Queer (Diaspora), Identity and Governance: A Theoretical Analysis

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Abstract

The paper tries to provide a conceptual and theoretical understanding of the concepts like, 'Queer', 'Queer Diaspora', 'Queer Identity' and governance pertaining to queers. The paper examines the migration of queer people, explores the reasons and consequences of their migration to other countries and analyses how queer identity is formed. In Indian Hindu religious traditions queers are given a very sacred position. But India has been subjected to many kinds of barbaric attacks and rules, who have made all the attempts to wipe out the traces of Indian rich cultural heritage and traditions. The British colonial government of India introduced the Section 377 of Indian Penal Code in 1861, which was repealed very recently with the judgement of Supreme Court of India. The paper also focuses on the role played by civil society organisations, government and legislators in implementing policies to provide human rights to queer people. Overall, the paper makes an attempt to conceptualise queer, queer diaspora and identity so as to analyse the situations and problems faced by queer individuals under social, cultural, political and economical

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spaces in homeland and different trajectories of their migration to the host land. It has also analysed governance policy perspectives highlighting Indian government policies and its impact on queer individuals, and how their life can be changed by the positive and needed changes in the policies.

Keywords: Queer Theory, Sexuality, Homosexuality, Migration, Queer Diaspora, Queer Identity, Homophobia, Coming Out, Governance.

Introduction

Elimination and discrimination have major impacts on the lives of lesbian, gay and transgender individuals. This has resulted in the following: leaving of home and family, being ignored in the community and isolated, mobility, migrating to other areas (such as the city and urban areas), lack of family and social support, migrating to other countries for seeking safer livelihood and acceptance, rejected from religion, attempt suicide, decide to follow their parents to marry opposite sex and then divorce (Chatterjee, 2014).

Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) people face several major problems across the world: homophobia of loss, pain and suffering. They face discrimination in schools and in hospitals; they are mostly abused and rejected by their own families. They are beaten, sexually assaulted, tortured and killed (Shahani, 2009).

Queer people face terrific difficulties in a society where heterosexuality is often presented as the only acceptable orientation and homosexuality is considered as abnormal. According to Chatterjee (2014) "In the labor market, a majority of LGBT people continue to hide their sexual orientation or tolerate harassment out of fear of losing their job" (p. 321).

Often family is also responsible in marginalizing queer people. They pressurize an individual to marry which only includes heterosexual marriages. In Indian society marriage plays a vital role in an individual's life. Most of the individuals are forced to marry a person chosen by their parents. And it has always been an issue in queer's life. They are forced to get into a heterosexual marriage.

So, it is significant to critique and analyse the concept of 'queer', and how the society and culture have framed the queer. The paper scrutinises queer diaspora that they leave their homeland and migrate to countries that give freedom of expressing individuals' sexual identity. In the host land they free themselves from the social and cultural boundations of their homeland. Though they go through nostalgic feelings in the host land, they feel alienated and alone unless they find other queer individuals and communities. Queer identity is formed after going through certain stages including from discovering one's own homosexuality to accepting the homosexuality. After accepting

homosexual identity queer individuals confirm their sexual identity and then try to disclose to their parents, friends and society. They only reveal their sexual orientation to them if they know that they will understand and accept their sexuality. When queer individuals cannot gather strength to disclose their sexuality and feel that the environment of their homeland is suppressing their homosexual identity then they search for places where they can disclose their sexuality and, in such cases, they migrate to other countries. Civil society organisations, government policies and visual representation of queer people have continuously contributed to bring changes in the Indian society. The annulment of Section 377 of IPC has earned a great sense of trust of LGBTQ people to Indian democracy, judiciary, government and society. Various Indian LGBTQ organisations have demanded to implement some significant policies for the welfare of queer individuals, groups and communities. The Government of India has a very humane and equalitarian policy approach towards the marginalised sections of the society including the LGBTQ community.

Conceptualising the 'Queer'

Queer theory with feminist studies tries to challenge the cultural and heterosexual dominance in the society. It aims to bring out the suppressed voices and talks about the same-sex desires, practices and marriages in the dominant heterosexual world.

