

# **APNON KA BAHUT LAGTA HAI (OUR OWN HURT US THE MOST)**

**Centering Familial Violence in  
the Lives of Queer and Trans  
Persons in the Marriage Equality  
Debates**

**A Report on the findings from a closed  
door public hearing on April 1, 2023**

**Organised by PUCL and  
National Network of LBI Women  
and Trans Persons**



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# suicide bid

ERLIT, Jan. 11. — An 18-year-old girl today attempted suicide by consuming insecticide and was admitted at a nursing home in Karikshera here. She had gotten into the same locality with her partner and "sodomised" her same-sex marriage at a Hindu temple in Karikshera. The family disapproved of the union and locked the girl in a room where she

# রিকল্পনা করেই 'সহমরণ'

কলকাতা, ১১ জানুয়ারি: একজন ১৮ বছর বয়সী মেয়ে আজ সন্ধ্যায় কলকাতার একটি নার্সিং হোমে ভর্তি হন। সে কলকাতার কারিক্ষেরা এলাকায় একটি হিন্দু মন্দিরে গিয়েছিল। সেখানে সে তার সঙ্গীকে 'সডোমাইজ' করেছিল। তার পরিবার এই সংযোগকে পছন্দ করেনি এবং মেয়েটিকে একটি ঘরে আটকে রেখেছিল। সেখানে সে কীটনাশক খেয়ে আত্মহত্যা চেষ্টা করেছিল।

# হোটেলে উদ্ধার বেহুঁশ দুই তরুণী

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# From the Organisers



১৫ জানুয়ারি ২০০৪ খ্রিঃ ১৪ জানুয়ারি ১৩২৫ বঙ্গাব্দ

# সম্পর্ক মানে পরিবার, আত্মহত্যার চেষ্টা ২ ছাত্রীর

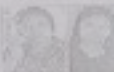
দুই ছাত্রীর মধ্যে সম্পর্ক নিয়ে গভীর মতামত জানিয়েছেন পরিবারের সদস্যরা। দুই ছাত্রীর মধ্যে সম্পর্ক নিয়ে গভীর মতামত জানিয়েছেন পরিবারের সদস্যরা। দুই ছাত্রীর মধ্যে সম্পর্ক নিয়ে গভীর মতামত জানিয়েছেন পরিবারের সদস্যরা।

# দুই ছাত্রীর দেহ

১১ কুলসত মেহ খিলদ দুই পুত্রস্বতীর আত্মহত্যার চরিত্রপুস্তক ঘটনা। পুত্রস্বতীর মামলা, তারা আত্মহত্যার চেষ্টা করেছিল। তবে, পুত্রস্বতীর মামলা নয়। তারা দুইই আত্মহত্যা করেছিল। পুত্রস্বতীর মামলা নয়। তারা দুইই আত্মহত্যা করেছিল।

### দুই বাসাবীর হিংস্রতা দেখে উদ্ধার রেপলপাইনে

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### উদ্ধার রেপলপাইনে

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### বেহালার ফ্ল্যাটে অভিনেত্রীর কুলসত দেহ

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### Lesbian attempt

Lesbian attempt


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### পঞ্জনা অসহ্য হওয়ায় আত্মহত্যা জানা

পঞ্জনা অসহ্য হওয়ায় আত্মহত্যা জানা



### মায় আত্মহত্যা জানপটে মেয়ের

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### রিকল্পনা করেই 'সহমরণ'

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### হেঁচলে উদ্ধার

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bangladesh branch of al-Qaeda aims killing of ICBT editor

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This report comes to you at a time when questions around who can be family and whether **adult citizens of this country have a say in forming their families and intimacies, are being asked at the Supreme Court** via some twenty petitions for Marriage Equality. The thus-far-acceptable ways of forming **socially and legally legible families** are through birth (and adoption) and marriage. Marriage is thus far available only to heterosexual couples. In its response to the Marriage Equality petitions, the State on March 13, 2023, said, “despite statutory recognition of the relationship of marriage between a biological man and a biological woman, marriage necessarily depends upon age-old customs, rituals, practices, cultural ethos and societal values,” and further added “it is regarded as a sacrament, a holy union and a sanskar.” (Balaji, 17th April 2023, the Telegraph) In the same statement, the Solicitor General suggested that since 2018, queer and trans communities do not face any stigma.

**The State’s view is shared by several religious heads and institutions**, as is becoming clear from the various petitions in opposition to the marriage equality petitions, (The Telegraph, 17th April 2023) as well as several **right wing** organisations who have also been very vocal about their opposition. (Yadav, J.P. 15th April 2023, The Telegraph) However, this opposition is not against queer and trans people alone. These very same organisations, and in some instances various state governments, have been trying very hard to stop **inter-religious marriages through laws, or through unlawful means**. The recent developments in Maharashtra where the government has formed a panel called Interfaith Marriage-Family Coordination Committee (state level) (MS. Eeshanpriya, 29th Dec 2022, Indian Express) and the anti “love jihad” rallies (Bose, Shaikh and Deshpande, 30th March 2023, Indian Express) are a clear example of what is happening in the country. At the same time, the opposition and violence towards inter-caste marriages has also been growing. “Sanskar” often comes up in these instances too.

The “sanskar” factor wants two crucial things – besides the attack on certain communities and castes – one, **to consistently undervalue the rights of individuals and the choices they make, especially young**

**persons even when adults; and two, to strengthen the rights of and controls exercised by parents or guardians.** As a corollary to this greater control by parents, the same sanskari forces also want to restrict the right of parenthood to cis and heterosexual couples alone.

As this report was being written, the DCPCR filed an application in the SC supporting marriage equality and adoption rights, (Outlook, 6th April 2023) (The News Minute, 10th April 2023) and immediately after the NCPCR filed one opposing adoption rights to LGBTQIA+ people. (Roy, Esha. 14th April 2023, Indian Express)

Nowhere is the tight control by parents, families and, by extension, communities, more evident than in the lives of queer and trans persons. The families that are supposed to be spaces of nurture, care and support, **turn against their own children (often at very young ages), treat them with utter disregard and violence, and force them to conform** to socially accepted ideas of what is “normal” without any regard to the individual’s dignity or personhood. **Stigma and violence run deep within the space of these families** that are assigned to us at birth (or adoption)<sup>1</sup>.

*This moment therefore, is about **families**, and not just about marriage. While the focus is on the demand for marriage equality for queer and trans people, the legitimacy given to assigned families is as much under question. Chosen families and intimacies cannot be thought of without also looking at the reality of what assigned families do to their queer and trans children.*

It is with the urgency of these concerns that a closed-door **Jan Sunwai** or **Public Hearing on Familial Violence on Queer Trans People** was organised by the **People’s Union for Civil Liberties (PUCL)**, along with the **National Network of LBI (Lesbian, Bisexual, Intersex) Women and Trans Persons (The Network)**, before an eminent panel of judges, lawyers, academics and activists. The hearing took place on **April 1, 2023**, and **31 queer and trans persons** testified in front of the panel. The focus of the testimonies was on the relationship with the assigned (natal) families and the various struggles that the testifiers had undergone to be able to live their lives.

1 We are using the term assigned families to refer to families assigned at birth, through adoption or as part of a fostering process – what would legally be considered the de jure or de facto family. In different parts of the report, more mainstream terms like natal family, birth family, or blood family have been used, to indicate families assigned at birth

This Jan Sunwaai was, for us, a way to bring the voices of the queer and trans people who face immense violence from their assigned families to the fore. The precarity of queer and trans lives precludes many being able to speak directly to the media. A public hearing (albeit within closed doors for security and confidentiality) in front of an eminent panel was our way of **making sure these voices and concerns reach the larger public**. One of the reasons for planning a closed door hearing was our desire to include participants from a wide range of margins. We knew that even though an open door hearing would be a smarter strategy in terms of generating interest and making some noise, it would prevent the more vulnerable participants from coming forward, and those stories needed to be heard. These voices and concerns are crucial, and we hope they get their due in the ongoing discussions around the rights of queer and trans persons as well as in the context of the issues raised on Marriage Equality.

## The Violence of Assigned Families

As activists working with LBI women and trans persons, we have known of the experiences of deep and abiding violence through media, through our work, the networks that queer and trans persons establish through their lives, and our own lives. Since the late 1980s there have been media reports consistently covering the death of two “women” together, often seen as suicides of those who were “friends” or “unnaturally close”. There have also been **consistent media reports of two persons (queer/trans) running away from violent families, forced marriages to cis men**, or other circumstances to be able to live together with each other. These queer and trans persons have often sought the help of the police, the courts, the magistrates, and even the media. In many instances, these persons have been able to reach organisations working on queer and trans issues or other human rights concerns, or often, organisations have read/heard about such cases in the media.

The **experiences of violence—physical, mental, and emotional—from assigned families**; of incarceration, starvation, sexual assault by them on their own children and sometimes their partners as well; of forced “treatment” by quacks, other so called healers and mental health professionals; of persecution across cities and states with the help of police; of continued violence and threats despite distance and change of location; and of attempts at the life of the queer/trans children, or

pushing them into taking their own lives have been recurring themes of our lives and work. As have the **experiences of dealing with institutions other than the family and community, which also take on the role of quasi parenting of adults** to make them conform to their understanding of acceptable behaviour. Often queer and trans people and organisations have fought long and hard in legal and other spaces to be able to get the rights that are granted by the constitution, and through the legal framework.

These experiences and work have continuously been documented in various forms<sup>2</sup> and much of this has been constantly in the public eye due to the growing media coverage and social media. And yet we have been unable to place familial violence as central to the rights of queer and trans persons as we have been able to do with public violence.

The very domestic and “sacrosanct” space of the family assigned to us in childhood that must become the focus at this moment for all of us to be able to understand the issues at stake here for us all – who is and can be family, what rights and duties do members of families have, and what autonomy is possible for queer and trans people in the face of violent assigned families. And so as PUCL and the Network, we realised that this is the time to raise these concerns in a consolidated manner yet again at this moment when queer and trans rights are once more in the limelight. Thus the hearing in front of a panel, and this subsequent public report of the proceedings.

## The Panel

The panel of experts was carefully chosen and finally was made of eight persons, of whom seven sat through the day of testimonies in person and one of the panelists joined online. On the 3rd of April, 2023, five of the panelists with two organisers, addressed a press conference speaking about some of the initial findings of the public hearing.

The panel was chosen for their expertise in their respective areas of work, their commitment to working for the rights of the marginalised, and such that they collectively brought together an immense intersectional array of politics, work and experience. None of the panelists was directly a queer and trans rights activist, though they have often openly taken stands and have stood with the queer and trans struggles. This was a deliberate decision on part of the organisers, though not necessarily an

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2 Please refer to the list of resources at the end of the report.

absolute one.

We were very fortunate to have **Retd. Hon Justice Prabha Sridevan** who not only has an impressive body of judicial work but is also a writer and translator. She was as compassionate as she was incisive and at the end of the day her address to the testifiers and organisers made each of us in the room feel held and supported. **Mihir Desai** is a well known human rights lawyer and senior counsel in the Bombay High Court and the Supreme Court and **Veena Gowda** is a women's rights lawyer working in the High Court and other courts of Bombay. Their experiences of providing legal support in cases of violence – communal, sexual, domestic, custodial, and other – as well as on the rights of the marginalised, played a crucial part in looking at the remedies required to live lives on our terms.

**Paromita Chakravarti**, a respected academic from Jadavpur University, has worked on many national and international projects on gender representation, sexuality, single women and homelessness and many others, and has been one of the long-term supporters of feminist and queer activism in Kolkata. **Kavita Krishnan** is a well-known Marxist feminist and civil liberties activist from Delhi and has been one of the leading voices against violence against women and the impunity of social and political institutions in maintaining it. **Manjula Pradeep**, the Director of Campaigns at **Dalit Human Rights Defenders Network** (DHRDNet) and National Convenor of the **National Council of Women Leaders** (NCWL) has been working as an activist since 1992 and is an anti-caste feminist and activist. These three academics and activists bring a body of work that is diverse as well as interconnected. They have in their own ways deeply examined the complicities of caste, gender and sexuality in the structural powers that form the fabric of this country.

**Divya Taneja** is the regional co-ordinator at the Special Cell for Women and Children in Maharashtra and has been one of the most important allies of queer and trans people in crisis in Bombay as well as other cities wherever the Special Cells are. Her gentleness towards understanding queer and trans lives and her firmness with assigned families, have made many lives liveable. Similarly, **Asif Iqbal** is one of the co-founders of Dhanak, an organisation working on a spectrum of issues and challenges faced by interfaith and inter-caste couples, LGBTQIA couples, and individuals who choose to assert their autonomy. They

have extended support to over 5000 persons and continue to do so in multiple ways. These two panelists added a much-needed dimension of what it means to work on individual cases of violence with assigned families as well as various other agencies.

Collectively, these eight panelists brought a wealth of experience and understanding to the hearing and this report aims to bring out their recommendations and analyses after listening to the testimonies of queer and trans people. We thank the panelists for bringing both attention and care to the process of listening, for engaging openly and voicing their thoughts and emotions, for bringing their acuity and politics to thinking through with us and reaching this report to its present form.

## The Testifiers and the Hearing

31 queer and trans people from different parts of the country presented their testimonies before the panel. Of these, 28 were present in-person, two sent their narratives in writing and one sent it via a video recording of themselves in conversation with one of the organisers. In addition, three stories of people we have lost were shared with the panel - submitted by organisations that tried to intervene/offer help. Of these, one person (a trans man) was lost to death and two were lost to the pressure by natal families, aided by police in one case (lesbian cis woman) and a court of law in another (gay cis man).

Of the people participating, there were six **couples** who presented their narratives together, and the other 16 people presented individually. Three people spoke of the **work they do** with the queer and trans community in their localities (remote locations), and everyone else spoke of their own personal journeys. Each testifier spoke for 10 to 20 minutes.

The testifiers could present their testimonies in whichever language they felt comfortable in, and there were translators available to help if the participant chose to speak in a language that wasn't Hindi or English. The translators helped by translating the narrative side-by-side as they were being presented, taking notes during the presentation, and helping with transcription of audio recordings that were collected (temporarily) with the participants' consent. The participants spoke in **six languages overall** – Bangla, Kannada, Telugu, Malayalam, Hindi and English.



Some of the testifiers had reached out to members of the Network; others were connected with organisations and individuals with whom the Network has been in touch; and some were themselves members of the network. The testimonies were from several different locations in terms of region, caste, religion, gender identity, ability, as well as inter-caste and inter-religious relationships.

As the groups and individuals part of organising this hearing largely work with LBI women and trans persons, most of our testifiers came from this section of queer and trans persons. Thus even though cis gay men also struggle with their families, they were not represented in this hearing. Similarly, while several of us work with and ally with many hijras/aravanis/kinnars, persons who are part of those networks of care and support are not part of this sunwai. This sunwai was limited to the queer and trans people who have reached out to the organisers and thus does not represent all queer and trans lived realities.

All testifiers were given the choice to speak in front of the panel, the organisers and the other testifiers or just in front of the panel alone (with a few persons doing the note-taking and other tech details). Eight people chose to speak to the smaller group. A majority of the testifiers chose to speak to all the persons present, speaking to **an audience of peers who often felt that it was their own lives being spoken of**. It was a day of speaking of pain, of violence, of the anguish that comes from those who are the closest, of betrayal and fear and helplessness, of brutality and assault. It was a day of defiance as well. It was a day of holding each other and being held, sometimes with a hand on a shoulder, a glass of water, a hug, a look, spontaneous applause and shared tears. It was a day where each narrative underlined the determination to be able to live in a manner true to one's person. It was also a day to speak of love and of camaraderie and the support that at the crucial moment, makes all the difference.

As organisers, we want to once again thank each person who spoke on the day or shared their lives in some other form. Every person who testified was someone who was in touch with one of the organisers and who consented, even insisted in many instances, on speaking about what they have undergone, are still undergoing. Their testimonies were not life narratives but **chosen narratives to highlight the concerns that they felt must be heard and amplified**. In the truest sense this hearing was a means to bring their (and our) concerns and lives to the

public. The panel served as both intermediary and amplifier in being the conduit to a larger public. This report is an attempt to make this hearing as public as possible and we will continue to try and do so in multiple ways.

## The Organisers

As a civil liberties organisation, the **People's Union for Civil Liberties (PUCL)** has been concerned about the civil rights of invisibilised populations. It has also always engaged with this intersection of civil liberties of individuals with social customs and traditional practices. It has consistently urged for interventions by the State and community to make sure that Constitutional guarantees of rights prevail over all other concerns. Members of PUCL have individually been involved in some of this work and so also have some units been called upon to help where needed in certain states. (PUCL Report, 1st September 2003)

The **National Network of LBI Women and Trans Persons** was created during a conference held in Bangalore in June 2008, as an informal network of individuals and organisations from Mumbai, Kolkata, Vadodara, Thrissur, Delhi, Chennai, Hyderabad. Over the years, newer organisations and individuals have joined from other cities. The community and civil society organisations included in the Network are: Nazariya: Queer Feminist Resource Group (Delhi), Sappho For Equality (Kolkata), Sahayatrika (Thrissur), Orinam (Chennai), Raahi (Bengaluru), QT Centre (Hyderabad), Hasrat-e-Zindagi Mamuli (Mumbai), Vikalp Women's Group (Vadodara), SAATHII (pan-India), and unaffiliated individuals.

The Network has conducted joint campaigns and conferences from time to time but most importantly has been very useful for providing help to LBI women and trans persons from across the country. The issue of familial violence has also been addressed by the Network through a documentation of crisis intervention work, research studies and also conversations on possibilities of changes in family laws. The latest such discussion was held in June 2022 in Kolkata on "Queer Trans\* Intimacies and Communities – Envisioning Rights and the Ways Forward".



# suicide bid

ERLIT, Jan. 11. — An 18-year-old girl today attempted suicide by consuming kerosene and was admitted at a nursing home in Karakhera here. She had gotten into the same locality with her partner and "sodomised" her same-sex marriage at a Hindu temple in Karakhera. The family disapproved of the union and locked her in a room where she

# রিকল্পনা করেই 'সহমরণ'

কলকাতা, ১১ জানুয়ারি: একজন ১৮ বছর বয়সী মেয়ে আজ কেরোসিন পান করে আত্মহত্যা চেষ্টা করে। এ ঘটনা কলকাতার কারাকেরা এলাকায় ঘটেছে। মেয়েটির পরিবারের লোকেরা জানতে পারেননি। মেয়েটি কেরোসিন পান করে আত্মহত্যা চেষ্টা করে। এ ঘটনা কলকাতার কারাকেরা এলাকায় ঘটেছে। মেয়েটির পরিবারের লোকেরা জানতে পারেননি।

# হোটেলে উদ্ধার বেহাশ দুই তরুণী

কলকাতা, ১১ জানুয়ারি: দুই তরুণী হোটেলের একটি ঘরে আত্মহত্যা চেষ্টা করে। এ ঘটনা কলকাতার কারাকেরা এলাকায় ঘটেছে। মেয়েটির পরিবারের লোকেরা জানতে পারেননি।

# Lesbian tries to kill self a homosexual, tried to commit suicide in Amritsar on Tuesday after her partner, Mala, hit headlines in 2004 when she came out of the closet and openly got "married" to Raju

Amritsar, 11 Jan: A 28-year-old lesbian woman today attempted suicide by consuming kerosene and was admitted at a nursing home in Karakhera here. She had gotten into the same locality with her partner and "sodomised" her same-sex marriage at a Hindu temple in Karakhera. The family disapproved of the union and locked her in a room where she

# রূপান্তরকারী সমাজিকনী সঙ্গীতার দেহ উদ্ধার, তদন্ত

কলকাতা, ১১ জানুয়ারি: একজন ১৮ বছর বয়সী মেয়ে আজ কেরোসিন পান করে আত্মহত্যা চেষ্টা করে। এ ঘটনা কলকাতার কারাকেরা এলাকায় ঘটেছে। মেয়েটির পরিবারের লোকেরা জানতে পারেননি।

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# দুই বাম্বার ডিম্বাধিন দেহ উদ্ধার বেলাপাহিলে

কলকাতা, ১১ জানুয়ারি: দুই তরুণী হোটেলের একটি ঘরে আত্মহত্যা চেষ্টা করে। এ ঘটনা কলকাতার কারাকেরা এলাকায় ঘটেছে। মেয়েটির পরিবারের লোকেরা জানতে পারেননি।

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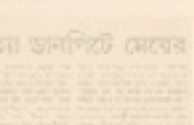
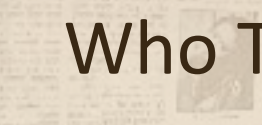
# বহালার ফ্যাটে অভিনেত্রীর কুলসুত দেহ

কলকাতা, ১১ জানুয়ারি: একজন ১৮ বছর বয়সী মেয়ে আজ কেরোসিন পান করে আত্মহত্যা চেষ্টা করে। এ ঘটনা কলকাতার কারাকেরা এলাকায় ঘটেছে। মেয়েটির পরিবারের লোকেরা জানতে পারেননি।

# Lesbian attempt

ERLIT, Jan. 11. — An 18-year-old girl on Wednesday attempted suicide by consuming kerosene and was admitted at a nursing home in Karakhera here. She had gotten into the same locality with her partner and "sodomised" her same-sex marriage at a Hindu temple in Karakhera. The family disapproved of the union and locked her in a room where she

# Demographics of Those Who Testified



Familial violence is not unknown to any of us, be it against, the wife, children or queer trans persons. But it is made consciously invisible, as seeing it and acknowledging it would mean questioning the very institution of "Family". Listening to the testifiers and hearing of gross violations of their physical, mental, spatial, sexual and emotional being, it would seem unconscionable to look away.

Law and society perceive family by blood, marriage or adoption as the safest space for individuals, this is reflected in various matrimonial laws, Family Courts Act, Juvenile Justice Act etc. Seeing the nature of violence faced by the testifiers, it would amount to denying them their very right to life and life with dignity if they do not have a right to choose their own family, free from violence. The right to marry would be a way of creating this new family and redefining it. These suggestions are part of the recommendations we have made as a panel in addition to seeking more proactive state policy in providing healthcare, social security and shelter homes.

Veena Gowda





## Gender Identity

<b>Gender Identity</b>	<b>Number of Participants</b>
Trans man	16
Trans woman	1
Cis woman	10
Non Binary	3
Genderfluid (AFAB)	1
<b>Total</b>	<b>31</b>

Of the 31 people that participated, 28 were AFAB (Assigned Female At Birth) persons, and 3 were AMAB (Assigned Male At Birth) persons. Their gender identities are detailed in the table.

## Place of Origin

The organisers tried to include participants from different parts of the country. Details of their places of origin are as per the table below. Please know that many of the participants do not live at the same place anymore. Many of them had to run away from their natal or marital homes in order to live their lives the way they wanted.

<b>Place of Origin</b>	<b>Number of Participants</b>
North India	10
East India	7
West India	5
South India	8
Northeast India	1
<b>Total</b>	<b>31</b>

The states in the table above have been clubbed into regions to better protect the anonymity of people who testified. These include Rajasthan, West Bengal, Haryana, Andhra Pradesh, Kerala, Maharashtra, Delhi, Uttar Pradesh, Karnataka, Assam, Manipur, Odisha and Telangana.

## Age

The youngest participant at the Jan Sunwai was 19 years old, and the oldest was 61. The highest concentration of participants was between the ages of 20 and 30, and there was an almost equal representation of all other 5-year clusters between 15 and 45. 3 participants did not want to disclose their ages.

<b>Age Bracket</b>	<b>Number of Participants</b>
15-20	3
21-25	8
26-30	9
31-35	2
36-40	2
41-45	3
61-65	1
Age not known	3
<b>Total</b>	<b>31</b>

## (Assigned) Religion

Please note that the religion mentioned here is the one that their natal or assigned families follow(ed). In that sense, we like to call it assigned religion (like assigned gender). Their own religious identity could have moved from there and we don't have the data on which religion, if any, the participants followed. We don't know the religion assigned to one participant.

<b>Assigned Religion</b>	<b>Number of Participants</b>
Hindu	23
Muslim	5
Jain	1
Christian	1
Religion not known	1
<b>Total</b>	<b>31</b>

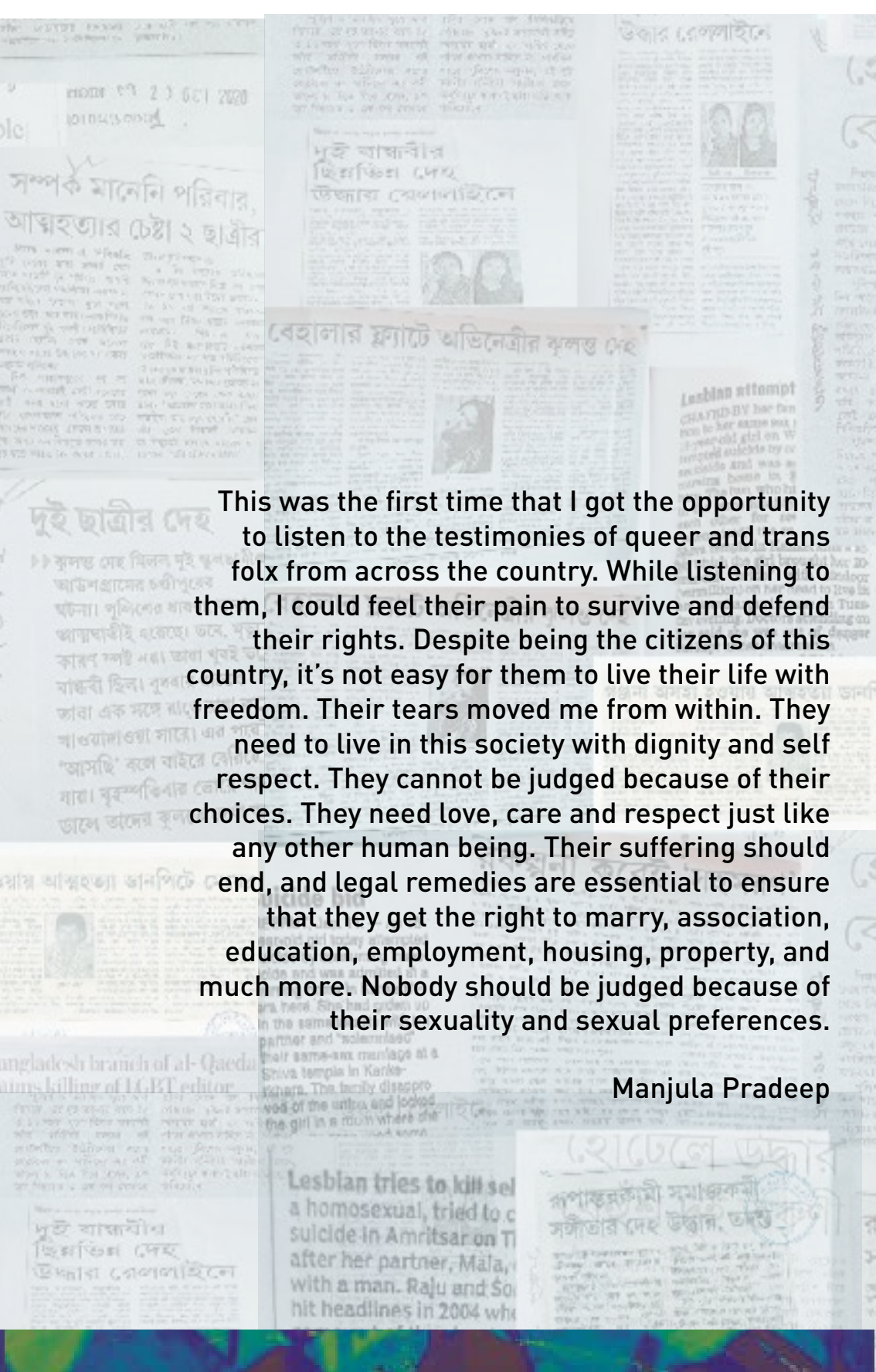


## Caste

The participants came from different caste locations. Some participants chose not to share their caste information, so we have marked them as caste unknown. Of the 11 people that did not share their caste information, 6 were assigned religion Hindu, 4 were assigned Muslim, and 1 chose not to share their assigned religion.

