Disrupting the Dinner Table: Re-thinking the 'Queer Movement' in Contemporary India

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Using the frame of global governance, this article argues that the neoliberal economy and the consequent practice of global funding has turned “queers into entrepreneurial and consumptive citizens who play by the rules of the state-market nexus.” I contend that the ‘queer movement’ in India is classist, casteist, sexist and complicit with power structures of the most oppressive kind. There is a right-wing queer in India, and no other. Questioning the terms ‘queer’ and ‘movement’, the article shows how their coming together helps “old desires resurface—legalistic desires for equality and justice, the humanist desire for dignity and the orientalist desire of liberating the postcolonial queer from barbaric cultures,” and call for a more critical and radical engagement with the politics of the current conjuncture which produces the ‘queer’ imaginary in contemporary India.

Like many countries in the Global South, India opened its gates to the free market and the policies of liberalisation/globalisation/structural adjustment in the early 1990s, after decades of being a protectionist state.1 This has led to countries like India being introduced to what Josephine Ho calls, in the context of East Asia, 'global governance'2 in the neoliberal moment. This governance involves 'global civil society' holding out, Ho writes “further hope for democratic potentials that promote the spirit of responsible humanitarianism as well

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2. Josephine Ho, Is Global Governance Bad For East Asian Queers?, 14 (4) GLQ 457–479 (2008); See also Wikipedia – The free encyclopedia, Global Governance, http://en.wikipedia.org/wiki/Global_governance(last visited June 15, 2012) (Wikipedia has a quite detailed and referenced introduction to the term ‘global governance’, the best definition of which is provided by Thomas G Weiss as: “Global governance—which can be good, bad, or indifferent—refers to concrete cooperative problem-solving arrangements, many of which increasingly involve not only the United Nations of states but also ‘other UNs’, namely international secretariats and other non-state actors.” It is important to note that sexual governance is not a prominent node in the analysis of the term, if it is mentioned at all.).
as respect for diversity while weakening state power and domination in certain national contexts.”

Speaking of East Asia, and she could well be speaking of India, she continues:

[O]ptimistic LGBT advocates and marginal groups look to changing, and seemingly liberalizing, political regimes and expanding civil society as sites for possible leverage or gains, while pride marches, lesbian and gay cultural events, and booming queer Internet communities corroborate the impression that queer Asia may be much more than a concept.

All these phenomena mark the Indian postcolonial moment as well. A recent High Court judgment read down the colonial Section 377 from the Indian Penal Code and now consensual gay sex between adults is allowed, pride marches abound and so do lesbian and gay cultural events and booming queer Internet communities. But does this constitute a ‘movement’? Before one addresses that question, one might follow the rest of Ho's argument. She speaks of the retraction of the deeply homophobic state being a simultaneous process with the one on global governance; of how using UN discourse, Christian fundamentalist NGOs are producing a new sense of civility inimical to queers and child protection is used to bash queers. While most NGOs in India are not overtly religious in any way, they are nationalist and deeply conservative on many issues, like those around child sexual abuse and certainly work to re-trench nationalist and anti-sexual minority ideas, even figures and NGOs working ostensibly around issues of sexuality and HIV/AIDS.

3. Ho, supra note 2, at 457.
4. Id.
6. See Oishi Sircar, Homonationalism: Queer tales of queer prides, InfoChange India, June 25, 2012, available at: http://infochangeindia.org/human-rights/rights-and-resistance/homonationalism-queer-tales-of-queer-prides.html (last visited June 15, 2012) (Sircar writes: ‘A classic illustration of ‘the nationalist resolution of the homosexual question’ in India was a talk show on the news channel CNN-IBN discussing whether independent India is open to homosexuality, aired during the Independence Day week, just a few days after the Delhi High Court judgment in the Naz Foundation case in 2009. The ‘experts’ invited to speak were responding to a CNN-IBN-Hindustan Times survey in which almost 70% of the
Further, the class formation of these NGOs and its 'activists' means that the very framing of the question of sexuality is deeply problematic. But let us stay with Ho for the moment. She proceeds to show how the UN, via NGOs, is producing new global principles and values. Then, she baldly states:

There is, after all, nothing intrinsically progressive or democratic about international civil society. Internationally based NGOs have been known to set up branches in Third World nations not only as channels for needed funding and aid, but, more important, as a field where Western values and interests can exercise their influence and foster checks and balances to resist local state domination and control.\(^7\)

Ho proceeds to show how building these universal international politics congeals around conservatism, especially around issues like “sex trafficking, child pornography, pedophiles and Internet content monitoring,”\(^8\) all of which are issues in the contemporary moment in India.\(^9\) She speaks of how nations are “strongly encouraged to bring their laws into alignment with UN decrees.”\(^10\)

The rest of Ho’s essay deals with the specificities of various East Asian contexts but she ends on another important point. She refers to a protest at a WTO ministerial meeting in Hong Kong where “queer groups from quite a few East Asian states lined up with other social movement groups (laborers, farmers, women, and sex workers) in fierce protest against respondents felt that homosexuality should be ‘illegal’ in India. The ‘liberals’ were represented by the likes of Shyam Benegal, Mukul Kesavan and Gautam Bhan. The ‘conservative’ was a young Hindu religious leader and sitting on the fence was Jaya Jaitley. The discussion sparked many a fire, but was hackneyed – the same arguments and the same defences that are not worth repeating here. Yet the unprecedented openness with which the audience was engaging with the issue of sexuality, and alternative sexuality, on prime time television was an encouraging sign. The findings of the survey (even if statistics are graver than damned lies) did throw light on the societal prejudice that queers face in India, despite progressive judgments like Naz. The sharp divide in beliefs and perspectives among the panelists on issues of sexual morality finally reached a climax through a moment of nationalism-induced catharsis. Sagarika Ghose, the anchor, abruptly ended the show by asking everyone to stand up to the national anthem. And as per her instructions everyone did – the conservatives, the liberals, the fence-sitters, the homosexuals, the heterosexuals, the non-heterosexuals – everyone stood upright soaking in the buoyant verses of Jana Gana Mana and it seemed a perfect end to the crisis of India’s morals, culture, sexuality and religion where nationalist pride erased all differences and made us realise that, after all, we are all ‘Indians’ first – just like SRK’s Chak De India hockey team!”\(^11\).

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7. Ho, supra note 2 at 460.
8. Id. at 461.
10. Ho, supra note 2 at 462.
WTO policies.” It is difficult to think of one moment when the 'queer movement' in India has stood with labourers, farmers, women or sex workers in contemporary India or against WTO policies, though there are many struggles involving all these groups and the definite presence of the WTO as well.

While in the East Asian contexts, the Christian Right has taken over the NGOs (though Ho does not specify the class formation of the Christian Right in these contexts), in India NGOisation has largely been a voluntarist, bourgeois, entrepreneurial project. People who run and work in NGOs are largely middle class and upper class and are unlikely to even talk to, let alone stand by, labourers, farmers and sex workers despite making many noises about such intersectionalities and alliances. What they are good at is creating newer and newer identity categories to garner more and more funds, settle for piecemeal negotiations with the law by asking for a reading down of Section 377 in the Indian Penal Code that criminalises homosexuality so that it removes private, consensual sex from its purview (a blatantly classist and casteist demand) and courting the media to celebrate in parties and marches around such victories posing as 'Queer Liberation!'

In the text of the High Court judgment, all the precedents on sexuality quoted in it are international, all the language is global and in perfect consonance with global governance. While Ho does a good job of questioning global the governance discourse and that of the NGOs, she leaves both the question of the politics of funding and the nature of the 'queer movement' (the non-mainstream one she invokes approvingly in the end) in East Asia un-interrogated. In India, the politics of funding

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11. Id.