Queer theory was progressively debated in many fields such as history, social theory, theology, and in the study of cultures. In critical areas it is read under psychoanalysis, deconstruction, feminism and post structuralism (Callis, 2009, pp.215).

Feminist theorists brought revolution through their writings to construct their own identity. Curran (2010) states that, "Ultimately a revolutionary group has to break the hold of the dominant group over theory, it has to structure its own connections" (p. 63). They brought many issues of women in their writings. Their issues were brought under media too to spread more awareness in the society.

Hooks (1984) argues that the meanings and definitions those are given by patriarchal society should be redefined and transformed. So, queer theory rejects any kind of categorization, it rejects the binary differences among male and female, masculine and feminine, and heterosexual and homosexual.

Since 1950s researchers such as Kinsey started arguing on the concept of sexuality and claimed that many individuals must have experienced both heterosexual and homosexual feelings and thus, he declared that human sexuality is flexible (Seidman, 1994). Feminist and queer movements, in early 1970s, started criticizing the tradition of heterosexuality such as marriage and building the name of the family, specific gender roles, etc. They tried to normalize the concept of homosexuality and identity (Seidman,

1994). Gamson and Moon (2004) argue that the sociologists, after 1970s and 1980s, started studying sexuality as a part of the society and political life. Sociologists started collecting the information from gay and lesbian movements and then developed the theory of sexuality by discussing the impact of sexual discrimination (Gamson and Moon, 2004). Modern sociologists began observing the politics of sexuality through black feminist theories and queer theory that how sexuality interconnects with other forms of suppression and discrimination such as based on gender, race, class, ethnicity, religion, etc. (Gamson and Moon, 2004).

Seidman (1994) argues that modern sociologists have started defining sexuality as a system of knowledge, which has organized the social, political and cultural aspects of the society. Thus, queer theory in modern world suggests that the pattern of studying sexuality as a study of minority should be changed as a study of knowledge which will build the society and will help in forming equality between heterosexuals and homosexuals (Seidman, 1994).

Queer Diaspora

Queer individuals suffer to 'come out' in the society of the homeland which results in their migration to other countries. Weston (1995) says that coming out in rural areas is a tough task for queer individuals that many of them decide to move out or

migrate. She describes their sufferings and difficulties through a song sung by Meg Christian who describes the difficulties of queer individuals who live in rural areas, so, she suggests other queer individuals through her song that if they find difficulty in 'coming out' in the rural areas then they should move to big cities where their sexuality will be accepted, "Her advice to onlookers who had friends or relatives still struggling to 'come out' in the countryside: Tell them to take the next bus or train to a big city." (Weston, 1995, pp. 253).

In the early 1970s, Queer individuals who were living in rural areas were not aware of other LGBTQ individuals' existence due to lack of connection and interaction. They always thought that they were the only one who was different from other (heterosexual) people around them. They did not know that they may get to interact with other queer individuals unless they have migrated to urban areas where they all came out through gay and lesbian movements and formed collective identity (Weston, 1995).

Weston (1995) argues that other than migrating to other places and country why queer individuals from rural areas have not chosen to live in the same place and disclose their sexuality? She says that through her research she found out that some queer individuals from rural areas claim that they have revealed their sexual identity to their close ones which includes friends,

relatives, etc. But they all have only suggested them to migrate to urban areas of the country (Weston, 1995).

Weston's (1995) research on gay individuals in Toronto brought the similar aspects. In Toronto too queer individuals were not aware of other queer individuals. Most of the queer people in Toronto have migrated to countries such as U.S. (Weston, 1995).

Andermahr (2011) argues that Anne-Marie Fortier's theory of Queer Diaspora discusses that queer individuals feel attached and connected with their homeland while and after migrating to the foreign countries. And other queer theorists have also pointed out some important features of queer diaspora such as separation, loss, etc. And Alan Sinfield argues that for queer individuals home does not mean their homeland but the place from where they choose to migrate due to various reasons such as facing discrimination on the basis of gender and sexuality, lack of freedom of expression, coming out, etc. Thus, according to Sinfield home is not the place of origin but it is a destination where queer individuals do arrive but not return (Andermahr, 2011).