<b>Caste</b>	<b>Number of Participants</b>
Dominant Caste	7
Scheduled Caste	9
Other Backward Caste	4
Caste not known	11
<b>Total</b>	<b>31</b>





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### সম্পর্ক মানেনি পরিবার, আত্মহত্যার চেষ্টা ২ ছাত্রীর

সম্পর্ক মানেনি পরিবার...  
আত্মহত্যার চেষ্টা ২ ছাত্রীর

দুই বাসাবীর  
ছিন্নভিঙ্গা দেখে  
উদ্ধার রেপলাইনে

উদ্ধার রেপলাইনে

বেহনার ঘৃণাতে অভিনেত্রীর কলস্র দেখে

Lesbian attempt  
CHARITY BY her fan  
... 10-year-old girl on W  
... suicide and was a  
... home in 5

দুই ছাত্রীর দেখে  
কলস্র দেখে মিলন দুই যুগ  
আত্মহত্যার চেষ্টা করে  
যত্নে। পুলিশের হাতে  
আত্মহত্যা চেষ্টা করে। তবে, পুলিশ  
কারণ স্পষ্ট নয়। তারা খবর  
বাস্তব হিন্দ। দুই ছাত্রীর  
জা বা এক সঙ্গে রাখে  
স্বাধীনতা ওয়া নারে। এর  
"আসছি" বলে বাইরে  
যায়। কলস্রভিয়ার  
জলে তাদের কলস্র

This was the first time that I got the opportunity to listen to the testimonies of queer and trans folk from across the country. While listening to them, I could feel their pain to survive and defend their rights. Despite being the citizens of this country, it's not easy for them to live their life with freedom. Their tears moved me from within. They need to live in this society with dignity and self respect. They cannot be judged because of their choices. They need love, care and respect just like any other human being. Their suffering should end, and legal remedies are essential to ensure that they get the right to marry, association, education, employment, housing, property, and much more. Nobody should be judged because of their sexuality and sexual preferences.

Manjula Pradeep

বাংলাদেশ আন্দোলন জাদুঘর

বাংলাদেশ আন্দোলন জাদুঘর  
aims killing of LGBT editor

... in the same  
partner and "admitted  
their same-sex marriage at a  
Shiva temple in Karle-  
shigera. The family disappro-  
ved of the union and looked  
for the girl in a man where she

Lesbian tries to kill self  
a homosexual, tried to c  
suicide in Amritsar on T  
after her partner, Mala,  
with a man. Raju and So  
hit headlines in 2004 wh

হোটেলে উদ্ধার  
দুর্ভাগ্যবশত সমাজিক  
সঙ্গীতার দেখে উদ্ধার, তদন্ত

দুই বাসাবীর  
ছিন্নভিঙ্গা দেখে  
উদ্ধার রেপলাইনে



Studies of violence exist in different contexts, though perhaps not quite capturing the specific kind of violence that queer and trans people experience at the hands of assigned families; stories of violence exist as well—they appear in the media on occasion and then fade away. This report does something different: it is grounded in a belief that **it is not just through numbers and percentages of the population that an argument can be made for the need to bring changes at the legal and policy levels**—in any case, it is precisely the violence we are looking at that would make achieving such data close to impossible.

It is also grounded in the belief that we have moved into a culture of consuming queer and trans narratives, looking for the patterns of suffering+suicide/ suffering+overcoming or achieving ‘normalcy’, which allows for the focus on the individual nature of this suffering and overcoming to often distract from articulating the responsibility of the state in it. The report builds on the narration of incidents, interpretation and affective impact that the testimonies have brought to all those who were present for them, and attempts to share as much of the experience with readers, in order to lead to a **process of articulating what is particular and needs to be addressed in the nature of the violence faced by queer and trans people compared to other, often coexistent types of violence** and how they are framed legally and culturally; to then provide concrete legal and policy suggestions that would address this.

**The first section** attempts to capture concretely what the testifiers considered essential for the panel to understand when it comes to **the nature of the violence they faced**. It is not an inventory of violence, but an attempt to capture what each testimony focused on, drawing on a much vaster, way more complex experience.

**The second section** follows the same strategy to add a layer of complexity: the collusion of police, courts, health and mental health care institutions, schools, in the violence perpetrated by the family. Read with the first section in mind, the section is intended to capture **the support that these institutions are meant to provide, and the actual experiences of testifiers** who have had to interact with them in situations of crisis and vulnerability.

**The third section** completes the picture that the testimonies brought before the panel by looking at the many negotiations and many **ways that queer and trans people have found to survive** through the quagmire of violence they have had to face.

It is important to remember once again that the format for the presentation of the testimonies has been arrived at to anonymize, to lower the risks of individual lives being recognizable—because of the clear risks that specific individuals and couples face. But this decision has other implications as well. The testimonies were not life narratives that were presented before the panel. They were pointed responses that queer and trans people wanted to bring to **a conversation intended from the very beginning to understand—dissect, analyze—the nature of the violence they have faced, and the ways they have come up with to survive it, escape it, address it, support others in doing so** etc. That is why the chapters dealing directly with the testimonies start from the aspects that were highlighted in the brief time each one had, and organize them by a logic that will hopefully help anyone engaging with them in order to understand what are the points where change is needed in order to intervene when violence takes place and to avoid it before it reaches that level.

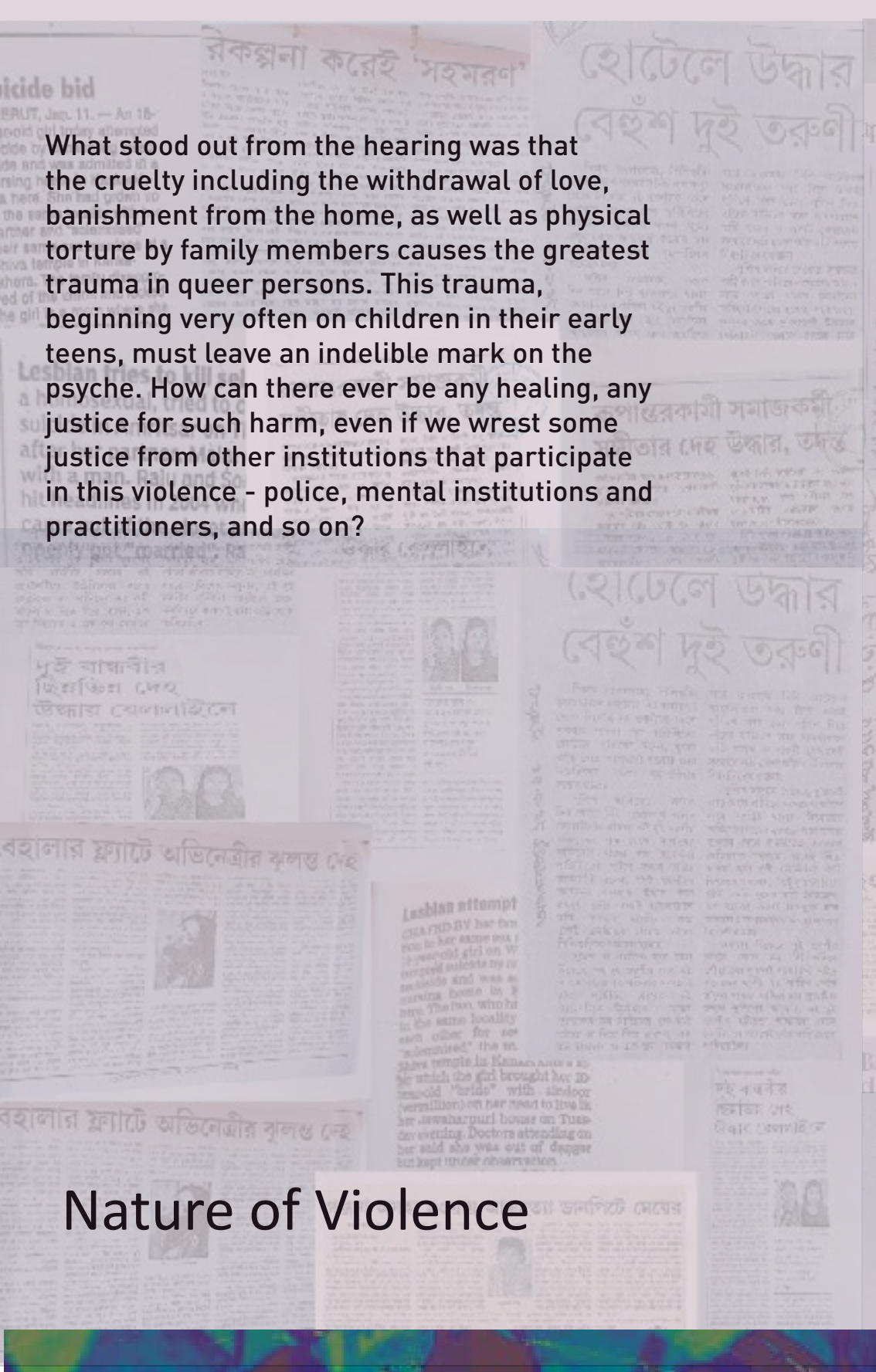
**The following section** takes off from these testimonies and places their key concerns within the history of feminist, queer and trans movements that the panelists found relevant to the conversation, in order to anchor the understanding of the present and **the articulation of the kind of dialogues and nuanced engagement that are required in the future.**

**Finally,** the report concludes with a set of recommendations, suggesting in terms of **policy and law the points of entry for changes** that might make queer and trans lives more liveable.





What stood out from the hearing was that the cruelty including the withdrawal of love, banishment from the home, as well as physical torture by family members causes the greatest trauma in queer persons. This trauma, beginning very often on children in their early teens, must leave an indelible mark on the psyche. How can there ever be any healing, any justice for such harm, even if we wrest some justice from other institutions that participate in this violence - police, mental institutions and practitioners, and so on?



# Nature of Violence



Change would need a sustained social and political movement - sadly, very few of the larger and more progressive organisations - left trade unions, political parties, women's organisations - have ever taken up these concerns as part of a public campaign, even if they have a formal position of support.

The seed of change is already there - in the testimonies about a parent or sibling who accepts the loved one; a landlord or employer who doesn't get pressurised to get rid of a queer person; a doctor in a mental institution who advocates for a person falsely incarcerated there for being trans; a judge who passes an order respecting the autonomy of the queer person; police or providers of legal services who perform their duties of protecting the autonomy and dignity of queer persons. Movements need to acknowledge and nurture this seed, rather than assuming society to be uniformly prejudiced. Given that anti democratic political projects globally, use "family values" and "the natural order" to attack feminist and queer selfhoods and kinships, movements that challenge these projects and defend democracy ought to make advocacy on these issues a central theme.

Kavita Krishnan



## Physical Violence

Of all the testimonies, there were hardly a few that mentioned specifically that they did not face physical violence (Lehar), or that the extent of physical violence discussed below is not common among the situations that activists from queer/ trans support groups come across (Baruni). For the rest, it was more a question of the form that the physical violence took – whatever was seen to be the most effective way to **exercise control over a child or an adult member of the family** who was seen as doing something unacceptable. This pattern is perhaps at its clearest when it comes to children wanting to express their gender identity through clothing and hair style.

My father was a very abusive man, who hit my mother and me. I didn't want to grow my hair, I wanted to wear a shirt-pant, and because of that he beat me up. He never bought it for me. I used to sometimes wear my cousin's clothes, which my father had a lot of trouble with.

[Uday, Trans man, 27]

Some testifiers recalled **being of an age where they themselves were just beginning to understand not only their own gender, but the normative gendered patriarchal prescriptions they were expected to follow**, and the lenses through which their families and communities would judge them.

At 11, for the first time, I had a problem with wearing a uniform in school. They would make girls wear lehengas, I couldn't understand why I couldn't wear the kind of clothes the men were wearing. I really liked my cousins' shorts and shirts. I cried a lot saying that I wanted those clothes. I asked my brother for the clothes, he would beat me up. I went to my grandfather for the clothes, he finally brought me some, and I would wear them in hiding.

My mother used to beat me, everyone beat me. [...] When they asked me to wear a burqa, I said no. They beat me whenever they saw me without it.

[Taarik, Trans man, 38]

The supposed violations of norms did not even need to be real or verified – any accusation seeming to impinge on its 'honour' is enough for the family to feel entitled to "correct" a child's transgressions. **And as this kind of violence becomes normalised, the possibility of finding any space of safety** within the family, enough to trust it with one's own isolated attempts to understand one's gender and sexual identity, **is bound to fail.**

When I was in the 9th standard someone told my father, ‘Your daughter is having affairs with 2-3 boys,’ actually 100 boys. My father came and hit me a lot. I felt that it was my fault – I am actually a girl, but I keep forgetting that. I keep thinking that I am a boy, it’s not their fault, I don’t see myself as a girl only. I thought if I tell anyone about myself they will kill me and hide my body so I didn’t say anything. But I had not done anything.

Tried to talk to my mother and said that I had not done anything wrong. She said that God knows what you have done but now you will have to listen to your father. She was also scared of my father. Dad got me out of school, made me grow my hair and wear a bindi. I have seen my mother being beaten, I would be beaten.

[Tej, Trans man, 44]

**Physical violence is the tool of control that parents and guardians use to ‘correct’ what they see as ‘wrongs’,** what to them are unacceptable ways of living and behaving, and the **pointing out of these ‘wrongs’ is something that the larger community feels entitled to do** – things seen as embarrassing or shaming the family in the context of larger social acceptability. In the hierarchy of the patriarchal family, physical violence may be meted out not only to the child, but also to the mother, with the threat of violence against the mother being used to keep the child in check. Though sometimes at the receiving end of violence, the mothers mentioned in the testimonies themselves often participated in the violence against their queer/ trans children, either not intervening to stop it, or beating up the children themselves. Physical violence is, then, the go-to response to perceived transgression, that keeps escalating as the queer/ trans person develops relationships and support structures outside of the family. Several testimonies indicated how the physical violence had started even earlier.

After Tej [the speaker’s partner] came into my life the torture from my family increased. The physical abuse increased from family, elder brothers and also mom. I have two brothers, one elder and one younger. There was no reason for the beating. They felt that there was a daughter in the house on whom frustration can be taken out. She wouldn’t go out and tell anyone.

The whole day I would be at home. Any outsider would say anything about me, and my mom would believe and beat me up. *Bahut maar khaya hai* [I’ve suffered a lot of beatings]. However, it made up for it when I met Tej. Tej has always supported and trusted me.

[Lekha, Cis woman, 34]

The **violence does not end with the child reaching adulthood**, since the family continues to act as if entitled to govern the life of the young

queer/ trans person. It also doesn't stop at that person, often extending even to those who try to support them.

**When the person who provides support is a partner, or a queer/ trans network or friends, the physical violence is known to escalate, and then the partner/ friends face it as well.** Rani spoke about spending 23 years married to a man who 'punished me for small things all the time,' and whose own natal family's refusal to help her was justified as, 'if I have already suffered so much, why not a little more?' – till she left the abusive marital house and started living with her partner.

At that time I didn't file a case because I didn't know that I would have to take the step of leaving. Before meeting Ranveer, I had never thought of escaping that situation. In our community, family *izzat* [honour] is the most important thing. A lot of pressure from the natal family that this is nothing, ignore it, this is your fate – that is what they used to say about the beatings. When I had support from Ranveer, I thought I didn't have to tolerate this anymore. This is why I left the house.

When both families (natal and in-laws) found out where I was living, Ranveer's house address, they came and beat me up. They dragged me down by my hair from the fourth floor. I couldn't even get up and walk on my feet, I fell unconscious. They put me into a car and took me away to another state.

[Rani, Cis woman, 42]

Assigned families beat up partners who try to stand in the way of them compelling the queer/ trans person to return to the family home and live by the rules the family want to impose on them, sometimes even when the couple has filed petitions in the High Court that they want to live together (Chetna's parents trying to beat up Tushar); or when the person is held against their will and subjected to violence by their family, and the partner tries to go to their house and help them escape (Sajo and Celine). Ironically, among the testimonies was also the following description of the violence of the assigned family of a trans man's partner towards him:

It was a very violent incident. Since I am masculine appearing and cis passing they beat me up very badly because they assumed I was a [cis] man.

[Oishik, Trans man, 21]

Not only do family members feel justified in beating the partner up, they also **garner the support of relatives and others (men are frequently mentioned) from the community**, either through falsehoods or without even the need to justify what they are doing. It is almost

as if no explanation is required to attack a stranger on the street, particularly when this stranger is read as a cis man who is there to take away the daughter of the family.

When Celine's father was taken to the hospital, I was on my way there. At that time, the vehicle I was travelling in was blocked by eight people who started beating me up without knowing what they were beating me up for. I asked them why they are doing this, is it because a woman has expressed her love for me and I'm taking her with me? That is when people found out what the issue was. They were beating me up without even knowing this.

[Sajo, Trans man, 26]

This is even more so when there is a **structural disparity between the families of the partners, as in the case of Tapan, a trans man from a Scheduled Caste background whose partner comes from a dominant caste-class family and has also been forcibly married into one.**

One day, when I was sleeping at my house, my partner's family members barged into my house and started abusing me for my gender identity, cursing me and saying I couldn't be like this. Laxmi's family is richer and much more influential whereas mine is not, so there was a lot of familial violence.

[Tapan, Trans man, 22]

In a context in which societal violence against inter-religious couples is on the rise, and various communities are already pushing to make parental permission a requisite for "love marriages" between consenting adults, relationships which are queer as well or which involve trans persons are seen as even more of a threat, and can trigger even greater violence.

Because I was Muslim and she was Hindu, I had to face a lot of discrimination. I was not supposed to eat from the same plate. People would talk to me and then they would have to take a bath before going into the house. I was under house arrest for three months.

One day my partner's brother started beating her a lot. We were very scared but we did not have any financial resources. She said, 'You should go back home. We will get in touch with each other but right now we can't be together because we don't have enough financial stability.' She faced a lot of family pressure and said she can't be with me because I am a Muslim. If she has to be with someone she will be with a Hindu man, and that is why she sent me home.

[Tahir, Trans man, 22]

The emphasis here, in the testimony Tahir presented before the panel, was on the violence both he and his partner faced because of his being a Muslim. In this case, the violence seemed impossible to escape for lack of financial resources, eventually pushing the partners to separate and Tahir to think that **the only way to build the life he wants is to 'not depend on anyone else'** – a sense of alienation not only from one's own family, but from other relationships one might establish as well – before managing to learn about and get in touch with a support organisation<sup>1</sup> for LBT persons.

In many of the testimonies, the inciting reason for the physical violence had to do with a person's refusal to get married to partners deemed "appropriate" by the family. The multiple ways in which forced marriage comes to be used as a passing on of the "problem" to another family or as a way to "correct" what the family sees as being wrong with a queer/ trans person is discussed in detail below. In this context, it suffices to note also the multiple sources that an individual draws on to resist marriage pressure. One of the testimonies spoke of such pressure as stemming from the family's anxiety that the genderfluid individual (read by their family as someone needing to conform to the expectations the caste/ community has of "women") – in a context where education is not seen as a priority irrespective of gender – might not find a "good match" if allowed to access higher education.

Father kept coming into the room, clearly wanting to punch me. He overturned the cot where my sister was sitting. I told him I was not afraid of anything. I wanted to go to the bathroom but they didn't let me. This went on the whole night.

[Uma, Genderfluid (AFAB), 27]

The ability to say to someone who holds financial and other kinds power over oneself in the hierarchy of the family that one is not afraid, and to continue to face the violent situation until one is able to find a way to leave, points to **a sense of knowing how one wants to build their life and being able to hold on to that and try to achieve it.** In several of the longer testimonies as well, what came across again and again were the layers of complexity of this imagination of a possible life, layers in which one's own gender identity, and the relationships one wants to establish, are connected to access to education and to

1 The report does not mention the names of specific organisations in the narratives to ensure the anonymity of the queer and trans persons mentioned. The following organisations have been mentioned as providing support: FAOW, LABIA, Nazariya, RAAHI, SAATHII, Sahayatrika, Sappho for Equality, Vanaja Collective

the ability to use that education, to the need for financial security, and often to an aspiration to be safe from violence from one's family, community, police, etc.

When one is seen to violate the norms they are expected to follow, thereby becoming a "bad" subject (a bad Muslim, a bad woman, a bad member of a caste community, etc.), hierarchies in the family shift, so that even **those over whom one conventionally holds power (younger siblings, children, sisters vis-a-vis brothers) appear entitled to subject one to physical violence.** For instance, one testifier described her sisters' attempts to bring her lesbian relationship to an end.

My sisters attacked me. My younger sister and mother would always blackmail me as if I was a criminal. Even though the younger sibling was younger, she would behave like an older sister, including pulling me by the hair and attacking me.

[Omera, Cis woman, 24]

Such physical violence is often accompanied by a betrayal of trust, in which the entire family participates or is complicit. The image fabricated for the outside world is one in which the family is intervening to "rescue" the person who, according to the family, does not know what is good for them. And so, instead of trying to comprehend the life their family member desires or imagines for themselves, their family would rather see them be beaten and drugged into submission.

After getting back home my mother and sisters were beating me up and when I was shouting, they told the neighbours that before my dad passed away, I had been with Sajo for a few months and he drugged me and this yelling was because of drug withdrawal. They said that this and trafficking of women was the kind of work that transgender people do in general.

They would put sedatives into my food and they approached somebody in a masjid who had prepared this sedative. Food would be given to me, there would be sedation, I would sleep for a long time, wake up, eat, sleep again. . . . If I protested, they would shout and beat me. I was kicked in the stomach by my sister when I had periods, and even my mother didn't come to find out what was happening.

[Celine, Cis woman, 28]



Another point to note here is the frequency with which, when the family learns of a relationship between their family member, who is a cis woman, with a trans man, **it is the trans man who is blamed and accused of somehow corrupting or deceiving or otherwise forcing the woman into the relationship.** This comes across both from personal testimonies, and from the comments made by one of the testifiers involved in supporting queer/ trans people. Both the individual partner, and the idea of trans-ness in general, are targeted in such accusations. It is the **combination of prejudice against transness, and the assumption that (cis) women do not know their minds, have no agency and need to be controlled that are at work here, and the subsequent violence is directed towards both partners.**

After all this happened, my partner's *mama* [maternal uncle] attacked me. Because of that, I had to have eye surgery. He wanted to hit me on my face and to injure my eyes but, because I turned my head, he hit just one eye.

[Tarun, Trans man, 29]

The violence does not come only from a failure to understand and respect an individual's right to self-determination. The **determination to prevent the queer/ trans person, even as an adult, from establishing any meaningful relationships** or even finding comfort in talking to others is a recurring aspect, and the natal and marital, immediate and extended families that the testifiers talked about did not hesitate either to inflict physical violence or to entrust others with the power to discipline.

## Threats to Life/Kill

The severity of the violence that one faces from the natal or marital families reaches the extent of threats to life. One of the testimonies pointed to how obedience to family rules is expected to be so complete, that **even where an individual works and earns, they continue to live as though under house arrest, with control exercised over their comings and goings, and actual attempts to kill them.**

One day I reached home half an hour late from school because I was hungry and went to eat out. During that half an hour my papa called everyone from the Principal to teachers and asked about my whereabouts. When I was back and came to know about this, I told my father that you have created so much fuss about me being half an hour late. I will have to face humiliation in school again tomorrow. But they blamed me instead, and my father said, 'How dare you go out?' I tried to explain that I was tired and hungry. But

my father beat me up a lot. He said that instead of this everyday tension, it is better that I just die.

This one time during Diwali, there was a huge fight about me. They decided we will kill her today. Papa had a rat poison bottle, mother and brother had caught hold of my legs and hands. Younger brother was looking at me. There was no one to stand up for me. I just kept praying that if I survive today I would leave. I didn't want to stay with these people.

[Lekha, Cis woman, 34]

It is important to consider how widespread the control is that the assigned family has over an individual, and the extent of the violence it can perpetrate. Such violence does not take place only in response to a person's sexuality or gender being seen as transgressive, as an illness or as unacceptable, it becomes part and parcel of routine living. Though **the questions asked in this report concern specifically the nature of the violence faced by trans and queer people, these discussions also carry implications for other people's relationships with assigned families, especially when individuals try to define their own life trajectories.**

The casualness with which Lekha is told that she causes so much tension she might as well die echoes the brutality inherent in many other testimonies. Banu's father saying there is only space for one of them in the world and trying to kill her; Shamlee's mother saying it's best that a queer child should die; Uday's family talking to others as if he were already dead. At times the threat to life takes place when one is still a child, as an extension of ongoing violence, as we have seen earlier.

But it is not only the family members who are subjected to such threats to their lives. Testimonies also referred to **direct threats made to queer people's partners to prevent them from offering support.**

My partner was threatened at night by my mother who said, "We could burn and kill you and bury you and nobody will know, not even your lawyer. We'll just tell them you've gone home and our child has been sent abroad." We didn't eat anything there.

[Tushar, Trans man, 20]

The family's problem is not just that their adult child (who is a trans man but whom they insist on seeing as a daughter) is in a relationship with a woman, but that the relationship is inter-caste. 'If she was from the same caste, maybe they would have accepted,' as one person testified. Celine's situation was similar.

He is Hindu, I am Christian. They took my phone but they didn't know the pattern, so they went into a mobile shop and got it unlocked. They took out Sajo's photos and sent them to all relatives and said if he comes near our house, kill him. They sent it to the group.

[Celine, Cis woman, 28]

Once again, this raises questions not only about the acceptance of marriage equality, but also of the increase in the targeting of couples –even heterosexual ones – who enter into relationships across caste and religion, because in such instances the family, the community and often the state institutions that are supposed to protect an individual's right to choose their partner converge in their biases even more.

## Sexual Violence

Added to all the other physical violence are the many forms of sexual violence about which the testifiers spoke. Families that are otherwise controlling/ restrictive of a child's mobility opt for wilful ignorance or denial when the child is sexually abused, especially when abusers are brothers or other family members.

Once my mother saw my brother taking advantage of me and then I shared that with my mother, about what has been happening. My father didn't believe that his son could do such a thing.

[Tina, Cis woman, 20]

**Not only do they refuse to believe the abused person, but impose even closer, more suffocating restrictions with repercussions on the young person's ability to access the education they want, or present themselves in the world in ways they find comfortable.**

I have always been uncomfortable with wearing feminine clothes. I didn't know anything about it. I had been sexually harassed as a child. I told my family and no one believed me. This was in 8<sup>th</sup> class. They put more restrictions on me. By the time [I was in] in 9<sup>th</sup> class it got [more] uncomfortable for me. I studied till 12<sup>th</sup>. I wanted to study psychology but that didn't happen. They wanted me to take admission in a girls' college.

[Natasha, Cis woman, 19]

In a situation where the young person depends on the family financially, as well as for shelter and other types of care, these are additional layers that they have to deal with, over and above the sexual violence. One testifier drew attention to the **experiences of queer persons with disabilities, whose dependence on aids or on care are taken advantage of, with caregivers often complicit.**

I also escaped abuse once from a male relative. He used to call me stuff like “devi” and had hidden my mobility aid once. Luckily my mom arrived right on time but when I told her she wouldn’t listen to me. Because of my speech disability, I think she pretended not to understand me. This is how they silence disabled women.

[testimony of queer person with disability shared by Oja]

The lives they live often being more **precarious, with unstable homes, put people living with disabilities at greater risk of sexual violence** in every set-up, with the queerness of the person making them targets because then the person tends to be read as hypersexualized. Oja draws on the comments made by a disabled and trans person.