12. See Janet R. Jakobsen, Working Alliances and the Politics of Difference (1998) (Jakobsen speaks of the difficulties of alliance politics which concentrates on the women’s movement in the United States. Despite the repeated refrain of queerness being about intersectionality and queerness being about alliance politics and while the queer movement in India has sought the support of various other communities, like feminist groups, for its own cause (specifically the movement around the Naz judgement via Voices Against 377), it has seldom, if ever, come out with statements on all the important issues Ho raises and around which several movements in India do exist. This author is involved in several campaigns whether around the figure of imprisoned and tortured adivasi activist Soni Sori, rallies against sexual violence against women both nationally and in Delhi, day labourers and informal labour and farmers in Maharashtra and has never seen a single queer activist at any of these or any statement from queer NGOs or groups or individual activists on these issues. While there are doubtless exceptions (Sangama, for example, works with the female sex workers' movement in Bangalore and individual activists may make connections), no argument can be made that there is a concerted public effort to establish 'queer' alliances with any of these movements.).

requires more investigation, something the 'queer movement' is unwilling to do and again linked to this, in India (and indeed in the various contexts of East Asia), how the term 'queer' circulates. This group which is the main user of this term (and which poses as a 'movement') is in dire need of interrogation.

I. The Politics of Funding

If global governance refers to the discourse around or through which funding is granted, the specific discourse of global governance in what have come to be called sexuality NGOs, or those that work with sexual minorities and around HIV/AIDS, is one of a hegemonic global identitiespeak,\(^\text{14}\) once again from Euro-American contexts. If 'queer' is not quite funderspeak, it is certainly used by Indian activists and NGOs, alongside more 'indigenous' cultural categories, all of which seem to have emerged only in the last few decades.\(^\text{15}\) That apart, the language of sexual minorities comes from international mainstream organisations (that groups like Queer Nation in the US were marking themselves against) like Human Rights Watch, which has been readily adopted by Indian NGOs and 'queer' activists. How is it that the Indian 'queer', for all its radical claims, has not interrogated the hegemony of this language and its appropriateness to the sociological contexts in South Asia? How has it not questioned the institutional structures which produce this discourse and the power relations between them (the donors) and the receivers (the NGOs)?

Perhaps it has to do with the sheer power of money. There has been a substantial body of work critiquing the non-profit complex, from the volume produced by 'Incite! Women of Color Against Violence' entitled \textit{The Revolution Will Not Be Funded} to James Petras' classic essay \textit{NGOS: In the Service of Imperialism}.\(^\text{16}\) The \textit{Incite!} anthology, apart from offering a detailed history of non-profit funding in the US, brings together a range of voices from across the world to offer a very nuanced critique

\(^\text{14}\) See Ashley Tellis, \textit{Ethics, Human Rights and LGBT Discourse in India}, in \textit{Applied Ethics and Human Rights: Conceptual Analysis and Contextual Applications} 151-70 (Shashi Motiul ed., 2010) (What I mean by this is the language of identity politics used in North America and Western Europe. The above article is useful for a critique of this language.).

\(^\text{15}\) Ashley Tellis, \textit{Postcolonial Same-Sex Relations in India: A Theoretical Framework}, in \textit{SPACE, SEXUALITY AND POSTCOLONIAL CULTURES: ENRECA OCCASIONAL PAPERS 6}, 221-231 (Manas Ray ed., 2003) (An example of this is the identity 'kothi'. This is a word (one of many) used to refer to the passive role in anal sex. Suddenly in the late 90s and early 2000s this becomes an 'identity'.).

and appraisal of what it calls the 'non-profit industrial complex' (NPIC). Raising several issues from the similarities between the prison industrial complex (PIC) and the NPIC in the context of the US and how the latter forms a 'shadow state' that allows "government to make war, expand punishment, and proliferate market economies under the veil of partnership between the public and private sectors"\(^ {17} \) to the protecting of elitism in social justice movements facilitated by the logics of funding/ funders rather than the constituents of movements themselves; from the domestication of social justice to a career option to the creation of competition (around funding) between social movements; from the derailing of movements and the domestication of their radical potential to the exporting of conservatism in various less powerful contexts (for example, the squelching of revolutionary movements in Latin America by the US).

