

OUTLIERS: SUNIL BABU PANT, THE BLUE DIAMOND SOCIETY, AND QUEER ORGANIZING IN NEPAL

Kyle Knight

An Indignant Cacophony

On 3 July 2013, in a small conference room in Anamnagar, Kathmandu, a group of activists held a press conference to announce their political candidacy. Rumors were still circulating as to whether the election for the second Constituent Assembly (CA) would even happen, but the activists were keen to claim their place in the process. When the first CA had been dissolved in May 2012, Nepal (and Asia) had lost its only openly-gay federal-level elected official; that politician, Sunil Babu Pant, sat behind a table at the front of the room. Flanked by activists from the Blue Diamond Society (BDS), the non-governmental organization (NGO) he founded in 2001, Pant was a reluctant master of ceremonies – at once charismatic and aloof.

Some of the 62 candidates had party affiliations and allegiances, but that was secondary. The assembled were mostly professional activists from a movement that could attract simultaneous headlines calling them both a beleaguered community and a ‘human rights success.’ BDS had in its little over a decade of existence been the center of gravity for Nepal’s sexual and gender minority rights movement. Born out of conversations in the shadows of Ratna Park, they had developed into the one of the country’s largest NGOs.

But while their history was influenced by the historical forces of HIV/AIDS funding, Kathmandu’s mushrooming civil society, and Nepal’s tumultuous and ambitious political transition, it also signified important changes to many lives. Years earlier, some at the press conference had accepted violence inflicted on them. Over time, they began to react to abuse with collective outrage. A decade later, they were declaring their intent to participate in Nepal’s political future with an entitled sense of incredulity that the system was not including them to begin with.

Manoranjan Kumar Vaidya, who managed a BDS subsidiary in Patan, explained to the crowd: “11 years ago, when we came out in public, we were not treated as humans. We were not even given the status of animals.” A list of the candidate names, district, and identities were read, then attention

turned to a transgender woman in a red sari and blanched make-up sitting at the table with Pant. She sang a ballad *a cappella* for the crowd.

Please listen attentively, everyone
 To how much the third gender has had to suffer.
 We were born to this earth as humans
 Not only are there men and women, there is also the third gender.
 Listen, eh hoi, Mother, where is my right in New Nepal?
 God gave us the boon of a half-woman
 Why does this society accuse and discriminate against us?
 Not that we had sinned in our previous lives; we had also made no mistake
 But why is there no right for this group today?
 Listen, eh hoi, Father, where is my right in New Nepal?
 Wherever we walk, as we like, why do people tease and patronize us?
 Until when should we tolerate this animal-like treatment?
 Does this society not have its two ears?
 No constitution has been drafted for us yet.
 Listen, eh hoi, Brother, where is my right in New Nepal?
 Some were evicted, while others hanged themselves
 The humanitarian treatment is not the same here for everyone.
 It is not our interest to come out to the main road, it is our compulsion
 It is not possible to tell the story of this group's suffering.
 Listen, eh hoi, Sister-in-Law, where is my right in New Nepal?
 Some women resemble men; some men resemble women
 They are all human beings; why the ruckus?
 The World Health Organization has proved
 That our desires and wants are natural.
 Listen, eh hoi, Sister, where is my right in New Nepal?
 Some say life is like heaven; others say it's like hell
 Now, the third gender must unite.
 This is a class-based war of ours; fear we shall not
 Ensure citizenship according to identity.
 Listen, eh hoi, Brother-in-Law, where is my right in New Nepal?
 Cry not, my Mother, who gave birth to me
 Console your heart; such is your offspring.
 The third gender warns you
 This is the 21st century; everyone must have access to justice.
 Listen, eh hoi, Friend, where is my right in New Nepal?
 Allocate quotas for us at the government agencies
 We shall come forward to work for the development of our villages and places.
 If we have the opportunity, we will also become important people
 Please tell us where it is we have to go to get justice, and go we shall.
 Listen, eh hoi, Leader, where is my right in New Nepal?

It was the debut performance of what an article penned by a reporter who had spent years covering BDS's work, dubbed the country's "LGBTI national anthem" (Sarkar 2013).¹

Among the candidates was the usual cast of media-favorites: a transgender man who was kicked out of the army in 2006 for allegedly having a relationship with a woman (he and the other accused did not know each other, but have been in a relationship effectively since the dismissal); a Nepali Congress member transgender woman supermodel; a young man soon to be crowned Nepal's first 'Mr. Handsome.' And there were some lesser-known (in Kathmandu) figures as well: an intersex person from Bajura; a *hijaḍā* from Nepalgunj who, the stories went, once got so enraged at the police for harassing and arresting her fellow *hijaḍā* sex workers that she padlocked the police station doors shut; they didn't fight back because she held a black belt in Tae Kwon Do and was prone to using her skills in liberally-interpreted self-defense.

A gaunt and handsome 41-year-old Pant listened to the song sitting in characteristic imperturbable posture. It had been barely two weeks since he had announced his resignation, effective the following month, as the executive director of BDS. His presence at the press conference was both symbolic and substantive. As Asia's first openly-gay politician, he was a crowd pleaser. As the omnipresent architect of Nepal's now world-famous LGBTI rights movement his remarks gestured at the arch leading to that day itself.

Some speakers positioned sexual and gender minorities as backward but capable, others demanded quotas. History was expressed both as a legacy of oppression, and then with historical evidence that sexual and gender diversity was genuinely Nepali. Some in their speeches invoked the population's size – a knotty problem for Pant at every juncture of his career, but one he had handled deftly amid competing claims about identity, risky health behaviors, and money.

When the floor was Pant's, the audience sat almost entranced. He briefly mentioned his time in the first CA then, invoking the collective, explained:

What we feel is that we are among the communities not included by and mentioned in the previous constitution, in which our rights were not ensured. Therefore...we feel that we are among the communities with the most urgent need. Our expectation of the new constitution is that our identity will be established on a

¹ Lesbian, gay, bisexual, transgender and intersex (LGBTI).

permanent basis, our rights will be ensured, our opportunities to be ensured and that it will give us a chance to establish ourselves as responsible citizens.²

He mentioned that citizenship certificates were now issued in three genders – male, female, and other (*anya*) – in line with the Supreme Court’s 2007 judgment, and that the Election Commission had heeded BDS’s demand to include them in the process by listing three genders in voter registration.

Then Pant began to narrate the ongoing bureaucratic struggle to establish the legally-recognized third gender, arguably the bellwether of his and BDS’s activism. He told a story from the far west Nepal, in the tone of a stump speech stock story of the politician just back from visiting his people:

About a month ago, I visited...Mahendranagar and I went to have a talk with the CDO [Chief District Officer]. ‘What is the situation of third gender persons coming to you to apply for citizenship?’ I asked him. He was new there, having arrived about a month ago. ‘We had one case,’ he said, ‘but I told that person to come back with a certificate from a doctor.’

Now, how will a doctor examine whether someone is a third gender person or not and then provide a certificate? Someone may have been born a male and grown up like a female. What will the doctor examine? If he wants to examine the genitalia, that record is already on the birth certificate. That won’t do. When I told him [the CDO] that, he said, ‘I didn’t know about this. I understand now. From now on, I will issue [citizenship certificates] more easily.’

He then breathlessly pivoted to the election. He asked for a third voting queue to be established, arguing “We must feel safe when we go to vote. We don’t want to be left in a situation whereby there is no queue for us, as a result of not being allowed to line up in male or female queues because we are the third gender.” Throughout, he gestured at Bhumika Shrestha, a transgender woman Nepali Congress member who had tried uncountable times to change her citizenship documents from ‘male.’

Prem Thapa, BDS’s in-house lawyer, took the stage after Pant, arguing that “only the wearer knows where the shoe hurts their foot.” He said the Interim Constitution’s guarantee that “representation must be ensured at the state’s policymaking level. At every level, every community must be represented,” and referenced three Supreme Court judgments – 2007 for *Pant and Others v. GON* (the landmark fundamental rights case), 2013 *Shahi*

² BDS press conference on 3 July 2013 transcribed and translated by Hikmat Khadka.

v. *NWC and Others* (in which the court ruled that two adult women had the right to cohabit), and 2013 *Pun v. GON* (in which the court said machine readable passports should be issued in three genders).

Then Bishnu Adhikari took the podium. Cherubic and effervescent with spiked hair, Adhikari had in 2008 become the first Nepali documented as *tesrolingī* (third gender) – which he had achieved by sitting through several days of discussions about him at the Kaski CDO’s office during which he was told, among other things: “we know you’re a woman but you don’t look like a woman so what do we do with you” (Knight 2012b; Frisbie 2014). Adhikari tugged the microphone down nearer to his face:

I am once again thinking of the time four years ago, when our Honorable Constituent Assembly Member [Pant] represented us at the CA....

As pure and responsible citizens, and as members of a community that has for centuries been deprived of its rights, we are once again coming forward, through our political rights, to cleanse the polluted politics of this country. To ensure the rights of all the homosexual and third gender persons, minority groups, Dalits, various neglected and backward groups, residing in this country, we are coming up to you, seeking political rights....

When I was little, society told me, ‘You were born to deform us.’ When I grew this old, society once again told me, ‘You have brought shame to our district.’ Today, I am giving that society, district and country the kind of outlet that will make us all proud. I am joining politics to prove that this person can also do something good for the country.

Next up was Bishwaraj Adhikari, a young man who had recently moved to Kathmandu from Morang district. He was a few months away from winning the first ever ‘Mr. Handsome’ pageant, an echo of the earliest BDS fundraisers in which transgender women – or *meṭīs*³– took to the catwalk, often splayed with donor agency logos, to ‘raise awareness’ and occasionally, money. Exuding confidence, he launched a critique of *netās* (political leaders):

I don’t want to say big things because [while] our country has produced many leaders and important representatives, unfortunately they are only limited to speeches and lip-service.... We want to come forward as a community to transform

³ *Meṭī* is a Nepali term that, according to academic accounts, originated in Darjeeling, India, and carries connotations of being the person to ‘to quench one’s thirst’ meaning *meṭīs* sexually satisfy men. *Meṭīs* also self-identify as transgender, trans-women, third gender, or gay men.

our societies. Not only do we need to take the driver's seat (*cālak*), we need to be clever (*calākh*).

He ended with a proverb – “the knife doesn't know the pain of the chopping board” – and a nod to Pant: “He started this minority community with 5-6 people. Today, there are over 500,000 direct beneficiaries.”

A reporter asked Pant if he planned to register his own party, something he had hinted at in previous years. He replied: “We want to come into the mainstream; so if we register our own party, we will only isolate ourselves. Strategically speaking, that will not be a good approach. Already, there are so many political parties. One more party in the crowd will hold no significance. We want to be inclusive.”

As the event ended, I sat in the back and finished up notes as participants shuffled out for *khājā* and tea; I was slightly bemused.

I had spent nearly three years invading the lives of BDS activists, asking them questions. The press conference that July was somewhat typical of the strident symphony I had witnessed at dozens of BDS events across the country, peppered with inclusion, downtrodden-ness, Nepali pride, internationalism, identity, political voice. But perhaps because it was a politically charged moment and perhaps because it was a coda of sorts for the movement's revered founder, the 90-minute event was well-layered with references to the inflection points of their twelve years of activism – many of which were buried in dismissive gestures at times and issues past, and none of which had taken place without a delicate fusion of spontaneity and tact. Twelve years after Nepal's LGBTI rights movement became formally organized, the announcement of a contingent of openly-queer political candidates was not a surprise, but still not something to be taken for granted.

Driving back to Patan with Pant, I asked him why they decided to announce candidacy so far in advance of anything firm being announced about the election at all. He said it was important both for morale inside the movement and projecting a positive outward message. “We are taking a rhetoric of pride, not victimhood, by doing this. No one wants to hear about victimhood around an election – it's too negative,” he said. We drove for a bit and I widened my query: “How important was it that you got elected in 2008?”

He said: “Think about a TG [transgender] person in a village in Rupendehi. She goes to the city to buy a mobile phone or something, meets some people, and gets beaten by them because they're drunk, so she goes to the police

and they rape her because they think they can get away with anything because she's a *meṭi*. Those are the types of phone calls I've been getting for years from people asking me what they should do."

He continued: "After I got elected, the calls increased, but they changed – people would call and say 'I told them I was going to call the LGBTI CA member and that we have rights and we are in government and they stopped beating me.' That's why it was important. It made people in all sorts of terrible situations believe their fighting back was legitimate and had a chance to be heard and taken seriously."

While the LGBTI rights movement – with BDS at the helm – has attracted praise and undoubtedly improved the lives of sexual and gender minorities in Nepal, the political environment in which the activists came of age and gained their foothold means some of their achievements remain tenuous. However, that does not dilute the feats so much as contextualize them in contemporary Nepal. BDS's work has been undertaken in a complex balance amid demands from donors, media, families, and the government, which have led the activists to use a variety of tactics – not always conventional, comprehensible, or popular – to fight for human rights outcomes and an expanded presence in Nepal's public and political space, as well as in international forums (Filio-Borromeo 2012).

In my three years in Nepal, I met with dozens of people who dropped in to have a look at the story of the country's LGBTI rights success story. Because many of the conversations over coffee in Thamel covered similar ground, I started keeping a list with a mildly cynical title: 'Those who sought rainbow Shangri-La.' There were TV reporters, writers, activists who wanted to lend their support by re-vamping websites or teaching English classes, thesis-writers, peace-builders, and even gay tourists who, as part of their Nepal experience (sometimes as a package organized by Pant's Pink Triangle Tours company), wanted to walk on the hallowed ground of third world gay rights.

But the conversations were a humbling reminder of the questions underscoring my own interests: How did Nepal get to the point where openly-LGBTI political candidates are not only a safe but at least pluralistically acceptable fact? What kinds of support and innovation spurred the changes that have occurred in Nepal and not elsewhere? What has actually changed? What is the third gender and why do we care to ask? And how, for example, should observers digest the dynamics of a situation that can inspire reports within months of each other in 2013 saying Nepal's LGBTI rights movement

is ‘under serious threat’ (HRW 2013) but is also ‘Asia’s most gay-friendly country’ (Arora 2013)?

For me, the press conference that afternoon contained most of the answers to these questions – and asked a few more. How is inclusion sought, achieved, and measured? How do sexual and gender minority activists position themselves vis-a-vis other minority groups? How do they understand and articulate the forces they perceive as holding them back?

This article is an attempt to explore those questions by telling stories about what I saw, heard, was told, read, and found. The stories and details I recount here are not comprehensive, but illustrate my take on a social movement that, from the first time I was told about it by a Nepali friend over breakfast in Naxal in 2007 (she referred to BDS as ‘Sunil’s harem’) through today, never lost its capacity to surprise me. In my time with the activists, I was consistently amazed at the incredible amounts of pressure put on them from donors, government, family, friends, and each other to do more, do better, do differently, and perform more-quickly, effectively, and coherently at all of it – and how they weathered it all to maintain ownership of their movement and, in many cases, their bodies and their privacy.

In 2001 Sunil Babu Pant was an unemployed computer engineering graduate handing out condoms and lubricant packets in Ratna Park after sundown. Seven years later he was Asia’s first openly-gay national-level elected official. He led a group of people who had been derided as social pollutants or outcasts, to react to abuse, exclusion, and treatment as political pawns in stride with, if not ahead of, changes in attitudes toward sexual and gender diversity around the world.

Forming Blue Diamond Society

On a blistering cold afternoon in December 2012, I met George Carter in a Manhattan bistro for lunch. With pale skin and piercing blue eyes, he dumped a dozen pills on the table and gulped them down with water.

“So Sunil first emails me some time before 9/11, maybe in 2000 or early 2001 because he has this Tibetan kid who has glaucoma who he wants to get him treated,” Carter started.

“And I think he just blasted an email out to a list that Michael Daube, who was running some projects in India and Nepal, was using. I thought ‘who the hell is this guy?’ The emails got forwarded around, no one really

knew what was going on, but we liked the guy's perseverance and he seemed genuine, so a bunch of us pitched in to help him."

Carter was a veteran of the outspoken and influential American AIDS advocacy organization, ACT UP.

"Then a few months later I get another email and it was at that point that he said he wanted to start this condom distribution program," Carter explained. "I realized he must be a friend of Michael's and I figured he must be an OK guy," he said, referring to Daube, an American artist Pant had met in the late 1990s in a Mumbai internet cafe.

Carter scraped together around US\$500 from a group of gay friends for the first FedEx shipment to Kathmandu.

