BACKGROUND

In December 2013, Supreme Court of India reinstated an 1860 colonial ban on homosexual relations under Section 377 of the Indian Penal Code. It became imperative that advocacy initiatives that will address the issues of violence being faced by the communities and barriers in intervention programs needs to be scaled up. In April 2014 another landmark judgment from NALSA recognized the rights of the Transgender community and India became the third country in the South Asian region that officially recognized transgender as the third gender. However a year later we find that very little has been done to implement the judgment. There is a need for dialogue, negotiations and discussions in the mainstream to highlight the concerns of the communities.

KASHISH derives its name from Urdu language word meaning ATTRACTION. KASHISH is acclaimed as South Asia’s biggest queer film festival and voted among the Top 5 coolest queer film festivals in the world hosted its 6th edition from 27th May to 31st May 2015. This year’s festival theme was ‘Reaching Out, Touching Hearts” The cultural heartland of South Mumbai – the iconic and grand Liberty Cinema with seating capacity of more than 1200 seats was the main venue of the festival along with Alliance Françoise de Bombay and Max Mueller Center, Mumbai. KASHISH 2015 recorded the highest registrations of 1750 individuals and over 8500 footfalls since its inception in 2010. The five day festival screened 180 films from 44 countries.
The Humsafar Trust (HST) is a community-based organization (CBO) in Mumbai working in the area of health and human rights of sexual minorities partnered with KASHISH Mumbai International Queer Film Festival organized by Solaris Pictures with support from Project DIVA as an advocacy initiative.

**OPENING NIGHT: 27TH MAY 2015**

The opening night was a luminous night with a full house audience that raised the curtains on the festival. Nadia Rasheed, HIV, Health and Development Regional Team Leader with the UNDP Bangkok Regional Hub attended the opening ceremony of the festival on 27th May and re-affirmed the support of UNDP and its resolve in addressing issues of sexual minorities and promoting equality. Ernest Noronha, Programme Officer, HIV and Development Unit, United Nations Development Programme (INDIA) was also present.
DIVA PROJECT AT KASHISH

HST conducted day long advocacy activities at the Liberty Cinema on 28th May 2015.

A day long stall dedicated exclusively to promote rights based materials and give information on the health and human rights of the communities was set up. 180 people visited the stall and participated in a quiz contest. The questions were based on topics like human rights, sexuality and gender, HIV/AIDS and STIs. The main objective of this activity was to engage the festival delegates in a dialogue and assess their knowledge on rights and health issues, provide information and disseminate correct information.

Each participant was asked 6 questions and for all correct answers the person was given a free T–Shirt specially designed by a youth initiative Booty and the Brains for the festival. Participants who managed 4 correct responses had a choice to pick up a “Bolo” DVD which is a Speak Up project documenting lives of 20 LGBT leaders who lived their lives fearlessly or “People stronger” – a book on collectivization of MSM and TG groups in India. Participants who got two correct responses were appreciated with metal batches that displayed lives of LGBT in a humorous manner. The stall was operational till 9pm in the night and a total of 22 T Shirts, 11 Books, 9 BOLO DVDs and 12 batches were distributed as gifts during the day.
First winner of quiz contest

Winners of quiz contest

Prizes

Visitors
A panel discussion titled “From an unjust law to a path breaking judgment” was organized at 4pm at the same venue. The challenges posed and the way forward for both the judgements in India was highlighted. This panel included Ashok Row Kavi- Chairperson, The Humsafar Trust, Laxmi Narayan Tripathi – Transgender Activist, Ernest Noronha – Program Officer, UNDP, India, Vijay Hiremath- Lawyer, Siddhant More- Tran’s person and Pallav Patankar- Director Programs – HST acted as the moderator.