Petras makes similar arguments in his essay and is critical even of so-called progressive NGOs because he feels that they prohibit structural change in favouring individual initiative (microcredit schemes), replace movement leadership with NGO leadership, take no risks and are not accountable to the people with whom they claim to be working, among other things.

How is it that these critiques are never factored into the self-nominated super-critical 'queer movement' in India? Perhaps this has to do with the fact that the three pioneering NGOs in the area in India were individual figures who received international grants as individual fellows on the basis of which they started organisations? Perhaps this has to do with the fact that if one scratched the surface, one would find that HIV/AIDS is not a sexual minorities issue in India at all and so the garnering of large amounts of funding and the piggybacking on the HIV/AIDS pandemic are both rather dubious moves on the part of the 'queer movement'?

But even setting these unsavoury questions aside, what are some of the problems funding raises? First, given that funding agendas offer the language and determine the discourse of sexuality, there is a resultant flattening of the sociological landscape into the paradigms of identity and rights that often actually inhibit the processes of change that are desirable, if not actually prohibit them. Second, given that most of this funding comes to urban NGOs, no real attention is paid to rural contexts where many people and groups have great difficulties articulating sexual self-constructions. Third, given that upper class people run these

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NGOs and there is free interplay (if not a set of networks that render them indistinguishable) between NGOs and 'queer activists', it is these people's agenda that are in the foreground while minority formations, some of which have to be considered given the question of funding and are appropriated and othered as 'high risk populations' or similar epidemiological categories and as indigenous cultural categories in need of modernisation into twenty-first century 'queerness' while others are ignored altogether. Which brings one to the use of the word 'queer' and why it is symbolically representative of the violences of the non-profit industrial complex and the logics of global governance.

II. 'QUEER'? 'MOVEMENT'?

The word 'queer' emerges in the context of the US gay movement in the 1990s. It emerged as an activist term by groups like Queer Nation, a group of radical AIDS activists in New York. Queer Nation was a militant group with confrontational, Situationist-style modes of intervention. The group members were activists from ACT UP and were tired of the continuing discrimination against people with HIV/AIDS by the neoliberal, Reaganite dispensation and sickened by the continuing heteronormativity of mainstream culture in the US. This term quickly became popular and was appropriated not just by the popular media but also by academia, spawning the subfield of Queer Studies in US academia. At the time in the US, this was a liberating term for LGBT folk of colour and many disenfranchised along varying axes not acknowledged by the gay movement.¹⁸

How does this term travel from this specific context and reach the world over? How does the Indian 'queer movement' come into being? Isn't this use of queer, as Neville Hoad points out “innocent of its own colonising fantasies”?¹⁹ Michael Warner whom Hoad was critiquing in the quote above, had himself written: “In the New World Order, we should be more than usually cautious about global utopianisms that

¹⁸. This is not to suggest that an ACT UP-style politics is what the ‘queer movement’ in India might replicate here which would be more useful. The contexts are so different that would be impossible. However, the political impulse, passion and anger behind that moment in the US would be good to emulate and is missing from the ‘queer movement’ here altogether. How that might be articulated in the contexts of India is too heterogeneous and difficult (not to mention useless) to speculate about or draw a blueprint for, in this paper at any rate.

¹⁹. Neville Hoad, Queer Theory Addiction, in After Sex?: On Writing Since Queer Theory 35 (Janet Halley & Andrew Parker eds., 2011) (Hoad is citing his own pioneering essay on the racist and colonial genealogies of queer theory); See also Neville Hoad, Arrested Development or the Queerness of Savages: The Imperial and Neo-Imperial Uses of Male Homosexuality, 3 (2) Postcolonial Stud. 133-58 (2000).
require American slang.” Have the proponents of the 'queer movement' in India shown this caution? Not really.

