 20 December 2008. For the call to disband Unaid see, 'The writing is on the wall for UNAIDS', Roger England, *British Medical Journal*, 10 May 2008.

**... it had consciously exaggerated global estimates of the number of people living with HIV ...** See *The AIDS Pandemic: The Collision of Epidemiology with Political Correctness*, James Chin, 2007.

For a briefer account see, 'The Myth of a General AIDS Pandemic: How billions are wasted on unnecessary AIDS prevention programmes', James Chin, Campaign for Fighting Diseases, January 2008. [www.fightingdiseases.org](http://www.fightingdiseases.org) His views are covered in 'Expert doubts widespread HIV risk', *BBC News*, 3 February 2007.

**For India alone, the estimates of people infected were more than halved ...** 'Drop of HIV estimate for India to less than half,' L. Dandona and R. Dandona, *Lancet*, 370, no 9602 (2007): 1811-1812.

**Another storm of criticism was triggered by a 'Guidance Note on HIV and sex work'...** A *Human Rights-based Commentary on UNAIDS Guidance Note: HIV and Sex Work*, Joanne Csete, Canadian HIV/AIDS Legal Network, 2007.

'Bringing UNAIDS to book', Siddharth Dube, *Guardian*, 17 December 2007. [www.theguardian.com/commentisfree/2007/dec/17/bringingunaidstobook](http://www.theguardian.com/commentisfree/2007/dec/17/bringingunaidstobook)

'A chance to fix the fight against Aids', Siddharth Dube and Joanne Csete, *Guardian*, 3 August 2008. [www.theguardian.com/commentisfree/2008/aug/03/aids.unitednations](http://www.theguardian.com/commentisfree/2008/aug/03/aids.unitednations)

**'Ex- AIDS chief in escort flap ...'** John Donnelly, *Boston Globe*, 29 April 2007. [www.boston.com/news/nation/articles/2007/04/29/ex\\_aids\\_chief\\_in\\_escort\\_flap\\_called\\_hypo\\_critical/](http://www.boston.com/news/nation/articles/2007/04/29/ex_aids_chief_in_escort_flap_called_hypo_critical/)

'Sex and Foreign Aid', Laurie Garrett, *Los Angeles Times*, 2 May 2007.



For an overview of the 'D.C. Madam' case, see 'Defense in prostitution case makes the powerful in Washington uneasy', Eric Lipton, *New York Times*, 29 April 2007.  
[www.nytimes.com/2007/04/29/world/americas/29iht-escort.4.5493202.html?](http://www.nytimes.com/2007/04/29/world/americas/29iht-escort.4.5493202.html?)

**... they usually escaped punishment by virtue of their power and stature ...** I was particularly struck that Nicholas Kristof of the *New York Times* did not urge that they be punished according to the letter of the law, let alone be held up to high-profile prosecution to serve as a deterrent to others, as would be expected given Kristof's passionate anti-prostitution views. Astonishingly, Kristof instead argued that the world focus on Spitzer's work on tackling prostitution. See, 'Do as He Said', Nicholas Kristof, *New York Times*, 13 March 2008.  
[www.nytimes.com/2008/03/13/opinion/13kristof.html?](http://www.nytimes.com/2008/03/13/opinion/13kristof.html?)

In telling contrast, see 'The hypocrites' club', Lexington, *The Economist*, 13 March 2008. The columnist notes, "If anybody deserves the opprobrium that is being poured on his head this week, following the *New York Times*'s revelation that he has a taste for expensive prostitutes, then it is Mr Spitzer." [www.economist.com/topics/eliot-spitzer](http://www.economist.com/topics/eliot-spitzer)

On Vitter's escape from prosecution, see 'Panel Clears La. Senator In Call-Girl Complaint', Paul Kane, *Washington Post*, 9 May 2008.

**'D.C. Madam' Deborah Jeane Palfrey ... hung herself ... 'Madams Fall While Their Johns Prosper'**, Maddy Sauer, *ABC News*, 2 May 2008.  
<http://abcnews.go.com/Blotter/story?id=4765743&page=1>

## Chapter 17

For discussions that informed my understanding of the Cambodian situation, I'm grateful to Andrew Hunter, Tony Lisle, Cheryl Overs, Sophat Phal and Swarup Sarkar, and several activists and sex workers who wish to not have their names disclosed.