Theorists compare the exile of queer diasporas from the exile of Jewish and African diasporas. Theorists such as Watney argues that Jewish and African diasporas have experienced external exile moving from the country of origin to a foreign country, but queer individuals were exiled within the country (Andermahr, 2011).

They were, according to postcolonial theorists, excluded and treated as outsiders in their country of origin (Andermahr, 2011). Andermahr (2011) argues on the basis of Anne-Marie Fortier's theory of queer diasporas that queer individuals choose to migrate or move out of their homeland in order to come out. For queer individuals their homeland is home for heterosexuals but not for homosexuals, so, in respect to search for home they leave their homeland and make a foreign land their home.

Queer individuals begin to compare homeland and host land on the aspects of social, cultural and political freedom and recognition. They tend to migrate to other countries where they find more opportunities on these grounds. Theorists argue that if queer individuals find the freedom of expression in the host land then they choose to mobilise and make the host land their home (Ayoub & Bauman, 2018).

Before migrating to queer-friendly countries, many queer individuals have faced mental abuse, physical assault, sexual abuse, rape, forcefully made to take conversion therapies, forcefully made to engage in heterosexual marriages, publically ashamed etc. They faced these situations and problems right from their childhood which have lasted till their migration to other countries. They were not only bullied by unknowns but were also mocked and criticized from their own family members, relatives and friends (Alessi et al., 2018).

Many queer individuals have migrated to other countries as refugees. They find asylum that help them to reach a safe place in the host country. Although many of them have faced problems such as discrimination, bullying, etc. from refugees who share different ethnicity, religion, class, etc. Finding a place in the host land is not easy as it sounds. Before settling down in the host land many queer individuals have to face rejection in getting residences because of their national, religious, and sexual identity (Alessi et al., 2018).

Queer Identity

Troiden (1989) describes identity as representing one's self in the roles of social settings. And it varies from the notion of self-concept as self-concept is a complete thought of an individual's experience, imagination and belief of one's sexual orientation. He further says that self-concept does not need any references of social settings, but identity needs references of social settings such as labels like teacher as an identity at work, daughter as an identity at home, etc. (Troiden, 1989).

An individual's self-concept includes homosexual identity along with other identities. In this respect, individuals perceive themselves as homosexual in the sexual situation. Hence, Troiden (1989) explains Cass's theory of homosexual identity as it can perform as a self-identity, a perceived identity, a presented identity or all of them.

If individuals see themselves as homosexual then it is called self-identity, if they find that other people observe them as homosexuals then it becomes perceived identity, and if they present themselves as homosexuals in social settings then it becomes presented identity (Troiden, 1989).

One's identity is formed based on how one sees his/her self and how others see it. Thus, there is no fixed identity as seeing ourselves is different from that of the way others see us; so, different forms of identity are formed. Van Meijl (2008) argues that, "Identity referred primarily to a coherent sense of self or the feeling on the part of the individual of being the same as how he or she is viewed and identified by other(s). Thus, identity referred to a well adjusted personality that emerges from the same, or: identical, identification of self by self and other" (p. 169).

Troiden (1989) has developed four-stage models of homosexual identity formation which includes 'sensitization', 'identity confusion', 'identity assumption', and 'commitment' (p. 48). He has developed these stages on the theories of Vivienne Cass, K. Plummer and Barabara Ponse (p. 48). In the first stage of identity formation, 'sensitization', individuals experience homosexual feelings in their childhood. Many lesbians have claimed that they were not interested in boys, they felt different and unfeminine, they were aware of their homosexuality. And gay males have

claimed that they did not feel that they were like other boys, and they were also attracted to them (Troiden, 1989).

Only some individuals succeed to realize before age twelve that they are homosexuals. A feeling of being different from same sex people make them to observe their sexual preferences in childhood. The homosexual experiences that individuals experience in social, emotional and genital grounds is examined during adolescence (Troiden, 1989).