She [anonymous] talks about how the idea of “home” is constantly shifting and fluid for queer disabled folks as they are often abandoned and neglected by their families. So, home for them is constantly in motion - “friend’s sofas, guest rooms, shelter homes, government hospital wards.” During these shifts, bodies are seen as disposable. “It’s seen as a transaction. I provide you shelter, you provide me sexual favours.” she says, alluding to the double fetishization that disabled queer bodies face.

[Oja, Non binary]

The normative worldview legitimises abuse by linking a person’s non-normative gender expression, or what is seen as their deviant sexuality, to their sexual availability; this is similar to the “logic” that asks cis women what they were doing/ wearing when they faced sexual violence, thereby placing the blame on the victim. One of the testifiers referenced this in talking about what was perceived to be their feminine presentation and behaviour as a child.

When I was in school, my father’s friend molested me and my father said it’s because of how I behave.

[Shamlee, Non binary, 26]

Sexual abuse of this kind is not only condoned, but **actively weaponized, and used as an instrument of intimidation against friends or comrades who offer support to queer/ trans persons.**

Here, right on the doorstep of the police station, my parents, uncle, and an unidentified person tried to grab me. An altercation followed, where my friend Soumyadip was hit by this unidentified person, and my friend Rwiti was molested by the same.

[Noyonika, Cis woman]

**This weaponisation of sexual violence, targeting someone who is seen to belong to a category that is “weaker”, “lower”, needing to be “kept in place”, is something that we see with increasing**

**frequency in cases of inter-religious, inter-caste relationships.** The kind of sexual violence that one of the testimonies spoke of also needs to be read in the context of the growing sense of impunity with which sexual violence against individuals from oppressed and minority communities is allowed to take place.

Whenever I try to contact Ranjita and get in touch with her parents, because she is not given her phone, they start with verbal abuse. They abuse and humiliate me because I belong to a lower caste. Our caste is known as the shoemaker caste in Bengal, “moochi” is the Bengali term for it. They have also made rape threats to me. I am not able even to visit my own family because of the rape threats. I have already faced physical attack and abuse two times.

[Oishik, Trans man, 21]

**Rape is used both as a threat, and as a tool for punishment,** not least by the very families and selfsame people who were so concerned with whether the queer relationship their family member has would have meant a loss of virginity, thereby making it so that no “man” would want them. **“Corrective” rape by close family members is seen as somehow justified when perpetrated on a person who insists on fighting for agency over how they construct and live their lives.**

When my father came to know about our relationship the first thing he asked was whether we were physical or not. That was the concern – that this was about sex. That was the first question and I wondered whether he would slap me or not. [...]

The men of my family took me to a bed and my father abused me, he came with a knife to kill me and an uncle said that he will buy poison so I die. That uncle even said, ‘If you need to experience the pleasure of a man, I am there.’

[Banu, Cis woman, 23]

The family’s inability and unwillingness to understand what the young queer/ trans person is telling them about who they are and the life they want to lead, and the insistence on conformity to gender norms, give not only immediate family, but also uncles and extended family the right to use “corrective” measures.

Since both my parents work, they shifted me to another uncle’s house (he works as a civil engineer) and that is where things got worse. He used to verbally abuse me in a vulgar manner, beat me, and say that if they give me women’s clothing I will be cured.

This continued for 1-1.5 months and when they saw that nothing much [had] changed, they said that it is because of my partner

that this is happening and they need to take me to a gynaecologist to get counselling.

[Rishi, Trans man, 27]

As in Rishi's case, there is an attempt to "cure" what the family perceives as abnormal. Rishi, a trans man, spoke of being forced to wear women's clothing; another testifier, a trans woman, spoke about her family's threats to cut her hair in her sleep if she didn't cut it herself.

The pervasive understanding that parents own their children and, by extension, own their children's bodies (even after the children have become adults), translates into attempts to **humiliate, to "verify" or refute a person's own knowledge and sense of their own gender, based on their genitalia.**

Uday in his testimony spoke of the one time that he went to meet his family, in the city to which he had migrated to study, after not visiting them for almost a year because of their pressuring him to get married even after he told them that he was a trans man.

I went to meet them once [in a city] and father couldn't do or say too much to me because we were in a public place, and I took a friend along. They had booked a room and said I need to go to that room because they wanted to remove my pants and see who I am, whether I am a "hijra". I came away from there.

[Uday, Trans man, 27]

The same kind of logic is applied by the police, who then compel trans men to wear women's clothes while incarcerated, denying their identity.

The police placed me in remand, spoke badly to me, took off my clothes to see if I am a man or woman. In jail, I had to wear women's clothes.

[Badriprasad, Trans man, 23]

This will be discussed in greater detail in the context of the collusion of various institutions in the violence that is perpetrated on queer and trans people. For now, it will suffice to note it with reference to the **pervasiveness of sexual violence targetting specifically queer/ trans people for their sexuality and gender.**

It is not only strangers who perpetrate it, but also family, dominant communities, police, mental health practitioners and sometimes even intimate partners weaponize sexual violence.

After coming to [metropolitan city], I met a girl at a meeting. I used to cook back then, so I used to go to learn cooking. She pretended to like me, but then she scammed me. She tortured me a lot. She

put two people behind me near [location], this was in 2014. There was a rape attempt on me. I escaped by scaring them, and making them run away.

[Taarik, Trans man, 38]

In instances such as this, where a trans man was scammed by someone pretending to be interested in them, there are few, if any, avenues to turn to for help. Things are even more complex when it is **a partner with whom one has a longer-term relationship** who is responsible for such abuse, allowing it to happen as part of a scheme to extort money.

While I was more invested in settling down and becoming stable, my partner, since she was working with her friend, emotionally blackmailed me to come out and meet them. They took me to a place I didn't know, tied me up and beat me horribly. This other woman then used scissors to cut my clothes and took a video of me naked asking, "Let me see what you have, you say you are a boy but let me see what you have.

[Rishi, Trans man, 27]

## Forced Marriage

While intimate partner violence did come up in the instances above, what emerged again and again through the testimonies was the pervasiveness of forced marriage and marital rape, in the lives of queer/ trans people, right from childhood and into adulthood.

Marriage becomes an extension of corrective rape, at an age when the person has very little understanding of what marriage means, or how to prevent their husbands from molesting and raping them.

I was 14 years old, but my husband wanted to have physical relationships. He would force me to be physical. I didn't understand why he wanted to be physical so I would say no, but he would beat me and didn't give me food. He starved me for several days. When I told my mother about all this, she said that it was my fault, I deserved to be beaten up. When I turned 18, there was pressure to have a child. I experienced marital rape and through that had a child.

[Sharat, Trans man, 21]

Another trans man (Oishik) explained how he tried to have a marital life for four years, after being forced to marry at 14, while in yet another instance, Tej's father fixed his marriage as the last in a series of steps to compel him to conform, even as Tej was still struggling to understand his trans identity for himself.



I had not even seen the man. I was not considered important then or now.

I was told it's your engagement today, and he got me married. I told my husband that I did not want children but my husband did not agree. First a daughter and then he said he wants a son. After that, the husband started an affair and he left me. I was not happy with what was happening with me but I thought I wouldn't say anything. Dad blamed me for his affair by saying that...I was not able to keep [the husband] happy.

[Tej, Trans man, 44]

Some of the cis women who testified also spoke of being married off as children, at 14, **forced to have children, and deal with torture and violence in the marital family** (Rani) for years on end before they could think of a way out of the marriage. This took place as a matter of course, without the natal family necessarily being in the know of their child's gender identity or sexuality. When the family does come to know, though, marriage becomes an immediate necessity, a way to "fix" the child whose behaviour is deemed unacceptable. A trans man described the pressure he had to face from the natal family of his cis woman partner once the family found out about them.

At this time, [my partner] started to face a lot of pressure from her family to get married. She said that she will not marry and told them it was because she was in love with me. The family phoned me and told me that if I didn't push her to get married, they would come to my house and tell my husband, and torture me. I was very scared so I told the truth to my husband myself.

[Sharat, Trans man, 21]

**Each one of the people who testified and who had been forced into marriage left those marriages.** In some cases, it took over two decades to see a way out, in the absence of any support. In others, it was possible to walk away sooner. One of the trans men, married at 14, at a point where he did not even know what to expect, had to come out to people immediately after the marriage to explain why he had defended himself against rape.

After marriage [at 14], I didn't know what "first night" was. I was in a room on the first night, and the man I was married to came in, asked me do you want to eat, drink, do something? I retorted that I didn't want to do anything, and how dare he ask me that question. I kept a wooden pole with me, in case he tried to do anything forcibly.

I said to him we will sleep separately, either you sleep on the floor, or I will. I told him not to touch me. But he still tried to molest me while I was sleeping. When he tried to touch me, I hit him so much. He couldn't speak in the morning, that is how much I beat him. He touched me at 1 in the night, I beat him till 4. In the morning people came in and asked, 'What have you done, killed this one?' When they asked me, I told them I was a boy, not a girl, and ran off to a place where people are scared to go.

[Taarik, Trans man, 38]

This act of Taarik's resulted in him being put in a mental institution and subjected to electric shocks. That he fought back so bravely against an attempt at marital rape in a marriage to which he had not consented, and the fact that he said he was a boy, led those in charge of the mental institution to mark him as behaving "abnormally", as being "ill" and needing intervention.

While not all the people who testified had been married forcibly, **most had faced the threat of forced marriage from their assigned families.** In Rishi's case, this was after another family member had actually tried to explain to the parents that Rishi was a trans man, who did not want to be married to a man. The family, however, received confirmation of their own way of thinking from a medical doctor who insisted that it wasn't possible to be a trans man in India and consequently found a way to deal with the 'problem'.

They planned to take me to a temple to fix my marriage, which would then fix me.

[Rishi, Trans man, 27]

Whereas each one of the people who testified had constantly been trying to work towards the kind of life they imagine for themselves – in terms of living according to their sense of their own gender identity; wanting their relationships to be accepted; being able to study or work where they want to – **for their assigned families it doesn't even seem to matter whom the person marries, so long as a marriage takes place.**

My parents were worrying that if I study too much, they won't find a match for me. Once they received a proposal from a dentist. They wanted me to wear a [feminine] suit, but I wore a shirt and my mother started crying. The family came, without the man. They stayed for five minutes. When I said no, and that I didn't want to marry him, my family asked how that was possible. They said it was a good relationship. I said the boy doesn't look good. 'You don't look good either,' they said.

[...]On [date], they found someone highly educated. I said no. I was on the first floor, my parents on the 4th floor, they called me but I didn't go. Mother started crying and saying, 'How did we make such a big mistake with you that we allowed you to take education?'

[Uma, Genderfluid (AFAB), 27]

**Marriage is generally seen as a way to “fix” the “uncontrollable” child, and to place future responsibility for them on someone else.**

My family put pressure on me to study and focus only on that. When I said I can't study the course they wanted me to and I also told them that I want to be with a girl, my mother became depressed. I had regular *kaha-suni* [arguments] and fights with my mother, uncles, dad, on a daily basis. Then they decided that there is only one way to deal with this, [which] was to get me married off with a guy. They said if he wants me to study further it's his responsibility.

[Natasha, Cis woman, 19]

Two other testimonies by lesbian cis women described the pressure to get married: in one instance before their families knew of the young woman's queer relationships (Omera); in the other instance, after, as a way to deal with the problem (Celine). It is almost as if their reluctance to get married is taken for granted.

In the case of a trans man's testimony, the **outright dismissal of his understanding of his own identity** came across plainly.

One night I heard my parents talking about my sisters' marriages and then mine. I said I'm this way, I can't marry a boy. They said, 'You have mental problems. It's these videos you keep watching and so you think you're a guy.' Next day I made a plan to run away.

[Tushar, Trans man, 20]

The expectation that their child would in any case be married off also has other **implications for the family's treatment of trans men in particular, with guardians not wanting to invest in the child's education beyond a point**; meanwhile, the push towards marriage is so relentless it compels the person to live in permanent fear, unable to tell the family the truth of who they are.

As I was finishing class 10, I heard them say that when I got to the 12th standard I would be married off. They didn't want me to study any further, thinking that anyway I would be married off and all my education would be in vain. There was a lot of pressure on me to get married and I was so afraid to come out. I thought if I told my family who I am and why I don't want to get married,

they would not understand. Even today I am scared. That pressure to marry kept on increasing.

[Tahir, Trans man, 22]

The **pressure to marry cut across the testimonies from trans men and lesbian/ bisexual/ queer cis women**, who together comprised the majority of the testifiers and was **shared with the trans woman** who testified as well. It also cut across religious and caste backgrounds, especially for the many who came from rural areas or small towns. There was also the standard argument used by families, that a person needed to be married off so as not to jeopardise their other siblings' marriage prospects or marital harmony. In cases where families and communities are aware of the existence of a queer relationship of which they do not approve, marriage is read as proof for the outside world that the problem has been fixed.

They [partner's family] constantly threatened to burn down our house. After that my family members also started forcing me more for marriage because I have siblings who are married, and they said that if I don't get married they will also have to suffer for that. I said to them that I cannot get married. But they didn't listen to me. Finally my marriage was fixed.

[Tapan, Trans man, 22]

The family refuses to budge on the pressure to marry even when they can see the adverse impact such coercion has on their child.

My family kept asking me to meet women to marry but I tried telling them I will settle first [in my job] and then marry. But they said we will take care of everything, you just get married. They started taking me to see girls. I was so scared, they had to admit me in hospital because I would get a really high fever.

[Tarini, Trans woman, 33]

What was disturbingly and unsurprisingly similar across the testimonies, when it came to the experience of being pushed into marriage, was **the sense of helplessness and lack of agency in a decision that has such a huge impact on their lives**. The long-term implications of a forced marriage, especially at a young age, taking one out of their familiar living space and bringing them to a place where they have no support system and sometimes no rights, are stark.

[Laxmi] was brought to India from [a neighbouring country] when she was 14, to be married off. She never had the courage to stand up against the marriage, or file a complaint. People are afraid to file a case because they are scared of harassment [by] police and [in] court. That requires a lot of counselling and support. There is no

legal document that they [Laxmi and her husband] were married. When she came to the country there were no documents, and now they also burnt all of her documents. She has nothing. Now she has an Aadhaar card (Unique Identification Number) based on the number she remembered.

[Tapan, Trans man, 22]

To erase someone's legibility to the state in this way, making them entirely dependent on a set of strangers, in a relationship that is by its very nature violent, is a form of tying them down that makes it difficult even to think of ways of leaving. That those who testified found ways of developing support systems, finding relationships, and gaining knowledge of and some confidence in themselves, even when faced with the dailiness of such violence, indicates why it is so important to understand closely the kinds of violence queer/ trans people faced, and what might have helped sooner.

## Kidnapping, Abduction, House Arrest and Other Wrongful Confinement

One testimony presented the experience of a woman who left a violent marital house after 23 years of marriage, because it took her that long to find someone she could trust enough to help after she walked away. That even when she was older than 40 (Rani), her natal and marital families together were still able to find her, physically drag her out of where she lived, bundle her into a car and take her to a different state is a horrifying reminder of how adulthood and agency over one's own life cannot be taken for granted.

The intention behind these kidnappings – as we will see later—which are rarely acknowledged as such by the police, is **to isolate the person from the support systems they have built, whether these are an organisation they reached out to, friends, a partner, and to bring them back under the complete control of the family.** So widely assumed to have their own children's' best interests at heart, **families do not hesitate to deceive their queer/ trans members,** promise understanding and acceptance, the freedom to live one's life without fear, in order to persuade or cajole them into returning to what is fundamentally the site of (continuing) violence.

At that time my parents weren't thinking of anything other than taking me from [large metropolis] and back home. They said they understand [me] and would consult a psychiatrist to figure out what is going on. In a way I was happy I got a chance to come out

to my family. I thought they would understand. When I got home it was like I was under house arrest, it was worse than being in jail. Every time I went somewhere, someone would be following me. They took away my phone and everything.

[Rishi, Trans man, 27]

Many testimonies bore witness to how the family took away the person's phone and any other means of communicating with anyone outside of the natal/ marital family (Sharat); even within the marital family, **they turned children or others for whom the person cared against them**, making the isolation even deeper. Tapan, a trans man, spoke of the kind of violence to which his cis woman partner Laxmi was subjected.

As soon as our relationship was disclosed she was put under house arrest in her marital family, not given food and beaten up. We were not allowed to get in touch with each other [...]

The person Laxmi was married to committed a lot of violence on her. He didn't treat her like a human, locked her up in a room, took away her phone. Her in-laws have brainwashed her child, saying how wicked Laxmi is because she has left him.

[Tapan, Trans man, 22]

Once again, the testimony itself captures **the implications of such extreme violence: the marital family does not see the queer/ trans person as human and is willing to lock them up, deprive them of food, beat them, rape them, even kill them, to re-establish their control**. In similar vein, Sharat describes being put under house arrest and beaten up in front of his children. And his case is just one of many. In one of the instances narrated by someone with experience of crisis intervention, we heard of a situation in which one set of parents of a partner in a queer relationship was actually supportive.

[\_\_]'s mother then beat up her daughter, placed her under house arrest, and did not allow her to use her mobile. In the late night, around 10 pm, she managed to escape, saying she needed to use the restroom. She ran away from home and hid in the neighbour's home. [\_\_]'s parents informed [her partner] that she had run away from home and said that he had to find her and take all the responsibility. His friends and family started to search for her and in the early morning found her and brought her to the home which they shared with his parents. Her parents also came to their home and tried to force her to go with them. Both sets of parents engaged in heated arguments.

[Baruni, Trans man, 27]

In this instance, at least the couple found support in one set of parents. The other chose to initially wash their hands of a member of their own family who did not act as they wanted her to, though that did not stop them from trying to force her to return.

In another instance where the family wanted to separate their daughter from the trans man with whom she had been living, they **took advantage of a death in the family** for which the daughter returned to the town where the rituals were being held.

My phone had been confiscated, there was no contact. Sajo wanted to come and get in touch. People in the neighbourhood found out. On the one hand, I had been locked up. I was put in a room from where I could only hear this commotion. I asked my family to at least let me talk to Sajo but they refused. On the other hand, Sajo had been blocked from coming in and then, this attack [on Sajo] took place. Several people came in and beat me up, forced me into an auto, and took me from that house in [town] where I was to my mother's house in [larger city].

[Celine, Cis woman, 28]

Through all this, not only did Celine's family and other strangers subject her and her partner to violence, but also he had no way of knowing where they were holding her, or when they moved her elsewhere, making it well nigh impossible to do anything about it. This experience is again not singular.

At that point, the family members came and picked my partner up and took her away without consent. [...] I had no contact with her after this for four months. I came to know she was in a rehabilitation centre. She was put on drugs because she was in love with a trans man. After the rehabilitation I got in touch with her and told her that I will get her out, to give me some time. They "treated" her because she is a lesbian.

[Oishik, Trans man, 21]

Once a queer/ trans person is held by their family like this, isolated from everyone else, **they have no say in what they are subjected to**, whether it is being an in-patient at a mental health institution, being placed in a "rehabilitation centre", taken to religious places or self-styled spiritual practitioners for "cures", being "counselled" inside police stations by prejudiced police personnel, etc. As is amply clear, **the queer/ trans person's own wishes in all of this, their choices, even in terms of accessing medical care, are blatantly denied.** While the collusion between the family and the institutions meant to protect an individual's rights will be discussed later, it is important

to highlight here **the array of life-changing decisions that a person's assigned family assumes the right to make for them – or even when they are aware they do not have the legal right to, they still make those decisions in practice.** When the family's perpetual refrain is that it is "fixing"/ "curing" a person whose gender/ sexuality is precisely what, in its eyes, renders them not qualified to make life decisions for themselves, clearly it does not have that person's best interest at heart – **an interest it often does not even try to comprehend.**

My parents snatched my phone. My mom took the initiative in this. I was cut off from all communication, isolated. My father told me, 'It is either you or me in this world now.' He had a bunch of keys in his hand, and threw them at me.[...] I asked for some understanding, but they wouldn't listen. They put me in a room with no phone. They kept reciting all that they have done for me...

[Omera, Cis woman, 24]

Finally, one must think here of the **vulnerability to this kind of coercive deprivation of all means of communication, being locked up and divested of agency that queer and trans people face when they are still very young, not yet financially independent, living in precarious situations.** These vulnerabilities add to the power their families hold over them. At the same time, the one testimony talked of someone who had already managed to make a life for herself in the city getting in touch to ask for their support:

She was well-educated and working in a city. She had developed a keen relationship with a woman who was from a religious minority community. Somehow her family got wind of it, and they arrived at her place with a tantrik. They mixed some potions in her food, and asked her to go home for a few days. She overheard calls made to some tantrik, talking about doing black magic on her. They even threatened to kill her friends and acquaintances if she left home. Once in her hometown, they took away her phone, laptop, and all means of communication. They refused to let her go back to work. Her family had a powerful, wealthy background, with political connections. She wanted to resolve the matter amicably and leave her house with all her documents, passport, mobile phone and laptop. She feared for her life and wanted us to reach her house and help her to get out.

[supporting organisation]

While the nature of crisis intervention and organisational support are something we will look at separately, for now we focus on the **family's ability to keep track of what a member is doing even when they are away.** We saw in several testimonies their ability to just show



up and kidnap an adult who has a job, a certain level of financial independence, a life in a different place, on the grounds of the person's having a partner who is unacceptable to the family. We saw the way wealth and power are put to use in achieving this end. We also saw how a person, even when threatened with death, even when her friends are threatened and she asks for external help to leave, still wants to 'resolve the matter amicably'.

Whether it is the sense of knowing and having no one else in the world; of dependence on one's assigned family; of fear of their power and reach; or a sense of responsibility and care for them irrespective of the nature of violence that they have perpetrated against oneself, the assigned families don't seem to recede into the background in the way queer/ trans people, single or with partners, live their lives, even when they have managed to escape violence and house arrest.

## Cut Off from Home

The same families that are obsessed with denying an individual their choice, also use the **shelter they offer as a blackmail strategy**. Their queer/ trans children are given to understand that the "home" which most children take for granted is something they will have access to only if they live by the rules the family imposes.

Once when I was in 7th/ 8th grade, my father shipped me and my mother off to my uncle's place and told her to not come back till I started behaving like a girl. He would blame my mother, saying she is not giving her daughter proper values.

[Uday, Trans man, 27]

And there, articulated in the words of the testimony, we have a key concern. That the **family often puts "proper values" above a member's survival**, and that at times even individuals within the family who are well placed in the family hierarchy are unable to resist diktats to provide familial support only to those family members who conform. One of the trans men, married off at 14, whose husband was understanding when he came out to him and continued to be supportive, talked of how it was his deciding to take the step of divorce that ultimately jeopardised his relationship with his natal family.

I was not aware but my partner was and she said I had to get legally divorced for us to be together. I told my husband and we planned to do a mutual divorce. My family told me that I cannot get this divorce, I have to stay in the marriage. They said, 'If you

want to live with us you have to remain married.’ My father and brother also beat me up. I said, ‘Okay, I will leave,’ and at 1 AM in the night I left.

It was lockdown, and I had nowhere else to go, so for 19 days I had to stay on a railway platform. My family never asked where I was – they didn’t care. It was my girlfriend who came and gave me food. After 19 days my grandfather and grandmother came to know and called me back home and I went back home. My grandparents always supported me from childhood. Grandfather said you can do whatever you want to do.

After that, I called my husband [from a different state], he came back and together we filed for a mutual divorce[...]. Since I had already filed for divorce my family said I cannot be with them any more, not even to live at grandfather or grandmother’s house, and I had to leave. So I left.

[Oishik, Trans man, 21]

When there is someone in the family who does provide support to a child (mothers, grandparents), they must often do so in hiding, and the family acts to restrict the child’s access to this relative, even after they grow up, as we have seen elsewhere too.

Unlike with the testimony above, or others where the queer/ trans person decides to leave the family home – however difficult, fraught or violent that decision may be in itself – **to be thrown out of the house, being asked to choose between shelter and food and the ability to live a life that is honest to oneself and in which one can slowly begin to build networks of support, becomes particularly harrowing, especially for queer and trans people from oppressed and marginalised backgrounds**, whose lack of educational, financial and social capital make it almost impossible for them to survive alone.

Even when the person themselves is not thrown out of the house, but **the partner is not accepted in the family home**, the outcome is in effect similar. This was a reality that most testifiers did not even feel the need to mention, until asked – suggesting it was almost obvious that their queer/trans partners would not be welcome in their familial spaces. However, it is important to note this specifically in instances where the reason for refusing to accept a partner and to provide shelter is complicated by **inter-caste relationships**.

I can go home, but not with Chetna. Issue of same-sex and intercaste – if she was from the same caste they say maybe they would have accepted. Now we live in our own rented place.

[Tushar, Trans man, 20]

And the resultant losses are obviously not only material. In the testimonies we heard people talk about how they were **still trying to maintain relationships with their families, in spite of violence, sometimes just as a strategy for survival**. When the queer/ trans person also had children, we saw how these children were often turned against the parent whose survival depended on their leaving a violent family. The children become a tool that the rest of the family uses to exert further pressure on the parent's queer/ trans relationship, which is thereby rendered even more vulnerable.

The family has taught his child such things that the child does not want to speak to Sharat even when he calls. The child asked if Sharat was "Mummy" or "Papa". The child does not look at Sharat and is constantly told that Sharat is a bad mother. Sharat is shamed and told that because of him, his child will not be respected. The child is five years old.

[Sharat, Trans man, 21]

When the **children are older, or adults**, they may be better able to understand the situation, but are at the same time likely to bring to it the prejudices they have already imbibed, deepening their queer/ trans parent's sense of betrayal and isolation.

Laxmi wanted to keep in touch with the child who is 14 years old. The child was manipulated by the family and was told she is a bad mother and is in bad company, and he shouldn't be in touch, so now the son refuses to be in touch.

[Tapan, Trans man, 22]

In Rani's case, the children, then in their late teens, demanded in court that their mother not live with the partner of her choice – as if they also, like the rest of the heterosexual marital family, had ownership over her and a right to dictate the terms of her life. It was reported that they made their demand with a sense of such entitlement that they did not hesitate to threaten the advocate representing Rani when the court decision did not show the same prejudice.

Even with the limited number of testimonies, the **range of situations presented helps us think through the options queer/ trans people have when they are thrown out of their homes, and denied access to shelter, food, their legal documents, the support of family members**. Upon the sudden loss of all this, some of the people testifying had partners that they could move in with, others were sent off to places where the family maintained control, while others had literally nowhere to go, particularly in circumstances where

mobility itself was impossible, during the pandemic and lockdown. In their testimony, Shamlee also talked of having considered living in a gharana.

When I was thrown out of the house I went to a gharana to live with the hijra community. I went to meet the guru and saw that she had 3 AC, everything in the house. I didn't go upstairs, to the chela room. In that room, there were 20 mattresses and one single fan. A Dalit hijra can't live there. I got to know that if your surgery comes out well and you look feminine, you go to houses and get to do badhai, if not, you have to go beg on trains and buses.

[Shamlee, Non binary, 26]

Shamlee's was not a representative case, but a singular experience located in a specific geopolitical context; yet it is important to consider the gharana as an alternative refuge that a trans person may be able to access. **Articulating the nature of the relationships formed in the context of a gharana, and the recognition they (do not) have adds to our ways of envisaging ways of living quite apart from marriage- or live-in-like partnerships, and may also complicate our understanding of assigned family violence in the process.**

## Stopping Education and Other Deprivations

Before getting to the point of threatening to kill someone, there are many other ways in which daily altercations happen that may not even be seen by most as violence, making it even more difficult to deal with. Absence of active physical violence cannot ever be assumed to be a life free of violence. Humiliating a person for being different, especially when they are dependent on family members for material resources, making sure that all their attempts to gain independence and a space in the outside world are throttled, and withdrawing support from time to time -- these are the usual ways in which families try to make sure that the child stays within prescribed "limits".