**... The Economist now noted critically ...** 'Sex is their business: Attitudes to commercial sex are hardening. But tougher laws are wrong in both principle and practice,' *The Economist*, 2 September 2004. [www.economist.com/node/3151258/](http://www.economist.com/node/3151258/)

The magazine went on to note, "A third, more plausible, argument focuses on the association between prostitution and all sorts of other nastinesses, such as drug addiction, organised crime, trafficking and underage sex. To encourage prostitution, goes the line, is to encourage those other undesirables; to crack down on prostitution is to discourage them. Plausible, but wrong. Criminalisation forces prostitution into the underworld. Legalisation would bring it into the open, where abuses such as trafficking and under-age prostitution can be more easily tackled. Brothels would develop reputations worth protecting. Access to health care would improve—an urgent need, given that so many prostitutes come from diseased parts of the world. Abuses such as child or forced prostitution should be treated as the crimes they are, and not discussed as though they were simply extreme forms of the sex trade, which is how opponents of prostitution and, recently, the governments of Britain and America have described them."

**The anti-prostitution sentiment fuelled ...**The examples and data on violence against sex workers are from the XVII International AIDS Conference plenary address by Elena Reynaga and Anna Louise Crago, 6 August 2008. They note that all these examples are known despite the lack of “a consolidated international database of the number of sex workers that have been murdered.” The full text is available at

[www.bayswan.org/SFInitiative08/SexWorkPlenary-Mexico08.pdf](http://www.bayswan.org/SFInitiative08/SexWorkPlenary-Mexico08.pdf)

For other examples, see:

*Rights Not Rescue: A report on female, male, and trans sex workers' human rights in Botswana, Namibia, and South Africa*, J Arnott and A L Crago, Open Society Institute, 2009.

*Arrest the Violence: Human rights abuses against sex workers in Central and Eastern Europe and Central Asia*, Sex Workers Advocacy Network, 2009.

‘We have the right not to be “rescued”’: When Anti-Trafficking Programmes Undermine the Health and Well-Being of Sex Workers’, Aziza Ahmed and Meena Seshu, *Anti-Trafficking Review*, June 2012.

**The Economist's correspondent wrote ...**‘Cambodia: The traffic police’, *Economist*, 11 June 2009. [www.economist.com/node/13832459](http://www.economist.com/node/13832459)

For important earlier reporting on the consequences of ‘raids and rescue’ operations in South-East Asia, see ‘Deliver them from evil’, Amy Kazmin, *Financial Times*, 10 July 2004; and, ‘The Question of Rescue’, Matt Steinglass, *New York Times*, 20 July 2005. Both reports note that many of the ‘rescued’ have not been grateful and have fled the institutions they were held, a pattern seen widely too in India. Soderlund, op.cit., writes, “What does it mean that so-called sex slaves often thwart rescue attempts? Is it intellectually and ethically responsible to call every instance of a practice “slavery” when many women involved demonstratively reject the process of protection and rehabilitation, and when they escape from supposed rescuers who aim to force them out of a life of prostitution (‘captivity’) and into a life of factory work or employment in the low-paying service sector (‘freedom’)?”

**India's Congress-led government moved swiftly to placate the Bush administration ...** The timeline of events is covered in ‘Sex Work Is No Crime’, Bishaka Datta and Siddharth Dube, *Times of India*, 12 December 12, 2007; and, ‘Anti-human-trafficking law sparks debate in India’, Patralekha Chatterjee, *The Lancet*, 22 March 2008.

**... there was now a wealth of data and knowledge on Indian sex work conditions ...** See, for instance:

Kotiswaran op. cit., 2011.

*Sex work and HIV/AIDS in Asia*, MAP Network, 2004/5. The report notes generally of Asia, “The data suggest that many women in the booming economies of East and South-East Asia choose sex work because it can pay comparatively well ... in other words, many people sell sex for the same reasons as people perform other forms of work – to earn a living ...The bottom line is that a large number of women choose to sell sex because they can earn relatively large sums for relatively little work.”

'Demography and sex work characteristics of female sex workers in India', R. Dandona et. al., *BMC International Health and Human Rights*, 14 April 2006.

<http://bmcinthealthhumrights.biomedcentral.com/articles/10.1186/1472-698X-6-5>

*Prostitution and Beyond: An Analysis of Sex Work in India*, editors R. Sahni, V.K. Shankar and H. Apte, 2008.

'Harsh realities: Reasons for women's involvement in sex work in India', Niranjana Saggurti et. al., *Journal of AIDS and HIV Research*, 15 September 2011.