Pant handed out the condoms and lubricant packets at night in Ratna Park in central Kathmandu, which was known as a place where prostitutes gathered (Liechty 2005). "We called him condom boy," Manisha Dhakal, an early volunteer at BDS, told me in 2014. "We all knew each other in the park during those days because there were no mobile phones so if we wanted to meet others, we just went there with the *meṭīs* and the guys who liked to sleep with the *meṭīs* and the female sex workers," she said.

Before Pant began his ad hoc condom and lubricant distribution work in the park, HIV outreach was operational, but divided along new identity lines of risk populations – and employment at associated NGOs. According to Pant, his early efforts to get HIV NGOs and CBOs (community-based organizations) Kathmandu to be more friendly toward sexual and gender minorities were fruitless. "They were OK with their own people – if they used drugs or if they were HIV positive, they would be accepting to drug users or HIV positive people [at their NGOs], but it was limited to same-same help," he explained.

Becoming Blue

Pant left Nepal in 1992 to study computer engineering in Belarus, just after the 1990 reinstallation of multi-party democracy increased space for civil society and introduced a constitution that would become an embattled document for minority rights (Malagodi 2010: 58). While he was away, and as NGOs mushroomed, international donors shifted away from supporting the government's work on poverty alleviation and service delivery to NGOs (Tamang and Malena 2010). Some queer people held discussion groups in

Kathmandu, but the efforts went unfunded and were ultimately ephemeral (UNDP 2014a; Chaulagain 2015).

Meanwhile in Europe, Pant had followed the path of droves of Nepalis who shipped out to Soviet states for education. The Soviet Union had collapsed and with it the scholarship funding that had been used as a wedge to influence the developing world, but visas for Nepali students were easy to come by and his family could afford the tuition. By the time he arrived in Minsk, he was aware of his attraction to other men. “I thought everyone must feel this way and we just got married to opposite sex people because that’s the way society worked,” he told me in his Lazimpat office in the fall of 2011.

After a year of language training, ready to begin his formal studies in computer engineering, Pant went to a hospital for the mandatory health tests. He could read in Russian and noticed a poster that read ‘Beware of Homosexuals.’ He asked a Belorussian classmate what that word meant – homosexuals.

“He said to stay away from them, the men who went with men and women who went with women. He said to say ‘blue people’ (*goluboi*), in slang,” Pant remembered. “‘Stay away from the blue people’ stuck with me. It was the first time I realized my sexual attraction to men was a political issue,” he said.

He took his exams early most terms so he could travel across Europe to attend environmental conferences. “I was amazed watching those activists work – they were so articulate, so well-educated, and they used research and emotions in balance to make their arguments.” But his excitement eventually turned bittersweet. “After a few conferences, I began to understand their tone better – they talked about poor countries like Nepal as experiments and places where failure wasn’t really a big deal as long as the data were good for their reports. It was upsetting at first, but also showed me what we miss out on when we trust what powerful agencies tell us in public.”

After completing his Belorussian degree, Pant moved to Japan for a three-month volunteer stint. He found some gay haunts at bookstores and cafes in Tokyo, but it was the cruising scene that intrigued him the most. “I saw that even with some progress the situation for being open for LGBTI people was not good, and when they wanted to meet each other they visited public parks as the sun went down,” he recounted the first time I interviewed him as we strolled through Ratna Park.

He returned home only to find a numbed economy and no work prospects, so he applied for a Master's Degree program in Hong Kong. Over his first term, his interest in IT work evaporated and he quit the university to move to India, where he spent nearly a year volunteering at a cyclone relief project run by the American Daube in Orissa. He returned to Nepal in 1999 and began shuttling raw materials for handicrafts back and forth from Kathmandu to his family's estate in Gorkha District. His family had left for Kathmandu shortly after the People's War had began in 1996, and the home was subsequently used as a shelter for displaced war widows and orphans.

War, Disease, and Money

Years of violence and threats were driving more and more people from villages to Kathmandu. During his stays in the capital to sell the handicrafts and pick up more materials, Pant would visit Ratna Park at night. He found most who were willing to chat were *meṭīs* doing sex work. "There wasn't much for us during those days," Pant remembered. "There were AIDS programs but a lot of gay and transgender people didn't feel comfortable going. There were condoms but they would break a lot. There wasn't lube, so the *meṭīs* use ghee or vegetable oil so that sex wasn't painful, but the condoms would disintegrate."

HIV/AIDS funding had first arrived in Nepal in the early 1990s amid the major NGO boom in Kathmandu. While there were 114 known cases of HIV in Nepal in 1992, the American Foundation for AIDS Research, a major donor, received applications from more than eighty Nepali NGOs that wanted to work on AIDS. Millions of dollars poured into research and prevention programs in the following years, altering the NGO landscape and language (Pigg 2001). Anthropologist Stacey Pigg wrote of Nepal's AIDS funding influx: "Attention to AIDS therefore has come to mean, in a very practical sense, an attention to the sexual activities and sexual consciousness of Nepalis in the name of disease prevention." Pigg also argued that "[t]he need to discuss sex-related topics as part of one's professional work created contradictory situations in which the lines between professionalism, prurience, and personal moral propriety often blurred" (2001: 494).

Sunita,⁴ a social worker who volunteered with AIDS organizations in the early days of their emergence in the city explained the mood at the time to me

⁴ Name changed at interviewee's request.

a little more bluntly: “People wanted the money at the time, so they registered NGOs, but no one wanted the actual work – because you had to deal with dirty people, people who were seen as social dirt like sex workers or drug users. And transgender people too, but no one talked about that at all those days.”⁵

Police extortion and blackmail, especially targeted at *metīs*, was common, if relatively unnoticed (Ammon 2009). Prostitution existed in a legal gray area, and had never developed a venue-based market similar to other South Asian countries. Anthropologist Mark Liechty explained that sex work emerged and morphed in line with other consumer class changes in Kathmandu, starting in the 1990s, and suggested the surge in sex work in Kathmandu occurred at the moment when “cash, mobility, anonymity, and fantasy...coalesced” (Liechty 2005: 11).

Anthropologist Paul Boyce found that public spaces – including everywhere from Ratna Park to Patan Darbar Square – were common sites for sexual encounters and intimacy for non-heterosexual (in behavior) Nepali men (Boyce and Pant 2001). Political scientist Seira Tamang, in 2003, explained how public spaces such as Himalayan Java or Dynasty night club in Thamel attracted a different class of men seeking sex with men than the other areas: “...it was made consistently clear by the BDS group [that] the middle and upper middle class never frequent Ratna Park” (2003: 235).

According to Sunita, who was working in the cruising sites around that time, the shift in confidence was evident. “Once BDS started their work, their meetings, their condom distribution, everything at the cruising sites changed,” she said. As the dynamics altered, however, the impacts were felt differently by different groups of people. Tamang noted during one of her interviews that “the a-political nature of [middle and upper class gay men] was a function of their class privilege – they weren’t the ones to be arrested and/or harassed by the police” (2003: 237). However despite the class divide, BDS’s emergence and outspokenness impacted networks across the board: “[W]ith all the publicity received by BDS (reports on BDS activities and police brutality)...[there was] an increase in men looking for MSMs at the Dynasty. [However], after an initial encounter many would then say it was no longer necessary to meet either in drag or at Dynasty” (Tamang 2003: 232).

⁵ Interview; Kathmandu, June 2013.

The Coy Provocateur

Sunita argued BDS was more overtly political than other HIV NGOs, and attributed it to Pant's personality. "He was very quiet and shy at the beginning, but not genuinely," she said. "He didn't believe, like many of the other gays and transgenders did, that he was a less important person. He believed he was very important. His shyness was just him getting used to working in elite places like the UN meetings and donors and places like that, speaking English all the time and dealing with how the donors talked to us as local people."

For some, Pant struck a compelling chord, a delicate combination of activist zeal and professional performance. He became symbolically significant as well; in 2007, a group of women who called themselves '*Caritrahin Celi*' (Girls of no character) made a declaration mocking the patriarchal government in which they declared Pant the 'sexiest man in Nepal.'

By 2005 the United Nations Mission in Nepal (UNMIN) was one of the largest UN field operations in the world (von Einsiedel, Malone and Pradhan 2012). A former UNMIN official I interviewed credited Pant's personality in synch with the UN team's interest in attempting to engage with – in broad strokes – the root social marginalization behind the People's War. "You could just about see his heart thumping in his chest when he stood up to speak at the meetings the UN held for human rights NGOs," he recalled:

The issues of sexuality he was raising were intensely uncomfortable for most of the people in the room. You got the sense that he was right out on the edge of it all, doing all of this for the very first time, coming into the world of NGOs and talking about these issues. And then he was leaving these meetings and going back to his office to deal with people who were getting bashed by the men in uniforms.

Back in Ratna Park, the 'empowerment' of the *meṭīs* and others altered local dynamics as well. "Police would still be rough with them – a raid or whatever," Sunita recalled. "But you could see the behavior change over time. After BDS spoke out to the police and the media, things changed. When the police came into the park to cause trouble or whatever, you could see the female sex workers and others moving over to stand with the *meṭīs*."

I asked whether this indicated some sign of solidarity. "No, not at all. The female sex workers thought the power of the *meṭīs* and BDS was more than the power of the sex worker NGOs." She explained: "If they were going to get

arrested, they wanted to be with the BDS people so they would get bailed out.”

But life at the cruising sites was as much about individual exploration and expression as it was about the convergence of a community. Sunita argued: “The *meñis* had their physical feelings, their attraction to men – they wanted men to fuck them. But they also had their social obligations, which often meant wives. So when they were able to get away, sneak out to the cruising sites at night, it was really liberating and meaningful for them.” She argued that:

Even if they faced a little violence from their sex work clients, or the police, and even if they didn’t have the power to negotiate using a condom always, they kept going back because part of that identity was having sex like that – it was the only place and time where they felt like they were having real fun. AIDS programs didn’t talk about fun or friends, and in those days it was hard to get them to talk about anything other than the technical things. They talk about infections and behaviors and populations – technical things.

Sunita explained, “But the truth is that even amid all the brutality and terrible things these gays and transgenders faced, they still saw joy in it, there was pleasure in that sex they were having because it was part of their identity – it was the truth whereas the only other sex they knew was coming under pressure to get their wives pregnant.”

Diamonds in the Rough

After months of informal interactions in parks in 2001, Pant submitted NGO registration forms to the district administration office (DAO). “The clerk at the office looked at the papers and said he could only register the organization if its goal was to convert people back to heterosexuality,” said Pant. As a result, BDS was registered as a sexual health and human rights organization – with no explicit mention of homosexuality (Nori 2012; Becker 2013). He formed the name ‘Blue Diamond Society’ after the Russian slang word and, depending on who you ask, either the Buddhist Diamond Sutra or because diamonds are rare and special, “like LGBTI people,” some veteran staffers recounted.

Like many other Nepali NGOs at the time, BDS’s initial focus on service delivery changed over time, and as its visibility grew, the political complexities of the work and ideas BDS espoused surfaced.

Many *meṭis* went with police and military officers as sex partners (Tamang 2003); many arrests were ascribed to arbitrary targeting, and some explained in terms of disgruntled, embarrassed, or intoxicated sex partners exerting control. Much of BDS's initial work involved posting bail for *meṭis* who were arrested and providing basic sexual health education to people engaged in same-sex sexual activity.

At an event run by CREA, the Indian feminist organization, Pant recounted:

It was an extremely difficult time for Nepal...the security forces were all across the country, mostly on the streets. Vulnerable and marginalized people who were abused by the security forces faced increased violence during this time.... There was not a week that I was not in a police station, trying to bail out arrested transgender, gay and lesbian people. I used to go to the police station just to make sure that the police were aware that we knew what was happening, trying to ensure that they did not beat up or abuse those in custody. (Pant 2011)

In addition to their entanglements with law enforcement, BDS, like other NGOs around the middle of the war, conducted increasingly overt political projects such as “awareness-raising, public education and social mobilization,” (Tamang and Malena 2010: 35) building on the cathartic community construction that had begun at the cruising sites. By 2001, many NGOs previously focused on development and service-delivery were appealing to international human rights instruments for the safety of their development work, and an increased sensitivity to social exclusion, ostensibly in order to avoid further conflict (Tanaka 2011). The large and expanding UN human rights presence in the country meant there were ears to listen to grievances, and meetings to attend.

When organizations that had begun by focusing on service delivery transitioned into programs focused on “conscience-raising,” or other activities deemed political, it accelerated the festering ire of critics who saw NGOs, with their often-direct ties to foreign missions in Kathmandu, as “‘begging and cheating bowls,’ ‘family entrepreneurial endeavors,’ and ‘slaves of foreigners,’ if not the extension of imperial powers” (Tamang 2002: 316).

As BDS expanded its presence and resources, it institutionalized its constituents' experiences. A public health researcher noted in 2009 that, “...BDS has been providing different kinds of opportunities for the community members themselves to come and gather and share their experiences, and through their experiences [to] create an awareness among themselves about

their own sexuality, their gender, and their basic human rights....” (Lesnikowska 2009). Around that time, BDS’s affiliate Cruise AIDS in Baluwatar, was holding weekly meetings for male, *meṭi*, and transgender sex workers to come together and issue fines on each other for bad behavior such as taunting men on the street or physically assaulting competitors. As one Cruise AIDS staff member explained to me: “We defend them when they get arrested because it is under the Public Offense Act and we know they are often targeted for being transgender, the police know they are vulnerable. But we also know sometimes the arrests happen because of bad behavior, so we are trying to help stop that.”

But even early on, Pant sensed there was potential for more than just reactive work. He needed money, however, and his early funds were limited to HIV – something his donors reminded him of when he spoke out to the press about police abuses. Pant’s rights work emerged at a time when there were no specific international frameworks for engaging in ‘LGBT rights,’ despite pockets of support in the UN and elsewhere, which meant BDS’s intrepid focus on identity-based human rights sometimes made donors uncomfortable.

Noted Tamang:

In a recent conversation with a FHI [Family Health International] personnel, they had no knowledge that any steps had been taken by BDS to provide outreach services to MSMs in Pokhara. This is indicative of the manner in which BDS as a NGO funded by donors for “men’s sexual health” has in the past and continues today to pursue a political “gay” rights agenda of its own. The conflict between the two is most evident in the manner in which BDS donors continue to remain silent about the physical and sexual abuses of MSMs, mostly employees of BDS, at the hands of police and other people. Members of BDS have expressed their dismay at what appears to the “lack of concern” of donors of their rights beyond that of general health. (2003: 233)

In the early years BDS organized *meṭi* beauty pageants that served as fundraisers and awareness-raising events; local celebrities judged the events, sparking some tepidly positive media coverage.

Pant gained clout in activist circles. At a press conference in June 2003, he addressed the audience sitting alongside Sapana Malla, a prominent women’s rights activist who had petitioned the Supreme Court in several high-profile cases, and Manjushree Thapa, a well-known writer. “Even human

rights activists and organizations don't want to take up the homosexual issue for fear of being ostracized," Malla told the audience (Bhandari n.d.).

As a community emerged, individuals negotiated visibility delicately – and the gender expression of some *meṭīs* contributed to their increased public visibility. For some, it occurred as a palpable shift in communal confidence. Said a *meṭī* who volunteered at BDS from its initial days: "We didn't know how to be out or if we should. We were busy staying safe, we didn't really have a vocabulary to explain 'coming out' to our families, and so it was usually just better to keep somewhat quiet so we could continue doing our work. Sunil-sir coming out in the media was a big step – it sort of showed us that it could be done."⁶

Pant changed as well. Over dinner at a restaurant tucked among Bangkok's gay bars, Douglas Sanders, a Canadian law professor who had written about LGBT rights in Asia for two decades, explained to me how he saw Pant's growth as an activist and public figure: "I met him first in 2002 at the ILGA-Asia [International Lesbian and Gay Association] conference in Mumbai. We chatted a lot, he was shy but wanted to talk about what was going on in Nepal."⁷

According to Sanders, Pant possessed a unique balance of coyness and arrogance that allowed him to not compete for space with the other egos at the table, but still demand respect.

"Sunil is too elitist to kiss anyone's ass, even if you're a donor," he told me. "He's sort of patronizing in the sense that if you're in the room with him, the assumption is that you like that he's even paying attention to you." Years later at a rooftop cocktail bar on the other side of Bangkok, I met with a donor agency official. Immediately back from a visit to Nepal during which he had met Pant for the first time, he said he had never met such a majestic person. "I had a hard time speaking to him, I just felt like I was in the presence of someone whose time I didn't deserve," he explained. I asked Sanders to unpack Pant's charm, but he could only gesture at goal posts: "It's not obnoxious and it's not a halo on his head – neither is accurate. But it's unique, and it's not what the establishment expects from a country like Nepal."