The fear of humiliation in itself, the awareness of how one's choices will be perceived, at times makes it possible for a person to avoid extreme violence by hiding, by compromising on the extent to which they choose to express themselves, and through various types of negotiation.

One of the active ways family members keep queer and trans people in check is to keep manipulating their controls on the individual's education. As children and as young adults, while many of our testifiers were positive that education was important for them to become

independent, families also used that as a bargaining tool to deny their wards their right to education.

Lehar spoke to us about one such experience vis-a-vis education. She said that since she had access to English education and the internet, she realised early in her teens that **her discovery of her gender and sexuality would not be a good thing as far as her family went**, and so she needed to get out of home as soon as possible to be who she felt she was. She managed to move to a metropolis for her graduation, and has stayed on for her post graduation as well.

Since I was young I started to strategise: I knew that education is a priority, because earning is a priority, which is why I have kept myself in the closet. I haven't cut myself off from my family, and even now they pay my fees, support my education. It's not like if I never go home or talk to them that they'll still keep paying my fees.

[Lehar, Non binary]

This fear that Lehar expressed is a common one. Education is a significant resource, and most people living marginalised lives recognise this.

I wanted to study Psychology but that didn't happen. They wanted me to take admission in a girls college. I did not want to, but they didn't listen to me. [...] I wanted to study BBM by that time and not BA but they kept saying we cannot afford. They put a lot of restrictions on me. While they could afford it, they did not want to let me study.

[Natasha, Cis woman, 19]

As Natasha came out to the family as a queer person, the restrictions placed on her going to college increased. Her parents insisted that she get married, and let her future husband decide whether she could study further or not. They stopped her from going to college and said that she could just give the exams. In spite of all these negotiations, she finally had to leave home to be able to achieve her right to be independent. The **family recognises the streak for independence and discourages it by curbing the right to education of choice**. It is a conscious **attempt at making sure that the "daughter" does not become independent**.

The situation of those seen as "sons" who do not seem to fit the demands of masculinity is also similar. Tarini spoke of the multiple ways in which her family discriminated between her and her brother as they grew up.

When we were young I didn't get pocket money. When we travelled my brother got access to good bags, pocket money, everything, and I didn't get anything like that.

In the 6th or 7th grade, I wanted to become an engineer, but I was sent to work in the family food grain supply business. The whole day went into that, so my studies suffered, so I couldn't finish my education properly. [Even when I was in college], my family didn't encourage me to study, they said you don't know anything so leave it go into the family business. I avoided that and started focusing on education, and I completed my graduation.

[Tarini, Trans woman, 33]

The family saw **her inability to be the successful "boy" as an indicator of an overall unsuccessful person**, and a person who could have done more with her life now struggles to build her life while trying to keep herself afloat without any support from her family. As she said, 'We are 5 siblings at home, but no one supports me. I blocked them all, else they blackmail me emotionally. I am never able to share my feelings with them.'

At another level, there are families that want to curtail the freedom that their child has to meet other people as they step out of home to go to school and college. If their child behaves in a manner not acceptable to the parents, this is seen as reason enough to stop their education. A trans man (Tej) narrated in his testimony how, based on external complaints of how he was not behaving as per norms, his father pulled him out of school and began to compel him to grow his hair, wear a bindi etc.

**Depriving a family member of their independence is often seen as the best way to control them**, as yet another way of **making their choices around their own identity unviable**. Hence even when people manage to study and complete various school levels and degrees, families hold on to their certificates, which they refuse to return, or which they even burn and destroy, adding to the person's difficulties by making them unemployable, thereby threatening their independent survival (Tarun, Badriprasad).

Sometimes it is not only the educational certificates, but also the person's other identity and official documents that are held back, rendering them illegible by the state, and making the process of obtaining duplicates extremely difficult for them. Many people spoke of their lost documents and the tough task of trying to obtain them again.

Now I work at a petrol pump. I have figured out whom to trust and whom not to trust. I studied up to 10th, but they tore my certificates, so duplicates need to be obtained.

[Badriprasad, Trans man, 23]

Even now our documents are with the family. We filed a case with the CM's office to get them back, the police contacted us and said they will ask the family. Now the families will say they don't have them, and the police will call us back and inform us they [families] don't have it. They have our passports, Aadhar [cards] for which we applied for new ones, school certificates where we applied for duplicates. The police are not doing it in the proper manner.

[Banu, Cis woman, 23]

When my partner came to the country there was no document, and now they also burnt all of her documents. She had nothing. Now she has an Aadhar card based on the number she remembered.

[Tapan, Trans man, 22]

**Families can go to any extent to make sure that no one leaves their fold, their ways of living and their control.** Keeping their child dependent while continuing to threaten withdrawal of support is a way to keep attacking the person's self-confidence in their chosen life and identity.

I was doing a job in Chandigarh. After all this happened, my family came to take me back, and said no need to have a job now... they didn't know that the two of us were living together.

[Chetna, Cis woman, 24]

Even when the family had the means, they did not want to provide any way to let the young person make their own decisions. A person with a disability who needed care and support was refused independence, while the care and support needed was grudgingly given. It is almost as if the person is asking for too much, and so needs to be held back. Oja presents the experience of a queer/trans person with disabilities.

"No one really considered the fact that I wanted economic independence because I was living in a family that is very financially abusive and did not give me access to even my own debit card for the first few years until recently when I put my foot down and asked for it. My father would say things like, 'She has milked me dry financially with all her medical bills,' in front of other family members. I was always constantly made to feel like I am a bird in terms of inadvertent things that my mother would say, like saying that she can't step out of the house after I have reached home from school because I needed to be monitored and could not be left alone. Even when I was functioning independently I was

always made to feel like I was taking up more space than I deserved and I grew up, feeling like I was not worthy of any of it.”

[Oja, Non binary]

If a person escaped home and gained the means to earn, then whether acceptance came their way or not, **family claims on their hard-earned money was a common phenomenon**. Taarik, who was not allowed to go to school but was asked to go out and earn money for his father’s alcohol consumption, spoke about the time when he started earning.

There was another woman [at the mental hospital his family had put him in], who promised me a job in [a different state] and training as a masseur. Once I had the job, I was exploited by my family again, they would ask me to give them all the money I was earning. I gave also, to my sisters, my mother. My family took out loans, and put my name with the moneylenders, so I was in trouble. I finally ran away to [city]. I could not live like that anymore.

[Taarik, Trans man, 38]

Similarly Lekha, who was mercilessly beaten by her family, and who managed to escape their clutches and started living with her partner in the same area as her family does, said that **while there is no acceptance of the partner, his money is always welcome**.

They ask me how I can be happy with a “woman”. I tell them that I am happy. I have two children from Tej who love me like their mother and have grown in front of me. I just need support to be able to stay together. We are staying together but there is no acceptance from family. There is no family support but they are so selfish. When they want money, they ask from Tej and then say that he is nice. Otherwise he does not exist.

[Lekha, Cis woman, 34]

And that resonates with why Lehar ended their testimony by sharing why they did not want to tell their parents the truth about themselves.

I don’t want to tell. They’re not the kind of parents who would understand my truth and I don’t want to speak to the **consciousness of the oppressor**. There is no point in that. I can’t live any other way. This sari is my mom’s. [I took it without telling her]. It’s not with some aspiration or meaning. I needed it so I took it!

[Lehar, Non binary]



## Mental and Emotional Abuse

Along with every form of violence that we have already looked at, that natal and marital families perpetrate on their queer/ trans family members, mental and emotional abuse are ever present. **So normalised, so naturalised is this abuse, that it seems to fade by comparison with the gruesomeness of the other types of violence, and become part of a “normal” that one just has to accept.** Even for a trans person who has themselves experienced these, who knows the daily toll they take on one, when faced with the scale, the severity, the incommensurability of others’ experiences, one’s own can seem different.

The stories we have heard so far have been overwhelming. I have not experienced the same kind of violence that we have heard about so far.

[Lehar, Non binary]

Looking at this kind of abuse and beginning to understand how it works and what it does to the queer and trans people who go through it regularly, either because of their gender and sexuality or in general, is crucial so that **it does not end up swept under the carpet, its impact dismissed.**

Prior to that [falling in love with a trans man] there was not much issue in my family. They were a little conservative. They would say, ‘Don’t go out. Don’t talk too much to anyone. Don’t go to a friend’s place.’ Even if friends came home, there was an issue. I used to do all the housework but was also independent since 12<sup>th</sup> as I started taking tuitions. I used to take care of my own expenses. I would only take money from home for fees.

[Lekha, Cis woman, 34]

While to Lekha this situation seemed tolerable, at least in retrospect and by comparison to all the physical abuse she had to face subsequently, it is possible to see **an expression of the same kind of control, cutting off from networks of support other than the family itself, at work even at this stage.** In later years, the same attitude leads to humiliating the child who is by now an adult at their place of work, in a very clear public display of the power the family holds over them.

My papa would reach my workplace and check the attendance register everyday to check if I was actually in school. And the other staff at school would discuss how my father had come today as well, to check. It was so embarrassing for me.

[Lekha, Cis woman, 34]

Apart from restricting and controlling their interaction with the outside world, families also attempt to **keep their queer and trans family members hidden from view, since they're seen as an embarrassment.**

My brother is seven years younger than me and when his friends are supposed to come home he tells me, 'Don't come home or in front of them. You are embarrassing us.'

[Shamlee, Non binary, 26]

Younger siblings, parents, the whole family are reluctant to be associated with the queer/ trans person, treating them as less than human, and the same person testifying mentions how it is precisely the fact that this rejection comes from family and not strangers that hurts so deeply.

Outsiders might throw chappals at me. That doesn't affect me that much. People say "my family", "my people", but who are those for me? Who will come from my side? My poetry was selected by Sahitya Akademi. The whole auditorium was full of dignitaries, like in an annual function. My eyes were looking for my mother but she would not come to see me perform. She never used to come to any functions because she used to say, 'You will do "loundiyon wala naach" (dance like a woman).'

[Shamlee, Non binary, 26]

This experience of rejection, keeping hidden, expands out in wider and wider circles, from an immediate family member's refusal to engage to strangers willing to pay money to a hijra, while simultaneously hiding their children behind their back to prevent contact with the socially outcast person. **At the very least, this translates as having to deal with people's discomfort, both within the closed space of the family, and in work spaces, public spaces, etc.** In between, there is a whole array of attempts to keep the person at a distance, such as refusing to include them in family celebrations of marriages and other events (Taarik) – sometimes because of the person's gender expression, sometimes because of the nature of their intimate relationship, the caste of their partner, etc. In fact, one of the testimonies mentioned how, rather than the family developing more understanding and willingness to engage, hostile relatives influenced more family members not to interact with the person.

My family is not in touch with me, even my mother has been brainwashed by my mamas (maternal uncles) now.

[Taarik, Trans man, 38]

Such isolation, or refusal even to acknowledge a family member or their partner, did not always rule out **demeaning and insulting verbal abuse**.

They said this is a disease, can be treated. Told me, 'You are worse than any man or woman.' [...] My family called us prostitutes and were very abusive to my partner.

[Omera, Cis woman, 24]

The combination of **pathologising and moralising language** remains, regardless of changes we may see in medical discourse. Guardians continue to try to "treat" queerness and transness, and to expect their queer/ trans children (even as adults) to change on moral grounds, and become "good" members of a specific community or religion.

While I was growing up there were always issues about my hair, the way I dressed. My family would also say things like, 'Being a Muslim woman, how is it you're behaving like this? Do you think society will accept you?' I have never received any support from society or from my family.

When I was in Class 8, my hair was still very short and my family told me everyone says you can't live like that. They said I had to grow my hair and I had to wear clothes that they all would approve of, without my consent. While I was doing that I was constantly told that the way I behave, I am not a good Muslim. I would be told Allah would punish me for the way I talk, wear my hair, play with my friends who are boys, and that I was not a good Muslim because I couldn't adhere to what was written in the Quran.

[Tahir, Trans man, 22]

While such remarks may not seem to amount to drastic violence, they in fact are an attack on virtually all aspects of a young teen's life: **a denial of their gender expression; compelling them to wear clothes that make them feel uncomfortable; forcing them to wear their hair in ways that make them feel like strangers in their own bodies**. It is not surprising to hear a trans man speak about being made to wear these clothes 'without consent,' or as nothing less than a **violation**. It amounts, at a vulnerable age, to **terrorising them about divine punishment for every aspect of their living**: playing, talking, behaving in particular ways. The threat is one of isolation, and being left without support, but the alternative is to be asked to live an impossible life. This impossibility was also mentioned by one of the trans women who testified, who added

When I looked up on the internet and realised about my own identity and that I am not alone like this, I didn't have the courage to tell my family. The family was so strict. I used to crossdress in my room, wearing my sisters' clothes, but I was scared of telling anyone because I didn't know what they would do.

[Tarini, Trans woman, 33]

She eventually learned what they would do – threaten to cut her hair themselves if she didn't do it on her own, in another gesture that attacks a person's claim to their own bodily autonomy, and their gender identity. A number of testimonies mentioned how it took time for the testifiers to learn that they were not alone in feeling the way they did, and how they felt the same fear and reluctance coming out to their families.

In plain words, **a queer/ trans person's identity just isn't real to the abusive family**. It is something they refuse to accept, believe; there is continuous misgendering in how they see a trans person, how they expect them to behave. In situations where the individual has little access to a network of friends or any other form of support, the misgendering in behaviour as well as in language takes an even heavier toll. In the context of the pandemic lockdown, one of the testifiers said,

I needed to tell my friend to call me "sister" and use my pronouns as no one is using my correct pronouns [at home].

[Shamlee, Non binary, 26]

When their attempts to prevent the queer/ trans child from expressing their gender or sexuality fail, **families are not above blackmailing them** – threatening to kill themselves, telling them that loved family members are on their deathbed, etc., anything that would trigger an affective response compelling enough for the person to risk their own survival. Nor are families above resorting to religious "solutions".

Meanwhile, when I was being held at home, they were trying various means to get me to change. They said that Sajo filed a case and I had to go to the police station but under that pretext they took me to a temple. I am Christian, so I didn't understand what was going on. They did some prayers over me.

[Celine, Cis woman, 28]

The desperation with which the family here is trying to "cure" Celine somehow of the relationship she has with Sajo is unmistakable – the sense that **the family would do pretty much whatever it takes to separate the two, and to regain complete control** over Celine. This kind of deceit used to compel the person to return to the family, or to

find them when they leave home to escape abuse and do not want to be found, is common. Testimonies mentioned families hiring hackers to track people down using their social media accounts (Banu and Omera), hiring goons to kidnap their now grown-up children from the places where they lived, registering false FIRs stating the person ran away with gold stolen from the family (Rishi). Situations like the last mentioned, where the family has members among the police, or ways of using the resources of the police to find a person who is hiding from them, translate into the queer/ trans person **living in daily fear, having to consider the risks of every step they take**. It may also entail needing to take the risk and to come out to other, apparently less prejudiced relatives when one is not ready for it, just to avoid being sent back to a violent family.

When families make their prejudices against queer/ trans people obvious, a queer child finds themselves resisting the desire to tell them about themselves, thus putting themselves in a situation where they have to continue to perform the role of someone they are not.

When I come across queer people, listen to their stories, see motivational movies, I think maybe mother and father would understand. I start telling them about it. Once I showed them news of a trans/ queer person dying. Mother said that with such a child this is better, they should die. After that what can you say? Should I tell her that I am also trans/queer?

[Shamlee, Non binary, 26]

Even without having come out, **the family's disapproval has been conveyed, and this may continue to be tacitly experienced through verbal and physical violence and hostility, without the reason ever being acknowledging outright**, as when at least one parent clearly knows the child's truth.

The same kind of power to grant acknowledgement or withhold it then follows queer/ trans people out into the world, where landlords, employers, doctors, etc. feel similarly entitled to render individuals and couples invisible and illegible.

They're not even considering us as partners, like two girls living independently. We told him that we are a family but they mocked us and said, 'You guys? Only a man and a female.' We got a flat due to the recommendation of our friend. Even when we go to the hospital we have to enter our names as "friend" or "cousin". We bought a vehicle and even for that she can't have my name. It's a major issue.

[Banu, Cis woman, 23]

## The Impact on Mental Health

The impact of so many forms and so many arenas of violence on the mental health of those at its receiving end can hardly be questioned or exaggerated. Testimony after testimony made reference, overtly or indirectly, to the adverse and, often, long-term consequences on queer/ trans individuals of both habitual and punitive violence, and of neglect, stigma and discrimination, by their assigned families as well as by the various social structures or institutions that tended to align with the families against a person because of the person's actions — or merely aspirations — arising from their gender and/ or sexuality.

I had to wear a burqa, couldn't go out on the road, had to study the Quran etc. I didn't like any of this, I wanted to swim, play with boys, climb trees, and play volleyball. The more I grew up...the more I grew depressed. I would shut myself off in my room and scream. I could not understand how I could go through life living like a woman.

[Taarik, Trans man, 38]

Another trans man spoke of how his family's constant pressuring him to marry, even after he had left home to do his Masters in another city, affected him, even causing him to doubt his own sanity.

I was by then 21 and there was a lot of pressure to marry because people think that's the right age, so one can have children before 25. I had a lot of mental pressure, and had constant anxiety attacks. I was under mental health care because of that. Once my family had brought around 8 people to "see" me for marriage because I had refused to go home.

When you are tortured like this all the time, it gets to you. They started telling people their daughter died etc, telling me I was shameless, etc. I told my mother to see what my father was saying and she said my father was not saying anything wrong, I was the one who was mad. Then I started thinking, is that so? I asked my partner and put them on speaker to be able to hear, and they said it's not in my mind, I am right in how I see things . . . I got paranoid about them coming to get me, and had nightmares.

[Uday, Trans man, 27]

Uday's experience echoes that of Tushar, a trans man we heard from earlier in this chapter, whose **parents dismissed his gender identity as "mental problems"** caused by watching certain videos.

Trans woman Tarini, 33, realised only in retrospect many years later that what she had experienced at home and school when she was

in the eighth standard was **depression, because of being forced to present in all her spaces as a boy/ man**, and the prospect of having to do so all her life seemed so impossible it was “mental torture”.

I was beaten up in school too, teachers yelled at me. I had no idea what depression was then. I couldn't share with my family, so it seemed to me that I will have to live life as a boy.

[Tarini, Trans woman, 33]

Chand, a trans rights activist from SAATHII, Manipur, spoke of the case of a trans man, Subhash, whose parents forced him to separate from his cis woman partner when they noticed the couple's growing intimacy. Subhash needed medication to deal with the **mental health consequences of this separation -- such enforced separation being all too common a motif in many young queer/ trans lives**.

The testimony of a trans man from a big city spoke to how family affluence and local influence, sources of privilege for most normative persons, can become riddled with adversity for somebody like himself. Married against his will to a cis man and forced to bear children, Tej recounted what happened when he decided to live on his own terms.

I went and cut my hair and got the clothes I wanted. I was clear I will keep my children, nobody's contribution to raising them. I was not educated, nobody would give me any work, even that of a labourer, as my dad was influential. I was in depression and at home.

[Tej, Trans man, 44]

Tej remained depressed until he happened to meet his current partner, who understood him when he told her about himself.

It isn't only parents or siblings (or marital families) that inflict violence in ways that affect the mental health of queer/ trans individuals -- **extended family is also frequently implicated in these testimonies**; one cis woman spoke of how her cousins would join her brother (whose sexual abuse of her is referenced elsewhere in this chapter) in being abusive towards her.

I used to be depressed because of my cousins and also because of my brother. They would keep an abusive relationship with me.

[Tina, Cis woman, 20]

References to depression abound in the testimonies and, especially while listening to individuals telling stories of what they have experienced and **the trauma it has subjected them to**, it is easy to get caught up in each instance looking for what led to a particular

impact on one's mental health. However, it is also the words of one of the narratives submitted by a supporting organisation, coming to us from a trans man who died during the initial pandemic lockdown for lack of food, that we also need to think of very seriously.

As we tried engaging with him to understand why he didn't reach out to us, why he got into the shell of self-abandonment, we realised it was way deeper than just that. Baladitya had written on the wall ['I have not eaten since 25th August '20'] to remind us about the structural violence that he had to go through as a trans\* person during the global pandemic. He wanted to hold the government responsible for not reaching out to many such marginalised groups of individuals who had lost their livelihoods due to the pervasive Covid-19.

[Baladitya, Trans man, mid 40s]

Baladitya's death was brought about by despair. But it was also brought about by a brother who lived next door but did not find it necessary to check on him. It was brought about by lack of resources and by the impossibility to come up with a way not to starve. And it was also very clearly brought about by **the state's refusal to provide any means to ensure the survival of its citizens** when all else fails.

And this reference to a systemic failure that is sharply identified as the source of trauma is not singular. Another trans man reflected on the impact that caste-based abuse from his partner's family and their community had on his life.

At this point I was not able to take it anymore. Because I had to go through so much abuse I attempted to commit suicide.

[Tapan, Trans man, 22]

It should come as no surprise, given the enormity of familial violence that our testifiers had survived, and the toll this took on their mental health, that the very (f)act of survival was often touch-and-go. **Thoughts of suicide and actual suicide attempts** were hardly unusual aspects of the narratives we heard; we could only ponder on the many who do not survive, had not survived, and from whom we would not be hearing.

On being asked **what sort of future she envisaged for herself, one trans woman answered darkly that she saw herself either hanging or lying on a railway track**. She had attempted in the past to die by suicide, and said:

When I tried to eat naphthalene and phenyl then also I didn't die because God hasn't chosen me to die.

[Shamlee, Non binary, 26]



Not unlike the trans man whose rich and powerful family saw to it that he could not get a job in the neighbourhood, **class and caste played a prominent part in other narratives as well**. Another trans man was in a relationship with a cis woman from a wealthier family that was politically influential.

Her marital and natal family created a lot of ruckus and it became a battle between dominant caste-class and oppressed class-caste families. They threatened to burn down our house. Soon after this my family members started saying that I need to be married off. At this point I was not able to take it anymore. Because I had to go through so much abuse I attempted to commit suicide.

[Tapan, Trans man, 22]

Both Tapan and his partner attempted suicide, unable to stand the relentless family violence from all sides.

Some survive only to find themselves still trapped in the continuing cycle of violence; very many others survive thanks to timely support from a rights group. One non-binary testifier spoke of how their parents spent a whole night trying to frighten and persuade them so that they would agree to an arranged marriage. Next morning, they gathered all their educational certificates and managed to leave home on the pretext of an interview. They sat in the metro station for a couple of hours, contemplating suicide, but a friend put them in touch with a support group, and they lived to tell the tale.

Not only does **attempting, or thinking about, death by suicide come across as a common motif** in the troubled maelstrom of queer/ trans lives, we have seen examples of the threat of suicide being used by family members as a convenient strategy to emotionally blackmail and traumatise their non-normative children. Nor did family members hesitate to predict suicide as the likely end to which their queer/trans child would come. A cis woman, whose relationship with another cis woman their families opposed, spoke of this.

A[nother] relative said that girls like us will end up on the railway track, will commit suicide soon cause that's how such people end up. Two girls can't live with each other, because without a man girls can't live. We said we will manage.

[Banu, Cis woman, 23]



# suicide bid

ERLIT, Jan. 11. — An 18-year-old girl today attempted suicide by consuming insecticide and was admitted at a nursing home in Karimkhera here. She had gotten into the same locality with her partner and "sodomised" her same-sex marriage at a Hindu temple in Karimkhera. The family disapproved of the union and locked her in a room where she

# রিকল্পনা করেই 'সহমরণ'

একটি গল্পের কথা... রিকল্পনা করেই 'সহমরণ'... একটি গল্পের কথা... রিকল্পনা করেই 'সহমরণ'...

# হোটেলে উদ্ধার বেহুঁশ দুই তরুণী

দুই তরুণী হি হোটেলে উদ্ধার... দুই তরুণী হি হোটেলে উদ্ধার... দুই তরুণী হি হোটেলে উদ্ধার...

# Lesbian tries to kill self a homosexual, tried to commit suicide in Amritsar on Tuesday after her partner, Mala, hit headlines in 2004 when she came out of the closet and reportedly got "married" to Raju

একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা...

# রূপান্তরকারী সমাজিকী সঙ্গীতার দেহ উদ্ধার, তদন্ত

একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা...

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# দুই বাফাবীর জিমফিন দেহ উদ্ধার বেলাপাহিলে

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# হোটেলে উদ্ধার বেহুঁশ দুই তরুণী

একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা...

# বহালার ফ্যাটে অভিনেত্রীর ঝুলন্ত দেহ

একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা...

# Lesbian attempt

LESBIAN attempt... LESBIAN attempt... LESBIAN attempt...

# The Collusion of Institutions with the Family

# Police, Courts, and Care Institutions

# বহালার ফ্যাটে অভিনেত্রীর ঝুলন্ত দেহ

একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা...

# পঞ্জনা অসহ্য হওয়ার আত্মহত্যা ডানপিটে মেয়ের

একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা...

# বহালার ফ্যাটে অভিনেত্রীর ঝুলন্ত দেহ

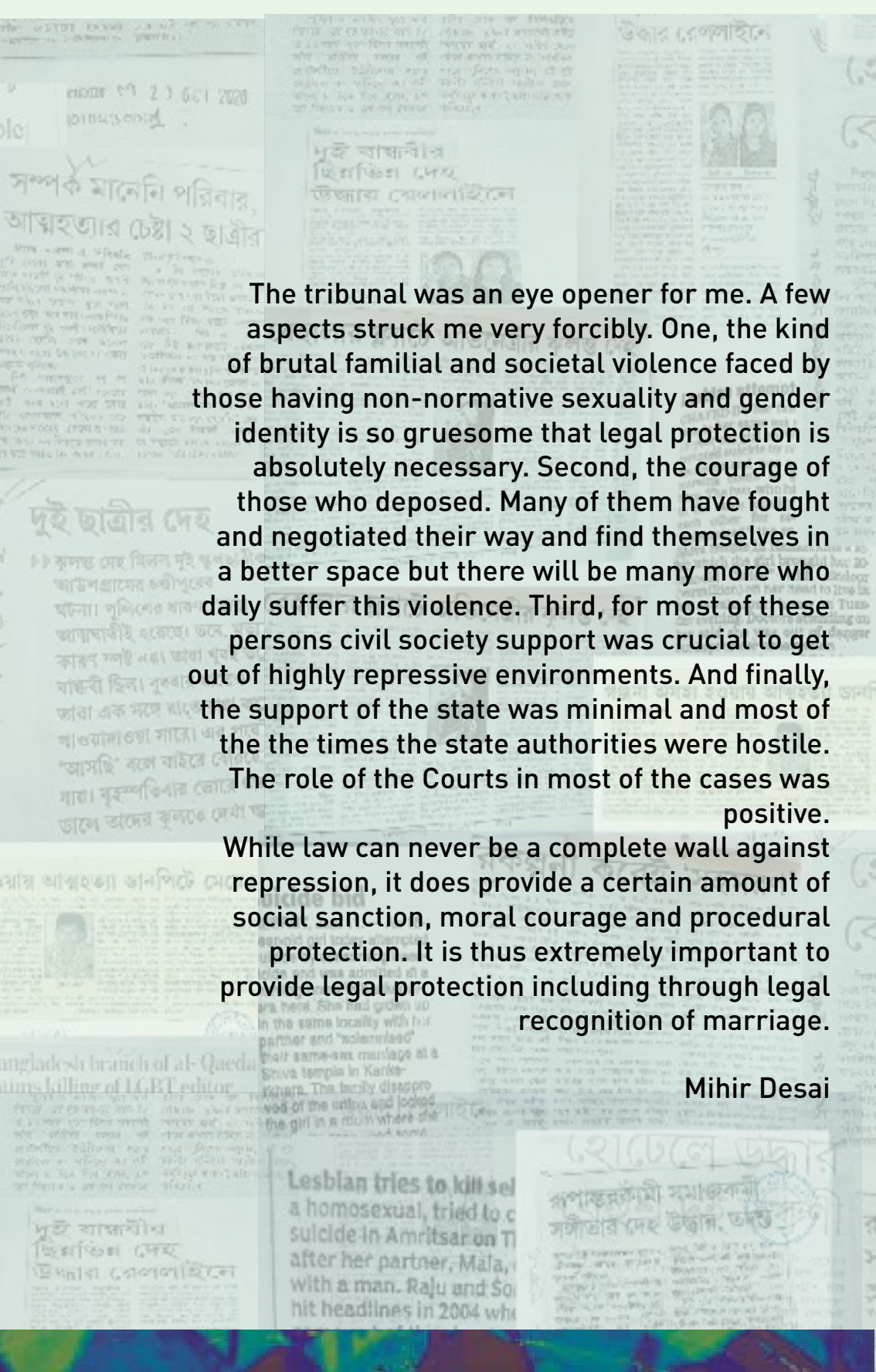
একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা...