'India', *The Global HIV Epidemics Among Sex Workers*, D. Kerrigan et. al., The World Bank, 2013.

*Street Corner Secrets: Sex, Work, and Migration in the City of Mumbai*, Svati P. Shah, 2014.

I'm grateful to Smarajit Jana for the following summation: 'As per estimate of NACO (conducted by independent agencies), there are 1.1 million self-identified sex workers living primarily in cities and shanty-towns. Surveys were conducted by 'Swasthi' in villages in couple of states with the help of NACO; based on their survey report the projected number of sex workers who practice in rural areas would be around 1.2 million. In addition to that there are part-time sex workers and 'hidden' or 'not self-identified' sex workers. It could be another 1.5 million. So the conservative estimate would be 4 to 5 million sex workers.'

**... thousands of papers and dozens of books ...** There is now also a wealth of historical studies of sex work on the Indian sub-continent. They show that a long history of tolerance came to an end because British colonial rulers encouraged and institutionalized prostitution even while criminalizing the women and using draconian laws to ensure that British soldiers would not contract sexually-transmitted diseases. (The parallel to the demonization and criminalization of same-sex matters is vividly obvious.)

Erica Wald writes, "The 'public women' of India in the eighteenth century did not provoke the same vituperative moralising condemnation that accompanied their descriptions in Europe. Instead of assigning the women to the criminal category of moral degenerates, as was common in Britain, Nathaniel Halhed's translated Code of Gentoo Laws suggested that such women were accepted as an important part of the functioning framework of society. The Code proved itself to be more concerned with punishing the man who has neglected to pay a prostitute for her services, rather than punishing either party for the sexual act committed. As the Code is a Brahminic text, care must be taken to avoid generalisations about its claims to represent the whole of Indian society. However, what is important...is the fact that in pre-colonial India, prostitution may have, at worst, been viewed as a sin, but never a criminal offence." She concludes, "before the nineteenth century, it would have been difficult to identify many of these women or their activities as criminal, or even immoral." 'From begums and bibis to abandoned females and idle women: sexual relationships, venereal disease and the redefinition of prostitution in early nineteenth-century India', Erica Wald, *Indian Economic and Social History Review*, 2009; 46, 1. <http://ier.sagepub.com/cgi/content/abstract/46/1/5>

"The British were amazed by the tolerance accorded prostitution in India", Prabha Kotiswaran notes, emphasizing that "the colonial encounter was a defining moment for Indian prostitute women. At one level, it transformed Indian women's conceptions of sexuality and therefore, our views on the morality of prostitution. On quite another level, it heralded a distinct shift in state policies concerning prostitution. Hence, while in ancient India one

witnessed the legalization of prostitution, during the colonial period, one saw the rise of the criminalization of prostitution. Accompanying this shift was the shunting of prostitute women's bodies between treacherous lock hospitals in Cantonment areas, British armies assisting in an imperialist project, and a nationalist movement that, in its anxiety to resist the British, colluded with them to degrade its own women." 'Preparing for civil disobedience: Indian Sex Workers and the Law', *Boston College Third World Law Journal*, January 2001.

<http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1154&context=twlj>

The extent to which the British opprobrium against prostitutes was internalized by nationalistic Indians was embodied in Gandhi, who turned away prostitutes who volunteered for the freedom movement, calling them "wrecks of society", "more dangerous than thieves" and "unrepentant professional murderers". See *Codes of Misconduct*, Ashwini Tambe, 2009. For Ambedkar's equally harsh views, see "'There Was An Uproar": Reading The Arcane of Reproduction Through Sex Work in India', Gowri Vijayakumar, *Viewpoint*, 31 October 2015. <https://viewpointmag.com/2015/10/31/there-was-an-uproar-reading-the-arcane-of-reproduction-through-sex-work-in-india/>

For a fascinating collection of essays on the colonial legacy around sex work, and on related feminist debates, see *Sex Work*, edited by Prabha Kotiswaran, 2011.

For an analysis spanning the British Empire, see "'A Multitude of Unchaste Women": Prostitution in the British Empire', Philippa Levine, *Journal of Women's History*, Winter 2004. Levine writes, "Colonial officials concurred with the casual assumption that, as one moved east, so prostitution became an increasingly common phenomenon...Colonists saw colonial cultures as looser, attaching less stigma to prostitution than the industrialized west."