Pant handled his own celebrity with equanimity, but had to strike a balance between international attention (including from donors in Kathmandu) and

⁶ Interview; Kathmandu, June 2013.

⁷ Interview; Bangkok, February 2014.

local relevance and authenticity. Aid agencies and diplomats have played a crucial role in BDS's emergence, however the pressures – programmatic and moral – put on activists have sometimes created additional barriers. Said Pant: “I remember getting emails from donors in the early days. They were upset that I spoke to the press about police abuse or human rights – or LGBTI rights, that made them uncomfortable. They told me it would risk our programs. They said that we need to stay quiet and work on condoms and HIV.”⁸

With UNMIN's enormous presence in Kathmandu, there was an opportunity to insert BDS's concerns into the conflict-time human rights conversation, which earned them legitimacy. Abuses against *meṭis* were construed as symptoms of conflict and post-conflict politics. Human Rights Watch, with a recently-established LGBT rights desk led by activist Scott Long, issued letters and press statements highlighting abuses (HRW 2005), pointing out the Maoist abduction of two women on accusation of lesbianism (HRW 2007a), and calling police violence against *meṭis* a “sexual cleansing drive” (HRW 2006a, 2006b).

“Sunil was very, very smart,” the UNMIN official told me.⁹ “With the BDS, he got HIV money. But he positioned the organization as a human rights organization – even before OHCHR got there. He jumped into the *Jana Āndolan* for his own issue, and campaigned on his own issue.” He made an important distinction about Pant's ascent: “Sunil basically ran for national office on a gay agenda, which is amazing for anywhere in the world – but shows how strongly identity groups played into what was going on in Nepal at the time, and how much he know about the ways that worked.”

BDS started publishing its own newsletters in Nepali and English, and Pant splayed updates of violent incidents out over global list serves. A March 2005 bulletin published by BDS featured a news-like story of police stalking *meṭis* and then arresting them when they arrived at a cruising site, a poem by a *meṭi* named Umesh Pandey (one of the earliest BDS volunteers) declaring “BDS if you were not there then there would be no one to listen this metas call,” and the Nepali film star, Niruta Singh, saying: “I very much like the objective of the *Blue Diamond Weekly* (BDW), which was born as an effort to bring out suppressed voices. Your steps to understand the voices of the

⁸ Interview; Kathmandu, April 2012.

⁹ Interview; New York, December 2012.

minorities, to advocate in their favour and reach out to the general public with true and factual news stories are commendable” (BDW 2005a).

A *BDW* published later the same month told the story of a police officer asking for forgiveness when confronted by a group of *meṭīs* she had previously called ‘*chakkā*,’ a slur, and an essay by a 31-year-old gay man explaining that just because his wife got pregnant it does not mean he is heterosexual (BDW 2005b).

See Us, Know Us

Comfort with public displays of sexual identity varied as the organization gained clout and notoriety, but the convergence of NGO power structures opened space for debate about social meanings around who and what BDS stood for. Explained one gay man in 2013 about why he does not formally associate with the LGBTI rights movement: “I don’t think I will ever affiliate myself with BDS staff and their work. BDS is very public and there is no confidentiality of one’s identity.”¹⁰

Inside the movement, with its center of gravity at BDS, politics calcified around identity and visibility, the borders around specific categories, and the perceived ‘advantages’ experienced by different groups. For example, Tamang observed in 2003: “That BDS has helped build a support group that provides space for *meṭīs* and allows them to become their ‘true selves’ was particularly illustrated by the fact that when new members joined BDS, they would appear to be masculine *tās*.... [I]nvariably, these *tās* would become *meṭī*, a fact often reiterated and bemoaned by the rest of the *meṭīs*” (Tamang 2003: 241).

This dynamic changed somewhat over time. Dozens of people I interviewed told me BDS was “only for *meṭīs*” or, as one Nepali gay man insisted: “BDS pays people to become *meṭīs*.” When I interrogated him further on this point, he explained: “Jobs and promotions go to transgenders, so it’s a sort of financial incentive to wear women’s clothing. You know when you join BDS if you act like that you will do better even if you are useless.” A foreign supporter of BDS told me once that he thought of the *meṭīs* as “Sunil’s monkeys” because “he can activate them to freak people out whenever he wants;” a foreign journalist said during his time in Kathmandu, “I always

¹⁰ Interview conducted by Bharat Shrestha; Kathmandu, July 2013.

wondered what gay men would do if they just wanted to be gay and not be around all of the transgenders at BDS.”

In a book of life stories of queer Nepalis published in 2014, the foreword, written by a gay Nepali who spent years in the US before returning to work at BDS charged:

Despite coming from a privileged, worldly, and highly educated stratum of society, the level of ignorance and the rigid stereotypes that I have come across are breathtaking. Most Nepalis assume that being gay implies cross-dressing and adopting feminine mannerisms or that it is the same as being a transgender person. It is a shock to most people, even highly educated and self-proclaimed cosmopolitan ones, to learn that many gay men can be quite heteronormative and ‘normal’ in their behavior, dress, speaking, and interests. (Frisbie 2014: 13)

Some gay men at BDS would explain – usually in a defeated, not disdainful way – that transgender people had an “advantage” over them because their visibility made them more obvious and, as such, they didn’t need to “explain themselves” or “come out.”

During particularly tense internal political turmoil, a few gays at BDS told me they suspected Pant himself was “really a TG, because he likes them more.” When applications to attend international conferences were accepted or rejected, such outcomes were rarely (at least publicly) construed as the result of merit, but rather as preferential treatment of either gender-conforming gay and lesbian people (‘transphobia’) or gender non-conforming people (‘homophobia’). But while some (both inside BDS and out) saw the arguments over identity and priority as either personality-driven squabbling or public misunderstanding of gender and sexuality, others experienced the blunt end of such debates as exclusion from their own movement.

Husband/Mother, Hooker/Traitor

I met Honey, a *meṭī* who worked in the BDS Chabahil drop-in center. She helped me arrange interviews with sex workers for a newspaper story I was working on, and we began having lunch every week or so. She told me about the *meṭī* ‘dialect,’ and phrases they co-opted to refer to explicit acts; some were simultaneously code and currency (such as *ālu khanne*, which meant oral sex, often performed on taxi drivers for free rides late at night). Then one day she invited me to her family’s home in Kirtipur with the caveat: “You will need to feel comfortable meeting my wife and son.”

For the next two years I went to Kirtipur for lunch at least every two weeks. Each time, Honey's wife, Geeta,¹¹ cooked for us; their son, Alberto,¹² was named after an Italian tourist Honey had met while she hawked 'unregistered' tours of Darbar Square. Honey explained to Geeta during our first meeting at the house that I was her "*bahini*" (sister)¹³ and Geeta asked if I wanted to see Honey's collection of female clothes. At the end of one meal, they brought out a suitcase containing tights, a skirt, and jewelry. Geeta helped Honey dress – "I need help from a real woman," Honey quipped. Alberto watched, giggling.

"I'm not sure what I will tell him when he gets older," Honey told me in 2012. A few years later, when Geeta was pregnant again after relenting to sustained harassment from her family because she had married a *meṭi*, Honey had decided she would gradually expose Alberto to her dressing in drag and explain her identity as well.

Honey had told Geeta before their wedding about her sexuality. She said Geeta was "supportive," and insisted that they were best friends. During one visit when Honey was out buying milk for tea, I asked Geeta if she was comfortable talking about their relationship with me. She said: "I think he is a good husband. So many women have husbands who drink and gamble, but [Honey] does not. [Honey] is very gentle, and we always make decisions together."

In the late 1990s, Honey was working in the Kathmandu airport as a cleaner. Her colleagues sexually assaulted her and did not use condoms as they had sex with her. "I knew at the time that I could not fight back by filing a case against them because they would expose me as a *meṭi*, so I didn't say anything," she explained. "I only learned later after joining BDS that I was lucky to not get sick because they didn't use condoms and that was very risky behavior."

A few months after the assault, she was accused of stealing some baggage from the luggage carousel, and fired. She moved out of her room in downtown Kathmandu and back with her family in Kirtipur, where they arranged for her to marry a Newar woman. "I tried to be honest with my family about my identity, but they shamed me. My mother said she would commit suicide if it

¹¹ Name changed at interviewee's request.

¹² Name changed.

¹³ Honey called me "brother" when speaking English with foreigners.

was true that I was transgender, and then when she died a few years later, my father told me maybe it was because of me.”

Around this time, Honey started volunteering at the newly-established BDS. She became immediately proud of her role. “I don’t have much education, I don’t know a lot, but once I was trained on condoms and lubricants, I could start teaching a little to others and they would find out that this was safe and sex was less painful with lubricant,” she told me. In an anthropology thesis about BDS, an interaction with Honey is recounted as an example of how the organization instructed about identity. A new BDS member explains that Honey told him “Actually what am I” explaining: “First of all is that and [Honey] told me that though you’re born as a boy but from inside our spirit, and mind and thinking is like a girl” (Warmerdan 2012: 8).

When I asked Honey about how BDS impacted people’s feelings, she explained it in terms of confidence: “Before [BDS] it was different. We would get arrested and harassed and we would just manage. But when we got some support, some confidence from BDS telling us that we were not sick people and it was a problem with society instead, we became sometimes more bold than before.”

Sometimes when I met Honey at her home, we would speak exclusively in English, which I quickly realized was her way of ensuring her father and brother did not understand us. To have a foreigner in their home was no problem, she said, because she used to bring walking tour clients back for dinner sometimes. But the relative calm and lack of harassment at home was due, she said, to her marriage and Alberto’s birth having erased the legitimacy of her claims to being a *meti*. “I don’t talk about it any more, and neither do they,” she told me in 2013.

On the first day I met her in 2011, Honey had explained that her income supported up to seven people at any given time. During funding gaps at BDS, which occurred relatively frequently as project cycles and staff allocations shifted, she sometimes did sex work or gave walking tours; she could earn between NRs. 300 and 500 per client, and around the same amount for a tour. Like others I met Honey understood that her safety within her family’s home, at least partially, was determined by her earning decent and consistent income. Her father didn’t work; her brother only occasionally. Both got drunk fairly regularly. As she walked me to the bus later that afternoon, two men separately called to her. “They’re my boyfriends,” she said. “They are the ones I go to when I need money for sex.”

But as much as Honey's income was protective social currency within her family, her maintenance of those relationships also cast her as different from some of her peers at BDS. "I was told by some of the TGs at the central office I should not attempt to change my *nāgarikatā* [citizenship paper]," Honey told me in 2013, referring to the Supreme Court's 2007 order to allow citizenship documents to be listed in three genders. "They said because I have a wife and a child, I don't deserve to access it." She named a few names of her interlocutors; a cabal of supermodel aspirants whose gender expression was not constrained by family obligations like Honey's.

In a later interview when I asked her whether such treatment had changed, she said it hadn't, and the "TGs at the central office call me a fake TG," though it was unclear whether she was referring to the same instance or persistent resentment based on a prior interaction. She said: "I think after the Supreme Court decision, some people decided it was for them and not for others, but when the decision came, Sunil-sir said it was for all of us, not just the TGs who can afford make-up and [to rent] rooms down town."

Engaging the Law

By 2004 the People's War was affecting daily life in Kathmandu more than it had previously; *meṭīs* in the city were facing increased violence and insecurity. The security forces in place to control the city were hardly a respite: they were often sex work clients, and also extortionists carrying guns. Frequent curfews were both feared and desired by *meṭīs*. As one explained: "It was known as illegal to be outside, so of course we took risks when we went out at night. But there was also more freedom because if we went out, there was no one, and we had the clients to ourselves."¹⁴

BDS's activities in daylight, however, were also attracting attention. A July 2004 demonstration protesting abuse and violence against sexual minorities featuring 50 BDS members was violently disbanded by police (HRW 2004). Then, on June 18 of that year, a law student named Achyut Prasad Kharel filed a case at the Supreme Court demanding that the government shut down BDS on account of its illegal activities. His petition argued:

[S]ame sex (homosexual) relationships fall under unnatural sexual intercourse under Number 4 of Bestiality of *Nayā Muluki Ain, 2020* (1963). An unnatural

¹⁴ Interview; Kathmandu, July 2013.

sexual relationship between two people is an animal act of a human. Number 4 of Bestiality of *Nayā Muluki Ain, 2020* (1963) bans unnatural sexual intercourse. Therefore, it is the petitioner's stand that same sex (homosexual) relationships are an offence....¹⁵

He went on to argue that BDS's activities "campaigning, sloganeering and rallying, organized by the NGO named the Blue Diamond Society... to promote the 'right to homosexuality'" are illegal and the state has been passive in its response.¹⁶

The petition was dismissed by the registrar, who wrote:

From a study of relevant legislation and documents, in relation to the registration of this petition, it did not seem that the sexual activities conducted by adult homosexual persons, in private or personal locations, could become a subject for criminal law. Against Nepal's current legal scenario, the issue raised by the petition is not found to be a matter of public concern....¹⁷

But the petitioner filed the case again, calling the dismissal illegal, and reiterating that several chapters in the *Muluki Ain* prohibited homosexuality. Going further, he said the construal of marriage in international law "provide that in order for a marriage to occur, members of the opposite sex, i.e., man and woman, are required." The second petition was reviewed by a single-judge bench, the dismissal was deemed invalid, and the court accepted the case, ordering the government of Nepal to decide whether Chapter 14, Section

¹⁵ *Achyut Prasad Kharel v. His Majesty's Government (HMG), Ministry of Home Affairs, District Administration Office, Kathmandu*, Supreme Court of Nepal, Writ No. 3736 of 2061 v.s. (2004).

¹⁶ Sixty-six chapters of the original *Muluki Ain* (almost 250 pages of text, or one-third of the document) are dedicated to regulations of sexual relations. The meticulous regulations are focused principally on intra- and inter-caste sexual relations; the document discusses sodomy: According to the *Muluki Ain*, a "Cord-Wearer" [specific caste designation] having committed sodomy with a cow will be degraded to a "Non-enslavable Alcohol-Drinker," and a "Non-enslavable Alcohol-Drinker" to an "Enslavable Alcohol-Drinker."

The animal involved must be assigned to an Untouchable [lowest caste]; and only members of the impure castes may thereafter drink her milk. In sum, the animal is degraded to the status of an untouchable, as it seems. Similar regulations are laid down with regard to sodomy with sheep, goats, and buffaloes (Höfer 1979: 88).

¹⁷ *Achyut Prasad Kharel v. His Majesty's Government (HMG), Ministry of Home Affairs, District Administration Office, Kathmandu*, Supreme Court of Nepal, Writ No. 3736 of 2061 v.s. (2004).

4 of the *Mulukī Ain*, in its reference to *aprākṛtik* (unnatural) sexual acts, outlawed homosexual behavior, and the promotion of such ideas.

Kharel's petition was elaborate in opposition to BDS's activities: "Blue Diamond Society has been established with the main objectives to campaign for such an illegal activity, to provide recognition to the right to homosexuality and to attract people towards homosexual intercourse." In specific, he rejected the idea that homosexuality could be protected under human rights measures because, he claimed, it was not included in any of the international treaties Nepal had ratified to date, and because "same sex (homosexual) relationships are a character demerit in a human."

International organizations such as ARC International, a Geneva-based LGBT organization, and Human Rights Watch wrote, encouraging the government to eliminate the 'ambiguous unnatural sex clause' in paragraphs 1 and 4 of Part 14, Chapter 16 of the *Mulukī Ain*.

That same week 39 BDS members were arrested and began what would be a 13-day stay in detention without charge (Amnesty International 2004). While the government bodies named in the petition prepared their responses, BDS worked to publicize the arrests, catalyzing unprecedented attention from international NGOs and media, which resulted in statements from the International Gay and Lesbian Human Rights Commission, Amnesty International, Human Rights Watch, the BBC, UNAIDS, the Coalition of Asia-Pacific Regional Networks on HIV/AIDS, the Naz Foundation International, and Sidaction and Act Up-Paris (Knight and Bochenek 2012). The 39 were released after 13 days and dubbed a 'public nuisance' by the police, portending a trend of the use of the Public Offenses Act to target LGBTI people and others (The Heartland Alliance 2013; Singh et al. 2012).