Second stage of homosexual identity formation, 'identity confusion' discusses the confusion of individuals as homosexual or heterosexual at the ages of adolescence. Some individuals experience both homosexual and heterosexual feelings at this stage. Some experience only homosexual feelings and could not take heterosexual identity but at this stage they could not develop full awareness of themselves as homosexuals. Thus, they stuck in the confusion of their sexual identity (Troiden, 1989)

In the third stage of homosexual identity formation, 'identity assumption' individuals first confirm their sexual identity as homosexual. They first accept themselves as homosexual and then they present themselves as homosexual to other people. First, they prefer to come out as homosexual to other homosexual individuals then to their friends and close ones. If they find their family liberal and flexible in thoughts, then they decide to come out to their family too. In this way the third stage of homosexual

identity formation includes self-identity and presented identity (Troiden, 1989).

In the fourth stage of homosexual identity formation, 'commitment' individuals commit to themselves that they are homosexuals by coming into a relationship with same sex individuals. Some individuals bring their relationship to others including family, friends, relatives, etc. And some choose to hide their relationship from family and relatives because of homophobia (Troiden, 1989).

Queers struggle to come out of homophobia: homophobia of rejection from the society, rejection from religion, rejection from family etc. Homophobia has its great impact on queer relationship; it affects their life and relationship. According to Closs (2010), queer identifies some impacts of homophobia in their relationship: "negotiating affection in public settings, homophobia's impact on sense of self, lack of familial involvement, and belief that homophobia makes the relationship stronger" (p. 131).

Kaufman and Johnson (2004) also establish their theory of gay and lesbian identity formation on the basis of the stages given by Cass, Coleman, Plummer and Troiden (Kaufman & Johnson, 2004). They argue that in order to understand homosexual identity it is important to focus on relationships of queer people. Queer individuals find being in a relationship helps them to develop their

homosexual identity in the society. And many of them are bound to hide their homosexual relationship in public because being visible to the society as gay or lesbian couples, sometimes or most of the times, bring negative reactions from the society which diminishes their confidence in coming out (Kaufman & Johnson, 2004).

Queer couples who get positive responses from the society in their process of coming out, through the medium of their romantic relationship, develop homosexual identity easily. Whereas, couples who face negative responses from the society finds difficulty in developing homosexual identity (Kaufman & Johnson, 2004).

The main issue of queer individuals is their acceptance by heterosexuals (Kaufman & Johnson, 2004). Queer individuals find heterosexual people's acceptance and opinions important in forming a homosexual identity. To develop and commit to homosexual identity queer individuals seek positive response from heterosexuals (Kaufman & Johnson, 2004).

Kaufman and Johnson (2004) further argue that some researchers have showed their problem in accepting the traditional stage models of Cass, Plummer, Coleman and Troiden. They argue that researchers such as Rust, Brady, Busse, Parks, Kaminski, Whitman, McDonald and other researchers have argued that the stage models lack flexibility of identity formation, 'coming out' as a life-

long process, and also lack elaborating the experiences of queer individuals in different aspects including race, gender, social class, religion, etc. (Kaufman & Johnson, 2004).

Weinberg (1985) argues that homosexual identity should be observed through various fields such as physical and biological sciences, and psychoanalytic and socio-cultural. He argues that individual's identity varies if we observe from the mentioned streams. He says that biological stages are different from that of sociological stages because biological stages include birth, aging and death, hence, we do not include stages of infancy, childhood, adolescence, young adulthood, middle adulthood and old age. These stages are shown in sociological terms (Weinberg 1985).

Weinberg (1985) argues that one cannot reach to the final stage of identity in social and psychological terms because identity keeps changing in these terms and it does not have an end.

Kaufman and Johnson (2004) argue that during 1970s and 1980s it was important to develop stage models of homosexual identity formation but now it is important to link identity to other theories to expand all types of identity development more elaborately concerning other grounds such as social and psychological (Kaufman & Johnson, 2004). Hence, they explain the relation between 'self and identity' to take the process of identity development to the next level in understanding identity formation. They develop the theory of 'self and identity' by

focussing on Burke's identity theory and the concept of 'reflected appraisals' which means the importance of other's (specifically heterosexuals) opinion and acceptance of homosexuality in queer's life (Kaufman & Johnson, 2004, pp.811).