**In the view of Hindutva's patriarchal leaders ...** For insightful discussions on Hindutva and women, see *Hindu Wife, Hindu Nation: Community, Religion, and Cultural Nationalism*, Tanika Sarkar, 2001; and *Everyday Nationalism: Women of the Hindu Right in India*, Kalyani Devaki Menon, 2009.

**There were yet other striking results that ran counter to the notion that trafficking was the main supply chain ...** In addition to the materials on trafficking listed in the previous chapter, see the following for the polarized debate between 'abolitionists' and sex-work-rights activists: Peter Gill, op.cit.; Prabha Kotiswaran, op. cit.; Elisabeth Pisani, op.cit; Svati Shah op.cit. 2011; Soderlund, op.cit.

Useful shorter articles include:

'Body invasion is de-humanizing', Gloria Steinem, *The Hindu*, 6 April 2012.

[www.thehindu.com/news/national/body-invasion-is-dehumanising/article3287212.ece](http://www.thehindu.com/news/national/body-invasion-is-dehumanising/article3287212.ece)

'Moralistic assumptions', Shohini Ghosh, *The Hindu*, 6 April 2012, in which the Indian feminist responds to Steinem. [www.thehindu.com/news/national/moralistic-assumptions/article3287109.ece](http://www.thehindu.com/news/national/moralistic-assumptions/article3287109.ece)

'Gloria Steinem vs Prostitution in India', Svati Shah, *The Huffington Post*, 28 November 2014. [www.huffingtonpost.com/american-anthropological-association/gloria-steinem-vs-prostitut b 6198614.html](http://www.huffingtonpost.com/american-anthropological-association/gloria-steinem-vs-prostitut b 6198614.html)

'The Super Bowl and Sex Trafficking', Kate Mogulescu, *New York Times*, 31 January 2014. [www.nytimes.com/2014/02/01/opinion/the-super-bowl-of-sex-trafficking.html? r=1](http://www.nytimes.com/2014/02/01/opinion/the-super-bowl-of-sex-trafficking.html? r=1)

'The Price of a Sex-Slave Rescue Fantasy', Melissa Gira Grant, *New York Times*, 29 May 2014.

For the perspective of the sex worker collective Veshya Anyay Mukti Parishad, see <http://saveusfromsavours.net/?p=25> and the film <http://saveusfromsavours.net/?p=65>

For a critique of the Swedish model of abolishing sex work through the criminalization of clients, see, 'Swedish message: Once Scandinavians came with swords; now they come with social policies', *Economist*, 2 September 2004. Quite apart from its merits, the practical applicability of a policy designed for a welfare-state society of just 9 million to India's chaotic 1.2 billion population should give its backers pause.

A valuable evidence-based review is undertaken in *Fostering enabling legal and policy environments to protect the health and human rights of sex workers*, Open Society Institute, 2006.

... **Nicholas Kristof wrote in 2007** ... 'Legalizing Prostitution -- A Solution?', Nicholas Kristof, *New York Times*, 24 April 2007.

**In a related column, sensationally titled** ... 'The 21st-Century Slave Trade', Nicholas Kristof, *New York Times*, 22 April 2007.

... **the controversial abolitionist group Aapne Aap** ... 'A Lack of Transparency', Niharika Jain and Tara Suri, *Harvard Crimson*, 2 November 2010.

[www.thecrimson.com/article/2010/11/2/apne-aap-women-organization/](http://www.thecrimson.com/article/2010/11/2/apne-aap-women-organization/)

**Kristof pronounced, "India ... has millions of women and girls in its brothels ..."**

'Raiding a Brothel in India', Nicholas Kristof, *New York Times*, 25 May 2011.

See also, 'She's 10 and May Be Sold to a Brothel', Nicholas Kristof, *New York Times*, 1 June 2011.

For thoughtful critiques of Kristof's damagingly simplistic writing on developing-country matters, see 'Half the Sky: how the other half suffer', Germaine Greer, *The Guardian*, 30 July 2010. [www.theguardian.com/lifeandstyle/2010/jul/31/half-the-sky-germaine-greer](http://www.theguardian.com/lifeandstyle/2010/jul/31/half-the-sky-germaine-greer)

'The White-Savior Industrial Complex', Teju Cole, *The Atlantic*, March 2012. [www.theatlantic.com/international/archive/2012/03/the-white-savior-industrial-complex/254843/](http://www.theatlantic.com/international/archive/2012/03/the-white-savior-industrial-complex/254843/)

'Nicholas Kristof and the Politics of Writing About Women's Oppression in Darker Nations', Sunil Bhatia, *the FeministWire*, 3 March 2013.