With public violence on the rise again, BDS felt mounting pressure to reject the court's acceptance of the case. "The media attention from the Kharel case sort of gave permission for people to think of us as pollutants, as against Nepali culture, so the police came after us more aggressively," Pant told me. But the fact that the government would now need to decide whether the country code's mention of 'unnatural sex' pertained to homosexual behavior in such an anti-climactic format also brought up some complicated questions for activists.

At that time some 80 countries around the world retained so-called 'sodomy laws' or their derivatives and, as such, significant focus was aimed

at combating and repealing them (HRW 2009: 27).¹⁸ To date, BDS was part of that anti-sodomy law fold, at least to some extent. For example, a 2011 report on laws affecting LGBT people in South Asia by an Indian lawyer, argued: “Nepal, which was never colonized, borrowed its civil and criminal code from the code of Napoleon, which did not contain criminalization of sodomy, but made this one exception, where they adopted and included the sodomy section into their national code from the British Law” (Bondyopadhyay 2011).¹⁹

While activists grew nervous, at the Supreme Court the thinking was different.

At the time, Ram Krishna Timalsena was joint-registrar at the Supreme Court. He told me in 2013: “When the advocate Kharel filed in 2004, I suggested to the head registrar that we accept the case. It was an important moment to make it clear that even with unnatural sex mentioned in the country code, regulating private consensual same-sex behavior was not an issue for Nepal’s criminal law.” While a law student at Delhi University, Timalsena had read the United Kingdom’s 1957 *Report of the Departmental Committee on Homosexual Offences and Prostitution*, better known as the ‘Wolfenden Report,’ which recommended that private consensual homosexual behavior be scrapped as a criminal offense in the United Kingdom. “I thought in Nepal the government needed to clarify that private same-sex sexual acts were not criminal because there were sexual minorities in our society that were coming out more in the open,” he said.

A week later the government entities named in the petition began to respond. The Ministry of Home Affairs (MoHA) denied the petitioner’s argument, saying “there is no clear legal provision to take action against homosexual persons under Number 4 of Bestiality.”²⁰ The Kathmandu District Administration Office responded with the same arguments. The cabinet secretary wrote on behalf of the Prime Minister and the Council of Ministers:

¹⁸ In addition, see the Human Rights Watch (2008) report ‘This Alien Legacy’ for a thorough discussion of post-colonial legal regimes related to body and sexual rights.

¹⁹ Finding that claim at odds with Nepal scholars’ histories of the legal system, I wrote to him asking for a citation to the claim. He replied saying he couldn’t remember where he got the idea.

²⁰ All cited responses were obtained from the Supreme Court by the author and translated by Hikmat Khadka.

“What activities and proceedings of this Office have violated which of his particular rights.... The writ petition is worthy of annulment. I request for its annulment.” And the Secretary of the Ministry of Law, Justice, and Parliamentary Affairs dismissed the petition on similar grounds that the Law Ministry had in no way violated the petitioner’s rights, and that legal mechanisms for addressing bestiality were sufficient and unobstructed so no change to the law was necessary.

However, the Supreme Court deferred its review of the government’s statements for the case several times, pushing the date back by months as abuses (of BDS members) continued with sufficient social sanction. “Public opinion in Kathmandu can be infectious and create a certain amount of permissiveness regarding bad behavior from authorities,” a political analyst told me, referring to the time period.²¹ On 1 February 2005 King Gyanendra appointed himself the head of a new government, locked up several influential political leaders, and instituted martial law in the name of controlling the Maoist insurgency. BDS began to call attention to an uptick in harassment of and attacks on transgender people in particular – and built on the 2004 experience of galvanizing international support to draw attention to the violence (HRW 2005). Ultimately the government’s statements held, and the Supreme Court rejected the petition.²²

BDS returned to the Supreme Court proactively in April 2007 to file their own case. By declaring the *Mulukī Ain* clauses irrelevant to homosexual behavior, the clarification in the *Kharel v. HMG and Others* case had opened the door widely for a petition demanding rights and recognition. “Because we didn’t have the same criminalization that other countries did, we could ask for more,” Pant told me. “And we sort of had to ask for more, since we didn’t have that crime to fight back against so specifically.” Joined by three other organizations that fell under the BDS funding umbrella, the 2007 petition

²¹ Interview; Kathmandu, June 2013.

²² It is worth noting that court precedents around thorny socio-political issues have not always been overwhelmingly positive in text. For example, a landmark gender and land inheritance rights case in 1995 (*Mira Dhungana v. Ministry of Law and Justice, Nepāl Kānun Patrikā*, 1995/2052, Vol. 37, No. 6, p. 462.) resulted in the Supreme Court declaring fundamental differences between men and women and deciding that women have two roles – as daughters and as wives – before sending the deliberations to the parliament. Nonetheless, legal scholars have argued the case “succeeded in opening the door of Nepal’s apex court to matters of gender justice” (Malagodi 2013: 254–255).

asked the court to force the government to end its discriminatory policies and practices in terms of sexual orientation and gender identity.

Douglas Sanders, the legal scholar, saw this as a risky but important moment in Asia's legal history. "Gay issues are maverick issues," he argued, "you don't know whether progressives are actually progressive on issues of sexuality." In the context of Nepal, he explained, the fact that the activists did not have a clear sodomy law (at least not as clear as post-colonial states) meant the clarification in the *Kharel v. HMG and Others* case was crucial, but did not ensure there was positive support. "Even with this Supreme Court justice they drew for the case, who had overseen a lot of progressive cases that brought Nepali law in line with international standards, gay issues were a bit of a wild card," he said.

A Fresh Take

In April 2007 (the same month initially slated for the CA election) when BDS filed the case, there were several channels open. Timalseña, for example, had been promoted to registrar, and assigned BDS's case to, as Sanders noted, a notoriously progressive justice with a fondness for international law (Bala Ram KC); Pant was a signatory to the Yogyakarta Principles, the first international document on sexual orientation, gender identity, and law, which were approaching their publication date;²³ and the substantial UN presence in Kathmandu had positioned a class of professionals to help.

Hari Phuyal, who had worked as an adviser to Ian Martin's OHCHR office, took the case at his boss's request. "At first I had no idea what to do," he said when I interviewed him in 2012. "But Ian told me this was a major human rights issue and needed legal and intellectual support, so I took the case – but I admitted to Sunil at our first meeting that I would need to learn a lot."

Pant had attended the final negotiations of the Yogyakarta Principles at Yogyakarta, Indonesia, months earlier as the Comprehensive Peace Accord

²³ Signed by that group of experts, and not states, the Yogyakarta Principles are a non-binding document – but they were taken up swiftly by activists around the world. Dozens of translations appeared within months, beating the secretariat to its release of translated versions in official UN languages. As legal anthropologist Ryan Thoreson (2009: 1) wrote, the Principles were effective due to, "the modesty of their demands, the stability of their foundations, and the strategic, inventive ways that activists have framed and deployed them from multiple points of entry in the global system."

(CPA) was signed. The Principles were not scheduled to be published until later that summer, but in filing the case, Pant recalled, “It wasn’t a matter of waiting for publication or not. We had a lawyer who was eager, a court that was ready, and the feeling in Nepal that spring, even though the election was delayed, was that we had some fresh ownership of the country. It was a very fluid time because in some ways nothing was actually happening, but that didn’t matter – we felt like taking action.”

After the petition was filed, the court issued a show cause order to the government. The case was conducted as a ‘continuous hearing,’ meaning the court could ask for the petitioners to come back repeatedly with additional information – and they did. “The justice in charge wanted more information, I had to use all of the case law from around the world to explain how these concepts mattered legally,” said Phuyal.

Phuyal’s snap training for the case was provided by Pant and two Indian lawyers he had befriended over the years – Arvind Narrain and Vivek Divan.

“I said to Sunil: I don’t understand all these concepts – what is L what is G? I don’t know. So you need to tell me. Come to my office and explain it to me,” Phuyal told me. “He invited the lawyers from India and they themselves were homosexuals working on the issue.” Phuyal explained how he was queried by the Kathmandu legal community for taking on the case. “They said I was provoking these unnatural people, and promoting them too – provoking and promoting,” he explained. “People were asking me why I took this case. The president of the bar association told me personally that I should not have taken this case.” He recounted that at one point, a prominent Kathmandu lawyer remarked in the presence of other lawyers that homosexuality was as natural as growing rice on Phuyal’s (bald) head. “I’m told he now tells his law students this when referring to the third gender,” Phuyal said.

“Arvind, Sunil, and another Indian lawyer Vivek spent three days all day morning to night with me in my office,” said Phuyal, jovially recalling what he says was the “most complicated case of his career to date.” At the first hearing, Phuyal again encountered skepticism – “I could hear the lawyers in the gallery whispering behind me, ‘what will he say?’” The case stretched into additional hearings. “There was a huge crowd for a court case, and still the judge was not convinced,” Phuyal said.

Negative Space

On 24 November 2007, the third hearing had been slated for *Pant and Others v. Government of Nepal (GON)*. The court's galleries settled into a tense calm as Justices Bala Ram KC and Pavan Kumar Ojha took their seats.

Pant himself was curiously absent. "The hearing was set for the day after I was scheduled to leave to a meeting in Europe," he told me. "Everyone was nervous because they wanted me to be there. They thought there wasn't a voice for the community unless I was around – but they were wrong." A day before the hearing, Pant told one of his earliest volunteers, Manisha Dhakal, to sit in the court and speak if someone called on her. "She was nervous, calling me every five minutes even as I was driving to the airport that day," Pant remembered.

In the court, Phuyal stood with his hand resting on a stack of documents, which ranged from a Tamil Nadu government order recognizing a third gender, to the US Supreme Court's *Lawrence v. Texas*, which had ruled the criminalization of consensual same-sex activity between adults as unconstitutional (IGLHRC 2007). "We submitted everything we could find, then when I spoke I stood with them under my hand as well – it was important to remind them that there was a lot of information, that this was not a fake topic," he said. As Phuyal finished his final plea, Justice KC turned to the lawyers assembled and asked: "Are there any homosexual people among you?"

No one moved. KC turned toward the general audience and asked: "Are there any homosexuals in the audience?"

Dhakal stood and said, "Yes, I am."

The justice asked Dhakal to tell the court about herself. Clenching her hands in front of her waist, she began, "I was born as a male and I have a male body and male name from my family. But that is not how I feel."

She spoke about police abuse and the humiliation of carrying citizenship documents that listed her birth gender. She talked about LGBTI people being harassed at school and dropping out, resulting in them being economically "backward." "You can see my hair is a little bit long and some of my clothing is for men and some for women," Dhakal continued. "This is because my family does not know about my identity. I leave my house in the morning looking like a son, but when I get to the office I wear a shawl and put on a little bit of make-up and I let my hair down like this. This is my reality."

The chamber was silent. Dhakal's face was wet with tears.

Phuyal, who had been preparing for months, was relieved. “In five minutes of explaining her life, Manisha did more for the movement than I did in days and nights of reading texts and speaking to the court,” he told me. Phuyal said it took a three-pronged argument to convince the court: human rights, comparative case law, and a constitutional example. The court asked for extra amicus briefs. In its *curiae*, authored by Scott Long, Human Rights Watch explained that the UN Human Rights Committee’s 1994 decision in *Toonen v. Australia*: “adult consensual sexual activity in private is covered by the concept of ‘privacy,’ ...[m]oral issues [cannot be] exclusively a matter of domestic concern...” (HRW 2007b).

Judgment Day

On 21 December 2007, BDS members and eager onlookers again piled into the Supreme Court to hear Justice KC read the judgment. The full text, a 36-page document that twists its way through various jurisprudence, gender, and sexuality concepts, would not be published for nearly a year. But the message was clear that day: the court ordered the government to audit all laws with respect to sexual orientation and gender identity and scrap those that discriminated, establish a committee to study same-sex marriage policies, and legally recognize a third gender.²⁴ In particular with regard to gender identity, the decision was among the most progressive the world had ever seen. While most legal systems approached transgender issues as pathological and required medical certification or surgery to legally change a citizen’s gender, KC’s ruling construed Nepal’s third gender as a category to be understood solely on the basis of ‘self-feeling.’

KC, now retired, told me when I interviewed him at his Sanepa home in July 2013, that his judgment went against the grains of Nepali culture at the time, but said he understood “the sky is the limit of my interpretation. If I get one article of the constitution, I can interpret that within a reasonable manner – I can pull that rubber unless and until it is not toned down.” Echoing the accusations of ‘provoking and promoting’ sexual and gender minorities that Phuyal had faced, KC admitted he received some informal warnings that if he were to decide in BDS’s favor, the streets of Kathmandu would fill up with *meñi* sex workers.

²⁴ For an interesting critique of the judgment, see KC 2008.

“This case, to me, it was an opportunity to end the shyness of the BDS people and make them bold,” KC told me later. “Like what the transgender did when she spoke in the court chamber that day – I wanted that for them every day in society.”

The judgment read:

If any legal provisions exist that restrict the people of third gender from enjoying fundamental rights and other human rights provided by Part III of the Constitution and international conventions relating to the human rights which Nepal has already ratified and applied as national laws, with their own identity, such provisions shall be considered as arbitrary, unreasonable and discriminatory. Similarly, the action of the state that enforces such laws shall also be considered as arbitrary, unreasonable and discriminatory. (*Pant and Others v. GON*)

A leading women’s rights activist called it “a historic victory” (Basnet 2064 v.s.: 1). Journalists waiting outside the court interviewed BDS members in tears. “It’s a very encouraging and progressive decision. We all feel we are liberated today,” Pant told the Agence France-Presse reporter (BBC 2007). Perhaps already seeing the long road ahead, he then turned and told *Kāntipur*, a Nepali language daily: “The government should comply with the order soon and fulfill its obligation” (Basnet 2064 v.s.: 1).

Within weeks of the announcement, Richard Bennett, then OHCHR-Nepal representative called the judgment “truly a ground-breaking decision on gender identity and sexual orientation in South Asia and perhaps worldwide” (UNOHCHR 2008: 1).

Looking back, KC said BDS could have asked for more, and he likely would have given it to them. He said, “I thought it is not the business of the government to peek inside the room and see if two men are occupying the same bed or two females are occupying the room. It is not the duty of the government or the right of the government to look in there and see if they are having sex or what not.”²⁵

Some felt the judgment impacted public opinion. Said KC, with a combination of pride and wisdom: “The Nepal Supreme Court influences public opinion a lot. It doesn’t influence the government very much, the government is always reluctant to implement our decisions. But the people and the society they always come forward after the decisions.”²⁶

²⁵ Interview; Kathmandu, July 2013.

²⁶ Interview; Kathmandu, July 2013.

This social sanction became an inflection point in BDS's history because it gave permission for broader expressions of support. Explained a donor agency staff member who admitted that she had washed her hands after her first meeting with BDS years earlier, not understanding what "they" were: "Once the Supreme Court decision said they supported this movement, people followed it. [LGBTI people] have made public space for themselves, made people understand the marginalization and the need for their inclusion."²⁷

The Supreme Court has remained furtive ground for LGBTI activists. For example, a 2013 judgment, while complicated as it involved Maiti Nepal, a behemoth anti-trafficking NGO,²⁸ sent what activists perceived as strong signal in favor of same-sex marriage.²⁹

The petitioner, a 30-year-old woman named Rajani Shahi, told the Court that she left her husband because she was attracted to other women. Her husband allegedly rejected that claim and sought her return, asking for help from Nepal's National Women's Commission to get her back. According to the decision and media reports, the Commission recommended Shahi enter a women's shelter, but then later transferred her to a facility where women and girls who have been victims of trafficking undergo rehabilitation. According to Hari Phuyal, who represented Shahi, "The government body recommended that she be sent to the rehabilitation centre in Kathmandu to undergo psychological treatment" (AFP 2013).

In the process of ordering Shahi released from the rehabilitation facility in Kathmandu, the Court discussed her sexual orientation and rights. The Court's decision wound through the various issues, and then stated: "It is a[n] established social norm that marriage is solemnized between heterosexuals or between male and female—whereby lineage of human beings

²⁷ Interview, Kathmandu, July 2013.

²⁸ BDS entanglements with anti-trafficking organizations were, anecdotally, not uncommon. A BDS staffer in Itahari estimated that he heard from anti-trafficking NGOs at least once a month. The typical case involved a LGBTI person running away from home – often lesbian women or transgender men – and the family first calling BDS for help getting their child back. When BDS explained that's not what they do, some families called anti-trafficking organizations next, seeking their help to retrieve their family member. According to this one interviewee, relations between BDS and the anti-trafficking NGOs were good, and BDS was never pressured to share information on the whereabouts of people.