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একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা... একটি গল্পের কথা...

The tribunal was an eye opener for me. A few aspects struck me very forcibly. One, the kind of brutal familial and societal violence faced by those having non-normative sexuality and gender identity is so gruesome that legal protection is absolutely necessary. Second, the courage of those who deposed. Many of them have fought and negotiated their way and find themselves in a better space but there will be many more who daily suffer this violence. Third, for most of these persons civil society support was crucial to get out of highly repressive environments. And finally, the support of the state was minimal and most of the the times the state authorities were hostile. The role of the Courts in most of the cases was positive. While law can never be a complete wall against repression, it does provide a certain amount of social sanction, moral courage and procedural protection. It is thus extremely important to provide legal protection including through legal recognition of marriage.

Mihir Desai







The **absence of support from law enforcement and other institutions meant to safeguard rights of the citizens of the country** contributes to the intensity and frequency of violent acts perpetrated by the testifiers' families or legal guardians. Often taking a moralistic stand, these institutions reinforce the prevalent and highly flawed concept of the **complete ownership by the assigned family/ legal guardians of the lives of both minor and adult children**. The testimonies revealed instances of collusion among families, the police, judiciary, mental health institutions, and educational institutions.

### The Police and Its Multiple Failures

Police is the **focal point of support** for all citizens facing violence or threats of violence in the domestic and public spheres. Ostensibly, India boasts of robust law enforcement, and provides **helpline numbers such as 100, 1091 and 1098 which anyone, including minors, can use to make complaints**. However, several testimonies show that when queer and trans persons have reached out to the police for protection from violent families, they have either been **turned down, or coercively reunited with the perpetrators of violence**. Instead of acting as per the law, the police sided with the family and acted as moral guardians. Consequently, the violence perpetrated by the assigned family intensified, sometimes also encompassing friends, partners and people supporting the queer/trans individual.

The assigned family used the police to track down one of the testifiers, a 26-year-old cis queer woman who had been living with her chosen family for several years. They brought her to the station.

The police did not let us [Noyonika and friends] leave, even though they did not inform us of any formal detention. After about half an hour, they made a judgement and decided to “hand me over” to my parents, on the grounds that I am mentally unstable to be a consenting adult. [My friend] was held against the wall by police, while I was dragged out by 7-8 people, some of whom were police personnel, and some were till then unidentified to me.”

[Noyonika, Cis woman]

**The police in a metropolis aided the abduction of a 26-year-old adult who had appealed to them for protection from abduction**. They also enabled the physical violence inflicted on Noyonika and her friends.

Sometimes **family members are part of the police** and have the resources to trace someone who is struggling to stay away from them.

The family finds ways to lie and make the reason for wanting to track down the person appear both legally acceptable and 'respectable'.

I also have a brother in law in [the city where the trans man lived] who works in the crime branch in one of the police stations. He came to where I was staying, and told me that my family had complained to the police that I had stolen gold from the house. That was how they got the police to trace me. My brother in law questioned me and asked me why I took gold from my family, which is when my identity came out.

[Rishi, Trans man, 27]

In another case, Uma, a gender-fluid person who left home because of the constant pressure to marry and because of familial violence, spoke of how the **police were bribed by their family members even after they had approached them for protection:**

We went to the [city of residence] police station to give notice and asked for police protection where we were staying. We told them not to reveal our address. But my father paid money to the police and got the address. There was a lot of emotional drama.

[Uma, Genderfluid (AFAB), 27]

This is not the only instance of bribing the police mentioned in the testimonies. The family of a trans man dragged him and his partner to the police and bribed the SHO to let the constables 'deal with the situation'. The attitude of the police towards the two was also clearly linked with the fact that this was an **inter-caste relationship that the parents refused to accept**. They only let the couple go when an organisation intervened and challenged the legal stand of what they were doing.

Sometimes the **police were seen to be facilitators as the natal family administered violence** on queer/trans people. However much an individual may have tried to convince them that they had chosen to live with a partner, away from family violence, the police added the weight of their power to the power the family already exercises.

[T]he family had a plan and Omera's mom and sister came to my house with 2 men and kidnapped her. This was preplanned. There was a policeman with them. Phones were taken away, the police were not listening.

[Banu, Cis woman, 23]

In the aftermath, when Banu contacted the police they misinformed her that Omera had consented to leaving with her family and refused

to let Banu contact her. Clearly, the police here acted as an extension of the assigned family, with more legal power and authority.

**The testimonies also showed how they colluded with the family despite protection orders from courts.** The parents of the cis-woman partner of a trans man filed a missing person case. The couple already had an affidavit of live-in relationship from a court in the state. In tracking them down, what the police did amounted to **harassment, compelling the couple to live in constant fear.** They did not hesitate to use physical violence against queer and trans people.

After this, the police came to my rented place 2-3 times. But every time, before they came, I would hide her. But one time, they came suddenly in the middle of the night and caught us. The police said they would take her away, so I showed them the affidavit. My partner said that she was an adult and that she wanted to live with me, but the police did not listen. The police roughed her up and forcibly took her away.

[Tarun, Trans man, 29]

Frequently, the families of the people who testified ensured the complicity of the police in tracking them down when they were trying to make a life elsewhere, away from violence by filing false cases against them and their partners. **Very often, as Laksh, a case worker and trans man himself, testified, these cases are filed by the parents of cis women against the trans men who are their partners.** The cis women often run away not only to maintain the relationship, but also because of the pressures to marry, and the violence that they face when their relationships are revealed.

My family filed a missing persons case saying that Sajo had kidnapped and taken me away.

[Celine, Cis woman, 28]

In some instances, the family's complaint was not filed, but rather **used by the police to try to force the queer/trans person to speak to their family,** even when the family had subjected them to violence. At times, the family was influential and had political connections, and this also aided them in garnering support from the police.

Since we left without informing [the partner, cis woman]'s family, they filed a case against me [trans man] saying I trafficked her, gave her drugs and this was registered against me.

[Oishik, Trans man, 21]

The police tacitly approved of the familial violence, as did the rest of society. This comes from a shared belief that children have to be



disciplined, which goes hand in hand with the shared belief that “a little bit” of marital violence on the wife is alright. When it comes to queer or trans persons, they share the belief that what the person is doing is wrong. It is a combination of **taking a moralistic stand and lack of knowledge that makes the police side with the families so frequently**. One of the testifiers, a trans man who was taken to the police with his partner, who is a cis woman, was in fact asked in so many words if what they were doing (having a relationship, living together) was even legal.

While there were many instances mentioned in which the police supported the family in accusing trans men, there were also **testimonies mentioning cis women being accused by the police and the family members of the trans men** who are their partners of kidnapping, casting spells on them and taking them away. In this instance, the trans man and his partner came from different castes, which is also a determining factor in the response of the police.

[My parents] put us in a car and took us to the police station. There were female and male constables. A female constable told Chetna to leave the room, she refused. The constable threatened to slap her hard. My family members were advised by the police to put me into a remand home. And charges were put on Chetna saying she had cast a spell on me and tried to extort money from my family.

[Tushar, Trans man, 20]

Chand, a case worker and a trans man also shared a similar case.

While the police did not seem to hesitate in backing the assigned and marital families, even when they were specifically asked to protect a couple/ person under threat of violence, testimony after testimony described situations in which they **refused to help queer and trans people struggling to save their partners from violent families**.

I filed a case in the [District police station], and it was a situation of having to repeat the same story every time, and the police came up with excuses to not address the case. After about 1 week, I approached the Deputy Superintendent of Police (DySP) who asked about the issue, and within 5 minutes, I was asked to go to the station the following morning. After this, the next time I was there the police said they couldn't do anything because they didn't know about the merit of the case.

[Sajo, Trans man, 26]

Using delaying tactics and excuses for inaction, and making a person jump through hoops in a situation of crisis is a way to exercise power. **The ultimate aim is to silence complainants and not file complaints against violent families.** Any excuse will do, in this case, from not knowing the merit of the case—which was not the job of the police to determine—to indefinite delays. Testifiers also spoke of how sometimes there are layers of complexity added to the crisis situation that pushed the queer/trans person to access the police. These make the situation more difficult to negotiate for the queer/trans person, while simultaneously providing another excuse for police inaction. Tarun, a trans man, describes trying to reach his partner who was taken away by her parents during the lockdown.

I told [the police] that I wanted to go to [another city] to see my partner. They said I had to go to the Commissioner's office because I needed a pass. Then I walked to the Commissioner's office, but there I was told that I had to take the pass from the DCP's office. Then I went to the DCP's office but they said that it was not possible to get a pass immediately and I was asked to return after 15-20 days. I was disappointed and went back.

[Tarun, Trans man, 29]

**Even after receiving police protection, or after a court judgement in a Habeas Corpus case stating that the partners can live together, the police did not comply** or used delaying tactics. They (pretended to) take at face value responses from the violent family when the latter refused to let their queer/trans family member leave, on grounds of health or mental health concerns. Celine's family attempted to lie about her location and it wasn't until her partner went and checked whether she was at the mental health institution the parents reported, that it became clear that the police had been lied to and had taken no action to verify.

It took filing a Habeas Corpus petition for Rani, a 42-year-old woman abducted by her family members to finally be reunited with Ranveer, her partner who is a trans man, in spite of the fact that they had approached the same police station for help.

Ranveer did his best to find me, went and filed police complaints at different police stations, but police did not help us. The police just kept asking Ranveer to go from one police station to another.

[Rani, Cis woman, 42]

Another testifier, also a trans man whose partner's family violently dragged her away even as she was clearly resisting, recounted a similar

**lack of response from the police, even though he has been trying to find her for a long time, while still receiving rape threats and caste-based threats on a daily basis, and living in fear.**

Ranjita's parents are very powerful. They have political connections too. I have gone to the police and administration too, but they have not helped as they support Ranjita's family.

[Oishik, Trans man, 21]

The **caste location of testifiers**, whether the couple is in an **inter-caste relationship**, and the status of the dominant-caste family in the village or neighbourhood, matter greatly when it comes to police protection and action. Tapan is a trans man whose partner's dominant-community marital family and others threatened his family to a point where they pushed him to attempt suicide. His experience says that **there is no way to stop violence from happening or ask for justice for someone from an oppressed community.**

Once I recovered I came back to the village and filed a complaint against my partner's marital family but because they were more influential nothing happened and so we couldn't win the case.

[Tapan, Trans man, 22]

And while the police fail to act when required, to protect a queer/trans person from violence, they do not hesitate to go beyond the call of duty to **help violent families continue to pressurise their queer/trans members into giving in and returning to them.**

There was a call from the police a few months ago, saying our parents are worried. We closed the complaint on documents for fear of our location being identified, since the police were asking for our address.

[Banu, Cis woman, 23]

The fear is not without merit. In another testimony, a couple tried to make use of a Habeas Corpus as the only way to live together. Everyone, from the police to the judge in the case, kept pushing Celine, the cis woman partner of a trans man, to state that she wanted to return to her mother, so that the case could be dropped.

There are incidents when the police not only acted as legal and moral guardians of adult people but also **violated the rights of bodily integrity by asking derogatory questions and engaging in physical check ups/ assaults.** While the police are supposed to provide safety and protection to individuals, they interrogated trans men about their gender identity instead, in acts amounting to sexual violence.

In one instance, a trans man was described having to deal with the police after experiencing marital rape in his forced child marriage and trying to defend himself,

Eventually I was taken to a police station. I don't trust the police. I was called for counselling. They saw me as a Muslim girl and asked, "How is it possible for a girl to do all this?" They asked me what I had between my legs... I told them to go ask their own families, their children, such questions.

[Taarik, Trans man, 38]

Another trans man described a similar incident of violation of bodily integrity. He ran away with his partner and only learnt when the police caught them that she was 17. He was then booked under sections 11 and 12 of the POCSO Act.

The police placed me in remand, spoke badly to me, took off my clothes to see if I am a man or woman.

[Badriprasad, Trans man, 23]

From the testimonies it is clear that such violence and discrimination in police stations and custody is quite rampant.

In all the instances above, one can see that the police do everything possible to facilitate violence, instead of acting as per law and Constitution, leaving queer and trans persons without recourse when their lives are at risk. **Cis women and trans persons are treated as knowing nothing and having no agency of their own, even when they are adults and the family is no longer their legal guardian.** In some of the testimonies, the queer/trans person was not just an adult but well into their 40s, or had been financially independent for a considerable time. The more powerful and influential the families were, the easier it was for the police to become a tool in their hands to access and control queer-trans people.

One of the stories of a queer person who has been lost to the community points out how the **police kept insisting that she, as an adult woman, could not be trusted to be a "responsible adult"**. This in spite of the fact that she had a job and had lived independently for years before her family discovered she had an inter-religious relationship with another cis woman. Her family managed to place her under virtual house arrest in spite of the Special Cell for Women and Children intervening and in spite of support from an organisation to which she had reached out for help. The natal family had spread false rumours that their daughter would be trafficked by a cartel of human

traffickers, and that was the only excuse needed for the police to attempt to delay the organisation's meeting with her. Over and above this, when the police could no longer avoid the meeting, one of the police women was tasked with being present in the room and she attempted to record the conversation taking place.

## Hope and Loss in Courts

In many of the testimonies presented, the **courts acted positively**, in favour of queer and trans people, but the number of few people who have been able to access them is low. Those who have, have done so **with the support of organisations and queer- and trans- friendly lawyers** working with these organisations.

Receiving a positive judgement was often a difficult task in itself. The advocate for a Habeas Corpus case mentioned in one of the testimonies explained the kind of **pressures that the family and then the judge put on the queer/trans people** and those representing them.

The children were grown ups, they were not kids. They all said they wanted to stay with their mother, but not with their mother's partner. [...]

The judgement was that if she doesn't want to stay with her family or husband, she is an adult and can stay where she wants. But the court asked me to think of the husband.[...] Finally when the judgement came, the younger child, who had been the most emotional, said to me, "I'll see you outside."

[lawyer in the Habeas Corpus for one of the testifiers]

Judges can be influenced by family members who create a lot of emotional turmoil in courts, turning the process into a spectacle. **The queer/trans individual bears the stigma of being made into the bad person**, the one who is upsetting the family. The reasons why they left their assigned or marital home are not taken into consideration, and neither is the possibility of negotiating a connection. As the testimonies have shown, judges sometimes challenge the ability of a young adult to decide for themselves until the very last minute.

I was required to speak to the judge and I clearly said I don't want to go back to my natal home. The judge gave me one more hour to speak to my mother, in case I change my mind or want to reconcile. I said I didn't want to do that since I faced such harassment and violence from her. Still, I spent one hour and then told the judge I didn't want to go back to my mother's house. The ruling was that I

didn't have to go back to my natal house and so I was able to rejoin my partner.

[Celine, Cis woman, 28]

In these cases the **court prioritised the assigned/marital family** by default and tried to negotiate from their standpoint. It was only after a thorough fight and repeated declarations that the court orders were passed in favour of the aggrieved queer/trans person. The process itself was long and time-consuming, and for the couples who had to undergo it during the lockdown, there were even more obstacles than usual.

That is when I went to [the organisation helping]. With the help of a lawyer, we filed a Habeas Corpus case in court. Two to three hearings took place as part of the case. Since this was during lockdown, they took a video statement from my partner, in which she said that she is an adult and wants to go of her own free will. The judgement came and said that my partner can be with me.

[Tarun, Trans man, 29]

Nevertheless, four of the testimonies presented before the panel spoke of receiving positive judgements in response to their Habeas Corpus petitions. In fact, one of the trans rights activists (Laksh) also specified that in his experience, **it was not the courts that were the problem, it was the police**. This is not to say that the process is not difficult, or even difficult to access and daunting. One of the trans men, speaking of his partner who was forced into marriage as a child, explained that

People are afraid to file a case because they are scared of harassment in the police and in court.

[Tapan, Trans man, 22]

**Courts also often had a say in other related matters, such as whether the children in a family will continue to live with a parent who is a queer/ trans person.**

In the testimonies mentioned above we have seen examples of parents and families trying to further violate the rights of queer and trans persons in courts, particularly in cases where the latter sought to live together. Testifiers also went to court to address the violence that they experienced from their assigned families by using their legal rights:

I sent them [parents] legal notice once, saying that I don't want to be in contact with them. They don't know where I am and what I do.

[Uday, Trans man, 27]

Unfortunately, it has **not been only queer and trans persons who approached the courts, but also their assigned families**, as a way to regain control over their children when they left home or entered into relationships they did not approve of. When one of the testifiers, a cis woman, ran away from home to escape violence and abuse, her family assumed that she had done so with a boyfriend, and filed a case in court where they lived. When assigned families file complaints, these are generally cases of abduction, trafficking, theft etc. For the queer/trans person called to prove their innocence, the process is a struggle when courts show a tendency to favour assigned families. In such cases, lawyers who understand the situation and are able to provide adequate arguments are needed to ensure that adequate protection and justice is delivered for the queer/trans person. The testimonies show that most often than not **queer/trans people required the support of organisations to access such lawyers, and also access courts and fight legal cases.**

## The Trauma Induced by Care Institutions

Along with the courts of law and the police, medical care of all types and the institutions providing it have to be easy to access by all in need. In this case also, **the combination of lack of knowledge and prejudice leads to these spaces becoming tools of abuse for queer and trans people.** It is important to remember that when they need to access healthcare, people are facing **situations in which they are already vulnerable.**

One of the foremost problems stems from the fact that when decisions need to be taken for a queer/trans person who may not be able to speak for themselves, the assigned or marital families are the default decision-makers. The lack of recognition of relationships other than familial ones places queer/trans people at risk. On the one hand, **when families are already violent to a person on account of their gender or sexuality, they are not likely to take the decisions that the person would want taken for them.** On the other hand, we have already seen most queer and trans people, even those whose families are not physically violent, have their most significant structures of support and understanding elsewhere. There are **networks, chosen families, who know details of their physical and mental wellbeing that the families may not be aware of**, and yet they can be restricted from participating in caregiving by both medical institutions and the assigned family. This prevents them from ensuring that the medical

professionals working with a queer/trans person have adequate information, apart from isolating the queer/trans person from their community, who has no authority or legal sanction to take any decisions. This causes distress not only for the queer/trans individual who requires medical care and who finds themselves **dependent on their assigned family, but also for their networks or chosen families, who run the risk of being left in the dark since their relationship is not recognized.**

My best friend was on ART and was taken to hospital. At that point we kept hearing that if anyone is on any other medication, it would interact with the Covid medicines and the doctors should be told. I knew that no one [in her assigned family] knew about ART. I knew I should inform the hospital, but the rule was that only the family could go to the hospital. I had no authority. The chosen family should have the authority in the decision making process; there are things people don't share with parents, like surgery, hormones etc. that's why the chosen family should have authority.

[Shamlee, Non binary, 26]

This has been a recurring concern in the testimonies, coming both from individuals who have had such experiences, and from others who invariably worry about such an eventuality, knowing what is likely to happen.

Even when we go to the hospital we have to enter our names as 'friend' or 'cousin'.

[Banu, Cis woman, 23]

One of the testimonies articulates very clearly what is needed.

My family has never been supportive. So if I am sick or hospitalised my family who has been violent with me cannot be consulted. Tej should decide about me. I want this right.

[Lekha, Cis woman, 34]

Apart from drawing attention to the problems caused by the legal authority assigned to the families, testimonies also pointed out the way **hospitals casually violate an individual's sense of bodily autonomy by insisting on disregarding their self-determined gender,** even when the person is accompanied by people able and willing to fight for them.

Eventually we called the ambulance and took Baladitya to hospital. At the first hospital we reached, none of our concerns or requests was entertained. We requested the authorities to keep Baladitya in the male ward because he saw and believed himself to be a man,



but they refused. We decided to take him elsewhere, where at least his identity would be affirmed.

[supporting organisation<sup>2</sup>]

The situation is even more difficult when it comes to mental health. **The general levels of stigma surrounding mental health are higher to begin with, and awareness regarding mental health issues is considerably low.** One of the testifiers in fact spoke of how the internal struggle itself that they experienced was for the longest time unnameable.

I was beaten up in school too, teachers yelled at me. I had no idea what depression was then. I couldn't share with my family, so it seemed to me that I will have to live life as a boy. It seemed impossible to come out etc.

[Tarini, Trans woman, 33]

The fact that Tarini herself did not realise the seriousness of what she was experiencing is of serious concern. Equally worrying is the fact that neither her parents nor teachers in school paid attention to this either. This **invisibilization of mental health struggles** renders care inaccessible for queer/trans people who frequently take a long time to work through their identity, not to mention to reach out to someone else about all the various types of trauma that they have to face. Frequently, it takes some support from queer/trans rights organisations before people try to access mental health care, and even when one does realise that it would help, the **financial implications render it impossible to access.**

We see in the functioning of mental healthcare a clear parallel with the police. In the latter case, the testimonies noted a lack of response to demands for protection from queer and trans persons made worse by collusion with violent families. In the former, the problem goes beyond lack of knowledge and the fact that mental healthcare is clearly unaffordable for people who live precarious lives. It is a problem of **active violence perpetrated hand in hand with the families.**

Assigned families consider a queer/trans person's desire or gender expression to be an illness and resort to mental health institutions and 'treatments' or 'cures' which are damaging for the queer/trans individual. To make things worse, the police and mental health

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2 For purposes of maintaining the testifiers' anonymity, the organisation members who gave additional information have not been identified in each case. The inputs are based on the experiences of LABIA, Nazariya, SAATHII, Sappho for Equality

institutions, especially State-run and private rehabilitation centres, work in tandem.

Taarik's family forced him to be admitted into a mental health hospital.

My head wasn't working. I was there for a week, at the hospital. They gave me electric shocks. My head is still affected... Usually they would give current [electroconvulsive shocks], and I would fall asleep. Current, and sleep, current, and sleep. That was the routine. I would not feel like eating.

[Taarik, Trans man, 38]

Even though they are **illegal, such forms of conversion therapy continue to be practised** in hospitals, under the supervision of registered doctors, who comply with the wishes of the assigned family especially if they pay for such treatment.

My partner was put on drugs because she was in love with a trans man. After the rehabilitation I got in touch with her and told her that I will get her out, to give me some time. She was a healthy person. They forcefully injected drugs and admitted her wrongly in a rehab centre. All this happened to her because she identified as a lesbian. This is seen as an unnatural thing in India today.

[Oishik, Trans man, 21]

Individuals do not have any support system when families force them to take medication or admit them into mental health institutions, often for different forms of conversion therapy. Testimonies indicate that the threat of conversion therapy is also used to pressurise queer and trans individuals to act in accordance with the wishes of their families.

The counsellor tried to talk to me in a sexual manner, explaining everything that can be done to forget Banu. Conversion therapy was proposed along with other 'therapies'.

[Omera, Cis woman, 24]

Doctors perceive queer and trans people as by default sexualised and do not hesitate to abuse their power, making use of sexual threats as a tool in their interactions. Other testimonies revealed blatant instances of **homophobia and transphobia justified in the name of medical knowledge**. One of the trans men was told by a doctor (a gynaecologist) that

'These things [transitioning] don't exist in India, there's no way this is possible. Do you know how expensive it is for you to change like this? You can't live with a woman.'

[Rishi, Trans man, 27]

The immense psychological and physical violence that an individual faces at home is multiplied by exposure to mental health institutions. These can determine the life and death of individuals, sometimes permanently damaging their mental health. Such criminal acts are rarely reported and they rarely come to the surface, making it **difficult to take legal action** against them.

An activist who identifies as a queer person provided a glimpse into the horrifying stripping of agency that takes place in rehabilitation centres.

I knew they were taking me to a rehabilitation centre. Then they grabbed me, pushed my head down, and took me into a house. They put me in a room where there were seven other girls sitting on a mat. After we entered the room, the situation got worse. [The rehabilitation centre in charge]’s husband came and started using abusive language. [She] made me take some medicine by force. She told the other girls not to talk too much to me. One of the girls was beaten up for talking to me.

In that rehabilitation centre, eight girls were kept in a ten-foot by twelve-foot room. The windows in the room were all panelled, with the exception of one. This one window was used to provide the inmates with food.

I was here that night, sleeping on a bed provided for me. At around 1 a.m.[...] I was taken to [another city] in a car, with the windows up and music blaring. My parents didn’t come with me; they handed me over to a stranger at the rehabilitation centre. I could tell from the road signs that I had been taken to [city name].

It was only later that I realised that I had been shifted to another rehabilitation centre [...]. Here, I was undressed and checked by a female warden. Afterward, I went to sleep for the night.

There was one bathroom in this rehabilitation centre, which everyone used together. There was no door, and there was no question of privacy. I have never been to jail in my life, but I’ve heard that it’s better than this.

[Noyonika, Cis woman]

Noyonika was transferred from one rehabilitation centre to another with the help of the police. It is clear that not only do institutions meant to protect individuals collude with their families instead, but there is also a nexus among them. What is striking is the **carceral approach they all share, the jail-like condition obvious in the description above. There isn’t even a trace of an attempt to treat the queer or trans person as a human** whose say in their own mental

health and in their own life matters. They are there to have things done to them, to be fixed according to the demands of the family.

They [parents] took me to a hospital, where a psychiatrist refused to listen to me. She was completely on my parents' side. I was put on sleeping tablets for over two months. At the time of house arrest, I did not take sleeping pills for a few days, and my younger brother found out and told our parents. My parents were furious and said that the doctors had prescribed these medicines because I was mad and sick and they would cure me.

[Rishi, Trans man, 27]

For queer and trans persons who are also on the **spectrum of disability**, the marginalisation and abuse they face is of a different nature.

Another way in which abuse is used against family members who are queer and disabled is the isolation that they are forced to undergo. In such conditions, disabled family members are institutionalised and their queerness pathologized or not considered at all.

[Oja, Non binary]

Apart from being seen as as diseased, in need of a cure or a punishment (or a punishment that serves as a cure), **queer and trans people also fall prey to the networks to which their families have access, through which they risk being declared unfit** to decide for themselves in matters regarding their own bodies, relationships, living situations.

My sister, who is a nurse, had been talking to somebody, saying that they needed to extract a medical certificate for a mental disorder so that it could be used in court against me.

[Celine, Cis woman, 28]

## Educational Institutions

While the police, courts and healthcare institutions are intended to address situations that are out of the ordinary—and we have seen how they fail to protect the rights of queer/trans persons, schools have been another source of violence and abuse that some of the testifiers mentioned.

The Sustainable Development Goals (Goal 4) commit to “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.” In line with international human rights law, LGBT students have the right to an education free from violence and discrimination, that promotes respect for human rights and fundamental freedoms. However, in the Indian context, schools have often been the places where discrimination and violence starts,

side by side with the assigned family. The **teacher is the moral guardian**, next to parents, expected to “correct” the child. Any “deviant” behaviour in terms of expression of gender, sexuality, not following gendered stereotypes of dress codes, making friends, intimate relationships is read as a **transgression for which the queer/trans child receives punishment**. Lack of awareness about gender-sexuality and also inhibitions to implement such knowledge lead to severe discrimination and violence in schools. Shamlee shared her experiences of growing up non-binary in school:

All parents go to school and fight when a teacher hits a child. My English teacher told my parents in the parents’ meeting that I was doing well, just that my behaviour was too much like girls’. I spent too much time with girls. My parents told “madam” to do whatever it takes to “correct” me.