<http://thefeministwire.com/2013/03/op-ed-nicholas-kristof-and-the-politics-of-writing-about-womens-oppression-in-darker-nations/>

"Your women are oppressed, but ours are awesome: how Nicholas Kristof and Half the Sky use women against each other", Sayantani DasGupta, 8 October 2012.

[www.racialicious.com/2012/10/08/your-women-are-oppressed-but-ours-are-awesome-how-nicholas-kristof-and-half-the-sky-use-women-against-each-other/](http://www.racialicious.com/2012/10/08/your-women-are-oppressed-but-ours-are-awesome-how-nicholas-kristof-and-half-the-sky-use-women-against-each-other/)

'Be Aware: Nick Kristof's Anti-Politics', Elliot Prasse-Freeman, <http://thenewinquiry.com/essays/be-aware-nick-kristofs-anti-politics>

Kristof often reveals staggeringly crass imperialistic attitudes. Thus, his *New York Times* biographical stub – certainly written or at least approved by him – says that he is "one of the very few Americans to be at least a two-time visitor to every member of the Axis of Evil." It defies comprehension that a mainstream journalist would perpetuate the infamous 'Axis of Evil'

notion, a canard of George W. Bush's that has had such life-shattering repercussions for tens of millions. Kristof's biography then goes on to note that "during his travels, he has had unpleasant experiences with malaria, mobs and an African airplane crash", a reprise of the colonial trope about the harshness and savagery of impoverished lands that the noble white man – whether firm ruler or swashbuckling foreign correspondent – must heroically contend with. [www.nytimes.com/ref/opinion/KRISTOF-BIO.html](http://www.nytimes.com/ref/opinion/KRISTOF-BIO.html) (Accessed 21<sup>st</sup> June 2014.)

**... fuelled a storm of violence against sex workers ...** these and numerous other examples are meticulously documented in *Status of Women in Sex Work in India: Submission to the CEDAW Committee's 58<sup>th</sup> Session*, VAMP et.al., June 2014.

**The women had thought deeply about the rights and wrongs of their work ...** In a tone that was filled both with humour and awe at her own daring, Kamalabai added that she had run away from home as a teenager because she longed to have sex, candidly adding, "There are just two needs for every human — to fill your stomach and to have sex. In fact, you can sometimes do without food but you cannot do without sex. The amount of enjoyment you have in sex, you cannot get it anywhere else!"

**Two elderly Asian men had the wisdom and the courage to insist that sex workers, drug users and other widely vilified people ...** Relatedly, Altman notes that "Increasingly, the language of sexual rights is being shaped from the south. Most recently it was the government of Brazil that took the lead in introducing a resolution to protect 'human rights and sexual orientation' in the United Nations Commission on Human Rights." Altman, 2008, op.cit.

**... the international scandals that had tarred leading figures of the abolitionist cause ... Kristof showed barely any contrition for these massive journalistic failures ...** For penetrating analyses of Kristof's role in the Somaly Mam scandal, see Grant op.cit., and "'Victims Can Lie as Much as Other People": What the Somaly Mam scandal says about the media's treatment of humanitarian heroes', Pat Joseph, *The Atlantic*, 5 June 2014.

'The White Knight: Nicholas Kristof wants to save the world with his *New York Times* columns. Why are so many of them wrong?', Amanda Hess, *Slate*, 18 June 2014. [www.slate.com/articles/double\\_x/doublex/2014/06/nicholas\\_kristof\\_wants\\_to\\_save\\_the\\_world\\_with\\_his\\_new\\_york\\_times\\_columns.html](http://www.slate.com/articles/double_x/doublex/2014/06/nicholas_kristof_wants_to_save_the_world_with_his_new_york_times_columns.html)

'Nicholas Kristof On Somaly Mam, Anti-Sex Slavery Activist: I Wish I "Had Never Written About Her"', Jessica Prois, *The Huffington Post*, 10 June 2014.