The discussion began with an introduction and background of subject and the two judgments that have deeply affected the LGBT community – The reinstitution of Section 377 of the Indian Penal Code and the NALSA judgments. The moderator talked about historic Delhi high court judgement which decriminalized consensual non-peno-vaginal sexual intercourse but was later turned down by the Supreme Court of India while on other hand NALSA judgement provided a silver lining for the community. The panel of experts then took the discussion forward.
The moderator initiated a conversation around social entitlement issues of the transgender community in accordance to the NALSA. Laxmi Narayan Tripathi (NALSA Petitioner) stated that though the supreme court of India upholds a Transgender/Hijra’s right to live with dignity but a transgender/Hijra can also be prosecuted under Section 377. The bill which has been passed in the Rajya Sabha (Upper House in Indian Parliament) still awaits implementation. Her concern was about the Hijra community and their access to services and the endless wait. She stressed on the need to engage in dialogue with politicians and brings a change in the judicial system. She emphasized that mass advocacy will bring essential, drastic and impactful change.

Ernest Noronha who is in process of transformation wanted the NALSA judgment to recognize a person’s right to choose their own gender identity irrespective of his/her SRS status. There is a need to make reservations under OBC category and he mentioned that National Backward Class Commission is verbally ok with it but “but there is nothing written on paper and no orders were given”. He suggested that entire LGBTQ should march together so that the impact is of higher magnitude.

Siddhant More, the Trans man representative spoke about his problem and issues he had faced during changing documents and several months spent to get his pan card. He felt that issues of female to male are invisibilised and not much has been done for Trans men. He stressed the need to have trans men issues on board for the government to take them into consideration and work with them.

Ashok Row Kavi praised the NALSA judgement but also pointed out that it desexualizes the Hijra community. He explained that Indian mythology and history showed evidence of Hijra community visibility and how they are embedded in our culture. He also agreed with the recommendation of working with the Member of Parliaments and ministries as way forward for the community. He also highlighted various ways of tackling the law through marriage of a gay couple and lobbying with certain state legislatures to repeal Section 377.

Vijay Hiremath who is lawyer said that IPC 377 judgement should be reassessed by a five judge’s bench or a seven judge’s bench. He advised to file cases in the lower courts so there is possibility to take it to higher courts to seek justice. He spoke about NALSA judgement and maintained that we need an anti-discrimination law in this country and unless there is a broad based anti-discrimination law which covers many other issues, rights cannot be given to people with the result of solely recognizing their identity. The panellists took questions from audiences and when questioned that if gay couples approached courts for marriage rights what would be the position in law, he stated that there is a window of possibility in the Special Marriages Act, where it is mentioned that two persons can get married, hence making it a gender neutral section of the law and thus this needs to be challenged in order to test the waters.

The rich experiences shared by the experts ended on a positive note and a hope that the struggle needs to move one step forward and the communities are ready for it.
Panel Set up by Project DIVA

Panel Moderator- Pallav Patankar

Panellist during discussion

Panellist during discussion
Festival Director Sridhar Rangayan  

Discussion  

Panellist during discussion  

Participants at the Panel Discussion
A Marathi language movie ‘JAYJAYKAR’ (Triumph of Life) that promotes rights of Transgender / Hijra community was screened in the evening as the last event of the day. The screening of the film was organised for Transgender and Hijra community along with festival delegates. We distributed free passes to the community members to attend screening. There were more than 400 people present during the screening.

The Transgender / Hijra communities in India live a difficult life. The main earning source for them is either begging or sex work. They never found any opportunity to work and get respect and recognition in our society. ‘JAYJAYKAR’ is based on the topic of treating Hijra and transgender humanely and giving them equal opportunities in education and employment. This movie passes very positive message that needs to be inculcated in Tran’s phobic society.

The screening was followed by interactive discussion with Director of the film Shantanu Rode. He explained his journey of growth while making the film and how the film has not only helped him but the entire unit of the film grow during its making. The unit brought to screen this unusual package that effectively discussed and broadened the horizons of the mainstream audiences on issues faced by the Transgender community.

The initiatives of the day were managed by Project DIVA – Tinesh Chopade - Advocacy officer and Pooja Falle - Finance Officer and KASHISH festival Teams.