Consider the various definitions and uses of queer in the Introduction to *Because I Have a Voice: Queer Politics in India*, one of the first anthologies of the 'queer movement' in India. They remain ahistorical in their appropriation of the term and utopian in their impulse. “A multiplicity of desires and identities”; “defiant political perspective”; beyond “homosexual' and 'heterosexual’”; “intrinsic and inevitably connected with the politics of class, gender, caste, religion and so on, thereby both acknowledging other movements and also demanding inclusion within them”; “questioning the fundamental assumptions of our society.” How any of this is actualised in reality is not the priority here as long as the correct laundry list of identities is read out.

What do these proponents see as the aims of this 'movement'? “To name, visibilise and counter the violence faced by queer people”; “challenge the idea of a 'normal' and different' sexuality in itself”; “object to all hierarchies and power structures”; “intersections” with feminist and other “movements at the margins.” Once again how exactly this is done, and any evidence of it being done, is conspicuous by its absence.

Among the modes of doing this are listed: challenging the law, protests and demonstrations, queering culture and creating queer culture and queer lives as political projects. No critique of the normasising impulses of the law and the state are offered, the AIDS Bhedbhav Virodhi Andolan is appropriated as 'queer', Voices Against 377, a loose coalition of different groups against Section 377, and its presence at the World Social Forum in 2004 and the first Pride march are offered as evidence of the queer movement’s activities.

Among challenges facing the movement are enumerated: the tag of being Western, the fact that the movement is largely upper class and urban-based, the absence of women in it, the danger of strict identity categories. Apart from the fact that none of these issues are really addressed, there are no critiques of the politics of funding, the NGOisation of activist politics, the structural contexts within this 'queer movement' first emerged which would generate an awareness of class, caste and other forms of elitism inherent in the 'movement'.

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22. *Id.* at 6.
23. *Id.*
24. *Id.*
For the moment, it is important to point out that the word 'queer' in its travel from the streets of New York and its appropriation and transmutation in the elite spaces of an upper class and upper caste set of people in India, many of whom run NGOs or are part of them designating themselves as a 'movement', needs to have its trajectory traced as the first step in the critical self-analysis needed to generate something like a critical movement.

While the editors of Because I Have a Voice, in their Introduction, do acknowledge that the word 'queer' does not have much truck in India, it is not simply a question of the word's semantic viability. What is crucial to stress is that the use of 'queer' is a symbolic representation of the elite nature of this 'new' form of 'social movement' that the 'queer movement' represents in India. The proponents of this 'movement' have never ever been even the activists of the kind on the streets of New York in the ACT UP days. Yet to borrow that street cred and make large claims about awareness of class, caste and other movements, to claim joint struggles with these movements and to claim a radicality that is only at the level of words, while offering not one self-reflexive critique of their own location and imbrication in the New World Order, let alone joining tribals in Orissa protesting against the taking over of their lands, is audacious and makes one re-assert that this is not a 'movement' at all.

III. MODES/CHALLENGES

On the ground, what have been the self-proclaimed campaigns of and challenges to the 'queer movement' in relation to its self-proclaimed aims and what do these campaigns say about it? To concentrate on one mode and one challenge and ask some questions of them in the hope of re-thinking the 'queer movement' in India, one must turn to the law which has been the major campaign in the 'queer movement' in India.

*The Delhi High Court Judgment on Section 377*

The biggest campaign has been the legal one, involving the reading down of Section 377 of the Indian Penal Code. The first question to be asked here is why this privileging of the law? Why is the legal terrain the most important terrain for a movement which claims to concern itself with the most marginalised populations, with populations that defy all categories and identity formations? How can the self-professed radical 'queer movement' place as its first struggle recognition by the most conventional and normative institution, that of the law? How can it not
be aware of the normatizing and surveilling manoeuvres of the law and how 'queerness' as defined by the 'movement' will be simply illegible to that law or damaged irreparably into domesticity by that law?