²⁹ *Rajani Shahi v. National Women's Commission (NWC) and Others*, Supreme Court of Nepal, 11 April 2013, Writ No. 069-WH-0030.

shall be held up through sexual intercourse. However, modern social trends, norms and values, customs and culture are gradually dragging us along with human civilization and the development of freedoms.” Acknowledging that “mates of homosexuals” currently co-habitate without marrying, and echoing the government’s responses in *Kharel v. HMG* case that sexual behavior is not within the domain of the state, the Court concluded:

The master of one’s body is himself/herself and how to use one’s body for the purpose of sexual intercourse is subject to his/her autonomy; so the society or the state does not require intervening and regulating over this issue.... [And] although in the prevailing laws and tradition ‘marriage’ denotes legal bond between heterosexuals male and female; the legal provisions on the homosexual relations are either inadequate or mute by now.³⁰

A Third Way

On a chilly morning in October 2011, the BDS IT manager picked me up at my Baluwatar flat unannounced and drove us across the city to the Gaushala police station to join a crowd of BDS members eddying around an ambulance parked at the entrance to the facility. A *meṭī* fetched me and explained what had happened: another *meṭī* had been murdered the night before, just near the police station adjacent to Pashupatinath. “We have been coming here the past month to do more sex work because the police are good clients these days,” she explained. “But this time the client was drunk and didn’t want to pay so he beat her and killed her.”

I was grabbed quickly by another BDS member and taken inside. There was some back and forth between BDS members and the armored police officers present, then a barrel-chested officer entered in tandem with a smaller man in a leather jacket. Everyone stood, sat, and launched into full-fledged advocacy.

There were accusations that it was a police officer that killed the *meṭī*; counter-assertions from the officer in charge that it wasn’t possible. Anjali Lama, an assiduous lanky transgender woman, stood in the center of the small room and shouted: “This isn’t the only incident. Whenever we come here to give out condoms or meet friends we get harassed. When we report it, you ignore us. And now one of us is dead.” A chorus of support erupted,

³⁰ *Rajani Shahi v. National Women’s Commission (NWC) and Others*, Supreme Court of Nepal, 11 April 2013, Writ No. 069-WH-0030.

but was muted quickly as the family of the deceased arrived. The man in the leather jacket, who the officer described as the ‘chief of crime’ in English, spoke about procedures of investigation, circuits of organized crime, corruption and thoroughness. He spoke for about five minutes; at least half a dozen times he was interrupted by his phone ringing, the ring tone was ‘My Heart Will Go On,’ the Celine Dion hit from the movie, *Titanic*.

The meeting lasted around an hour, the family had the last teary word, and in a mix of disbelief and exhausted concession, everyone shuffled out. We followed the ambulance down the path behind the police station then turned right – instead of left to the *ghāṭs* (cremation sites) – toward the forest behind the complex. On the way, a BDS member pulled me aside to show me a lamp post covered in blood. Pointing to it, she said: “This is how he killed her. He grabbed her hair and hit her head against it here.”

When we reached the end of the gravel path, a group of men – cisgender³¹ and transgender – carried the coffin from the ambulance and followed the crowd up a winding path through the forest. The men dug a grave in sweaty fury, some onlookers cried, and nearly everyone snapped photos with their phones. A priest arrived and conducted a short Christian service; the *meṭī*’s father, crying, threw money and flowers on the wrapped body as two uniformed Armed Police Force officers kept watch. As the crowd dispersed back up the path out of the forest, Bhakti Shah, the transgender man who had been kicked out of the army on account of his alleged relationship with a woman at the time, caught up with me and said: “I only joined BDS in 2007, after the Supreme Court decision.” He added, “But this is what it was like before that, this is what I hear from people.” Later that night, Pant called me from abroad to ask how the day had gone. He said he had spoken with a few staffers on Skype and conveyed his condolences to the family through them. Then he reminded me: “And now we have to continue to raise our voices because this murder will likely go uninvestigated, but even more than that, it will be recorded as a deceased male.”

Breaking Binaries

Nepal’s thick patriarchy, imbued in the Brahman male-dominated government institutions, has historically given little play to challenges. For example,

³¹ A person whose gender identity corresponds to the sex assigned to them at birth; not transgender.

when the Supreme Court in 2002 issued a judgment making marital rape a crime and emphasizing the need for female consent, popular backlash included the argument that instead of legal protections for women, women's consciousness needed to be raised (Tamang 2003: 225). In the wake of the Supreme Court's 2007 recognition of a third gender, however, BDS was positioned to begin the tedious project of advocating for the category's implementation – a process that began to challenge some often-unquestioned notions of masculine superiority.

The ways in which Nepal's gendered structural dynamics were perceived (and possibly used to their advantage by activists) was also an important aspect of how BDS gained its foothold. The third gender category was, in part, forged out of this rich ambiguity. But the currency was in some ways already in place.

During an interview in 2012 with a retired health ministry official, I pressed him on why he thought BDS had been so successful, compared to sexual and gender minority groups in other places, at getting attention. He gave me the initial explanations of Hindu history, Pant's accession to fame, and 'New Nepal's' pluralism – all evidence that he had absorbed well the decade of BDS throttling him with their advocacy.

I asked again, suggesting there had to be additional reasons because other minorities in Nepal had well-funded and organized struggles that did not achieve at the same magnitude. He thought for a while and said he wasn't sure, so I rephrased the question. I explained that in some other contexts, most of the publicly-credited leadership for LGBTI rights work is gay men, like Pant, and that there are critiques of this in that transgender people bear the brunt of a lot of the violence and discrimination but don't always get into the lead roles because of internal power politics or other factors. I asked why he thought the Nepali movement, aside from Pant, was mostly led by *metis* or transgender women.

He paused for a bit, then answered: "You know, maybe when there are transgenders in a place, such as in a government office, you see them and you first think 'wow, that's a beautiful woman,' then you remember that no, it's a man so it's a different kind of respect in society."

I told Sunita this story later the same day and she laughed: "Of course that's what men think! They can pretend to accept the third gender identity because they know they should accept identities and all that, but it doesn't

mean they think about it deeply or ask questions about it. In their eyes, transgenders are still men.”

And, Sunita argued, the fact that someone was transgender or *meṭi* in the present did not fully erase the impact of his or her past. In other words, the retired health ministry official, while defaulting to a rather misogynistic explanation, was touching on an important aspect of *meṭi* identity, she argued.

She explained: “In a patriarchal culture like Nepal, when you are born as a boy, you are treated differently from the very first day than the girls in your own house. So for *meṭis*, they spend some time as boys. They are treated as boys.” Sunita argued that as the *meṭi* sexual and gender identity developed over time, “they still carry themselves as boys in some ways because they were treated with that confidence and entitlement – they were treated as first class citizens from the day they were born, and it only changed later, so they have some natural instinct to expect to be treated well, which isn’t true for others.” Bhumika Shrestha, the aspiring transgender politician, later explained to me that despite her public profile and her family’s placid acceptance of her identity at home, her parents continued to call her by her birth name, Kailash, and feed her along with the men in the household – that is, before the women.

In an interview a year later with a Nepali staff member at an embassy that had supported BDS over the years, I was told: “Because transgender women were raised as boys, they are given all the freedoms when they are young and they learn how to be independent and self-confident. That’s not how girls are raised so they take on different understandings of themselves.”³²

As BDS assiduously pushed the third gender concept through bureaucratic nodes, the residual masculine privilege of the *meṭis* may have indeed boosted their political capital. However with scant precedent for a legal third gender category around the world, the activists also started asking some rather ripe questions.

³² In her interviews with *meṭis*, Tamang identified a communal confidence in part expressed in terms of obtaining sexual partners: “From the indignant tone in which one MSM asked why would any guy go with an old, haggard, dirty female sex worker when he could go with him, to the MSM who moved to Pokhara and was convinced that he could ‘have’ his new landlord’s son – which he did, to the overall general negative group answer to the question ‘have you even been turned down when you offered sex?’ these *meṭis* were very confident of their ability to get men” (2003: 244).

A Capacious Category

Nepal's third gender has been debated and defined since 2007 by several attempts at implementation across administrative systems.³³ Even before the home ministry ordered all district offices to grant citizenship documents in three genders in early 2013, two BDS activists were able to change their papers to list them as *tesrolingī*. And while the category is most often publicly associated with *meṭīs*, both of the early card bearers were assigned 'female' at birth and identified as transgender men. 26 citizens were registered as *tesrolingī* voters in 2010 (The Carter Center 2011).

The logistics of creating recognition for a third gender category was an ambitious project, but was underscored by a history of violence directed at gender non-conforming people, and a deeply-felt need to establish official recognition. There were some cultural touchstones to work with, such as *hijaḍās* (though they appeared mostly in popular culture such as Indian soap operas). In some ways, gender non-conforming people enjoyed pluralistic acceptance. For example, *meṭīs* who presented as feminine have reported that in certain social spaces they have thrilled to "get the ladies discount," signifying a cultural legibility and degree of respect (Tamang 2003: 243). However violence and discrimination against *meṭīs* and transgender people remained a regular feature in their lives; activists saw the implementation of a third gender category as a solution because it would carve out social acceptance and space for legal recourse through recognition as a separate, documented category.

Looking back on the court case and the subsequent battle for third gender recognition, Honey illustrated for me why the category is practically necessary:

When I come into the city, I take a bus. Some of the buses now have women's-only seats to keep the women comfortable and safe. I don't have a wig, and I usually wear men's clothing at home because my family teases me if I don't. But

³³ At the time, there was little evidence of how modern legal systems could adjust to include a third gender. What is more, the Nepali language discussion of sexual orientation and gender identity around *tesrolingī* treated the category as fluid, which posed some complicated legal questions. Nepal's third gender category, to date, has not been 'tested' as such by the legal system; nearly all of the activism around its implementation has been administrative and recognition based as opposed to seeking justice for a crime that was committed on the basis of either gender or sexuality and needing to determine a definition therein.

I appear to be transgender so I try to sit in the women's seats and they yell at me until I go away. I'm not comfortable sitting with the men because they ask me to have sex with them or tease me. One time recently I yelled this at them – "where should I sit? I'm transgender! No one will let me sit where I belong." This is why we need our own seats and spaces.³⁴

But alongside the rights-based claims about the category, its social delineation was debated both within queer communities and outside them. The complexity of identity categories, perhaps made increasingly complicated by the HIV-focused outreach that launched BDS and its CBOs, meant simply establishing legal rights based on a third category, and policies that made individuals' identities the sole criterion for accessing documentation listing that category, was the beginning of an intense discussion, not the end.

As legal scholar Lau explained, "Some identity categories in Nepal simultaneously convey an individual's sex, gender identity, sexual orientation, and preferred role in intimacy" (2013: 487). And as implementation of *tesrolingī* gained momentum, Pant and BDS projected different definitions in different forums. Sometimes *tesrolingī* was a specific referent to people who transitioned away from the sex they were assigned at birth; sometimes it was deployed as an umbrella term for all sexual and gender minorities; sometimes it was symbolic – '*tesrolingīko mānavādhikār*' (third genders' human rights) often colloquially represented the entire movement's purpose. On several occasions, *tesrolingī* was deployed as a political slur, particularly by Maoist leaders to signal opponents' impotence.

For others, defining the category became an aspect of quotidian personal expression – a process which was complicated by the fact that self-identified identity categories leave space for assumptions and misunderstandings.

"It is not possible to go and explain to everyone about all the things every time, so I just let them be," said Suman Tamang, a transgender man.³⁵ Tamang does not believe *tesrolingī*, his own identity, includes all sexual and gender minorities. He also does not consider his wife to be a lesbian. To him, it makes sense that she became attracted to him because he looks like a male and is masculine and therefore his relationship is a heterosexual relationship.

He said: "Others see only girls (*keṭī-keṭī*) getting married and call it a lesbian relationship but I consider it heterosexual. It's not possible to say

³⁴ Interview; Kathmandu, July 2013.

³⁵ Interview conducted by Pauline Limbu; Kathmandu, July 2013.

everything to everyone. I am different, I would not marry another man, but if it were not me, she [his wife] would be attracted to some other man and get married to him.”

An Ephemeral Conglomerate?

In the fall of 2011, when I was invited to give some lectures on sexuality in the Padma Kanya Campus gender studies program, I led three discussions on how terms are (and are not) differentiated: gender and sexuality, gender and gender identity, male, female, femininity, masculinity, and so on – including *tesrolingi*. The students took to the debate well; the faculty less well. At one point during the second of the three, a sociology professor stood up and told us we were all wrong: the third gender was unarguably anyone who was not heterosexual. “Sunil Babu Pant is third gender, everyone at BDS is third gender. This is the way it is in Nepal,” she insisted.

Some students disagreed, insisting that gays and lesbians were better understood as their genders assigned at birth. Then at the end of the final session, one of the quieter students raised her hand and said: “You are not understanding the main point here. BDS created the third gender in order to gather numbers of people, all kinds of LGBTI people, under one term. And then once they have numbers, they will demand quotas, and they will receive resources, and political power. Then they will break apart into the different categories – L, G, B, T, I.”

The student’s comment that day invoked a number of important arguments. First, that political entities in Nepal exhibited patterns of coalescing and fracturing along identities and sub-identities. Second, that the number of people BDS could speak for, the number of constituents it could claim, mattered for its advancement in political clout. And third, that the emergence and sustenance of a third gender category relied on far more than a discussion about gender or sexual identity alone, an argument scholars have made in other instances of non-binary societal gender recognition (Herdt 1996). For example, anthropologist David Valentine has argued: “[T]hose experiences we call ‘sexuality’ and ‘gender’ themselves may be organized in very different ways and be understood through other kinds of orderings” (2007: 165).

At various points during my research, I was asked for an example to illustrate that complexity, and usually used a passage from an interview I conducted in the fall of 2011 in Pokhara. A male-assigned at birth third gender-

identified person from Rupendehi District explained: “I am biologically male, but I am not a man. I do not desire women sexually. Men in my culture desire women sexually. Therefore I am third gender.”

The heterogeneity of Nepal’s *tesrolingī* category in both activist and popular discourse confused and disturbed some people. I interviewed dozens of people who felt it made no sense; others argued it was an inappropriate way to think of gender non-conforming people; and activists in other part of the world were often quick to chime in on list serves to express confusion or even opposition when Pant shared developments about the third gender’s implementation. Their argument: that by introducing a third gender category, you were doing nothing but cementing the other two more firmly – allowing systems to make even stronger assumptions about what those categories *meant*, or *were*. Pant’s argument: gender fluidity has an important and compelling history in South Asia, and introducing a third category liberates the other two categories from their rigidity by making it clear that neither matters. Plus, he admitted to me later: “conversations with bureaucrats and policy makers about homosexuality were always far more confusing and uncomfortable for them than conversations about gender transitions.” I asked if that had something to do with general sexual squeamishness. “Maybe, but I think it’s more that we had references, like *hijaḍās* and deities, so there was just more ground to stand on,” he said.

Counting to Three

With the Supreme Court judgment in hand, in early 2011 BDS had been able to persuade the Central Bureau of Statistics (CBS) to add a third gender to that year’s Population and Housing Census. The first national count since the end of the War and the shift from Hindu monarchy to secular republic, the census was widely viewed as an opportunity to correct longstanding social exclusion (Thapa 2011); what is more, the data were to guide the next decade of policy and budget actions in the country. Part of the national budget since Baburam Bhattarai added them when he was finance minister in 2008, BDS saw this as a unique opportunity – indeed the world’s first – to get a head count of their population.

The Nepali census has been for minority groups a means of both social inclusion and formulating resistance against the central state (Lecomte-Tilouine 2009: 293; Vasily 2009: 232). Sexual and gender minority activists have sometimes articulated their desire (and effort) to be included in the 2011

census in parallel with caste and ethnic groups. The 2007 Supreme Court judgment in *Pant and Others v. GON* (NJA 2007: 261–286) case specifically mentions the census as a form of social inclusion for categories of people, such as ethnic groups (Knight, Flores and Nezhad 2015). Once at a lunch in Kathmandu with British gay tourist visitors and Pant, I referred to the 103 ethnicities on the census as an example of Nepal’s diversity. Pant corrected me, laughing: “No, this year it’s 104 with us on there!”