According to Burke's identity theory, individuals desire to be perceived by others the same way they perceive themselves. Then they compare the opinion of others about them with the opinion of themselves, which according to Kaufman and Johnson (2004) is 'reflected appraisals' (p. 811 & 812). If individuals find the opinions of others and themselves similar then they continue to maintain the behaviour, and if they find differences in the opinions they try to behave according to the opinion of others while suppressing or hiding their own desires and opinions to others (Kaufman & Johnson, 2004).

Kaufman and Johnson (2004) argue that to what extent queer individuals maintain their behaviour and identity according to the opinions of others. One cannot suppress their homosexual desires for long and let heterosexual identity to prevail (Kaufman & Johnson 2004). In order to show their normalcy in the heterosexual surrounding queer individuals try to hide their sexuality. In this case mostly queer individuals choose to migrate to the places where they find the environment which cope with the opinions of homosexual individuals.

Sometimes, queer individuals, in respect to get supported with their homosexual identity, try to develop other identities under the social grounds (Kaufman & Johnson 2004), such as, lesbians becoming a surrogate mother will enhance the ultimate meaning of a woman, reproduction and becoming a mother, which eventually fulfils the expectation of society from a woman.

Repeal of Section 377 of IPC and LGBTQ Rights and Governance in India

Generally, policies include laws, local policies and government plans, resource allocation plans, regulatory measures and funding priorities that are promoted by a governmental body. Before making the policy, policy-makers should think whether these policies will work for human welfare or not. The proposed policy will respect and support individual rights or not. (Barker et al., 2016). Policies should always be made human-centric but not any particular gender-centric. Policies which have been made with particular gender-centric focus have always suppressed other genders. Thus, before making any policy, policy-makers should examine and analyse that it has presented and proposed according to the country's constitution and especially in the welfare and equal rights of an individual irrespective of sexual orientation and gender identity. (Barker et al., 2016).

Before the abolition of Section 377 of Indian Penal Code and decriminalisation of homosexuality, queer people were bound to

follow the established social norms and were punished being found in 'unnatural' sexual relationship. Either they were pushed into heterosexual relationship or exiled from family and society. Indian society follows the established societal and cultural norms, and people are made to believe that religion does not permit any homosexual acts, which was (and has been) the biggest problem for queers.

In Indian religious traditions queer people are given a very sacred place. In Hindu holy scriptures there are so many instances where queer people held prominent positions and they were highly revered. Hindu God Lord Shiva's 'Ardhnarishwar' form is a beautiful manifestation of the female in male and male in female, manifesting the rich equalitarian and respectful heritage of India. It is always seen as holy in India for a new born baby to be blessed by queer people. But India has always been a subject of the brutal and diabolic eye of the foreign barbarians due to its rich economic treasures, magnificent and enriched heritage and highly fertile and beautiful land mass. For last some centuries India was viciously subjugated to Mughal rule and then British rule. The foreign invaders made all attempts to crush the Indian civilizational ethos, bulldoze Indian beliefs and wipe out the rich cultural heritage and practices. In the process the LGBTQ people also suffered.

In 1861, the British government had introduced the Section 377 of Indian Penal Code (IPC), which made homosexuality a criminal offence, hence making provisions for severe punishment. Section 377 of IPC has given rise to infinite crimes, such as it was misused by several police officers; they deliberately tortured and accused people of committing homosexual acts and demanded from them a huge amount of bribe and were threatened if denied giving the amount. Moreover, even after not finding them involved in any sexual acts they forcefully took many LGBTQ people in custody and raped. They were verbally and physically abused by police officers. (Rishishwar, 2016). Boyce (2015) has also explored how Section 377 of Indian Penal Code has raised multiple exploitations of queer individuals that most of the times they were beaten, harassed, and tortured (Boyce, 2015).