**Virtually the only firm advocates remaining for sex workers' rights were expert human rights groups such as Amnesty International and Human Rights Watch ...** Amnesty International's resolve to press for the decriminalization of sex work led to an onslaught of criticism in the West, with celebrities like Meryl Streep joining abolitionists who dishonestly claimed that "the world's most distinguished human rights organization [had] decided to condone pimping." 'Does Amnesty International want legal prostitution?', Robin Morgan, *CNN*, 8 March 2014. [www.cnn.com/2014/03/07/opinion/morgan-amnesty-prostitution/](http://www.cnn.com/2014/03/07/opinion/morgan-amnesty-prostitution/)

For an overview, see 'Amnesty International's Long-Due Support for Sex Workers Rights', Melissa Gira Grant, *The Nation*, 6 August 2015. [www.thenation.com/article/amnesty-internationals-long-due-support-for-sex-workers-rights/](http://www.thenation.com/article/amnesty-internationals-long-due-support-for-sex-workers-rights/)

Documents relating to the draft policy are available at [www.amnesty.org](http://www.amnesty.org) "Amnesty International believes that seeking, buying, selling and soliciting paid sex are acts protected from state interference as long as there is no coercion, threats or violence associated with those acts," the draft policy notes, adding "Amnesty International believes states have a positive obligation to reform their laws and develop and implement systems and policies that eliminate discrimination against those engaging in sex work. Additionally, states must actively seek to empower the most marginalized in society, including through supporting the rights to freedom of association of those engaging in sex work, establishing frameworks that ensure access to appropriate, quality health services and safe working conditions, and through combating discrimination or abuse based on sex, sexual orientation and/or gender identity or expression."

**An editorial in the Lancet ...** For an introduction to the *Lancet's* 2015 series on sex work and AIDS, which emphasizes that 'decriminalisation of sex work would be the preventative measure with the biggest impact...Across all settings, it would reduce HIV infections by 33% to 46% over the next decade', see 'Bringing sex workers to the centre of the HIV response', Pamela Das and Richard Horton, 3 January 2015, *Lancet*. [www.thelancet.com](http://www.thelancet.com) They write, "We might prefer to think that sex and money were unrelated, that sex was somehow immune from the transactions so common elsewhere in our lives. But why should this exception be so? And why should we condemn and criminalise the exchange of money for sex, especially if the severely adverse conditions we create for such exchange hurt women and men, and often fatally so?"

For an overview, see 'Decriminalise sex work to help control Aids pandemic, scientists demand', Sarah Boseley, *Guardian*, 21 July 2014. [www.theguardian.com/society/2014/jul/22/decriminalise-sex-work-control-aids-scientists-demand](http://www.theguardian.com/society/2014/jul/22/decriminalise-sex-work-control-aids-scientists-demand)

**... Michel Sidibé, Piot's successor ...** In a promising recent development (after this book had gone to print), Sidibé publicly came out in support of Amnesty International's proposed policy seeking decriminalization of sex work. See letter from Michel Sidibé to Salil Shetty, Secretary General of Amnesty International, 5 August 2015. [www.nswp.org/sites/nswp.org/files/UNAIDS%20letter%20of%20Support%20to%20Amnesty%20International%20Aug%202015.pdf](http://www.nswp.org/sites/nswp.org/files/UNAIDS%20letter%20of%20Support%20to%20Amnesty%20International%20Aug%202015.pdf)

**As for India, all the vast promise of change ... had not amounted to lasting gains ...** For related points, see 'Prostitution in India: Make it legal. A proper debate is needed on legalising sex work.' *The Economist*, 1 November 2014. [www.economist.com/node/21629472/](http://www.economist.com/node/21629472/) The article concludes, "the prospects of legalisation appear slender, too. No politician is ready to champion the idea. The conservative Bharatiya Janata Party is unlikely to support it. Those selling sex will continue to live in the shadows."

'Legalizing prostitution? Let's put a pin in it', Himanshi Dhawan and Malini Nair, *Times of India*, 2 November 2014, in which National Commission for Women chairperson Lalitha Kumaramangalam says, "It is my personal and professional view that sex work should be legalized but the commission must make an informed decision and I am open to listening to all views." Kumaramangalam is part of a commission set up by the Supreme Court to recommend amendments to Immoral Traffic (Prevention) Act.

**Shweta Basu-Prasad ... 'Pressure mounting for early release of actress Shweta Prasad?'**, Sudipta Sengupta, *Times of India*, 28 October 2014.

## Chapter 18

For discussions that informed this chapter, I'm grateful to Vivek Anand, Sumit Baudh, Vikram Doctor, Anjali Gopalan, Anand Grover, Saleem Kidwai, Sunil Menon, L Ramakrishnan, Gowthaman Ranganathan, Vikram Seth and Aniruddhan Vasudevan.