A third column, reading *tesrolingī* was printed on the household listing form – a document the 40,000 secondary school teachers hired as enumerators were to fill in at each dwelling. But *tesrolingī* was absent from the second form, a more elaborate list of questions about socio-economic status that would be sampled to every eighth household. Census officials claimed it was impossible to adjust the software to accommodate a third category to which Pant replied, half joking while leaving the CBS office one day, “I’m a computer engineer, let me change it for you.”

BDS scrambled to hold ad hoc ‘sensitization’ sessions for enumerators in the weeks before the June data collection period began, but the reach was limited. The official training manual defined gender as only male and female and permitted enumerators to guess gender by name. Pant rallied his regional staff. “When the enumerators come to the house, all third gender people should insist they get recorded as such – it’s our right this year,” he told the BDS office manager in Bhairahawa. A few weeks later Pant received a call from a distraught parent in Bhairahawa claiming she had tried to register her *meñi* child as third gender. The enumerator had demanded she strip her child to see the ‘proof.’

Bhakti Shah, the former soldier, told me he had to fight with the enumerator to be recorded properly. “I demanded she list me as third gender, not female,” he said. “I told her about our community’s problems. She apologized and explained when she had asked ‘how many third genders’ at another house the people asked her what that meant and she didn’t know how to explain, so she decided to stop mentioning it.”

I was in Rupendehi for the census enumeration in June 2011. During an interaction program at the Bhairahawa BDS office dubbed ‘census problems’ by the sign on the door, I listened to stories of people arguing with census enumerators, stories of humiliation when *tesrolingī* people had to stay silent while parents or spouses responded to enumerator queries (the census is conducted per household, with one representative answering the questions),

and even the story of a *meṭī* whose wife, not knowing her husband's identity had listed her as male, returning home after the fact then chasing the enumerator down the road to have the record changed – to no avail (Knight 2011).

When census data were published a year later, no third category appeared. Officials told BDS around 100,000 people had been listed as such, but they did not know how to process the data in three categories so they had divided them half and half as male and female.

In a follow-up study I worked on with BDS, we created a survey that allowed respondents to identify their identity on both a sliding scale and open-ended write-in question. While creating the survey instrument, debates arose among BDS participants as to the meanings and borders of various identity categories: could married *meṭīs* be counted as *tesrolingī*? Did they need to be in drag a certain amount of time to qualify? Who decided? Of course this was all somewhat beside the point: the basic methodology was to allow people to self-identify and record them as such; but getting to that point required several cathartic debates. In the end, twenty-one different terms, including *meṭī*, gay, *tesrolingī*, and MSM were listed by respondents across 32 districts (Williams Institute and BDS 2014).

In 2013 at a press conference for Advocacy Forum's annual torture report, Pant sat in the back of the room and smiled as researchers presented data disaggregated by three genders, revealing five cases of torture of *tesrolingī* people in detention centers. He turned to me: "Unless you ask the right questions about LGBTI people, you're never going to know we exist."

Claiming Space

BDS continued to carve out space (both administrative and physical) for the third gender. In the spring of 2012, I traveled with a small contingent, including Pant, to Nepalgunj to see the opening of the country's first gender-neutral public toilet (Knight 2012a).

After the unveiling ceremony, Pant and I returned to our hotel trailed by a dozen lesbian women who requested to speak with him. For forty-five minutes he sat in a corner of the hotel's restaurant and listened to their stories: they were concerned about the sluggish release of the Supreme Court-mandated same-sex marriage report; they needed, they told him, to have marriage rights so they could hold their partners accountable when

they got abusive. “Because our partners are transgender men (*tesrolingī purus*), we are dealing with them acting out like men,” one woman explained, saying her partner drank heavily, gambled away their earnings, and spat on the floor then demanded she clean it up. Their concerns echoed other observations about patriarchal dynamics.

Perspectives on patriarchy varied, of course. Once while driving from Janakpur to a village in Rautahat District with a BDS staffer, we stopped at a temple. When the driver, who had told us his wife was pregnant, didn’t want to get out of the car to pray at the temple, the BDS staffer laughed and told him: “But if you don’t, your wife might have a daughter.” A 2014 UNDP report argued that “TG Nepalese display the same attitudes as non-TG Nepalese concerning what it means to be a man or a woman in their everyday lives” and recommended workshops target all LGBTI people as many transgender people are in romantic relationships with gays and lesbians (UNDP 2014b).

Some activists agree with the group in Nepalgunj: legal relationship recognition would help shift some of the power back to them. Suman Tamang, a transgender man in a relationship with a woman, explained: “In the absence of legal recognition, what we have is just a compromise. Sometimes the partners even threaten to leave the other. There is no basis and no recognition to the relationship that they have.” Gesturing at the 2013 *Shahi v. NWC and Others* case, Saira Karki and Laxmi Ghalan, two leaders at Mitini, a lesbian organization in Kathmandu that broke away from BDS in 2007, agreed that relationship recognition would make the lesbians feel more secure.³⁶

Globalized Celebrity

In November 2011 Pant asked me to join him on a drive out to his family home, some 200 kilometers west of Kathmandu. His grandmother was approaching 90 years and wanted to visit the home again, he had promised to take her, along with his nephew, to the village.

We rode the bus route halfway to Pokhara and turned uphill into inner Gorkha province, and rode over unfinished roads to the Pant family home – an architectural rarity cresting a high ridge. Pant’s great grandfather had been the district magistrate, so the family had hired a famous architect from Bhaktapur to design the stone and wood home. To the west, a valley yawned

³⁶ Interviews conducted by Pauline Limbu; Kathmandu, July 2013.

open to the Himalayas; to the east, dirt trails cascaded down to a hamlet of mud and brick homes. Walking through the village, people emerged from their homes and shops to greet Pant. He asked about their children, and whether the teachers were showing up to teach in the local school. They replied enthusiastically and invited us in for tea. Declining the invitations, we hiked back up to the house for dinner with the children.

Catching up with him, I remarked: “Wow that was quite a reception. Do they know who you are?” Grinning, he replied: “I’m the politician who built them biogas generators and cares about the quality of the school.”

A week later we flew to Houston, Texas for the annual conference of the Victory Fund, an American organization that supports LGBT politicians. Pant had been invited as a panelist for the ‘international’ session. As we walked into the five-star hotel in the megapolis, heads on suits turned and hands extended to welcome him with slow, deliberate platitudes. I stood on the other side of the gauntlet watching him work the crowd, much like he did in his village the week before.

When he escaped the crowd, we got coffee and I repeated my question from the week before in the village: “Wow that was quite a reception. Do they know who you are?” “I’m the gay guy from Nepal, where Mount Everest is,” he chuckled.

Later that night at a cocktail party at the Houston Zoo’s serpent collection building, he introduced me to a US State Department official by pointing to a gigantic albino alligator in an aquarium and giggling, “this is how Kyle stands out in Nepal.” He then turned to the official: “I hear rumors Hillary Clinton (then US Secretary of State) is speaking next week about LGBT rights. I hope she mentions the work we have done in Nepal,” and launched into an arch-of-justice stump speech about the past twelve years.

A week later, on human rights day, Clinton delivered a rousing speech at the UN in Geneva, ushering in a new era of US government engagement on LGBT issues. A third of the way through the address, mixed in with a handful of other countries, the top diplomat said “In Nepal, the supreme court has ruled that equal rights apply to LGBT citizens” (Clinton 2011).

Pant’s charisma plays well in different octaves, and he retains a cynical but good-humored understanding of how people perceive him, and Nepal – particularly when the media spotlight is on him.

Monsoon Wedding

On a soggy June 2011 monsoon morning, an American lesbian couple, flanked by dozens of BDS employees, a handful of friends who had flown in from around the world, and nearly a hundred journalists and photographers held a destination wedding ceremony at Dakshinkali temple. Walking down the winding asphalt path to the temple complex at the bottom of a gorge, one of the brides, Courtney Mitchell, told reporters: “I’m back in Nepal to support the work that BDS has been doing. I lived here for six years and now I have brought my fiancé to this country to celebrate our relationship with friends in a beautiful place.”³⁷

Mitchell served as an American Peace Corps volunteer in Nepal in the late 1990s and met Pant as he was establishing BDS. She stayed on to work for the World Food Program, a career that took her around the world, and now is a psychology professor.

“Sunil was shy, and I think a little nervous about how chaotic things could get. A lot of responsibility was shifted onto his shoulders even before things got formalized,” she told me at the bridal dinner at Dwarika’s Hotel. “I don’t think he had any idea how big this was going to be.”

Like many of the events Pant orchestrated over the years, the wedding of two foreign women projected multiple messages. Some observers scratched up by journalists in search of balance called it an insult to Hinduism that the ceremony was held as such a holy site; others trumpeted the potential boon gay tourism could be for Nepal. As the summer sun burnt the mist off over the ceremony, I stood on the outskirts of the crowd peering in at the nervous young pandit blitzing through the routines. A young gay Nepali journalist confided in me: “This is just another one of those things BDS does that the public will look at and think they’re crazy.”

Mitchell had lost touch with Pant as she travelled the world, but eventually tracked him down on Facebook (Pant cancelled his account in 2012 to protest the company’s refusal to allow three gender options; in 2014 Facebook allowed more than 50, and Pant re-started his account) and struck up a conversation about her life and desire to have a wedding.

Pant played Mitchell’s (she was dressed in male garb) father for the ceremony. Stepping out from the commotion, *metis* and rapidly-firing camera shutters, he faced up to a television camera and a microphone was thrust

³⁷ Interview; Kathmandu, June 2011.

toward his face. “This is an example of a stable, normal American couple,” Pant told the reporters. “They have come to Nepal for their wedding because same-sex marriage is not legal where they live in America, and they support the LGBTI activism here.” The image of two white brides clad in wedding-formal hill Hindu Nepali attire flanked by dozens of transgender women dancers splashed underneath headlines announcing “Nepal’s First Lesbian Wedding.” The Minister of Culture and Tourism was chief guest at the reception later that night.

Pant and his movement did not escape romantic portrayals typical of the media gaze on Nepal, and even embraced them. Just as he did outside the Supreme Court on victory day, Pant deftly delivered messages he knew would stick, though even that method allowed him to run against the grain and take risks fairly often. BDS grabbed headlines for activities from opening a homeless shelter for all of South Asia’s forlorn gays (it was a community center that has a bunk room for activists who want to attend conferences but can’t afford hotels) and “Revolution on the Roof: Dykes in Nepal” (the opening of a lesbian discussion group, apparently with a dash of altitude) [Collins 2006].

For Pant, embracing the romantic portrayals of his own character and work became just another tool in an ever-expanding kit.

“Of course Sunil is fetishized, the third world gay guy and all,” Scott Long told me over brunch in Manhattan in July 2012. “But he knows how to use it to his advantage because he sees this sort of nonsense for what it is: a captive audience, a way to get his agenda on the table. Instead of letting the tokenism insult him, he just turns it on its face,” Long explained in admiration. “He’s ideal as a gay activist in a lot of ways – extremely unthreatening to the rich, white gay men that think they control the ‘global gay’ movement, but also unwilling to let them tell him what to do,” Long said.

And Pant’s attitude was not just a sideshow in Kathmandu’s political theater, but had impact globally as well. Long first met Pant in Yogyakarta, Indonesia in 2006 for the final negotiations of the Yogyakarta Principles, the first major international document to discuss sexual orientation and gender identity with regards to international human rights standards. “There was a draft to go over and you could tell from the beginning that the transgender activists present were coming in at a disadvantage because the gays and lesbians had been working together, negotiating documents and standards for much longer,” Long remembered. “Then there was Sunil – every time

gender identity came up he was on it, he understood it in a way that was at once nuanced and complex but also quite simple. And I think it sort of shocked some people that he wasn't trans and yet that's what he was so fluent in and passionate about," he said.

The debates at Yogyakarta spun into academic abstraction at several junctures. Labeling and describing identity terms inclusively and accurately clashed with the need to distill these ideas into a legally (and internationally) coherent framework. "Whenever the discussion got really twisted, Sunil would calmly remind us that if he couldn't bring this document home and use it to convince Nepali government officials that all of this was real and important, then there was no point to us being there," Long said. "He was right."

Local and Global

Nepali queer activists have negotiated a careful middle ground between what some have crudely construed as "international norms versus local understandings" and the process of "developing LGBTs" (Warmerdan 2012). The deployment of multiple arguments – delicately contingent on how the concepts of 'gay' or 'rights' or 'gender' or 'Nepali culture' are understood – mimics some of the struggles observed in the early days of AIDS education in Nepal when public health professionals were carrying out the day-to-day activities of an AIDS industry that "consistently pits its commitment to scientific truths that can save lives against the cultural beliefs that impede people from accessing them" (Pigg 2001: 496).

Explained a Nepali development agency staffer: "In conversations with people who don't understand, we always try to relate it to the gods. You can talk about these things in a very traditional way and that can help.... That's the way we can talk about it openly and people start to understand – the logic begins with the tradition and then they conceptualize it that way."³⁸

The efficacy of rooting arguments in sexual history is not unique to Nepal, and not confined to convincing those 'outside the community,' but proved effective as BDS's public presence expanded. Even with support from the Supreme Court and, over time, other nodes of government, public opinion proved stubborn in many cases. It was not unusual for Pant to start advocacy meetings with government officials by explaining the concepts of gender and

³⁸ Interview; Kathmandu, July 2013.

sexuality in a presentation, one third dedicated to each: religion, science, and law. The night before *Indrajātrā* in 2013, Pant joined a group of friends at Chyasaal, a small square in Patan. The annual shadow puppet performance featuring two figures (both played by men, one dressed as a woman) in erotic embrace attracted inquisitive onlookers. As we watched and chuckled, Pant circulated in the crowd, occasionally returning to update me. “Everyone knows it’s two men, and they say it’s fine because one is appearing as a woman.”

In 2012, Pant hosted a weekly television talk show called *Pahicān* (identity) during which he paraded local celebrities on the air, interviewed them about their lives, and then asked them their opinions of LGBTI people. During one of the tapings I sat in on, the guest, a singer, choked up when Pant asked her for her thoughts on LGBTI rights. Pant signaled for the cameras to cut out and asked her if she was OK. “I know I want to say something positive, but I’m not sure what to say,” she told him, and the two spent the next ten minutes discussing the letters in the acronym, the abuses BDS was known for publicizing, and the ongoing campaign for citizenship rights.

During a 2013 presentation to teachers in Kathmandu, Pant argued that homosexuality was as natural as a tiger being a carnivore, and that somewhere between 8 and 10 percent of the world’s population is not heterosexual – a common, convincing, and statistically mythical claim (Gates 2012). But if external messaging was a challenge met by incessant and varied information-sharing, internal debates at BDS (and within its orbit as individuals and CBOs fractured off of it) became a challenge of balancing cohesive confidence with managing expectations. A call for abstracts at a conference abroad would sow intense competition among potential attendees; the end of a grant that meant the termination of certain positions and not others could spark near mutiny.

I asked Pant at various junctures what he found most challenging about managing the movement. Once he explained it to me in terms of balancing individual expression with what was expected of the movement. “When it comes to expressing sexual identity, or any identity, some people want to do it in more outspoken or outrageous ways. And we love that in some places, like beauty pageants, but not in others, like government meetings or press conferences,” he said. “But then I don’t want to tell anyone who is brave enough to come out and be honest about themselves that they have to be quiet in this place or that place – it’s hard enough just to be honest and open, but now that we have more attention we are supposed to be more polished

and professional about it, which means some people aren't the ones who get invited to events as representatives.”

He told me, for example, about a *meṭi* sex worker who BDS had hired to manage a drop-in center. She once, the story went, showed up at a meeting with the Ministry of Health in a leather miniskirt, high heels, and with disheveled hair; she introduced herself as “Fuckira.” Pant laughed at the story, saying “see, that’s wonderful and funny. She’s outrageous in a good way. But then there are people, even inside BDS, who get uncomfortable with that, so we have to balance.”

Halls of Power

On 27 May, 2008, when Pant strode into the Birendra International Convention Center for the first sitting of the Constituent Assembly he was in some sense a featherweight compared to his peers. But in other ways, as a foreign-educated male at the helm of a large NGO, he was just a twist on what the massive UN mission in country at the time called “Nepal’s most representative elected body to date.”³⁹ The CA’s formation was much-celebrated, and symbolized a hopeful step out of the sinewy and politically-exploited divisions along lines of class, caste, ethnicity, and patriarchy that plagued the country.