Section 377 of IPC had banned 'unnatural offences' but not homosexuality. Unnatural offences can be seen between any couple both homosexual and heterosexual. According to the Section 377 of IPC, actions should have been taken against any person found performing unnatural offences irrespective of sexuality. But it was used in targeting only LGBTQ individuals, groups and communities. The Section had taken away even basic rights from LGBTQ people, which comes under Fundamental Rights of the Indian Constitution, such as Freedom of Speech, Right to Privacy, and Right to Equality etc. This ultimately affected

their right to work and they have been tortured in work place or fired from jobs. They were even discriminated, humiliated and abandoned from education and military sectors (Rishishwar, 2016).

LGBTQ issues, especially the Section 377 of IPC came into its consideration after many protests and coming out of LGBTQ individuals, groups, and communities, many heterosexual people also joined the protests to provide them rights to live as human beings under Articles 14, 15 and 21 of Indian Constitution. Conferences, seminars and documentaries on LGBT people and their rights continued to spread in various cities of India including Delhi, Mumbai, and Kolkata etc. (Mukesh, 2017). According to these Articles, an individual, irrespective of sexual orientation and gender identity, have right to equality, h/she cannot be discriminated on the basis of religion, race, caste, sex or place of birth, and have the right to privacy. In August 2016, the Supreme Court of India reviewed the criminalisation of homosexual activity. In August 2017, the Supreme Court of India started looking on the issues and discrimination of LGBTQ people under these Articles. And on 6th September 2018 the Supreme Court of India decriminalised Section 377 of IPC (Das, 2018).

UNO has always taken stand in favour of LGBTQ rights. In 2008, a resolution supporting LGBTQ rights was first introduced at UN General Assembly by French/Dutch representatives, which

included strong disapproval of harassment, violence, discrimination and prejudice based on gender identity and sexual orientation. (Das, 2018).

LGBTQ individual and community are happy with the positive changes regarding their rights. But transgender people do not think that they got total justice with their identity. Recently, on 1st December 2019, transgender Bharatanatyam dancer named A. Revathi from Tamil Nadu claimed herself as Thirunangai. She is first transwoman who claims her identity as Thirunangai – a respectable, dignified term. She expresses her agony that the term 'Thirunangai' is replaced with 'third gender'. She wishes to identify herself as a woman. She says that the identity 'third gender' raises many questions such as who are categorised as first gender? If it is men, are they superior to women? Does it imply that transgenders are inferior to women? On what basis is humankind discriminated as such? (Muralidharan, 2019, pp. 16).

Rishishwar (2016) argues that LGBTQ rights are human rights and human rights should protect the individual from discrimination, violence and threatening (Rishishwar, 2016). Discrimination in various sectors have produced difficulties in the lives of queer people such as discrimination in education and job sectors took them forcefully on the paths of begging and prostitution.

Countries which support LGBTQ rights believe that education sector helps to bring public awareness. The Ministry of Education

started supporting the programmes that address homophobia and rights of LGBTQ people in schools, colleges and universities and in the society. Prime Ministers and Presidents of many countries have supported LGBTQ rights through their speeches. They asked societies to give prime importance to the ability and creativity of people irrespective of their sexual orientation and gender identity (Brooks & Daly, 2016).

Connolly (2012) makes her argument that in order to stop LGBTQ bullying in education sector, Local Board of Education should adopt a policy which will prohibit bullying of LGBTQ students and should ask every school, college and university to include the given policy on their websites. This step will ultimately stop bullying LGBTQ students and will result in ending suicides (Connolly, 2012).

Reynolds (2013) argues that LGBT legislators make a great impact on changing policies and forming new policies in the welfare of LGBTQ rights. Further he makes his argument that LGBTQ MPs who work in national parliaments influence their straight colleagues and make it easier to be accepted by them. And studies have shown that heterosexuals have given their support to gay rights after working with gay people. He presents a table of LGBTQ Members of Parliament around the world from 1976-2011. Twenty seven countries have elected 151 LGBTQ MPs to the National Assembly from 1976-2011. (Reynolds, 2013).