To be sure, this critique is not among those trendy postcolonialist ones that ask for a complete disregard of the law and no engagement with it. But why is law the primary site of struggle? And if it has to be the primary struggle, why in the specific form it took? It was the AIDS Bhedbhav Virodhi Andolan (ABVA), an early HIV/AIDS advocacy group in Delhi which first challenged Section 377 in court arguing that it prevented work with HIV-affected persons but that petition was dismissed. The argument moved from repeal to reading down, proposed by an international NGO's Indian office and backed by the 'queer movement' and several other non-profits and groups. This move was, and is, inexplicable and, once again, only shows the lack of any real connection with even the populations that are affected by the Section and by the threat of HIV/AIDS, the main reason offered again in the petition.

Elsewhere, I have argued against the elitist nature of this campaign and the judgment so widely celebrated by the media and 'the queer movement'. To briefly rehearse some of the arguments relevant to this enquiry: how many marginalised groups were consulted when the decision to settle with the reading down of Section 377 was taken? How many such groups were active parts of the almost decade-long campaign? Why is it that the queer petitioners' long case in the text of the judgment only invokes international precedent, a consistent colonial rhetoric of India's need to modernise and catch up, the sparse, almost non-existent invocation of women, the negligible and agency-less invocation of hijras? Why is it that the co-petitioners includes state organisations and none of the key organisations involved in the struggles not just of the groups that come under the Section but also marginalised groups that might be affected by similar discriminatory Sections?

Characteristically, the 'queer movement' has not addressed any of these questions. In a recent publication celebrating the judgment, the editors offer an inflated and contradictory account of the judgment's achievements and what it establishes but no real engagement with any

27. Id.
serious critique of it.28 The editors claimed the judgment marked queers becoming subjects of rights and citizens (when nowhere does the Section or judgment ever refer to the subjects they purportedly talk about); they argue that it proves that sexuality is integrally linked to identity (which completely contradicts their earlier anti-identitarian characterisation for queerness in Because I Have a Voice); they argue that sexuality requires a partner real or imagined (instituting monogamy implicitly as their model); claim a broader acceptance of queerness in pubic culture (both an unverified and undesirable claim); offer their old a historical and racist/communal history of homosexuality in the subcontinent (we were wonderfully pro-homosexual till the big, bad British came along); make the usual claims about the holy trinity of caste, class and gender (only as laundry list); anachronistically call several earlier groups and moments 'queer' (ABVA, Campaign for Lesbian Rights [CALERI], People's Union for Civil Liberties-Karnataka [PUCL-K]), none of which are queer or queer-identified; illustrate their investment in nationalism (they claim queers are now part of the 'Indian nation'); offer uncritical and unexamined accounts of love and how queer love is like inter-caste love (with no specific analysis of either or the conjunction of both); assimilate irreconcilable contradictions under the umbrella of diversity and announce that all of us are to partake in 'sexual freedom'.29

Class/Caste/Gender Formation

If the 'queer movement' has acknowledged, however implicitly, the classist (disguised as 'urban' in the Introduction to Because I Have a Voice), casteist (though, tellingly, their articulation does not foreground caste at all and caste is only invoked as the displaced/othered concern of 'other movements' with which the queer movement must connect or rather 'demand inclusion' from) and sexist nature (at least it openly acknowledges its marginalisation of women, if not other disenfranchised and barely legible subjects of sexuality) of its own formation, what has it done about it?

Let us look at this through one of the documents of self-professed achievement in the definition of a 'queer' politics, the PUCL-K report along with queer activists and NGOs on the harassment of hījras in

28 Jason Keith Fernandes, The Dilemma After the Decision: Stray Thoughts After Gay Liberation, TEHELKA, AUG 14, 2009, available at: http://www.tehelka.com/story_main42.asp?filename=W3220899_The_Dilemma.asp (last visited June 15, 2012) (raised several issues including a questioning of the nationalism of the judgment and the FIL as a mode and none of this is engaged with at all.).