For the history of the litigation process as well as comprehensive links to all the relevant legal documents and media coverage, see <http://orinam.net/377/>, an invaluable website maintained by Orinam, an 'all-volunteer collective of LGBTI people and allies based in Chennai'.

**... the Ministry of Health's National AIDS Control Organization filed an affidavit in the Delhi court ... 'Govt's AIDS cell pushes to legalise homosexuality'**, *Times of India*, 20 July 2006. The text of the affidavit is available at [www.lawyerscollective.org/files/NACO's%20Affidavit.pdf](http://www.lawyerscollective.org/files/NACO's%20Affidavit.pdf)

**... an 'Open Letter' urging that same-sex relations be decriminalized ... Amartya Sen, the Nobel laureate in economics, offered to join us with a personal Open Letter...** The text of both open letters, as well as related information, is available at [http://orinam.net/377/wp-content/uploads/2013/12/377\\_OpenLetter\\_AmartyaSen.pdf](http://orinam.net/377/wp-content/uploads/2013/12/377_OpenLetter_AmartyaSen.pdf)

**Law minister Veerappa Moily called it 'well-researched, well-documented, [and] well-argued' ... 'Sec 377 misused ... Delhi HC verdict well argued: Moily'**, *Indian Express*, 3 August 2009. <http://archive.indianexpress.com/news/sec-377-misused...-delhi-hc-verdict-well-argued-moily/497334/>

**A professor at Aligarh Muslim University, S.R. Siras ... 'Gross Misconduct by Aligarh Muslim University; The cynical use of homophobia to protect university maladministration is condemnable'**, *Economic & Political Weekly*, 27 February 2010. [www.epw.in/editorials/gross-misconduct-aligarh-muslim-university.html](http://www.epw.in/editorials/gross-misconduct-aligarh-muslim-university.html)

**'Was a gay Indian academic driven to take his own life?'**, Andrew Buncombe, *The Independent*, 28 May 2010. <http://blogs.independent.co.uk/2010/04/08/was-a-gay-indian-academic-driven-to-take-his-own-life/>

**... global thinking about same-sex rights had advanced so much that if the justices looked abroad ...** See notes for Chapter 6 above ...



**And the nineteen that recognized same-sex marriage ...** By end-2015, about 20 countries had legalized same-sex marriages, beginning with the Netherlands in 2001, and Ireland and the U.S. being the latest additions. For a thoughtful commentary, see 'Gay Marriage's Moment', Frank Bruni, *New York Times*, 20 June 2015.  
[www.nytimes.com/2015/06/21/opinion/sunday/frank-bruni-gay-marriages-moment.html](http://www.nytimes.com/2015/06/21/opinion/sunday/frank-bruni-gay-marriages-moment.html)

**... the Supreme Court had overruled the Delhi decision ...** For the full text of the court's verdict and related materials, see <http://orinam.net/377/supreme-court-verdict-2013/>

**Newspaper after newspaper criticized the judgment ...** for an extensive listing with links, see <http://orinam.net/377/media-stories-377-sc-judgment/>

For an example of the sustained and informed attention given to this matter in the English-language press today, see 'A model for India', editorial, *The Hindu*, 30 June 2015, which argues, "progressive parties and liberal parliamentarians should come forward with amendments to delete or at least dilute Section 377. An outdated provision cannot be allowed to violate fundamental rights and offend human dignity by remaining on the statute book."  
[www.thehindu.com/opinion/editorial/editorial-on-us-supreme-court-legalising-same-sex-marriages-across-the-us/article7367786.ece?ref=relatedNews](http://www.thehindu.com/opinion/editorial/editorial-on-us-supreme-court-legalising-same-sex-marriages-across-the-us/article7367786.ece?ref=relatedNews)

**India's Attorney-General Goolam Vahanvati wrote an op-ed ...** 'Law can't remain static: Government told SC that Section 377 didn't reflect Indian values', Goolam E Vahanvati, *Times of India*, 13 December 2013.  
<http://timesofindia.indiatimes.com/edit-page/Law-cant-remain-static-Government-told-SC-that-Section-377-didnt-reflect-Indian-values/articleshow/27246846.cms?>

**United Nations human rights chief Navi Pillay ...** 'Indian ban on gay sex violates international law: U.N', *Reuters*, 12 December 2013.