Marginalised people can make and upgrade policies regarding LGBTQ rights or marginal people's rights as they can better understand the problems faced by marginalised communities. Their presence in legislatures can make a greater change and make marginalised people-friendly policies. Increasing more LGBTQ legislators will increase the chances of introducing or bringing more LGBTQ-friendly laws. Three openly gay individuals have become Prime Minister respectively in 2002, 2009 and 2011. Per-Kristian Foss became acting Prime Minister of Norway in 2002, Johanna Siguroardottir has become Prime Minister in Iceland in 2009, and Elio Di Rupo of Belgium in 2011. (Reynolds, 2013).

Legislators were made to make anti-bullying bills into law because of increased number of suicides of LGBTQ children and youth. The cases of bullying LGBT students in schools, colleges and universities arose since late 1960s and early 1970s. The first suicide case came from Europe. And gradually the data of suicides and suicidal attempts came from many countries. (Connolly, 2012).

Indian government follows a very non-partisan and equalitarian approach in framing policies. Apart from many initiatives for the LGBTQ people, the present Government of India has passed The Transgender Persons (Protection of Rights) Act, 2019, which provides for protection of rights of transgender persons and their

welfare; and it states that no person or establishment shall discriminate against a transgender person. Transgender persons should be given equal and fair treatment and opportunity in educational establishments and services; employment or occupation; healthcare services; access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public; right of movement; right to reside, purchase, rent, or otherwise occupy any property; stand for or hold public or private office etc. Most importantly, the act states that a person recognised as transgender shall have a right to self-perceived gender identity. (Ministry of Law and Justice, GoI 2019).

Government of India has constituted a National Council for Transgender Persons under The Transgender Persons (Protection of Rights) Act, 2019 to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons; to monitor and evaluate the impact of policies and programmes; to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons; to redress the grievances of transgender persons etc. (Ministry of Social Justice & Empowerment, GoI (2020). The other members of the

Council include representatives of various Ministries/Departments, five representatives of transgender community, representatives of NHRC and NCW, representatives of State Governments and UTs and experts representing NGOs. (Ministry of Social Justice & Empowerment, GoI (2020). Government of India's initiatives to give the LGBTQ people equal rights and self-respect as human beings are really noteworthy.

Indian (Queer) Diaspora's Fight for LGBTQ Issues

Along with many civil society organisations, human rights groups, and queer rights movements which were supported by individuals vastly around the country and globe, queer and South Asian queer diasporic individuals, groups and communities have also made their contribution and stood against Section 377 of IPC. The annulment of Section 377 of IPC had brought self-respect, cheers and confidence among the queer people in diaspora. Queer diaspora had also contributed to the fight against the repeal of the Section 377 of IPC. Atluri (2010) states that Section 377 of IPC was enforced by British Colonial rule which was abrogated by the Supreme Court of India. South Asian Queer Diasporas showed their support and joy at digital platform especially through twitter and facebook when Supreme Court's decision of repealing Section 377 of IPC was declared. Some of them even wrote that it is the time for decolonisation which meant that it was very important to

abolish law that was imposed by British Government against the human rights. (Atluri, 2010).

Nanditha (2020) asserts that digital locales have given opportunities to individuals to share their thoughts, expressions, etc. that they easily and quickly convey their messages in the society (Nandith, 2020). Queer, non-queer, and South Asian queer diasporas have come together in the digital spaces to stand against criminalisation of homosexuality. Twitter has been used largely to show the strength and voice of the queer diasporic community (Nanditha, 2020).

Bose (2017) highlights some of the prominent South Asian diasporic writers who have battled against criminalisation of homosexuality through their writings. Writers such as Suniti Namjoshi who moved from India to Canada has brought lesbian issues in her writings, Shyam Selvaduari who has migrated from Sri Lanka to Canada has portrayed his life in one of his writings Funny Boy (1994). There are also other Indian diasporic writers such as Firdaus Kanga, Vikram Seth, etc. who have constantly contributed in the field of literature to spread their voice and thoughts against the criminalisation of homosexuality (Bose, 2017). Not only South Asian diasporic writers but South Asian diasporic directors such as Nisha Ganatra, Ian Iqbal Rashid, etc. have also highlighted discrimination and violence against homosexuals.