As elected members wafted in, the crowd spun off into clusters of eager gossip. Pant took to helping introduce his party ticketmate, RaghavBir Joshi, the only deaf member, around the room. “It was a diversity party in there, everyone was so proud and politically correct, shaking hands and bowing Namaste across ethnic lines, really as if it was the first time they had ever encountered anyone different,” Pant told me. “I wanted them to know that different was broader – that they also had a disabled colleague and a gay one.”

The constitution drafting process soon snagged on parties bickering and political hope gave way to a familiar patrimonial status quo. Assembly meetings were postponed for months at some points, and when they met they were subjected to hours-long delays often while a cabal of elite leaders met in other chambers.

Primed for this environment by his rise as an activist, Pant used the delays to further his own work (Pokharel 2008), while keeping an eye on how

³⁹ www.un.org/News/dh/infocus/nepal/nepal_legislature.htm; accessed 10 March 2014.

political power brokers operated. Early allies were not easy to identify, but during conversations in parliamentary hallways and private homes Pant began to realize it was his colleagues with perceived social imperfections that engaged with what he was saying. “It was people with children with disabilities, or people who had a divorce in the family who came forward with support – all in a way had the same fight against traditional social expectations and patriarchy, so all the metaphors of our lives matched up,” he explained.

Soon after the election, Pant traveled to New York City to speak at the United Nations. While there he met one of his earliest supporters, George Carter. The men sat in the gilded lobby of a hotel near the UN and Carter handed Pant a large metal pin reading ‘Commie Fag.’ Pant immediately put it on his lapel, laughing.

Carter had recovered the pin from a box of his neighbor’s possessions thrown out on the street after the man had died of AIDS. “It showed that guy’s sense of humor, his daring, his arrogance. Even to say the word ‘commie’ or to say the word ‘fag’ – you could not do or say or be those things in Reagan’s America,” Carter told me, explaining he felt Pant’s election was the right moment to give the pin away. “Sunil had the peculiar sense of humor, a sense of bitter irony, that activists develop in order to survive all the sadness and all the nonsense,” Carter said. “It’s what made him an outlier.”

Pant’s seat on the Fundamental Rights Committee secured full protections for LGBTI people in the draft concept paper prepared by the Committee. Meanwhile Nepal’s bureaucracy was churning through audacious transitions, many of them in the name of post-conflict stability and autonomy. Among them was the transfer of HIV funding administration duties from the UN to the government, a process fraught with delays and accusations of corruption.

Improvising Uplift

In September 2011 Pant arrived one morning at the BDS office to find it occupied by hundreds of irate and desperate staff members. He called me and asked me to come, saying, “It will be a lesson in what Nepali activism really looks like.” An HIV grant scheduled for July 2011 had been held up as contracts shuffled through the health ministry’s warren of desks. As a result BDS offices had no condoms to hand out, the office landlords were harassing them for late rent, and staff had gone unpaid for several months.

Pant sedately took a dozen of the occupiers to the health secretary’s office to bring them face to face with the forces behind their complaints. The

health secretary cited procedural hurdles: “We can’t rush these things. We’re not sure who should sign the contract to release the funds.”

The dozen dove for her desk, enraged, but a simple hand gesture from Pant pacified the crowd. “We are not asking for haste,” he said, “the money is ours and it’s months late, our people are dying, and we are asking you to do your job.”

Pant stood and exited the office, the train of employees in tow. Minutes later, the BDS group was in the ministry’s grimy canteen laughing. “When you’re prime minister, Sunil sir, I want to be health minister,” said Manisha Dhakal. Another transgender woman in the group responded playfully: “You can’t give her the health ministry, sir! She will spend the entire budget on breast implants!” Another added: “That would be more useful spending than what’s happening these days.”

The next morning a BDS staffer called me to say I needed to rush over to Singha Darbar as they had secured a meeting with Prime Minister Baburam Bhattarai. Outside the complex, activists huddled under umbrellas as rain pelted down while one group haggled with security guards who were denying them entry. Pant turned back to his car, signaling to a few people, including me, to follow him. Nine of us piled into the Pajero and he drove up to the gate. Rolling his window down halfway, Pant nodded slightly at his lapel; the guard saluted, and we entered the complex. I leaned over the person next to me to ask what what had just happened, and Pant replied: “This pin I’m wearing means I’m a member of parliament.” He added, “The guards can’t tell me not to enter the government complex. And I brought my staff.”

Once in the meeting room with Bhattarai, Pant launched into a well-choreographed charm offensive, supported by Dhakal and another transgender woman, Bhumika Shrestha. Bhattarai promised to investigate the citizenship matter and stated his commitment to ensuring the dignity “of all third gender people.” The relatively inconclusive but high-profile meeting left BDS members hopeful and was widely reported in the news.

When in November 2011 the CA was extended a fourth and final time, Pant stopped drawing his parliamentary salary and organized sit-in protests in dissent. “Inside the convention center there were chambers where the party leaders and the powerful men would meet,” he explained. “All that diversity in the chamber was great but people from marginalized communities still were made to feel like they needed to ask permission to participate, to walk into a meeting about their own country.”

Those back-room debates among party leaders left the public in the dark; transportation strikes ticked up. Pant anticipated that the impending constitutional deadline and another transfer of power would trigger a game of administrative musical chairs, so he kept busy massaging paperwork through the sclerotic bureaucracy. When the *tesrolingī* recognition campaign progressed from one node of a ministry to another, Pant announced progress to the media; local headlines ran repeatedly as ‘Third gender get full rights, finally,’ the only difference in the text being the name and rank of the official credited with the progress.

Father Figure

Pant faced his share of criticism. In Bangkok, a veteran AIDS activist told me Pant and BDS were both “useless” and had “accomplished nothing.” Another HIV specialist pulled me aside at a conference to regale me of the time he was flown into Kathmandu to negotiate between BDS and a health agency. “He had the trannies surrounding the donor office like an army,” he said. In the next breath: “What bothered me about him is that he was so political, but not passionate. It was hard to imagine him running anything that would work because he wasn’t an activist, he was too calm.”

Former staff I interviewed explained how BDS had no formal systems, and decisions relied on how Pant wanted to promote individual people based on his own sense of patronage. Foreign travel was particularly coveted and competitive; trips abroad were lightning rods for internal strife. Some of it spilled out of the office’s walls and into Kathmandu’s gossip circuits; a press conference in 2012 arranged so papers about the non-existence of the third gender could be presented turned into a discussion of BDS’s alleged corruption issues quickly (Subedi 2012). The argument went: BDS created the third gender to attract funding.

But in the fall of 2012, the Kathmandu District Administration Office (DAO) leveled more serious charges against Pant, following a television report alleging corruption in the NGO. BDS’s accounts were frozen and audited. Kathmandu CDO Chudamani Sharma accused Pant of having illegally drawn two salaries – one from the government and another from BDS – while he was a member of the CA, demanded he pay both salaries back and pressured him to step down as BDS’s director.

In his defense, Pant cited a clause in the Interim Constitution, which stated that his salaries were illegal only if they both came from government

sources. The DAO refused to back down, and a protracted battle ensued. Around the same time, BDS documented a rise in police abuse, prompting Human Rights Watch (HRW) to issue a statement saying that Nepal had regressed into a ‘climate of fear’ for LGBTI people (HRW 2013). Later, the DAO refused to renew the operating license of Pink Triangle–Nepal, a BDS-affiliated organization for gay men, claiming that the word “homosexuality” in the NGO’s charter made the group illegal.

In June 2013, Pant took out loans, repaid both salaries, and resigned from BDS. In an email to about a dozen people – including Carter and Long, donor contacts, old friends, and me – he wrote: “My social, political and most importantly spiritual side of the journey definitely made me much better human than 13 years ago. I am leaving BDS with fresh yet experienced, courageous yet compassionate and several yet united ‘Better Hands.’” Many met the news with disbelief. In an emotional moment after Pant announced his resignation to BDS’s core staff, Bishnu Adhikari, threw his *tesrolingī* citizenship card on the ground in front of Pant and said he would resign from the movement.

At a small dinner at a Kathmandu restaurant later that month, Pant sat flanked by his replacement, BDS’s new executive director Sudeep Bahadur Singh, and his wife. Tejshree Thapa, the Nepal researcher for HRW, and I also attended. He told the few of us gathered that he was considering becoming a *vipāśyanā* meditation instructor, or studying Buddhism. There were personal matters to attend to as well – chiefly, spending more time in the United Kingdom with his partner, a British forestry expert he had met a decade ago in Kathmandu at a beauty pageant fundraiser.

Pant had tried once before to resign from BDS, when he had joined the CA. After a few months of his absence, the one thing the remaining leaders could agree on was the need for his return – the movement was floundering without him. Five years later, BDS was a larger and more stable institution, but its tenor changed almost immediately after Pant left. It is now headquartered in a glimmering new building, partially funded by the government budget Bhattarai had instituted six years earlier. The new executive director brought decades of experience as a civil servant and development professional, but he was an outsider to the LGBTI movement. One veteran BDS staff member explained: “It’s like we lost our father. One word from him was more effective than hours of discussing from other people. It makes us nervous for the future that he’s gone.”

Pant's retreat from public life came in multiple strokes. He stepped away from politics after the 2012 dissolution of the CA. Prior to the 2013 elections to a new assembly, courted by all the major political parties at some point, he joined the CPN-UML with several hundred BDS members. The following day, a political cartoon in *Nāgarik* daily recalled Bhattarai's earlier dig at the party during the 2008 election campaign when he called the UML *tesrolingī* for being indecisive and powerless.⁴⁰ In it, one man says, "365 third genders enter UML," and another responds, "Only now has our party's sex been assigned" (Knight 2014). Though the UML went on to secure 175 seats in the new CA, it announced before the election that it would not put forward any candidate who had served in the previous CA, ruling Pant out. None of the major parties ran any LGBTI candidates, though one candidate was able to register as *tesrolingī*.

In our later correspondence, Pant seemed alternately resigned and longing to continue being a part of the fight. On 12 January 2014, as an interim cabinet prepared to appoint candidates for the 26 CA seats reserved under its discretion, Pant wrote to 'Hello *Sarkār*,' a government complaint forum, to demand that at least one of those appointees be from the LGBTI community. BDS members held a press conference the following day to deliver similar demands. "The parties used us as a vote bank, only to exclude us," Pinky Gurung, BDS's chairperson, told reporters.

Later in 2014 BDS was cleared of corruption charges by a Social Welfare Council investigation, and reportedly by the Global Fund Office of the Inspector General as well though the report remains un-published. In March 2014 BDS and Sagarmatha Television, which had aired the *Khoj-khabar* episode alleging corruption came to a court-mediated agreement to not defame each other (Ujyaalo Online News 2014).

Activists continue to battle violence, harassment, discrimination, and more overt acts of prejudice. Despite this legal progress and its accompanying social sanction,⁴¹ some observers caution that the linearity of social acceptance cannot be taken for granted: rhetoric may not match private opinion; progress can label previously-static assumptions as prejudices,

⁴⁰ A similar slur was used that year against Roshan Mahato, a gay student activist, during a student election (see Frisbie 2014).

⁴¹ Tribhuvan University added "LGBTI topics" to its masters curriculum in 2011; BDS piloted a LGBTI sensitivity training for secondary school teachers with the World Bank in 2013; and "sexual and gender diversity" was added as a class 6, 7, and 8 health curriculum topic in 2014.

gesturing at what Liechty (2005: 13) described as “middle-class moral anxiety” triggered by women’s independence in a patriarchal society. In 2014, when some transgender women wanted to celebrate World Bikini Day, Pokhara citizens wrote a letter to the Kaski CDO stating: “We, the local people of Parajuli Marga have declared our area as a ‘Chakkā Niṣedhit Chetra’ [Transgender (slur) Prohibited Area] in order to protect our young generation from immoral activities” (UN Resident Coordinator’s Office, Nepal 2014: 6).

When I queried him as to how much public opinion had changed and whether it mattered, a former Kathmandu newspaper editor explained:

Backlash can be triggered here by territorialism – the perception of a group of people as an encroaching threat – not just some sort of deep prejudice. People who don’t mind gay people or who even support the LGBTI rights movement might do so because gays are ‘over there’ and not in their workplace or their home. No one was out in [our newsroom], maybe that’s why our coverage [of LGBTI rights issues] was consistently positive.⁴²

Pant’s behavior after leaving BDS hints at the difficulty of stepping away from the core of a movement so deeply imbued with his personality.

After the ‘Hello *Sarkār*’ complaint, I emailed him while he was in Newcastle, UK, asking whether he would return if nominated to the CA. He replied that he wanted to see an LGBTI candidate in the CA, but he wasn’t interested in being that candidate. “I always knew I was stronger at seeking than the change-making,” he wrote. “I believe I tried to make some positive changes through various activisms, and politics was one of the avenues I thought I needed to try out. It’s not that I am not interested in politics again,” he wrote. “I was never interested in the first place.”

The first time I interviewed Pant, he showed me around Ratna Park. “I know every corner here by a conversation we had,” Pant said. He remembered “explaining international human rights trends, what was happening in other countries like South Africa, and explaining that it’s nothing wrong within us, it’s the social attitude that’s the problem.”

As we walked around the dusty paths, dozens of people gathered around us. The sun bobbed through orange smog and dipped behind the mountains rimming the valley. As we headed out, a young *meṭī* with dark eye makeup and chipped pink nail polish sprinted up to us with bashful enthusiasm.

⁴² Interview; Kathmandu, August 2013.

“Sunil sir!”

Pant turned around.

“Thank you for your work.”

Pant smiled but avoided eye contact, appearing embarrassed at the attention. “We are not a culture of gratitude like that,” he muttered to me. “So I don’t know how I should react.” Back in his car, he turned the questions to me as we sat waiting for a break in the stream of traffic: “What do you know about starting a political party?” he asked.

I knew he had been toying with the idea of starting his own party on and off for a few years, and had even drafted a manifesto for the ‘Banyan Party’ – a eco-rights based platform. “It sounds very difficult,” I said, unsure of what to make of the question. Pant gunned the gas pedal, sending his Pajero barrelling out into the rush-hour bedlam, then folding us smoothly into the traffic. He grinned: “Some people like difficult things.”

Changing of the Guard

Pant’s departure has not eroded his place as the father of the movement. After Singh resigned amid accusations that he was unable to sustain relationships with donors, some donors asked Pant to headhunt the next director, who was put in place for only a few months before she resigned as well.

In 2013, Nepal was selected to participate in the joint UNDP-USAID ‘Being LGBT in Asia’ program (UNDP 2014c). In advance of the ‘community dialogue,’ the cornerstone event held in Kathmandu, the Federation of Sexual and Gender Minorities-Nepal (FSGMN) and BDS expressed concerns about how the initiative was formulated. Chief among the complaints was: a code of conduct the aid agencies put in place that activists felt was delivered in a “condescending nature of instructions to schoolchildren;” the lack of consultation with Nepali organizations in designing the concept note for the program; the number of seats for the event allocated to organizations with short histories of working in Nepal versus the number of seats allocated for FSGMN and its affiliates; and a survey that included “many pointlessly intrusive questions on organizationally sensitive matters.”⁴³

The ‘Being LGBT in Asia’ program responded:

⁴³ Email correspondence; 10 February 2014.

I am a bit confused by the focus on the number of ‘seats’ delegated to networks. The Dialogue is not intended to be a congress for one network nor will there be voting on any resolution. I believe we would both agree that placing quota on ‘representation’ will by definition exclude those who this Dialogue aims to include. The *inclusion* of diverse LGBTI voices should be the focus of a national Dialogue. After all organizations are not people.... In fact, we have engaged Nepal and BDS more than any other country and community based organization on issues relating to SOGI, Human Rights, Health and HIV.⁴⁴

The program was delayed by months. Donors expressed frustration at what they identified as petty territorialism among activists; activists perceived donors as excluding them from the program design process and threatening them with lack of future engagements (including funding) for ‘misbehavior.’ The event took place, the report was published, but the distrust festered.

Before he departed, in the spring of 2012, Pant was traveling when a high-level US State Department official was scheduled to visit Kathmandu. In the wake of Clinton’s speech, the American government was keen to meet LGBTI rights activists. An official at the US embassy called me, said a team had been to BDS to request a meeting for the dignitary, and it had been “chaotic.” He asked if I could have a chat with them to ensure they would be prepared for the meeting.

A few days later, we sat in the courtyard of a restaurant in Thamel with the US delegation. During the meeting, everyone talked too long. Some handed over *nāgarikatās* as visual aids (“do I even look like that photo!?”), some refused to pause for a young Nepali embassy staffer to translate. One BDS staffer got bored, lit a cigarette, and took a (rather profane) phone call.