[Shamlee, Non binary, 26]

For the queer/trans child who tries to find support and validation in **school as an alternative to or a refuge away from a violent family, the denial of that support and the punishment they receive leads to severe trauma**. Natasha is from Haryana and identifies as a lesbian woman. She could not find anyone in whom to confide about her sexuality. The cousin to whom she told suggested that she should try and change herself. Then she tried to speak to her school teacher:

I tried sharing with a school teacher that my sexuality is different. She said this is rubbish and I should not focus on it or think about it.

[Natasha, Cis woman, 19]

We talk about comprehensive **sexuality education in schools for young people**. There are various programmes that many organisations are currently running to talk about sexual and reproductive health rights of young people. One of the main topics is the issue of attraction. However, schools which perceive attraction as “unnatural” have taken strict action against queer/trans persons.

When I was in class 6 I fell in love with a girl and I proposed to her. She told it in the school and I was rusticated. I live in a rural area and I was never able to get back to school and continue my education.

[Oishik, Trans man, 21]

This is a basic violation of fundamental rights happening in a school. It is a **direct action of expelling a student on the basis of their gender/sexual identity and expression**. It is a criminal act perpetrated by

an institution that is not held accountable. In many cases, children themselves drop out of schools because of the discrimination they face at the hands of teachers, staff and fellow students. By promoting respect for all students and framing and implementing anti-discrimination and anti-bullying policies that cover real or perceived sexual orientation and gender identity and expression, schools may help queer/trans kids.

While discrimination and violence in school is often damaging in one's early years, most higher education institutions—colleges and universities—have not laid down policies on discrimination based on gender and sexuality, either. Moreover, **higher education institutions often mark and surveil students who are articulate in their political opinions and activities, thus adding to the discriminatory environment.**

Lehar is a 23-year-old gender non-binary feminine person who has found strategies to be themselves in their university space, but who faced issues with the college administration in their undergraduate days.

Back in BA they called my father even though I was older than 18, to complain that I was going to organise a protest as a queer person.

[Lehar, Non binary]

A student who already faces ostracism and stigma because of their gender-sexual identity is pushed to another margin of discrimination by the authorities who try to out them to their parents and also mark them as a politically active student on campus.

## Continuing Threats and Control

And if this was not enough, **assigned families also frequently disown queer/trans members and refuse them their property and inheritance.** This material dispossession takes various forms. Sometimes it takes place as soon as they leave the assigned family home, as a form of punishment. Additionally, over time, people become distanced from their families. In either case, there is a direct threat to property.

Laksh spoke of a trans man who faced constant threats and abuse from relatives.

One time he [the trans man] was called home and told, 'If you

change your gender through surgery we will give the property to an ashram but not to you.’ The company where he worked reimbursed the [gender affirming] surgery so he did it and went home. The family scolded him and cried. His *mama* said, ‘It’s ok, whatever happened is fine. However, I have one condition: you have to get married to my daughter.’

[Laksh, Trans man, 43]

The situation has more than a tinge of absurdity. A relative who was earlier the source of violence is suddenly ‘fine’ with the gender of a trans man, for the sake of making sure that he gets his hands on the property. This works as a reminder of the function that the **family serves, as a mechanism to (also) facilitate the division of property along patriarchal lines.**

Another trans man’s father asked for a signed declaration that he doesn’t have any claim on the family property. Moreover, relatives often want to claim the acquired property of older queer/trans people. What causes worry is the fact that **laws and policies pertaining to property and inheritance rights are heterosexual family-oriented, where the assigned family is the default claimant and also protector of ancestral as well as acquired property.** This makes it very difficult to ensure that at least acquired property passes on to chosen family members—friends, partners who may not enter the institution of marriage.

Muslim law still governs Tamanna’s life, though she is not a practising Muslim and has left her family and community as a young adult. According to these laws, Tamanna is supposed to give away 2/3 of her savings and acquired property to her assigned family. She has control only over 1/3 of her acquired property, which she can give away to chosen family members, even though it is her friends and partner with whom she wants to share what she has earned. **And while the issue of inheritance is mired in family laws, it is not the only worry she faces.**

Yesterday I went to the post office. I asked about the Senior Citizen Savings Scheme and whether I could have a joint account. And they said, no, it can only be with a spouse. And they have a very clear definition of spouse. So I can’t have it, a joint account, with my friend. So all these issues are there. Though I have done whatever I can, made nominations in the name of my friend but I am not sure if that nomination will hold true if other family members intervene.

[Tamanna, Cis woman, 61]

Some family laws do not allow the willing away of all the property as per one's wish. In other family laws that do, when queer/trans people leave their property to their chosen communities, the will is invariably be questioned by the assigned family and claimed to be false, thereby denying any rights to the chosen partners/family members. **For those who cannot or will not enter the institution of marriage, it is difficult to share economic wealth with their chosen family**—people who provide care, and support systems in times of crisis. In the current legal system, there is no protection for such rights.

Banu and Omera shared similar anxieties, down to a mundane level: it is not even possible to register a vehicle as joint property. There are always too many questions asked.

Even as testifiers make it a point to say that they have found relationships, networks of care, that are meaningful, this anxiety seems all pervasive: **the future is uncertain, precarity looms large in ways that cannot be anticipated and addressed.**

Today we are happy. [...] I am worried because the house that I live in was gifted by my father, if I die, they will take away the house and the children. I just don't want Lekha to leave the house. I want her to get the rights officially that I have given.

[Tej, Trans man, 44]

And on a final, closing note regarding new forms that collusion takes in changing times, we must remember that media and social media have also become forces to reckon with. Social media provides access to queer and trans people to sources of information, solidarity, but also offers a **platform for families to spread fake news about their children and manipulate and control them.**

I had already blocked my family on all social media accounts and on the phone, but in the middle of this, my sister tried to unblock the Instagram account that was blocked and released a series of rants in public about not letting me come back into the family.

[Banu, Cis woman, 23]

Additionally, the **risk of families using queer and trans persons' social media to track them down and keep tabs on them is significant**, which constitutes an obstacle in the queer/trans person's ability to reach out to more support systems.

Media has also been taking a keen interest in stories of queer and trans persons, but the nature of their representation of queer/trans lives can sometimes do more damage than good.

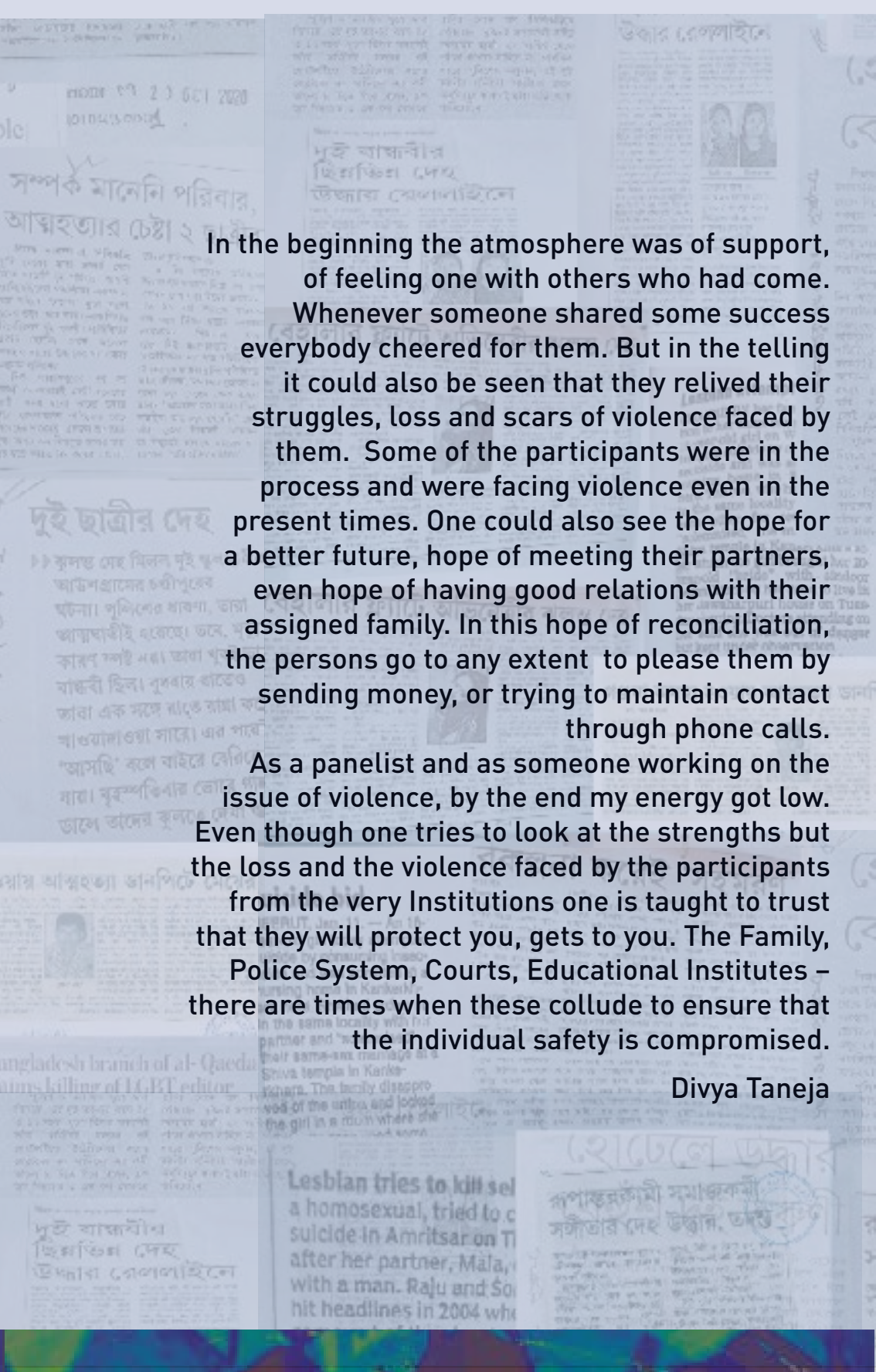


Representation in media ignored the gross violation of [my] human rights and made it into a clickbait love story. [A police] Officer [...] even gave a statement that I have also previously run away from some rehab, without verifying the news. The police and the two rehabs involved in this whole process did not consult with the doctor who was treating me.

[Noyonika, Cis woman]







In the beginning the atmosphere was of support, of feeling one with others who had come. Whenever someone shared some success everybody cheered for them. But in the telling it could also be seen that they relived their struggles, loss and scars of violence faced by them. Some of the participants were in the process and were facing violence even in the present times. One could also see the hope for a better future, hope of meeting their partners, even hope of having good relations with their assigned family. In this hope of reconciliation, the persons go to any extent to please them by sending money, or trying to maintain contact through phone calls. As a panelist and as someone working on the issue of violence, by the end my energy got low. Even though one tries to look at the strengths but the loss and the violence faced by the participants from the very Institutions one is taught to trust that they will protect you, gets to you. The Family, Police System, Courts, Educational Institutes – there are times when these collude to ensure that the individual safety is compromised.

Divya Taneja



## Ongoing Negotiations

The previous sections have made it very clear that for many queer and trans persons, coming out or having their assigned families find out about their gender or their relationships is fraught with risks: from being confined within the home, to being deprived of their basic right to education and mobility, to being physically and sexually abused, starved, **there is no end to the ways in which families see fit to “discipline” their family members who do not conform. A lot of people with limited resources (lack of financial stability) have to resort to different strategies** to avoid confrontations and the violence they would have to face otherwise.

Every time I go home, I need to cut my hair, dress differently, misgender myself and it is an intensely difficult experience. I cannot express in words how intense it can be. Even though it does not look like what I am experiencing is violence, or it is not as intense, it is there when I have to keep pretending with them. There is this insistence that I need to survive for which I need education, so I have to keep doing it.

[Lehar, Non binary]

These are not easy choices to make—if one can think of them as choices in a context in which they are compelled by the need to survive. They amount to **subjecting oneself to violence, choosing the stress of lying, hiding, being discovered, postponing or letting go of the aspirations one has as a queer/trans person**, in order to make it possible to achieve their longer-term plans.

Education, and the way queer/trans persons are often compelled to negotiate with their parents and pretend to comply with all their demands in exchange for mobility to pursue it, have been a recurring concern in the testimonies.

We continued [the queer relationship]. We didn't stop. Our parents were not ready to understand. We wanted to work. Be independent. Financially. We told the parents we were not seeing each other, in order [to be allowed] to complete our studies. We finished our degrees. Came to India.

[Banu, Cis woman, 23]

Banu and her partner patiently waited for years until they had at the very least the promise of financial independence, and when they did, they left their families. They waited in spite of being caught talking to each other twice. They promised to agree to marriage as soon as they finished studying. They put in the labour it took to convince their



families to trust them every time, to avoid violence, forced marriage, and then they left the moment they had job offers, even though they knew that their families had the resources to find them and attempt to bring them back. Rishi, a trans man, did not tell his family that he is a trans man until 25, for fear that they would get him forcibly married off or prevent him from studying.

And the fear is by no means misguided. Uday, another trans man, **negotiated to buy time for education, promising to agree to marriage**, the desired kind of presentation—whatever it took.

At some point I stopped saying I won't marry because I had to face too much violence each time I said it. Instead, I said I will do it, by the time I finish my Masters' I will grow my hair out and wear the right clothes. I told them that till then I wouldn't go home so they don't face difficulties also. That's how I went to [university] to do my masters.

[Uday, Trans man, 27]

These decisions **to negotiate are always also made in wider, more complex contexts**. Some of the testimonies drew attention to these, but many others did not have the time to articulate the connections: many of the **queer/trans people belong to oppressed castes, or to minority communities, where access to education is restricted** and one has to face discrimination in any case.

I was the first “girl” in the village who came out to study. It wasn't easy, but my family supported me with that. I come from a Bahujan (OBC) family and because of the caste I have faced discrimination. [...]

[Uday, Trans man, 27]

There is a difficult balance at work in negotiating with a family which cannot—will not—understand a family member's gender, but with whom the **queer/trans family member shares caste-based discrimination, and gender-based discrimination** with regard to education within that.

I thought there's no point in telling them that I am a trans man because they won't understand and I was also not in a mental state to tell them. I returned and finished my last semester. After that I didn't go back home.

[Uday, Trans man, 27]

In this testimony too, ultimately the solution is to stop returning to the family home where the expectation is that he would “mend his ways” and become the desired child who presents right and acquiesces to

marriage. Another testimony we already mentioned similarly made reference to education not being a priority within the community. The testifier had to stop eating and drinking for days before the family gave in to their desire to study. The **opportunity to study in a different city** is what eventually, in several instances, also provided a chance to freely express one's gender identity/sexuality, which in the assigned family home would lead to surveillance and punitive action.

My father is controlling and abusive. Even for fees I have to do a lot of back and forth and negotiate. Sometimes he insists I have to cut my hair, go to the village, look like a proper son. Initially I had to tell them I want to do UPSC to be allowed to come to [metropolis], then I had to tell them I want to become a professor. I don't know if I want to become a professor. But you have to keep telling them things they want to hear and keep negotiating.

[Lehar, Non binary]

Doing this means that in the space of the new city, the **testifiers who spoke about this experience can live closer to what they aspire to, as trans men and trans women, or with their partners, or able to express their gender-fluid or non-binary personhood, so long as news of it does not reach the family.** This also means, as one of them indicated, that the moment a phone call comes unexpectedly, one has to already be prepared with the denials and the explanations.

The need to lie and pretend in order to balance survival is also seen beyond the family, even after one has moved out. Tarini, a trans woman, explains,

At my job I joined as a woman but because I was living at home I had to dress as a man. My HR was aware of my identity but not my colleagues.

[Tarini, Trans woman, 33]

**Decisions and negotiations from one sphere of life cascade into others,** frequently putting more pressure on a person to hide and live in fear. This pressure comes not only from concern for one's own survival, but also from concern for other family members who may bear the brunt of a queer person's decision to openly challenge their family.

My younger brother in the 10th standard knows about me and is very supportive. But he asked me not to tell my parents for another two more years, until he is out of the house. So even if I have an instinct to tell them, I cannot right now. Mother is in a typical 'upper-caste' housewife situation, very dependent on father. Has no financial autonomy as well.

[Lehar, Non binary]



The extent to which negotiation takes place, or to which queer/trans persons find it safer to hide from their families depends on each person's understanding of the way in which power acts within the family. It also depends on how other ways in which the family functions are likely to also influence the family's response to their gender and sexuality. It is, in this context, useful to think of **the act of coming out to one's family as an act of being able to trust them sufficiently to let them in and make oneself even more vulnerable to them.** Seen like this, given what we have already read in the previous sections, it is **not so much an act of deceit that takes place, but one of having to curb one's own freedom to express oneself and live freely, with deep consequences on the queer/trans person.**

## Forced Migration

When hiding and negotiation are no longer feasible, or the violence can no longer be borne, many of the testimonies spoke of **leaving home as the only option to be able to move forward with one's life.**

I wanted long hair but they kept mentally torturing me about cutting it. I kept quiet. For a couple of years I did that, it got quite long, then I cut it. I realised that if I was to stay home I would have to do it as a man. I spoke with my friends and they suggested that I run away from my family. [...]

The first time I ran away I was around 23. I told my family I was going for a job interview, they gave me Rs 100-200 for a ticket. Then I said I am staying at a friend's home. Then I said they are taking me to another job interview. That's how I tried to manage by lying one day at a time.

[Tarini, Trans woman, 33]

Tarini's description of the need to leave home to be able to live as herself echoes many other testimonies. Laksh, a trans activist, pointed out how common it was for trans men to be compelled to leave their assigned families to avoid being compelled to live "as women".

I had run away from home at 18 in 2020 because my family wanted me to be like a girl with long hair and female clothes.

[Tushar, Trans man, 20]

While the age when people leave may differ, this line was spoken again and again, in multiple forms. Along with the imposition of specific clothes there were also multiple instances in which the **coercion to get married pushed both cis and queer/trans people to leave.**

They planned to take me to a temple to fix my marriage, which would then fix me. I knew that I needed to run away and I somehow managed, just in the clothes I was wearing. I borrowed a stranger's phone on the street, contacted a Facebook friend who put me in touch with [an organisation] who bought me a ticket to [large city] and took me to the police station there to file a letter of intimation.  
[Rishi, Trans man, 27]

It is useful to note here that people run away with **different degrees of planning and support ready for them once they have lost their shelter**. Sometimes it is just a friend, or a friend who knows of an organisation which could help. At other times there are connections that have been built over a longer period of time, providing an opportunity to plan. In other instances the contact is established after the moment of crisis in which the person has had to leave.

When my family had already fixed my marriage and [...] one marriage ceremony had already happened, I took the decision of leaving home. I left to meet [the organisation] people. Next day my partner Laxmi also left.

[Tapan, Trans man, 22]

When individuals are already in relationships, the **partner's readiness to leave** their families is also a consideration in deciding the extent to which one negotiates violence in the assigned family. **Along with having to deal with the violence they themselves face, queer/trans people in precarious positions also function as a support system for someone else in a similar situation and their decisions are interconnected**. The decision to leave itself often comes with the knowledge that there will be losses incurred in the process.

They stopped me from going to college and said I can only go to give exams. Then I spoke to my partner and said I don't want to stay at home anymore. I want to run away, study and achieve my goals. One day the boy was going to come to see me, I used the excuse of exams and got out. I ran away and came here to Delhi. I lived in a shelter home and now I do a job and live with my partner on our own.

[Natasha, Cis woman, 19]

Having to stay alive without the resources that come from living with a natal family means for many of the people who testified that they have had to give up on their plans to continue their education, and take on jobs immediately. In some instances, this was expressed as a **giving up on the plan to study further, or an indefinite postponement, taking into account everything that one needs to do including the usually invisibilized, gendered labour**.

I feel now it is late to study so I am thinking of getting a good job so I can live my identity. For now, I have to do my job, house chores, but I will try.

[Tarini, Trans woman, 33]

Running away from a violent assigned family is not the end of the road, it is often just the beginning of another series of struggles. Partners spoke of running away to be able to live together, and having to face the high probability of being tracked down and threatened by their families, and having to deal with the police, and courts. Even after running away from home, violence follows. **The world one tries to find one's feet in often responds with more violence, making the shelters that queer/trans people find transitory in nature and precarious.**

I don't have anyone at home so in 2020 I finally left home and came to [large city]. Here there was a friend with a similar gender identity [transmasculine], whom I liked and trusted a lot. We came together to [largest city of the state] for a talk. I met and fell in love with the landlord's daughter. We all started living together [the speaker, his friend and his partner], but my friend told the parents of the girl about the affair. She got scared and she said, "Let's run away somewhere far." So we left to [another city]. We were in hiding for a week, during which we got married and sent photos to a friend. That friend showed the photos to her parents and that is how the police found us.

[Badriprasad, Trans man, 23]

For many of the testifiers, **leaving home is not a one-time process.** There are multiple attempts at dialoguing with the family, returning, realising that one is once again trapped, as much as earlier if not more. And then there is finding once again the resources and support, or at least the mental preparedness, to leave.

For six months, I had no contact with my family and I was blocked from everywhere. Initially my sisters did call and try to get me to come home, saying mother was unwell etc. But I was scared and didn't go. After 6 months, I took the risk and went home to meet my family. Tushar waited at the bus stand and I went home where I spent just an hour. I still visit. But they pressure me to leave Tushar. There is no acceptance and no support from them.

[Chetna, Cis woman, 24]

While we have distinguished between instances where queer/trans people were thrown out of the house onto the streets in response to their refusal to conform to familial expectations and pressures; and 'choosing' to leave home, **we must also remember that 'choosing' is a compromise as well.** It is also more often than not compelled by the

untenable life one would be stuck in otherwise. And leaving does not always mean finding a safer, more understanding space/ environment. Tarini finally left her assigned family after multiple such attempts, and had to live in a Garima Gruh centre—places which are not without their moral judgement and restrictions which are reminiscent of parental controls.

Testifiers spoke of the pressures exercised by the natal family even from afar: the threats, the attempts to violate one's autonomy, the inability to listen. Sometimes the only way out appeared to be to end all contact with them. Some of the testifiers in fact chose to speak to the panel alone to make sure that their identities and locations are not revealed even accidentally, making it risky for them to continue to live where they are at the moment. Others' families may know where they are, but the relationship has been closed off.

At one point of time I stopped calling them. They don't know I had surgery, I am on Testosterone.

[Uday, Trans man, 27]

And there are also instances in which, on their own or with support from organisations to which they reached out, **people have found shelter in partners' homes after leaving.**

Despite getting to know the true nature of the relationship between [cis woman] and [her transmasculine partner], her mother did not deny shelter to both of them. After the live-in relationship affidavit was prepared, they both stayed at her house for more than six months. Subsequently, both partners shifted to [city], and they remain happily in the relationship.

[Chand, Trans man]

In a context in which a sense of community and support is extremely important to negotiate all the struggle that the queer/trans people testified to, it is useful to think of all the various shifts also through **the lens of forced migration.** We have seen an array of reasons contributing to forced migration, from families putting their members out, to coerced marriages into unfamiliar places, to running away to escape violence or to be in a city where one would be able to find more understanding. Irrespective of the reason, many spoke of having to establish (new) systems of support and relationships, arrangements for shelter, food, jobs, education, in other places, in a context in which so much of these negotiations are usually mediated through the contacts and networks of the family/community.

## The Support System Outside of Official Frameworks

In some of the testimonies where people spoke of running away, we heard of a stranger who went out of their way to help. For a trans man who was put in a mental hospital and treated with electric shocks, this help came in the guise of two strangers. One of them was a medical professional who was just concerned that no one was coming to meet this 14 year old child. She asked him what had he done to attract such wrath from the family. His answer convinced her that he was not at fault and she appealed to get him released. It took a professional to just do her job and pay attention to the voice of her patients rather than listen to the moralistic views of others around to help Taarik be free.

And there was more. Another person there realised that this little 14 year old also needed a skill to earn his living and a safe space where he could stay and learn this. She made arrangements to send him to learn the skill of massage and he started earning while living his life the way he wanted, away from forced marriage. These small gestures made by empathetic people helped this trans man move away from the cruel and violent life that he had had in his assigned family and the family that he was married off into.

While in prison, Badriprasad found a woman there who helped him by paying his bail amount, else this orphan young trans man would have had to suffer the incarceration much longer. There was no one else coming to look for him – to fight his legal case or offer bail once it was granted.

When people had partners they each helped the other: Tarun walking from office to office trying to find his partner; Oishik's partner bringing him food when he was forced to stay on the railway platform to make sure he survived; and at present Oishik in turn looking for her as she has been abducted by her family.

Negotiating relationships of power is complex, however, with the individuals involved not always able to see things clearly. Lines are often blurred. One of the trans activists, for instance, spoke of the support a young trans man found from a cis woman older than him, but who also, in the activist's reading, has been sexually using him. He qualifies this by saying it took place, "even though the young trans man may not have realised. There is love too, and she continues to help." In this kind of a situation, **trust is difficult to establish, past**

**trauma impacts present relationships, and all this further complicates a queer/trans person's attempt to make space for themselves to live.**

The testifiers also spoke about how they approached queer and trans organisations about which they came to know, and said that without these they might not even have received justice from any of the institutions they approached. However, **there are few such organisations and people should have to rely on them alone.** Courts and the police should be available to support and provide safety to these survivors of violence.

All the people who testified before the panel had come to the hearing through such organisations and local communities of queer and trans people to whom they managed to reach out. Some spoke of the ways in which they had come across these organisations and individuals.

Lekha had approached a helpline about which she had found out through her partner Tej, who in turn had found out about the collective and its helpline through friends in the city where the organisation was located. This kind of **informal, word of mouth publicity now seems to be replaced by the internet.** Friends on social media, friends in real life find contacts for the organisations and provide them to the person in crisis.

Rishi had a friend who found an organisation that helped him when he needed to escape forced marriage.

I borrowed a stranger's phone on the street, contacted a Facebook friend who put me in touch with [an organisation] who bought me a ticket to [a city] and took me to the police station there to file a letter of intimation.

[Rishi, Trans man, 27]

Tapan and Sharat shared similar experiences. Access to **information about queer people, films, writing** also helps to find people and organisations in a crisis situation.

I had read about the lesbian lawyer Arundhati and her partner when I was in school, looked her up on Google and got in touch. Eventually this led us to [an organisation].

[Tushar, Trans man, 20]

Sometimes it was the **organisations that saw appeals for help** and reached out to the people. When Sajo could not locate where his partner Celine had been taken, an organisation reached out and they have been helping them since. Another organisation saw a video of Ranjita and Oishik asking for help on Facebook and intervened in their

case. They offered their temporary residence for them to stay but the couple declined.

A lot of people told us about [the organisation] and said I could go and seek help. I did talk to people in [it] but I did not believe there could be an organisation to help us, so we stayed where we were.

[Oishik, Trans man, 21]

When one does not find any understanding from one's assigned family, queer/trans people often find it hard to believe that a stranger or an organisation would be supportive of their aspirations without expecting anything in return. Quite a number of testifiers, in fact, talked about **postponing the decision to leave violent situations even though they had already connected with networks of support,**

I got in touch with [an organisation] through a friend on Facebook. For one year I had been speaking to them, during the lockdown. For a long time I didn't believe that there is actually a place like this where people like us stay.

[Tapan, Trans man, 22]

**This disbelief is not in the least surprising,** if we think back even to what we have already heard: 'friends' providing shelter for queer disabled people and taking for granted sexual access to them; girlfriends plotting to humiliate, violate and blackmail people etc. If the assigned family does not inspire confidence, it is in a way a known devil for which one has learnt the ropes to negotiating survival.