Role of Civil Society, Films and Literature in Creating Awareness about LGBTQ Issues

Brooks and Daly (2016) say that civil society plays a vital role in helping and supporting government to form policies in human welfare. The judiciary ensures that civil society groups have right to assemble. The support of civil society organisations and action of governments can help in changing policies in the welfare of LGBTQ people. In order to make positive changes in policies for LGBTQ rights, government should consult with LGBTQ activists, organisations and communities. Governments are the important drivers of policy making. To bring positive changes, it is important to consult local LGBTQ activists, organisations and communities to do preferable and needed changes in policies. (Brooks & Daly, 2016).

Literature plays an important role in the society. It helps the society to change the rigid thoughts and accept the alternative realities. It portrays the hidden and suppressed realities of the society and this way it helps to focus on the issues of marginalised individuals, groups and communities of the society. There are some writers in the diaspora, as has been mentioned above, have been portraying queer issues in their writings.

To bring awareness about queer individuals' difficulties and rights in the society, it is important to represent queers through films and in other visual elements such as TV series, etc. It will make

people understand and accept queer individuals in the society equal to heterosexuals. Similarly, it is also important that queer directors should come out to the society and represent themselves in the films as queer directors can better represent the issues.

Haworth says that queer directors should come forward to represent themselves in films. As non-queer directors do not observe things closely as a queer director can observe. I really want to encourage others to get out there and tell their own stories, instead of letting the "professional" filmmaker do it for them. We need more first-person stories made by people from within their communities. (Haworth, 2008, n.p.).

There is a huge difference between reading a novel and watching a film. Film reduces the complexity to understand the context comparing to novel. Visualizing the same thing which is written in the novel brings difference in our understanding of a particular context. Weedon (2009) describes the same by giving example of South Asian films and audiences, and South Asian texts and readers. He states:

> The visual is central to the cultural politics of representation. Whereas written texts may engage the non-South Asian reader using techniques promoting empathy or enabling the reader to 'see' the world through South Asian eyes, it cannot insist on an engagement with

characters as visibly other. Reading novels and watching film versions of them are very different experiences. While films inevitably tend to reduce the degree of complexity that is found in novels (Weedon, 2009, pp. 118).

Conclusion

LGBTQ people have been oppressed, humiliated and rejected from the family, relatives and society. Hence to escape the rigid society many queer individuals have migrated to other countries which have queer-friendly environment. They have fought against the social and cultural taboos of the society and come out of the closet. We find many queer individuals who, because of homophobia of losing family, relations, and respect in the society, decide to stay in the closet and pretend to be a heterosexual. A conceptual and theoretical analysis of the queer, queer diaspora and identity provides us a better framework to analyse their predicament in the society at large, and also helps in framing policies of governance for LGBTQ people.

The annulment of the Section 370 of Indian Penal Code by the Supreme Court of India has provided the dignity and self-respect for the LGBTQ people. Efforts have been made to spread awareness regarding queer people and their rights. Constantly, various civil society organisations have been trying to make Indian society understand the queer people and their sensibilities through different mediums especially through literature and films.

Policies should be made and implemented in the welfare of queer people in India. Policies should be made to protect them in education, job and in various other sectors. Anti-bullying policies should be introduced in order to protect them in schools, colleges, universities and job sectors. And they should be allowed to decide their own identity. The present Government of India's legislation, The Transgender Persons (Protection of Rights) Act, 2019 and constitution of National Council for Transgender Persons have been quite remarkable steps in providing LGBTQ people equal rights, opportunities and prospects in all the spheres of the society. These developments in India have been very well received and appreciated by the (Indian) queer diaspora. Like any other segment of Indian diaspora queer diaspora is also contributing to India's all-round development and they are also India's soft power promoting India in the world. These recent developments, legislations and initiatives have brought the queer diaspora closer to their homeland India.

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