Bangalore. Conducted firmly within the rubric of human rights, a framework they do not feel the need to question at all. \(^{31}\) *Hijras*, they incredulously inform us, have been demanding to be part of the 'sexual minority movement' which is reflective of a global shift in the discourse of queer politics from issues of sexual orientation to issues of gender identity. Apart from the absurdity of *hijras* being up on queer politics as the engine behind some *hijra* organising, the implicit acknowledgement that *hijras* have not been a part of the 'queer movement' is important.

What follows are the usual unhistorical endorsements of 'queer' which ends Chapter 1 and ahistorical accounts of the history of transgenderism in Chapter 2. Chapter 2 is entitled 'Social, Cultural and Political Context of Kothis and Hijras' and apart from absurd statements like "The *hijra* community in India has existed with a recorded history of more than 4000 years"\(^{32}\) and various accounts of their mythologies, no account is given of their castes, their religions, their beliefs, their positions in the social context.

Despite speaking of the 'Intersection of Class, Gender and Sexuality' (note the absence of caste), one of the subheadings of a section, none of these intersections are even mentioned, even developed, apart from the idea that they "have a sort of sanctioned and visible place in Hindu society"\(^{33}\) and that their marginalisation is at the level of class, the narrative moves into their role as sex workers. None of the testimonies that follow locate these subjects in any of the dense networks and contexts of caste, class, region, religion, language. We get no sense of the deep and abiding structures which allow for their violation but also the texture of their subjectivities. They are merely reproduced as *hijras* and as unilateral victims. These victim narratives flatten the sociological complexity of these *hijras* and also evacuate them of all agency in the interest of portraying them as human rights victims.

Even when in the next chapter, the authors claim to be dealing with 'Understanding the Institutional Basis for Violence', these institutions are

\(^{30}\) People's Union for Civil Liberties, Karnataka (PUCL-K), *Human Rights Violations against the Transgender Community* (2003).

\(^{31}\) See Wendy Brown, "The Most We Can Hope For..." *Human Rights and the Politics of Fatalism*, 103 (2/3) South Atlantic Quarterly 459, 461 (2004) (Brown writes: "rights are not simply attached to Kantian subjects, but rather produce and regulate the subjects to whom they are assigned." And again: "I have argued that we must take account of that which rights discourse does not avow about itself. It is a politics and it organises political space, often with the aim of monopolising it. It also stands as a critique of dissonant political projects, converges neatly with the requisites of liberal imperialism and global free trade, and legitimates both as well.").

\(^{32}\) PUCL-K, supra note 30, at 17.

\(^{33}\) Id. at 21.
just invoked as family, law and that leads to an account of laws and the media. Even the invocation of the Criminal Tribes Act does not lead them to ask how many of these hijras are adivasi and how caste intersects their marginalisation. This radical othering and homogenising of the hijra community not only shows the 'queer' activists, the NGOs and the human rights community to be victims of their own class formation in their inability or unwillingness to read class, caste, religion, region, language into the lives of the hijras and the fabric of their violation, it also produces the community as homogenous in victimisation and in need of help from outside.

The mobilisation is mainly attributed to an NGO and while mention is made of how the NGO had to realise “that organising sexuality minority for their rights could not be achieved without bringing in issues of gender, caste, class and language backgrounds and other internal differences among them,” none of how this translated into the practice of the mobilisation at all. What follows are a list of the strategies adopted in terms of crisis management, legality and media by the NGO. What is quite clear is that while lip service is paid to the complicated axes of marginalisation that exist, none of these actually become part of the way in which cultures of resistance are built. Instead, the hegemonic narratives of law and media always come back in.