The diplomats remained charming. As the ambassador began his concluding remarks with “we pledge that moving forward all American aid projects will include and support LGBTI people,” a BDS staffer stood up across the table and interrupted: “We are getting lied to when you say this. Other donors have told us this, and then nothing happens. We have no support, we are systematically shut out from our rights.” The ambassador nodded patiently at the rant, then closed the meeting. As the delegation left, an embassy staffer pulled me aside and said: “A bit rougher of a crowd than Sunil, isn’t it?”

⁴⁴ Email correspondence; 23 February 2014.

It may have been punchy group that afternoon, but it wasn't far from the spirit that inspired Pant to rent an elephant for *Gājīātrā* in 2007 and ride it up Darbar Marg to the palace, rainbow flag in hand. Indeed when I first arrived in Kathmandu on a Fulbright fellowship, a US Embassy official had accosted me at a cocktail party to discuss the stunt, saying: "Do you know what he did? He rode a rainbow elephant right up to the king's fucking gate! Who does that?"

In an April 2012 *The Kathmandu Post* op-ed, Pant wrote: "Pride is made public. Pride is open, it is loud – we can recognize it wherever we see it. Shame is difficult to discern. Shame is hidden; matters associated with shame are oppressed or even murdered to make it silent, invisible" (Pant 2012: 6).

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References

- Agence France-Presse (AFP). 2013. Nepal Court Accuses Top Anti-Trafficking Group of Detention. 28 May. Available at www.globalpost.com/dispatch/news/afp/130528/nepal-court-accuses-top-anti-trafficking-group-detention; accessed 14 April 2014.
- Ammon, Richard. 2009. Gay Nepal: A Struggle against History. *GlobalGayz*, 1 January. Available at www.globalgayz.com/gay-nepal-a-struggle-against-history; accessed 14 April 2014.
- Amnesty International. 2004. Nepal: 39 Transvestites Arrested and at Risk of Rorture. Available at www.amnesty.org.uk/press-releases/nepal-39-transvestites-arrested-and-risk-torture; accessed 14 April 2014.
- Arora, Vishal. 2013. Asia's Most Gay-Friendly Country. *The Bangkok Post*, 25 July. Available at <http://www.bangkokpost.com/business/news/361485/asia-s-most-gay-friendly>; accessed 14 April 2014.
- Basnet, Balkrishna. 2064 v.s. Tesrolingīlāi Pahicān Dina Ādeś. *Kāntipur*, 7 Pus, p. 1.
- BBC. 2007. Nepal Court Rules on Gay Rights. 21 December. Available at http://news.bbc.co.uk/2/hi/south_asia/7156577.stm; accessed 17 April 2015
- BDW. 2005a. *Blue Diamond Weekly*, 11 March.
- BDW. 2005b. *Blue Diamond Weekly*, 18 March.

- Becker, Jo. 2013. *Campaigning for Justice: Human Rights Advocacy in Practice*. Palo Alto, California: Stanford University Press.
- Bhandari, Raju Ram. n.d. Documentation of Human Rights Abuse and Media Report: A Review. A report prepared by Blue Diamond Society for Global Fund/FPAN Project, Kathmandu.
- Bondyopadhyay, Aditya. 2011. Laws Affecting LGBT Persons in South Asia: A Desk Review. Available at www.salgbtnetwork.org/downloadfile.php?file=11/Laws%20affecting%20LGBT%20persons%20in%20South%20Asia%20new.pdf&type=pdf; accessed 20 April 2014.
- Boyce, Paul and Sunil Pant. 2001. Rapid Ethnography of Male-Male Sexuality in Kathmandu. Family Health International (FHI), Kathmandu. Available at www.hivpolicy.org/Library/HPP000564.pdf; accessed 14 April 2014.
- Chaulagain, Charlie. 2015. Tyo 1999. Available at <http://np.recordnepal.com/art-letter/89>; accessed 24 January 2015.
- Clinton, Hillary. 2011. Remarks in Recognition of International Human Rights Day. Available at www.state.gov/secretary/20092013clinton/rm/2011/12/178368.htm; accessed 14 April 2014.
- Collins, Sophia. 2006. Revolution on the Roof – Dykes in Nepal. Available at <https://iglhrc.org/sites/default/files/222-1.pdf>; accessed 14 April 2014.
- Filio-Borromeo, Ma. Elena. 2012. MSM, TG and LGBTI at Risk to HIV Infection in Nepal. *New Spotlight* 6(2). Available at www.spotlightnepal.com/News/Article/-MSM-TG-and-LGBTI-at-risk-to-HIV-infection-in-Nepal; accessed 14 April 2014.
- Frisbie, Chad. 2014. Pride Climbing Higher: Stories by LGBT People of Nepal. Available at www.creative-nepal.com/wp-content/uploads/2014/09/Pride-Climbing-Higher_soft-copy_small.pdf; accessed 14 December 2014.
- Gates, Gary. 2012. LGBT Identity: A Demographer's Perspective. *Loyola of Los Angeles Law Review* 45(3): 693–714.
- Herd, Gilbert, ed. 1996. *Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History*. Cambridge, Massachusetts: Zone Books.
- Höfer, András. 1979. *The Caste Hierarchy and the State in Nepal: A Study of the Muluki Ain of 1854*. Innsbruck: Universitätsverlag Wagner Press.
- Human Rights Watch (HRW). 2004. Nepal: Sexual Rights Group at Risk of Closure. 22 July. www.hrw.org/news/2004/07/22/nepal-sexual-rights-group-risk-closure; accessed 14 April 2014.
- HRW. 2005. Nepal: Police Attack Transgender People, Pattern of Police Abuse Highlights Broader Threat to Civil Society. 17 April. Available at www.hrw.org/news/2005/04/17/nepal-police-attack-transgender-people; accessed 14 April 2014.

- HRW. 2006a. Nepal: Police on 'Sexual Cleansing' Drive, Transgender People Routinely Subjected to Physical and Sexual Abuse. 14 January. Available at www.hrw.org/news/2006/01/11/nepal-police-sexual-cleansing-drive; accessed 14 April 2014.
- HRW. 2006b. Nepal: 'Sexual Cleansing' Drive Continues, New Arrests of Transgender People, HIV Workers. 16 March. Available at www.hrw.org/news/2006/03/16/nepal-sexual-cleansing-drive-continues; accessed 14 April 2015.
- HRW. 2007a. Nepal: Maoists should End Anti-Gay Violence, Kidnapping Contradicts Promise 'Not to Punish Homosexuals.' 15 April. Available at www.hrw.org/news/2007/04/15/nepal-maoists-should-end-anti-gay-violence; accessed 14 April 2014.
- HRW. 2007b. Amicus Curiae Submitted to the Supreme Court of Nepal by Scott Long, Director, LGBT Rights Program.
- HRW. 2008. This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism. December 17. Available at www.hrw.org/reports/2008/12/17/alien-legacy-0; accessed 12 April 2014.
- HRW. 2009. Together, Apart: Organizing around Sexual Orientation and Gender Identity Worldwide. 10 June. Available at www.hrw.org/reports/2009/06/10/together-apart-0; accessed 14 April 2014.
- HRW. 2013. Climate of Fear Imperils LGBT People. 1 April. Available at www.hrw.org/news/2013/04/01/nepal-climate-fear-imperils-lgbt-people; accessed 14 April 2014.
- International Gay and Lesbian Human Rights Commission (IGLHRC). 2007. Nepal Supreme Court Case on Relief for Sexual and Gender Minorities: Observers' Report. Available at <http://iglhrc.org/sites/default/files/111-1.pdf>; accessed 14 April 2014.
- KC, Diwas. 2008. The State of Homosexuality. *HimalSouthasia* 21(3): 22–27.
- Knight, Kyle. 2011. What We can Learn from Nepal's Inclusion of 'Third Gender' on Its 2011 Census. *The New Republic*, 18 July. Available at www.newrepublic.com/article/world/92076/nepal-census-third-gender-lgbt-sunil-pant; accessed 14 April 2014.
- Knight, Kyle. 2012a. Dividing by Three: Nepal Recognizes a Third Gender. *The World Policy Institute*, 1 February. Available at www.worldpolicy.org/blog/2012/02/01/dividing-three-nepal-recognizes-third-gender; accessed 14 April 2014.
- Knight, Kyle. 2012b. Flushing out Genderism. *The Kathmandu Post*, 28 April, p. 6.
- Knight, Kyle and Michael Bochenek. 2012. Establishing a Third Gender in Nepal: Process and Prognosis. *Emory International Law Review* 26(1): 11–41.
- Knight, Kyle, Andrew Flores and Sheila Nezhad. 2015. Surveying Nepal's Third Gender Development, Implementation, and Analysis. *The Transgender Studies Quarterly* 2(1): 101–121.
- Lau, Holning. 2013. Law, Sexuality, and Transnational Perspectives. *Drexel Law Review* 5(2): 479–495.

- Lecomte-Tilouine, Marie. 2009. Ruling Social Groups—From Species to Nations: Reflections on Changing Conceptualizations of Caste and Ethnicity in Nepal. In *Ethnic Activism and Civil Society in South Asia*. David N. Gellner, ed., pp. 291–337. New Delhi: Sage.
- Lesnikowska, Alexandra. 2009. Raising Awareness about Sexual Health and Human Rights through Civic Engagement and Community Empowerment: The Case of Blue Diamond Society and the LGBTI Community in Nepal. Institute for Health and Social Policy Case Study, Vol. 3 No. 1, McGill University. Unpublished manuscript.
- Liechty, Mark. 2005. Carnal Economies: The Commodification of Food and Sex in Kathmandu. *Cultural Anthropology* 20(1): 1–38.
- Malagodi, Mara. 2010. Minority Rights and Constitutional Borrowings in the Drafting of Nepal's 1990 Constitution. *European Bulletin of Himalayan Research* 37: 56–81.
- Malagodi, Mara. 2013. *Constitutional Nationalism and Legal Exclusion: Equity, Identity Politics, and Democracy in Nepal*. New Delhi: Oxford University Press.
- NJA. 2007. Sunil Babu Pant and Others v. Government of Nepal and Others. *NJA Law Journal* 2(1): 261–286.
- Nori, Dalia. 2012. The Loudest Whisper in Society: Knowledge, Attitudes and Practice in Regards to Sexual Health of Transgender Male to Female in Kathmandu, Nepal. MA thesis, Goteborg University.
- Pant, Sunil. 2011. Legal Milestones in India and Nepal. Speech delivered at the event hosted by CREA, India.
- Pant, Sunil. 2012. No Matter the Sex. *The Kathmandu Post*, 2 April, p. 6.
- Pigg, Stacey Leigh. 2001. Languages of Sex and AIDS in Nepal: Notes on the Social Production of Commensurability. *Cultural Anthropology* 16(4): 481–541.
- Pokharel, Tilak. 2008. In Conservative Nepal, a Tribune for the 'Third Gender' Speaks Out. *New York Times*, 19 September. Available at www.nytimes.com/2008/09/20/world/asia/20pant.html?n=Top%2FNews%2FWorld%2FCountries%20and%20Territories%2FNepal&_r=0; accessed 14 April 2014.
- Sarkar, Sudeshna. 2013. LGBTs Get Their National Anthem in Nepal. *Gay Star News*, 21 July. Available at www.gaystarnews.com/article/lgbts-get-their-%E2%80%98national-anthem%E2%80%99-nepal210713; accessed 14 April 2014.
- Singh, Sonal, Sunil Babu Pant, Suben Dhakal, Subash Pokhrel and Luke C. Mullany. 2012. Human Rights Violations among Sexual and Gender Minorities in Kathmandu, Nepal: A Qualitative Investigation. *BMC International Health and Human Rights* 12(7). Available at www.biomedcentral.com/content/pdf/1472-698X-12-7.pdf; accessed 14 April 2014.

- Subedi, Anjali. 2012. Corruption, Nepotism Said to be Sinking BDS. *República*, 7 December, p. 2.
- Tamang, Seira. 2002. Civilizing Civil Society: Donors and Democratic Space. *Studies in Nepali History and Society* 7(2): 309–353.
- Tamang, Seira. 2003. Patriarchy and the Production of Homo-Erotic Behavior in Nepal. *Studies in Nepali History and Society* 8(2): 225–258.
- Tamang, Seira and Carmen Malena. 2011. The Political Economy of Social Accountability in Nepal. Available at <http://siteresources.worldbank.org/NEPALEXTN/Resources/223554-1296055463708/PoliticalEconomy.pdf>; accessed 14 April 2014.
- Tanaka, Masako. 2011. The Changing Roles of NGOs in Nepal: Promoting Emerging Rights-Holder Organizations for Inclusive Aid. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 22(3): 494–517.
- Thapa, Deepak. 2011. Ties that Bind. *The Kathmandu Post*, 21 July, p. 6.
- The Carter Center. 2011. First Interim Statement on the Election Commission of Nepal’s “Voter Registration with Photograph” Program. Available at www.cartercenter.org/resources/pdfs/news/pr/Nepal-First%20InterimStatement-VoterReg-PhotoProgram-041911-ENG.pdf; accessed 14 April 2014.
- The Heartland Alliance. 2013. The Violations of the Rights of Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Nepal. Available at www.heartlandalliance.org/gishr/publications/iccpr-lgbti-loi-report-nepal.pdf; accessed 14 April 2014.
- The Williams Institute and Blue Diamond Society (BDS). 2014. Surveying Nepal’s Sexual and Gender Minorities: An Inclusive Approach. Available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Nepal-Survey-Oct-2014.pdf>; accessed 14 April 2014.
- Thoreson, Ryan. 2009. Queering Human Rights: The Yogyakarta Principles and the Norm that Dare not Speak Its Name. *Journal of Human Rights* 8(4): 323–339.
- Ujyaalo Online News. 2014. Nīl Hirā Samāj ra Sagamāthā Telibhijan Milāpatra. 7 April. Available at <http://ujyaaloonline.com/news/31197/blue-diamond-society/>; accessed 14 April 2014.
- UN Resident Coordinator’s Office, Nepal. Monthly Report – October 2014. Available at <http://reliefweb.int/sites/reliefweb.int/files/resources/UN%20RCO%20Monthly%20Report%20October%202014.pdf>; accessed 22 December 2014.
- United Nations Development Programme (UNDP). 2014a. Nepali Masculinities & Gender-Based Violence. Available at www.np.undp.org/content/dam/nepal/docs/projects/UNDP_NP_AVRSCS_nepali_masculinities_and_gender-based_violence.pdf; accessed 14 April 2014.
- UNDP. 2014b. Being LGBT in Asia: Nepal Country Report. Available at <http://www.refworld.org/pdfid/54ed880a4.pdf>; accessed 14 April 2014.

- UNDP. 2014c. Being LGBT in Asia: What is the Project About. Available at <http://asia-pacific.undp.org/content/rbap/en/home/operations/projects/overview/being-lgbt-in-asia/>; accessed 14 April 2014.
- United Nations Office of the High Commissioner for Human Rights (UNOHCHR). 2008. Statement by Richard Bennett, Representative of the United Nations High Commissioner for Human Rights in Nepal at a Discussion Program on the Supreme Court Decision on Sexual Minority Organized by Blue Diamond Society, 12 January, Kathmandu. Available at http://nepal.ohchr.org/en/resources/Documents/English/statements/HCR/Year2008/2008_01_12_Sexual_Minorities_E.pdf; accessed 14 April 2014.
- Valentine, David. 2007. *Imagining Transgender: An Ethnography of a Category*. Durham, NC: Duke University Press.
- Vasily, Laurie. 2009. Struggles against Domination: Forms of Nepali Dalit Activism. In *Ethnic Activism and Civil Society in South Asia*. David N. Gellner, ed., pp. 215–238. New Delhi: Sage.
- von Einsiedel, Sebastian, David Malone and Suman Pradhan, eds. 2012. *Nepal in Transition: From People's War to Fragile Peace*. Cambridge: Cambridge University Press.
- Warmerdan, Sjoerd. 2012. Developing LGBTs: NGOs, (Dis)Empowerment, and Normalization of Gender and Sexuality in 'New Nepal.' MA thesis, University of Amsterdam.

Biographical Note

Kyle Knight is a journalist and was 2011–2012 Fulbright Scholar in Nepal and a 2012–2014 Visiting International Fellow at the Williams Institute, a think tank on sexuality and the law at the University of California at Los Angeles School of Law. Email: kylegknight@gmail.com