For the contrasting reactions of leaders of major political parties, see [www.ndtv.com/cheat-sheet/agree-more-with-the-high-court-matter-of-personal-freedom-rahul-gandhi-on-gay-rights-544305](http://www.ndtv.com/cheat-sheet/agree-more-with-the-high-court-matter-of-personal-freedom-rahul-gandhi-on-gay-rights-544305)

**In telling contrast, BJP president Rajnath Singh welcomed the judgment ...** 'BJP comes out, vows to oppose homosexuality', Radhika Ramaseshan, *Telegraph*, 14 December 2013.  
[www.telegraphindia.com/1131214/jsp/nation/story\\_17679913.jsp#.VghJOPm5bGd](http://www.telegraphindia.com/1131214/jsp/nation/story_17679913.jsp#.VghJOPm5bGd)

Since then, contradictory public positions have been taken by key leaders of the Sangh Parivar, reflecting divisions within its leadership.

Ram Madhav, spokesperson for the RSS, is on record saying, "while glorification of certain forms of social behaviour is not something we endorse, the penalising and criminalisation aspects need to be looked into. Whether to call homosexuality a crime and treat it as one in this day and age is questionable." 'The strength of RSS lies in adapting to change: Ram Madhav', Manavi Kapur, *Business Standard*, 24 May 2014.

BJP spokesperson from Mumbai, Shaina NC, is also on record saying, in a television talk-show, "We are for decriminalizing homosexuality. That is the progressive way forward." She added in the same interview that finance minister Arun Jaitley also supported decriminalization.

'BJP supports decriminalization of homosexuality: Shaina NC', *Mint*, 14 January 2014.  
[www.livemint.com/Leisure/XCOI7cJw5t3DgnQZsFYIFO/BJP-supports-decriminalization-of-homosexuality-Shaina-NC.html](http://www.livemint.com/Leisure/XCOI7cJw5t3DgnQZsFYIFO/BJP-supports-decriminalization-of-homosexuality-Shaina-NC.html)

Later still, BJP leader Subramanian Swamy said, "the BJP's position was that homosexuality was a genetic disorder." 'Flip-flop on Section 377: Is the BJP losing connect with youth?', Dhruvo Jyoti, *Hindustan Times*, 2 July 2015.  
<http://timesofindia.indiatimes.com/India/Gay-sex-RSS-comment-sparks-hope-on-Section-377/articleshow/35644859.cms>

Sociologist Dipankar Gupta reviews the dynamics at play within the Sangh Parivar in an op-ed, concluding "It is this ambiguity in BJP's official position that promises hope to the embattled homosexual community in India." 'Democracy's last mile', Dipankar Gupta, *Times of India*, 31 January 2015.

**The most moving criticism came from Leila Seth ...** 'A mother and a judge speaks out on section 377', Leila Seth, *Times of India*, 26 January 2014.  
<http://timesofindia.indiatimes.com/home/sunday-times/deep-focus/A-mother-and-a-judge-speaks-out-on-section-377/articleshow/29383723.cms>

**The ruling on Section 377 seemed all the more inexplicable ... another set of Supreme Court judges made a pathbreaking decision on transgender rights ...** See 'Salutory judgment', editorial, *The Hindu*, 17 April 2014, which notes, "The verdict on the transgender community now provides one more reason why Section 377 ought to be amended to de-criminalise gay sex."

[www.thehindu.com/opinion/editorial/salutory-judgment/article5919493.ece?ref=relatedNews](http://www.thehindu.com/opinion/editorial/salutory-judgment/article5919493.ece?ref=relatedNews)

For the massive scale of abuse faced by transgenders today, particularly at the hands of the police – including by a 2011 Karnataka law that requires the police in every jurisdiction to keep a record of 'eunuchs' to prevent them from committing 'unnatural offences' – see 'India: Enforce Ruling Protecting Transgender People', Human Rights Watch, 6 February 2015.  
[www.hrw.org/node/132684](http://www.hrw.org/node/132684)

**... the Congress-led government itself pressed for a review ... The government's plea was joined by Naz, Voices Against 377 and several other groups ... However, on January 28, 2014, a Supreme Court bench rejected ...** For the text of the various petitions, and related press coverage and commentary, see <http://orinam.net/377/supreme-court-verdict-2013/>

I have of course no way of knowing with any certainty whether, in whatever remains of my life at the age of fifty-four, the Supreme Court will reverse this decision (a curative petition is pending before it; see <http://orinam.net/377/naz-foundation-files-curative-petition/>), or whether Parliament will choose to decriminalize homosexuality. The former is a possibility; the latter is highly unlikely.