While there is no doubt that legal help has been important to Bangalore’s hijras, how does it substantially change the realities of their lives? How will the structural and systematic ways in which they are kept where they are change by only dealing with their harassment by the police through the law? The last section which holds the 'future' is imagined only in terms of legality and defined as “mobilising existing legal frameworks, challenging the existing legal frameworks and using progressive international legal developments.” Hijra voices die in this section. Don’t they have a say in what their future holds? Why are there

34. Id. at 60.
35. See Wendy Brown, Suffering the Paradoxes of Rights, in LEFT LEGALISM/LEFT CRITIQUE 422 (Wendy Brown & Janet Halley eds., 2002) (Taking Gayatri Spivak’s critique of the subject’s position under liberal law as wanting ‘that which we cannot not want’ as her point of departure, Brown spells out the several paradoxes of using the law. These include the fact that the law re-inscribes the very designation that has violated us and because of which we came to it; it differentially empowers different social groups; it erases the compound production of subjects and it conflates acts with identities. None of these paradoxes are engaged with by this report, let alone the asking of Brown’s final question: “In other words, how might the paradoxical elements of the struggle for rights in an emancipatory context articulate a field of justice beyond that which we cannot not want? And what forms of right claims have the temerity to sacrifice an absolutist or naturalized status in order to carry this possibility?”).
36. PUC-L-K, supra note 30, at 68.
no testimonies in this section? The righteousness of the 'queer'/ NGO and human rights activists appears completely successful in wiping out agency for the **hijras** and repeats the violent marginalisation of them under the aegis of their benign intervention.

The fact is that the 'queer movement' has been, and is, a bit of a slick Boy's Club, not old style and paternalistic, and making all the right noises to be sure but still participating in the Boy's Club rules of exclusion and marginalisation of the less privileged. What would a genuine interrogation, a 'queer' one, of this male, slick Boy's Club subject involve and what kind of politics would it produce? Would it be able to resist the homogenisation of subjectivity and politics that the global 'queer subject' produces? By shifting the onus onto the subject, one is not trying to argue either that this class/ caste/ gender-based subject is the only source/ hope of change in the field of sexuality (despite the disproportionately large amount of power in this subject's hands) nor that such self-reflexivity should not be the prime concern of this subject.

Rather, I want to make clear that it is impossible for this subject to afford that self-reflexivity without a truly radical questioning of the many levels of structural oppressiveness in which he is implicated. Without an interrogation of the discourse of global governance, the global circulation of the term 'queer', the politics of international funding, the politics of NGOisation, the power of colonialism, the poison of nationalism, the no-longer new economic order, the unquestioning faith in the law, the unstated inhabitation of Brahminism, the easy slide into patriarchalism and the heady jolt of utopian rhetoric that enables one to simply vault over all of this into a 'queer' paradise, there can be no 'queer movement' in India and the one that claims to exist is not asking any of these questions.

**IV. Conclusion**

The world of social movements must be one where the first thing to be interrogated is one's own formation and one's own limitations in terms of class, caste, gender, region, religion, language. None of these conditions are static yet they are not as easily surmounted/ overcome/ dismissed as we would like to think they are. Whether as individuals or collectives (and individuals are always collectives and vice versa) we need to be constantly vigilant of the axes of our own formation and the limits they impose on how we experience the world. Our strategies, campaigns and issues are as much in need of questioning as
the questions we ask, the people we are willing to work with, the people we are likely to beseech, the resources we draw upon are also caught up in layers and layers of hierarchy and power, institutional and otherwise. Engagements with otherness outside our class, caste, gender, region, language have to move out of the mode of patronising help and move into the zone of creative dissonance. This process is not easy or sexy and can be deeply destabilising but it is almost always productive. Engaging with another’s marginalisation, seeing it in relation to one’s own, indeed as one’s own, is an educative experience. True education is never easy. If education does not disorient you and move you in your thinking, it is not education at all.

More importantly, a critique of the larger contexts within which the 'queer movement' unfolds in the contemporary moment in India is crucial. There is a sophisticated critique of this for some time now in the US37 and, more recently, in Europe.38 This is not a simple terrain in India and requires vigilance and rigorous and sustained critique if the sexual minority critique is to matter at all. We are situated lowest in the pecking order and have the least to lose. Instead of a place at the table, we need to pull the tablecloth to the floor and disrupt the bloody pleasures of the neoliberal dinner. We are best placed to do it even as the 'queer movement' seems the least inclined to.