In Oishik's case, the organisation did not give up. They told the panel,

Later one fine day we saw Oishik and Ranjita being manhandled, harassed and assaulted emotionally and physically by the goons that Ranjita's family had brought with them. They took Ranjita away with them and left Oishik on the road. We brought him to our temporary residence.

[supporting organisation]

In the case of Rani and Ranveer, an organisation supported them to not only find shelter when Rani left home, but also to file a Habeas Corpus and get Rani back when she was abducted by her own family. Similarly Uma was supported with shelter and a job by an organisation when they were on the verge of taking their life. Had it not been for the timely intervention, they might not have been alive to share their story of struggle and resilience. Tushar also mentioned how an organisation helped him and his partner find temporary shelter in a new city.

With their help we filed a petition in the HC to live together and got shelter at Dhanak for 10 days.

[Tushar, Trans man, 20]

Having the backing of an organisation appears to be particularly helpful in finding shelter and approaching courts. These small but committed organisations have been around in larger cities for some time, but now **there are also smaller groups working in different states to provide support to people in distress**. They work locally depending and have to find ways to respond to the needs of each of the communities. Baruni who works with a pan-Indian organisation said,

We have supported about 15 couples - all trans men in relationships with cis women. We formalized these relationships with live in agreements as marriage is not a possibility. This helps them in case of harassment by the families. This affidavit is signed by local councillors, magistrates, oath commissioners, or notaries. The affidavit says that they are both adults and they are living together of their own free will and in agreement with each other.

[Baruni, Trans man, 27]

These **local agreements help reduce the violence but also give a sense of collective support** and a presence which helps others know of the existence of these small but active organisations. Through years of work these organisations have found different ways to use existing systems. Some spoke of using the PWDVA in different situations.

In a case of a lesbian couple in [city] that had been subjected to family violence, the DV Act was brought up as the parents were forcing their daughter to get married.

[supporting organisation]

In the recent past they have tried to use the PWDVA for a trans woman in a relationship with a cis man, but different courts offered different interpretations.

In November 2022, [a lower-court verdict in Kochi, Kerala](#), allowed the petition of a trans woman to be filed under the Domestic Violence Act, 2005, and also directed the first respondent, her husband, to provide a monthly maintenance to meet her expenses including for medical treatment. More recently, in March 2023, [Bombay High Court](#) held that a transgender person who identifies as a woman by undergoing gender reassignment surgery is an aggrieved person under the Domestic Violence Act, 2005, and can seek relief under the same.

[supporting organisation]



Local level work has meant that **pressure from these organisations helps get the state and district legal services authorities activated.** This is crucial in times of crisis and also for trans people in particular in getting their identity cards made. It is this proactive interaction among civil society organisations that has helped make this network which helps people in crisis. In its absence, people would find it even more difficult to get any support from the State. In a sense, then, the organisations are conduits between the State that is supposed to do this job and the individual queer/trans person who is seeking support.

Some court judgements like the Sushma v. Commissioner of Police interim orders (2021, 2022) from Chennai High Court have been very useful in getting the channels with the official authorities opened. The orders from the Chennai High Court for example have helped sensitise nearly 200 panel advocates from all districts of Tamil Nadu, and a larger network is then available to help.

There was one case last year where the mother of an 18 year old (adult) gay man filed a complaint, invoking POCSO, in the district headquarters police station. She accused the 26 year old male partner of having sex with her (incorrectly described as minor) son. A DLSA advocate who had been sensitised on queer-trans issues was able to intervene by going to the police station, showing the Aadhaar copy of the 18 year old and explaining that he had attained legal majority and succeeded in dismissing the complaint.

[supporting organisation]

## Creating Space for Ourselves

Even when a queer/trans person finds an organisation that can support, it is not always that they are able to provide all the support required. Tarini left home because she faced a lot of violence and went to various states to find a safe space. Once in [a large city], she was living on a railway platform where she found out about an NGO.

I told the NGO I needed a place to stay because I felt unsafe on the platform. They said they can offer counselling not help in any other way.

[Tarini, Trans woman, 33]

In other cases, the organisations helping out are made up of queer trans persons who themselves live in such conditions of vulnerability and precarity, that extending support to someone else is a struggle. **They choose to be there when no one else is present for queer**

**and trans persons who have no resources, are being targeted by the police, are under threat by their families, even when they themselves are dealing with their own vulnerability.**

Actually I also wasn't working at that point. Fellowships got over. I am also a trans man, and I have made my life, so now I have to help out others too. While he didn't have a job, Badriprasad stayed with me in my house for two months.

[Laksh, Trans man, 43]

When Lekha had to run away from her violent family she headed to a big city near her home town and members of a collective helped her with shelter in their homes, legal support and finding a job. They helped her find a house later, where she stayed for almost a year when she returned and started living with her partner in the same town.

Today some organisations do have a larger support base and presence and are able to provide shelter to more people. This is very important because queer couples or trans people trying to find shelter in different cities find it almost impossible, considering how house owners want to rent only to a cis married couple.

Apart from shelter, the organisations also try to intervene with the family members, provide skill training for jobs and most importantly a safe space to be and grow.

Oishik's parents came in contact with us and visited our office. We made them understand about queer/trans lives and they agreed to be in solidarity with Oishik's struggle. Oishik went back to their home and started staying with their natal family. Ranjita's parents started targeting Oishik on the road, throwing stones at him and threatening to kill him. He came back and started staying with us again. Right now, he is being trained so that he can join [a job] as a salaried person.

[supporting organisation]

Loss of the assigned family many times makes us want to create an alternate family structure which is safe and secure. Tahir, a trans man, faced a lot of discrimination not only because of his gender identity but also because he is Muslim. He had a Hindu girlfriend and both of them went to another city but could not sustain themselves there and Tahir had to come back to the city he belonged to.

Now I have been in [the organisation] for the last 4 months and I am happier here, I can do what I want to do, so I feel like these people are my family and my natal family has never been able to give me what I have [here].

[Tahir, Trans man, 22]

Apart from the support that such organisations are able to provide, one of the invaluable things they contribute is to **facilitate connections with other queer/trans people, breaking through the sense of isolation, and making it possible to imagine ways of living in which support from others is possible.** In addition to being able to offer shelter in response to immediate need, these connections make it possible for people to negotiate lack of resources, for instance, by renting spaces together, setting up what some of the testifiers called communes.

These ways of establishing networks of support make it possible to think of the future with feelings other than dread, but these are precisely the kind of relationships and structures that receive no state recognition and support, whereas the familial institution is scaffolded legally, socially, culturally, at the expense of the immense damage it causes to queer/trans people's lives.

I have my queer-trans kinship that provides nourishing relationships. I cannot put those on official papers, they have to be hidden. So the violence is a daily thing, much more perpetual. There are no templates for the future we are likely to live, so we have to keep coming together to make them. I don't think I want to get married, but beyond that what can one do? There are intricate things like bank accounts, insurance etc. If I am hospitalised, who will take care of me? I am here because my chosen family exists and because we help each other every day.

[Lehar, Non binary]



One of the 31 people testifying on 1 st April 2023 said that “the incidents that happened with me did not happen with the ease with which I will be narrating them.” However the narration too was hardly easy even if the situation of people’s lives had changed or improved, the scars were raw. There were moments when the speakers broke down, found it difficult to continue, but carried on nevertheless. Both speakers and hearers were convinced of the importance and urgency of bearing witness, remembering and recording what had transpired. At that moment, within the group of testifiers and listeners a powerful community was forged through the articulation of what was nearly unspeakable—the violence perpetrated by one’s own leading to the breaching of ties which were foundational for the development and sustenance of our physical, emotional and psychological lives, the enabling conditions of our being. I think it would not be too dramatic to suggest that as a student and teacher of literature what I was reminded of repeatedly was the context of Greek tragedies—nearly all of which are based on ideas of the violation of kinship ties—with parents, siblings, children.

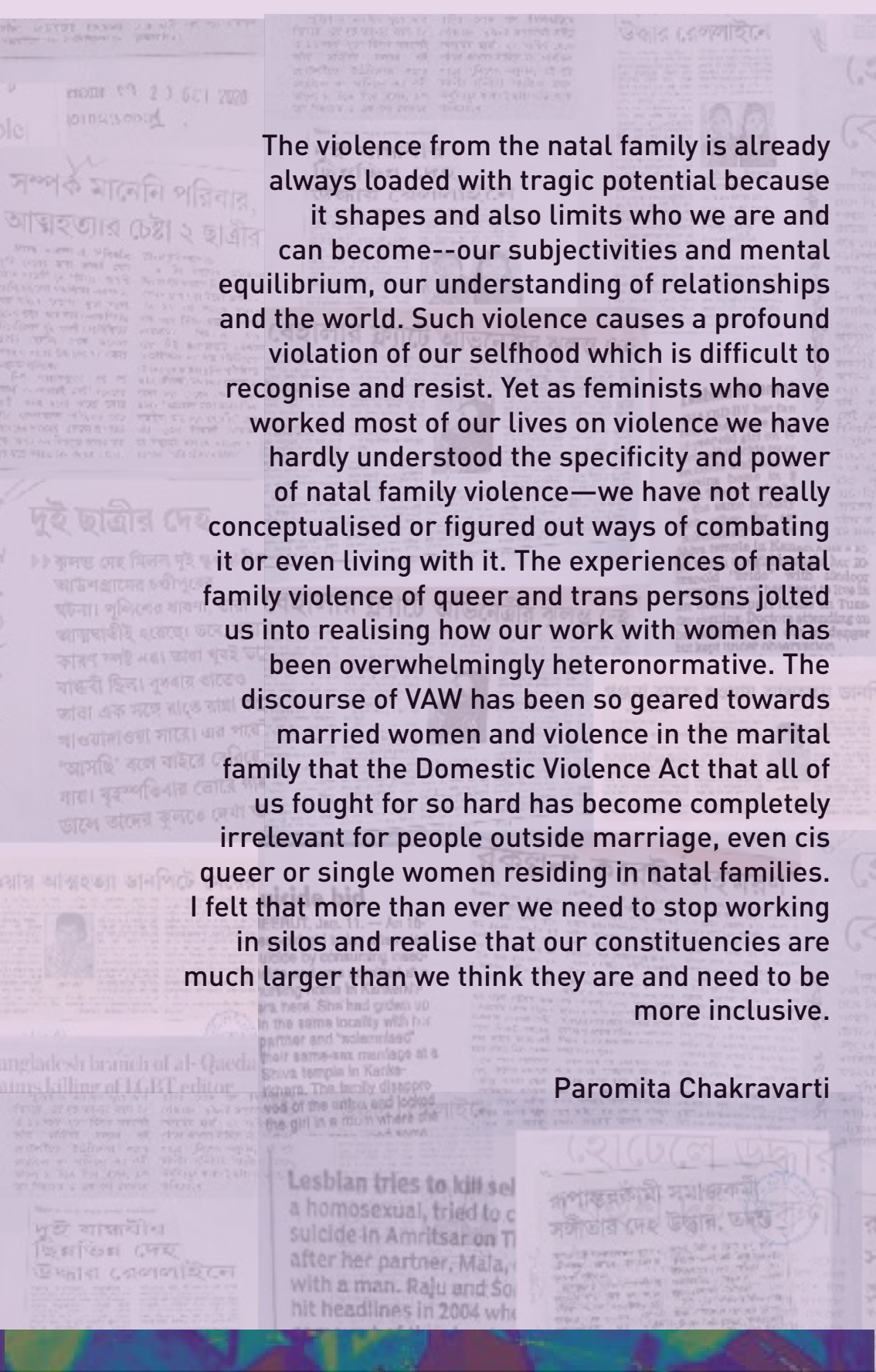
# Natal Family Violence

A Missed Context?



The violence from the natal family is already always loaded with tragic potential because it shapes and also limits who we are and can become--our subjectivities and mental equilibrium, our understanding of relationships and the world. Such violence causes a profound violation of our selfhood which is difficult to recognise and resist. Yet as feminists who have worked most of our lives on violence we have hardly understood the specificity and power of natal family violence—we have not really conceptualised or figured out ways of combating it or even living with it. The experiences of natal family violence of queer and trans persons jolted us into realising how our work with women has been overwhelmingly heteronormative. The discourse of VAW has been so geared towards married women and violence in the marital family that the Domestic Violence Act that all of us fought for so hard has become completely irrelevant for people outside marriage, even cis queer or single women residing in natal families. I felt that more than ever we need to stop working in silos and realise that our constituencies are much larger than we think they are and need to be more inclusive.

Paromita Chakravarti





## Introduction: contexts of and absences in work on violence based on gender and sexuality

Perhaps the most detailed and useful analysis of gender based violence and sexual violence in India came from women's movements spaces, case work by women's organisations and feminist research. Yet, much of this analysis has been focused on marital family and intimate partner violence, and not on the violence perpetrated on women and girls in the natal family. A report published in 2013 based on a study titled 'Breaking the Binary' by a queer feminist LBT collective had this to say 'Women's groups in particular need to address the issues of natal family violence with the same urgency as is now seen in cases of marital violence' (p. 101). The focus on marital family violence in early feminist work has also meant that largely cis heterosexual, married women were considered the primary victims/survivors of such violence, and the understanding has been framed by such a perspective. Bringing the focus back to the natal family as the originary site of violence has been the first and core task of this report.

The testimonies in the Jan Sunwai/ public hearing on the 1<sup>st</sup> April 2023 have also shown, as has community and academic scholarship since the late 90s, that queer and trans persons are a large section of persons in forced and violent marriages – these voices have been missed in earlier feminist work. Through the 1980's campaigns against dowry and dowry related deaths dominated the women's movements, leading to the passage of the much debated IPC 498 A (and later B) in 1983, protecting the legal category of "female spouse" from "matrimonial cruelty". This law has dominated the VAW discourse although the limits of this criminal law were soon revealed leading to the demand for a civil remedy. This was addressed by the Domestic Violence Act of 2005 which recognised the continuum of violence in women's lives and made space for addressing violence in both natal and marital shared households. However the law continues to be used primarily by married women for violence caused in the marital family.

Natal family violence still remains an underreported phenomenon and the women who do speak about it are primarily single or queer women who live in the natal family as adults (As Ruchira Goswami, feminist academic, said in a personal interview taken on 11.04.2023). However they are unwilling to use the law to address the violence they face. During the COVID pandemic, a considerable number of



single, queer and trans persons who were forced to return to the natal homes they had left during the lockdown since their hostels, rented and PG accommodations shut down, faced extreme violence from their birth families. This led to a revisiting of the issue in both women's and sexuality rights organisations. In Kolkata, Swayam has launched a study on natal family violence (Anu Kapoor, former Director of Swayam said in a personal interview take on 12.04.2023), and the Shakti Shalini report, "Ankahee" (Unspoken) was published in 2023, primarily examining cis heterosexual women and girls' experiences but also looking at a few queer women's narratives.

The recognition and understanding of natal family violence has been a definitional aspect of queer and trans movements and scholarship. In an early study on "The Nature of violence faced by lesbian women In India" (2003), Bina Fernandez and Gomathy N.B envisage the domestic (alongwith the social and institutional) as a primary domain of violence against lesbian women, and the perpetrators being parents and other family members where they are unmarried. They list battering, house arrest, eviction from the home, coerced marriages among the forms of natal family violence—but most significantly they lay the responsibility for lesbian pact suicides squarely on the extreme pressures placed on them by parents and relatives. In a study conducted by Sappho, "Viomap: Documenting and Mapping Violence and Rights Violation Taking Place in Lives of Sexually Marginalised Women to Chart out effective Advocacy Strategies" (2011), the findings state: "It is the family that brings down the most hideous forms of violence on its LBT member, because it believes in purging through punishment...there are many instances where the LBT person understands and speaks in clear terms about the violence done to her by her family, but it is nonetheless very complicated." (p.41). Shah et al speak of the findings of their early 2000s study on queer persons assigned gender female at birth (Breaking the Binary, referred above) where '[t]he violence was physical, emotional, verbal, neglect - any or all of these. The perpetrators of the violence were fathers, brothers, mothers, extended families, family friends, and in a rare case or two, sisters' (2016, p. 171). Already, the natal family is emerging not just as a "domain" or site of violence as in the 2003 report, but as representing a specific form of violence.

## The specific textures of violence against queer/trans persons in natal families

Scholarship in the field of gender and sexuality has pointed to the historical construction and medicalization of gender through binary assignment at birth, and the rendering 'abnormal' - thus slated for correction - of any bodies marked as outside the binary (Kessler 1990, Fausto-Sterling 2000, Richardson 2013). The scholarship has also pointed to the obvious anomaly in this exercise, where the act of assignment - if opened up - shows the presence of the birth family at the front and centre of it; gender assignment at birth in case of doubt takes into account chromosomal patterns as well as 'family wishes' as to the sex of rearing. We have also seen that it is the very disciplines of psychology and psychiatry that have participated in marking as deviant, in 'treating', in incarcerating for 'rehabilitation' purposes queer/ trans individuals, that also collude in this exercise, with the DSM classification until very recently listing under gender identity disorders any and all bodies, or expressions, outside the binary. These disciplines' active role in pathologizing persons who identify outside the binary is to be understood in the context of this core disciplinary template. There is a primarily biological medical understanding of the body, and a biological determinism of gender and sexuality, inherent in this template. This is known; what has slipped our attention sometimes, in trying to understand why families, medical practitioners, and law enforcers, seem such natural allies, is the role of natal family in assigning and enforcing gender identity and sexuality.

In the testimonies shared in the Jan Sunvai, natal family violence came across not just as ubiquitous and intense but also as an originary and foundational set of acts which constitute the queer/trans person's subjectivity, identity and personhood (or its erasure), sexuality, ideas of relationships, trust, care and love (or lack thereof) and the emerging sense of self. It also enables and strengthens and colludes with other forms of violence, institutional and social. It is also a violence which is the most difficult to recognise and resist and the one which has least recourse through other means. As the testimonies revealed, it is also a relentless, everyday violence, not necessarily or always a singular, spectacular incident which can be addressed and put behind. More precisely, the everyday and the spectacular are intertwined, with one enabling the other, so that natal family violence needs to be understood in a hyphenation of the two. This is in turn the first

step to recognising everyday discrimination, micro-aggressions, and unstated violations as the soil in which singular incidents of violence against queer/trans persons takes place elsewhere too. At the same time, the myth of the birth family as organic and biological, based on blood ties, naturalises it as the primary site of care, belonging, unconditional love and trust. Thus violations cause an emotional breach and long term psychological damage which is hard to heal.

While natal family violence takes a toll on every person who experiences it, it has a specific nature in the case of queer/ trans people. One of its principal specificities is its sexualised expression. In the 31 testimonies we heard, what stood out was how family members retaliate with sexually abusive behaviour when they find it difficult to accept the sexual choices of their wards—this could range from invalidation of desire through attributions of sinfulness or sickness, to threats of corrective rape, to actual molestation, from prurient expressions of curiosity about the genitals of young trans persons, to actual cases of stripping. These actions or threatened action would be seen as justified as punitive or corrective for perceived transgressions of gender and sexuality norms, bringing shame and dishonour to the family. Shamlee’s experience of her father’s friend molesting her and her father saying she deserved it when she complained, is an example of the justification of such violence. Tina and Natasha were both sexually abused—Tina by her brother and cousins; when she complained to her father he refused to believe that his son was capable of such behaviour, while her mother was an actual witness and refused to support her. The failure of validation and support here get buried underneath the discourse of family honour which must reside in women’s bodies, and which is the women’s onus to contain and protect. Uday talked about how his birth family had come to meet him in Mumbai where he was studying, with a clear plan; “They had booked a room and said that I needed to go to that room because they wanted me to remove my pants and see who I am, whether I am a hijra.” We may recall here the discourse of biological determinism that actively parallels the sense of a deviant body attributed to a young trans person by family. Humiliation, here, as part of the violence, manifests through a normalised act of examination by a parent, in place of self-identification which has been mandated by the NALSA judgement as early as 2014, and trans-activists have been demanding over and over again in the multiple protests against the Trans Bill drafts. The links here, with stripping and parading as elements of

caste violence, are chilling. Banu's and Omera's experiences reflect the surveillance and control over any sexual experience, and the control over women's bodies in preparation for heterosexual marital life, by natal family. This control can at any point translate into abuse. Banu narrated: "When my father came to know about our relationship the first thing he asked me was whether we were physical or not...". Later Omera's family called both of them "prostitutes" and Banu's mother and sister insisted on sleeping with the girls after they had been reunited with police intervention, to ensure that they were not "going physical" because if they did, no man would marry them. Banu described how her father abused her as she was pinned down on a bed, while an "uncle said if you need to experience the pleasure of a man, I am there."

## Son preference, socialization, 'coming out' or not, leaving home ...

Chapter 3 of this report offers a thick description of the nature and sites of violence faced by queer and trans persons, and in so doing, pointed toward the enablements that family structures make to this violence. Chapter 4 highlights the collusion of the same kinds of violence across institutions of family and other custodianship settings like educational institutions, healthcare institutions, and the state. A simple listing of violence-discrimination faced by queer/ trans persons does not help us understand the nature of this violence, and also lulls us into thinking that the entire sub-set of persons in this category are prone in the same ways or to the same degree to this violence. Earlier scholarship has alerted us to the dangers of a homogenous understanding of violence, while pointing us to some common patterns (Shah et al 2016); a focus on gender assigned at birth and the need to understand patterns of socialization as sources of patterns have emerged from these frameworks. Do we see discernible differences in violence faced in families by cis-queer women, transwomen, transmen, non-binary individuals, or others, that are important to note in order to recognize specific vulnerabilities and consequent need for protection and redress? The answer is yes, but in trying to understand why, we put together the testimonies and feminist scholarship to see that experiences of gender socialization, early marriage seen in communities as a form of protection from sexual violence or from non-endogamous desire, with the two often being conflated (Panchal and Ajgaonkar 2015), son preference and the need to continue the family

line, are some of the sources of these differences in violence, although direct, singular causative connections are not possible or desirable here. Tarini, who identifies as a transwoman, spoke in the Jan Sunvai of the severe anxiety and high bouts of fever she would experience as she is forced to 'meet women to marry', and periodically runs away from home to escape this anxiety. For Taarik, transman, the force to marry is physical, life-threatening, and accompanied by institutional violence. Taarik manages to push back, to leave. For Sharat, transman, forced marriage accompanied by natal and marital physical violence and marital sexual violence, leaving was a difficult step, particularly considering the presence of a child. For Oishik, transman, violence from the natal and extended family of his adult partner from whom he was forcibly separated and who was committed to a 'rehab' institution, his story resonates with that of several others, and also finds reflection in literature around legal instruments that have historically been used against the transmasculine person in a relationship with a cis woman (Ponni and Thangaraj 2012). For Banu, sexual abuse by a parent becomes the punishment for a failure to conform to a socially acceptable sexuality.

Dropping out of school was a common theme in the testimonies. For cis women, it was a first step to forced marriage. For trans and non-binary persons, it was a corollary of gender-binary uniforms, accompanied by bullying by peers and others, uncontested by family. We read these experiences of denial of education related to gender and sexuality identities in continuum with physical violence, and related to norms of socialization. As discussed in Chapter 3, this denial may be enforced when natal family confiscates or destroys educational documents should the queer or trans person attempt to leave home to make a life elsewhere.

In all these lives, gender binarism and gender segregation, practised via natal families, is the source and site of violence. Along with this, community norms of segregation - whether community be understood as 'rural' or 'marginal', in some sense left behind by the 'modern' - operate to aggravate the violence. This may be read in Taarik's testimony. This may be read in Sharat's testimony.

## Policing/ silencing of sexuality of young queer/trans persons in natal families and other institutions

But despite awareness of such incidents, Child Rights groups have not spoken enough about the sexualised violence of natal families towards trans/ queer young persons. While there are powerful discourses on child sexual abuse and strong laws like POCSO (however debated) to protect minors from sexual abuse by adults, it has had limited application in the context of the natal family and particularly in the context of queer/ trans young persons. The fact that Section 377 of the IPC was considered justified at one point in the name of child rights, alerts us to the possible reasons for this silence. There is a pervasive discomfort in families, educational institutions, and on the part of child rights groups to acknowledge minor person's sexualities and sexual choices, consent and agency. The campaigns on sexuality education have failed because they failed to address these issues effectively. We might note here that comprehensive sexuality education in India, named via a variety of euphemisms, as life skills education, adolescence education programmes, and so forth, is decentralised, with national strategies but state-level implementation. These mostly mobilise vocabularies of sexuality=risk-abstinence, reproductive health and population control; desire here is a negative word. In 2021, there was an initiative to create an NCERT manual for instructors to respond with awareness to the needs of trans persons in schools. Among other concerns, it involved suggestions toward "...sensitization of teachers and teacher educators regarding aspects of gender diversity keeping gender-nonconforming and transgender children at centre stage" (Datta, 'NCERT Removes Teacher Training Manual') It was rapidly withdrawn, however, following outrage from some social media users and a complaint with the National Commission for Protection of Child Rights (NCPCR), which apparently asked the NCERT to rectify 'anomalies' in the document.

Although there has been considerable debate on the question of young persons eloping and whether POCSO should be invoked in these cases, a lot of that debate has happened within the context of early and child marriage and in a heterosexual context. The testimonies on April 1 pointed towards the need of having an informed discussion on young queer and trans persons right to express their sexual choices in a safe environment and to be protected against the retaliatory sexual abuse conducted by the natal family. It has to be understood that in the context of norming practices around marital heterosexuality,

gender binarism and endogamy that rule lives in natal families, these young persons have no mirroring, no models within which to explore and experience difference, and absolutely no safety. These norming practices extend to schools, institutionalised religion, and other institutions that are involved in the 'making of good' girls or boys (Shah et al 2015, p. 270) and therefore inhabit a great deal of space in the lives of young queer/ trans persons. We also heard in the testimonies the manner in which these forms of control are later shared with marital family and mental health institutions. Shamlee spoke devastatingly of the class teacher being offered impunity and a free pass by their parent to 'correct' the 'deviant' child in school – and this is only one of the testimonies that attests to the sense of emotional betrayal experienced by the queer/trans child in what is meant to be a safe space. Taarik spoke of misgendering and punishment of gender expression, and punitive enforcement of misgendered attire, being a common experience. This is reflected in scholarship as well, whether it is an experience of not finding place, of being in limbo - a 'trishanku' status - in the home space (Ranade 2018, p. 61), or of enforcement of school gender binary attire and activities (Shah et al 2015, p. 88). Taarik spoke further of being forcibly married, and later incarcerated with the active involvement of natal family in a mental health institution at the age of 15 and being administered electroconvulsive therapy.

It is interesting that in the west, much of the debate on young person's sexuality rights is now overdetermined by questions of the appropriate age for trans young persons to take decisions to transition and of intersexed young persons to decide on their gender and the nature of medical intervention to be sought. While these debates have tried to establish young person's rights against those of their parents, they have not expanded to a larger call for understanding natal family violence in South Asian, particularly Indian settings.

Although there was only one testimony by Oja on the experiences of disabled queer/trans persons it could be seen in many ways as addressing a central question of natal family violence besides arguing powerfully for an intersectional analysis which is often missing since organisations and activists often work in silos.

Oja's analysis of how disabled persons' dependence on family care should not be seen as something that can result in the loss of agency applies to young persons' relationship with the natal family in

general. While they are dependent on its resources, care and support should not be seen as something conditional on their conforming with its norms. Yet this is exactly how things work particularly for gender non-conforming persons. Lehar, who identifies as non-binary, sees her relationship with her father as transactional—she cuts her hair and dresses differently when she goes home because otherwise her father would not give her money for her education: “You have to keep telling them things they want to hear and keep negotiating”. Yet this continuous misgendering is an everyday violence: “I cannot describe in words how intense it can be even though it doesn’t look like violence...[this] violence is a daily thing, much more perpetual.” Oja’s testimony underlines how in the context of disabled young persons the dependence on family resources and care is much more profound; so are the expectations of conformity which when challenged can lead to unspeakable violence and abuse. Like the disabled child, the queer trans person is also seen as “defective”, so not deserving of care and who can be abused with impunity. There could also be ideas of blood contamination leading to the birth of an “anomalous” child who should be punished and perhaps even erased out of existence. The systematic and continuous misgendering is a violent way of stamping out the gender identity of the young person manifested through the burning of preferred clothes and also identity documents of the young person as also by insisting that the person is actually mad or mistaken in their chosen identity. Uday says: “They would tell me it is all in my mind... my mother said my father was not saying anything wrong. I was the one who was mad.” Tina mentioned how the teacher dismissed her quest for identity: “yeh bakwaas hai, is pe dhyan dena nahin hai” (This is nonsense—pay no attention to it). In a context where the family is in denial of the person’s chosen identity most narrators felt the act of coming out was futile. This was particularly because the family already knew but did not wish to know. Shamlee says: “people ask me if I have come out to my parents. My mother comes to me asking me to return her more expensive silk sari, she would give me a less expensive one. She knows I have taken it but will not talk about it...I show my parents movies about queer people. Once I showed them news of a trans/queer person dying. My mother said that it is better that such a child should die. After that what can you say? Should I tell her that I am also trans/queer?” Lehar chooses to deliberately not come out to her parents since she is still financially dependent on them. So “I am used to denying things” and is prepared to tell her father that she was at a



fancy dress competition if he finds photos of her at queer prides or protests because “after a point they also believe because they find it comforting too.”

## To survive, live, thrive

This delegitimising, undermining and invalidating of one’s chosen identity is a violence akin to a desire to annihilate their child, see the child dead for refusing to become the child they wanted—the gender conforming son or daughter who would uphold family honour and perpetuate the blood line-- fulfil the fundamental familial obligation of procreation. Uday reports his parents saying: “if you were at home, it would have been your dead body. At least we could have told people that our dr d\*\*\*\*\*r has died, but now we can’t tell them anything.” In this context the requirement of the 2019 Trans Act which can only provide right to residence and protection against violence to a trans person who is out seems to have an obvious disconnect from the realities and risks of trans persons’ experiences even in an environment which is supposed to be safe—the home. In these circumstances the Act can offer no protection to the persons needing it most. Shamlee talks about how she feels when people ask the seemingly universal question “where do you see yourself in the future/ what would you like to be? She wants to respond “latakte dekhte hain [I see myself hanging] ... or on the railway tracks--dead”. Sappho’s 2017 report on Liveable Lives uses the Butlerian concept of liveability to conceive of the conditions which enable queer lives to be worth living but at a more basic level what makes these lives even possible in the face of persistent attempts by those responsible for giving them life, to wipe them out. Shamlee’s and many other testimonies are proof that unless not merely the absence of violence but the presence of affirmation and validation is available, both survival and liveability are at risk.

If liveable lives are those that are not just bearable, as the Sappho 2016 report suggests, what or where are supports available to provide both bearable lives and liveable ones? Taarik’s testimony of being incarcerated and forced to receive ECT shocks us into the realisation that if it had not been for the one practitioner who seemed both caring and aware of her roles and professional responsibilities, we might well have lost Taarik in addition to the many many others who have been put through such forced ‘treatments’. Taarik helps us understand that mental illness was not, in his case, the ‘thing’ that

needed treatment or support, but the possible negative outcome if the incarceration had continued, as he speaks of having experienced an extreme sense of danger in these situations. To survive, live, then, something more than accidental support might be required.

## Enforced endogamy as denial of community

The testimonies repeatedly mentioned cases of parents attacking children with knives, throwing objects at them and giving them poison, as in the case of Omera and Banu, particularly when they found out about their queer relationships. Tushar reports: “My partner was threatened at night by my mother who said ‘we could burn and kill you and bury you and no one will know, not even your lawyer’.” This is the language of honour killings by the natal family, and is not unfamiliar in cases of interfaith and inter-caste relationships. The ideology of the endogamous heterosexual marriage arranged by the family fuels natal family violence in both situations. A deeper analysis of the intersection of caste, community and sexuality is required to understand the particular intensity of the violence directed at queer/ trans couples who come from different religions and castes. Sexual othering always deploys class, caste and community and in certain contexts queer couples are acceptable if it can be sufficiently distanced from one’s own class, caste and community. When the “Fire” controversy broke in 1998, Bal Thackeray, the Shiv Sena supremo is said to have stated that he might indeed let go the same sex relationship portrayed in the film if the two sisters-in-laws were called Saira and Shabana instead of Radha and Sita [ref]. However in the testimonies what emerged is that parents who could even grudgingly accept queer relationships were more upset if they were breaking caste-community norms which we see in the Chetna-Tushar relationship where Chetna’s mother threatens to kill both. Tushar says “if Chetna was from the same caste they may have accepted.” Tahir’s partner, a Hindu woman, faced family pressure on account of being with a Muslim transman who she had brought home where he was treated as an outcast: “she faced a lot of family pressure and said she cant be with me because I am a Muslim.” Oishik, a transman described how he faced abuse from his girl friend’s parents on account of his caste: “Whenever I try to contact Ranjita and get in touch with her parents...they start with verbal abuse. They humiliate me because I belong to a lower caste... muchhi or cobbler caste.” Part of the violence that Taarik, a transman, faced could be attributed to his refusal to conform with community as

well as gender norms: “When they asked me to wear a burqa I said no. They beat me when they saw me without it. I wanted to go with the Hindu people, have Prasad, stay with them. I didn’t like going home.” Omera and Banu were both threatened for betraying Islam by being in a same sex relationship—they were called sinners who would go to hell.

The violence of the family involves isolating the queer/ trans person from their community and familiar social networks. The disowning by the family also leads to a loss of community which underlines the need for queer/ trans persons to find their own community, organisations and networks and chosen family, often after relocating to other cities. The intersectionalities of sexualities and faith and caste particularly in the case of intercaste and interfaith queer relationships argues for a stronger and safer Special Marriages Act for couples which revisits the requirements of the notice period and domicile.

However there is also a felt need for those who don’t want to marry to have that choice. The testimonies of Tej, Sharat, and Taarik brought out the horrors of forced child marriage as well as of marital rape. It also pointed to how these narratives with their specific queer/ trans contexts get silenced or lost in the largely heteronormative early and child marriage discourse which is linked to the educational and health rights of the adolescent girl assumed to be cis-heterosexual whose marriage must be delayed and education continued so that in the future she may become a better wife and mother and a productive and earning member of society. The question of not just early but forced marriage and natal and marital family violence of the child needs to be queered and delinked from the neo-liberal agendas which place the burden of development on the adolescent girl who must be saved from early marriage so that she may be instrumentalised for future social change.

The discourse of marital rape will also acquire greater urgency if it is expanded and connected to forced early marriages of children particularly in the context of queer/ trans persons.

The contexts discussed in sections III, IV and V of this chapter bring us to a conclusion that is beyond the question of legal age. They bring us to the realisation that becoming, or being treated as, an adult, with the autonomy, financial independence and/or inheritance, right to intimacy, or access to a community of peers and others for support that these are expected to entail, is the fundamental denial that

is made to queer/ trans persons as they face the kinds of violence-discrimination that have been described in this report. In these circumstances, the natal family and its spheres of influence become the place that persons are forced to leave, or escape - whether through forced migration or through becoming the 'ghumakkad' that Shamlee speaks of being and being pulled up for, for she feels safe only outside the natal home. Whichever it might be, all the reasons for which the space of home is celebrated - for care, belonging, a place where the self is known - fall apart. The queer/ trans person must put these resources together on their own, elsewhere, on their own. A displaced adulting, then, is the only hope for survival. That adult is of course held responsible, after they have perhaps found their community and care networks, to provide support to the natal family that had rejected and invalidated them.

## Conclusion

Only when we can understand the nature and extent of natal family violence can we address it. This would require a fair amount of demythification and demystification as well as redefinition of the meanings of home, family, belonging, trust. Justice Prabha, after hearing the testimonies, recalled her response to the popular notion that domestic violence complaints destroy families, saying instead that 'When the violation was imposed on the complainant, then the family was destroyed'. Shamlee also spoke, eloquently and achingly —“Apnon ka [violence] bahut lagta hai”. Therefore, a reimagination of the chosen family is a must. Ideas of intimacy, care and belonging associated with the natal home need to be rethought. Shamlee spoke about her fraught relationship with her parental home which seldom felt like one: “At the end of the day everyone is rushing to go home, to meet their children. They say Shamlee is a ghumakkad ( a rover), she likes the longer road. No one understands that the home which is meant to be safe, doesn't feel safe for me. I drive 18 Km in spite of my bad back to avoid reaching home too early. Before I go I ask if it is ok to come now. I wait for my father to go out drinking....What is it like to live under the same roof but completely isolated? I live with parents. I go home at 9pm in the evening, close the door, bathe and come out at 9am the next morning.” However, organisations and communities of people who were heretofore strangers can provide the sense of a home much more meaningfully. Tahir says about an LBT organisation where he found shelter from his violent and coercive family:

“I am happier here, I can do what I want to do, so I feel like these people are my family and my natal family has never given me what I have here”. While queer trans folk find shelter and succour in their chosen families and communities, these relationships are not given any social or legal validation. They are also hard to find.

So on a practical level the redefinition of home and family would require the building and strengthening of public institutions like shelters (garima grahas) and fostering services as well as partnerships with NGOs and CBOs who are undertaking much of the crisis intervention work now. But new legislations, policies or institutions have to be able to go beyond hegemonic notions of marriage, blood, procreation and heteropatriarchal families and acknowledge chosen families and communities based on non-biological elective affinities as well as the realities of domestic partnerships, non-romantic living arrangements with or without children, hijra gharanas, live-in relations, single parent, women-headed and single person households. But even as in actual practice ideas of kinship, domesticity, parenting, asset sharing and marriage are undergoing major shifts, our public discourse and social imagination is still dominated by the marital, procreative endogamous family. The Trans Act 2019 continues to define the family as one defined by blood, marriage or adoption. The Surrogacy Act of 2019 also reinforces the traditional family by allowing only “altruistic” surrogacy within the family [read endogamy] with no provision of the mother being monetarily compensated. This reinforces the idea of motherhood as a noble duty to be performed altruistically, erasing the notion of it as reproductive labour which should be compensated. The glorification of motherhood particularly in relation to nationalism is being underlined through the debate on State fostering of children in particular cases of Indian families abroad. The recent film “Mrs. Chatterjee Vs Norway” has only served to highlight the nationalist glorification of Indian motherhood and the authority of the natal family. Yet motherhood remains the purview purely of the cis-heterosexual woman since several testimonies stated how children of queer and trans persons who were forced into marriage and motherhood were taught to revile and reject them as bad mothers and how they were deprived of the custody of their children (Sharat’s 5-year old child asks if he is a mummy or a papa and calls him a bad mother).

We also need to have an analysis of the political economy of the traditional family and why the State and the market continue to

shore it up despite such challenges to its structure and relevance. In the face of shrinking public investment in institutions and services, the traditional family continues to provide the economic resources, care and support to children, the elderly, the disabled and the unemployed. Unless the laws of property inheritance as well as other financial claims (insurance, pension etc) ownership and liabilities (loans, EMI) can be expanded beyond the relationships of blood and kinship, it will be difficult to imagine newer forms of shared living—Tamanna’s testimony bears witness to this. She says: “I have lived apart from my family and my family is the one I have created. I want this family to be the key decision maker in my life. This is for everything, whether you are in hospital or elsewhere...yesterday I went to the Post Office. I asked about the senior citizen’s savings scheme and whether I could have a joint account. And they said “No—it can only be with a spouse.” And they have a very clear definition of a spouse. So I can’t have a joint account with my friend.” She worries that she would not be able to leave her property behind for her chosen family “who I am connected to ...who are my real relatives...they are the ones who have supported me throughout...this is very clear in my mind but this is not what is going to happen as per law if I die tomorrow.” Lekha and Tej also worry that their relationship will not be recognised by inheritance laws. Tej worries: “ ...the house that I live in was gifted by my father. If I die they will take away the house and the kids. I just don’t want Lekha to have to leave the house. I want her to get the rights that officially I have given her.” While for some queer trans persons these rights are tied to the institution of marriage which also holds an aspirational power over them, others seek basic civil rights which they feel should not be tied to marriage. Lekha says with some hope: “ “I have a dream. I want to get married, wear sindoor and mangalsutra. Family still threatens. Marriage will help with that....I have two children from Tej who love me like their mother ...I just need a support to be able to stay together [as a family]”.

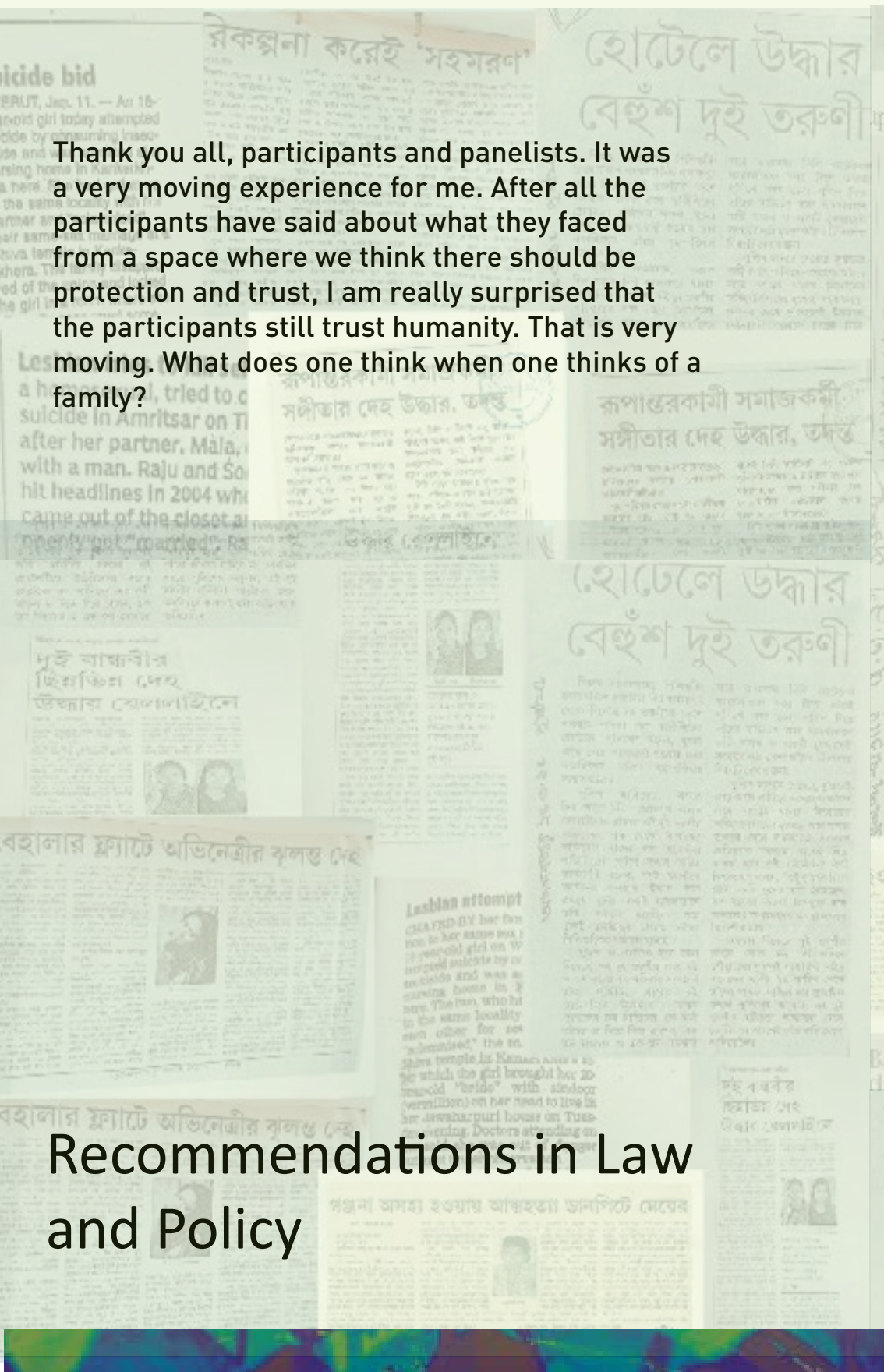
Although many of the testifiers were in relationships and partnerships which they wished to be recognised and respected, only Lekha spoke specifically about marriage and its markers as a dream she had. Lehar for instance spoke about the need perhaps to delink civil and economic rights from marriage since many did not desire it: “ I don’t think I want to get married, but beyond that what can one do? There are intricate things of bank accounts and insurance.” (Lehar)

Although the family frequently fails in its burden of care (as the testimonies demonstrated) the formal institutional structures must change to admit this shift that has already happened—so medical consent (which is really linked to the question of financial responsibility) also needs to be rethought. Lekha expressed her anxiety about whether Tej would be allowed to take medical decisions for her: ““My family has never been supportive. So if I get sick or hospitalised my family which has been violent with me cannot be consulted. Tej should decide about me. I want this right.” These are justified concerns since neither the law nor social practice recognises queer trans relationships as valid or equal to heterosexual marriage or even a live-in relationship. Banu narrates: ““The landlord is not considering us a family, he is not even considering us partners—[he thinks] we are two girls living independently. We told him that we are a family but he mocked us and said , ‘only a man and woman are a family’. Even when we go to hospital we have to enter our names as “friend” or “cousin”. We bought a vehicle but even for that she cannot have her name [as co-owner]”.

Some structural and systemic shifts, not just legislations and policy have to happen to enable a reimagination of the family where it becomes available to queer/ trans persons too. This would involve a radical rethinking of the natal family as a naturalised site of care—a rethinking powerfully urged by the testimonies describing how families failed them. Without this rethinking having alternative institutions and services would not be useful since they would merely remain extensions of familial authority. As Lehar said: There are no templates for the future...so we have to keep coming together to make them.”







Thank you all, participants and panelists. It was a very moving experience for me. After all the participants have said about what they faced from a space where we think there should be protection and trust, I am really surprised that the participants still trust humanity. That is very moving. What does one think when one thinks of a family?

# Recommendations in Law and Policy





*“As Justice Krishna Iyer has aptly put it: “The purpose of law is the establishment of the welfare of society -- and a society whose members enjoy welfare and happiness may be described as a just society. It is a negotiation of justice to say that some members, some groups, some minorities, some individuals do not have welfare: on the other hand, they suffer from ill-fare. So it is axiomatic that law, if it is to fulfil itself, must produce a contended dynamic society which is at once meting out justice to its members.”*

NALSA vs UOI, (2014) 5 SCC 436 - Para 127

The previous chapters of this report, on the nature of violence within the natal and marital family, as well the lack of support from state and social machinery brings us to the question of what is the way forward. Despite the Supreme Court’s declaration with respect to self-determination of gender identity in the NALSA judgement (2014), the decriminalising of consensual same-sex sexual relationships (2018) and the enactment of the Transgender Act (2019) albeit its shortcomings, the voices we heard of persons from the queer trans communities is as if law and society have remained static.

While this panel was constituted in view of the petitions being heard by the Hon’ble Supreme Court on marriage equality, the experience of queer trans persons narrated in the previous chapters inform us that **mere recognition of intimate relationships may not suffice to attain constitutional promise of self-determination**. While it is imperative that same sex intimate relationships be given the recognition within the definition of marriage, from the lives and voices of testifiers and the panel’s own experiences, **a need is felt to imagine more comprehensive changes in the law**.

Non-recognition of self-determined gender identity and relationships lead to denial of social, economic, civil and political rights of queer and transgender persons. Creation of legally recognised relationships, even outside the traditional understanding of marriage and family, to support and execute queer and trans persons decisions and interests in times of need is imperative.



Despite several decisions of the Apex Court and High Courts recognising various rights of queer and transgender persons, not only are families unwilling to accept such identities, but they are punishing persons for even a desire to assert their identity and sexuality. The state machineries too have failed to perform their duty in protecting and safeguarding rights of queer and transgender persons. The police, educational institutions, hospitals, financial institutions have all failed in their role not only to recognise the rights of queer and transgender persons but in implementing their statutory duties and judicial orders.

In order that queer and trans persons realise their constitutional rights, law has to consider the following recommendations.

## Assertion of Full Citizenship

It was observed during the testimonies that adult individuals are not treated as adult persons with full citizenship by members of the family or state institutions. Many queer and trans persons themselves have been pushed to believe that they have no right to assert their full citizenship. There has to be a clear declaration and understanding that as adult citizens of the country they have every right to assert their identity and legal and constitutional rights.

It is often seen that structural oppression of marginalised persons takes away from them the power and belief that they ought to receive the treatment as mandated by law. This is most evident even in cases where couples or one of the partners has approached High Courts for protection, and the Courts despite clear statement from the parties that they do not wish to return to their natal family, have been asked to return even if for a short period. In each of the cases the first reaction of the police, courts or any other institution is to compel adult persons to return to their natal family.

Hence, the need for a **reassertion that all adults who make choices on gender and sexuality have a right to do so with no external agency having the power to deny the same.**

## Redefine Family

The law defines a family, as persons related only by 'marriage, birth or adoption', and this family, which is cisgender and hetero-normative, is the vortex of all power and control over a child and in most cases on all adults too. As observed by the Panel, in cases of queer and

trans persons, by virtue of this power families have inflicted immense amounts of violence and control. The constant refrain that we heard was the need to redefine this concept of family and have the right to form a 'Chosen family' that would give its members a right to live with dignity and privacy.

As observed in *Deepika Singh v. Central Administrative Tribunal and Ors* "Familial relationships may take the form of domestic, unmarried partnerships or queer relationships. A household may be a single parent household for any number of reasons, including the death of a spouse, separation, or divorce. Similarly, the guardians and caretakers (who traditionally occupy the roles of the "mother" and the "father") of children may change with remarriage, adoption, or fostering. These manifestations of love and of families may not be typical but they are as real as their traditional counterparts. Such atypical manifestations of the family unit are equally deserving not only of protection under law but also of the benefits available under social welfare legislation".

The Yogyakarta principles on the application of international human rights in relation to sexual orientation and gender identity, referred to by the Supreme Court in Navtej Johar's case, specifically requires states to adopt all legislative, administrative and other measures to ensure the right to found a family including those not defined by descent or marriage. Recognition of same sex marriage or registered partnerships or any other benefits available to different sex partners to be made available to same sex partners.

Many testifiers spoke of living in communities made up of people not necessarily in intimate relationships.

Queer and transgender persons ought to be given the **right to have a chosen family not defined by marriage, birth or adoption alone**. It could be a person one chooses to share domestic responsibilities, as caregivers or persons they are interdependent on. **Persons who give and receive love, care and kinship with no disapproval or condescension**. Such persons may not be ones you are in an intimate relationship with but could be friends, chosen community in non-intimate relationships.

Law is not new to such choices outside of traditional families. **The Mental Healthcare Act, 2017 recognises a person's right to appoint any person as the nominated representatives** for the purposes of giving effect to their advance directives during mental healthcare treatment in the event of their incapacity. This is a move towards

taking away the primacy given to natal or marital families which can be extended to the understanding of family in law. The Uttar Pradesh Revenue Code, 2006 was amended in 2020 to include third gender persons (as partners or children) for succession to agricultural land.

The Supreme Court's revised guidelines (2023) on administration of advance directives provide that where a patient has not made an advance directive, medical practitioners shall consult family and 'next of friend' in proceeding with the course of treatment in accordance with the patient's needs.

The right to choose one's family would not only mean choosing one to care or to share responsibilities with, but it would also mean **to have someone who could be a nominee or a beneficiary to one's income and assets**. To be able to make a gift property to, to procure a joint loan from a bank, to nominate as an heir, to nominate as beneficiary in medical insurance schemes or upon death, benefits from retirement, pension and various other social, legal and economic rights and entitlements that family members have.

Many testifiers who spoke before this panel were living with people they are unrelated to by blood marriage or adoption. They were being taken care of and supported by persons who were not necessarily in intimate relationships. Some were living with their partners for years without any legal recognition of their relationship. The fear of leaving behind someone who was part of their life with no rights and entitlements to their property upon their death was also expressed. Being able to include such persons into the definition of family would mean ensuring inheritance and entitlements.

## Right to Exit Natal Family

**The right to choose a family would also mean the right to exit the natal family.** As seen in the previous chapters the violence faced by queer and transpersons from members of their family include physical, mental and sexual abuse. Threat of rape and rape to 'convert' is often used by parents and blood relatives. As observed by this panel, many of the testifiers wanted to exit their family as they neither felt nor were made to feel a part of it; however neither society nor law gave them that option. As stated above the Courts, police and other institutions despite being aware of the violence and the effect of it on the physical and mental well-being by default would ask that they return to the natal family.

While assertion of adulthood, attaining majority would legally mean the right to assert one's choice, there being **no declaration in law that one can opt to exit family and create a chosen family** this understanding is not reflected in the lives of queer and trans persons lives.

The ability to exit a family would mean **to live without the fear** of being forcefully taken back, the right to have a friend/partner to expect police and state machinery to help release the person from illegal confinement.

It would also mean the denial of rights of a family in any situation over the person or their property and earnings.

We heard voices of persons who despite being treated with inhuman violence were still expected to give their entire or part earnings. Persons who had not lived with their natal families for years not having the right to give their earnings and properties to the ones who they lived with as partners or friends. Hence, as important as it is to have a chosen family is also the right to exit the assigned family.

This right also needs to be further qualified with **the ability to settle rights recognised in law over property and other entitlements**. As has been seen in the narratives some of the testifiers were asked to relinquish their rights by executing affidavits to that effect. The need to gain freedom from family often compels persons to relinquish rights under duress and believe that such relinquishment is legally tenable.

Concepts such as family settlements have to be further examined keeping in mind the power relationship within to make such settlements equitable.

## Right to Determine Inheritance and Property Rights

Testifiers from rural and semi rural areas spoke of constant threats of disinheritance and denial of property rights. Hindu testifiers were made to execute affidavits relinquishing their right to ancestral and family property. Due to the abuse and violence faced by such queer and trans persons they were not even in a position to contemplate a challenge to the legal validity of such affidavits.

A muslim testifier living in an intimate relationship for decades spoke of her inability to leave her property to her partner due to restrictions in her personal law. She wanted the option of not having to transfer the property during her lifetime. Her partner not being recognised as her family meant she could not gift the property to her partner and



would have to pay higher registration fees and taxes if she were to transfer it to her.

Recognition of the right of queer and trans person's right to choose their family would ensure that all rights and entitlements such as benefits from retirement, sickness or death in the course of employment, including gratuity and medical benefits under the Employees State Insurance Act 1948 and insurance policies could be accessed.

Fear of losing one's share in the family property and the inability of not being able to inherit their partner's property/entitlements requires that the framework of law on property and inheritance ought to be reimagined.

The law ought to look to hijra gharana customs on how property is transferred to and retained within the chosen community, which has received recognition in law by several High Courts.

## Right to marry

The law as it exists presently recognises creation of a new family only by way of marriage and there is no other way for adult queer and trans persons to start a family. Recognition of intimate relationships as marriage enables the creation of a new family. This legal creation ensures that rights and entitlements of the persons involved are received by others in the family. As seen in the narratives throughout the report queer and trans persons are either disowned by natal families or are disallowed from expressing themselves and living their lives. It is especially in this situation that an option for intimate couples to come within the framework of law is essential.

While redefining family would mean newer ways of creating a family outside of the present concept of marriage, the option of having the right to marry was seen as essential to the testifiers. Being married would mean a social acceptance of intimate relationships giving persons the ability to live without fear of having to return to their natal families.

A legal recognition of an intimate relationship as marriage would **empower queer and trans persons to assert and claim their rights within their natal families**. marriage being the starting point of forming a family, rights emanating from marriage and family would be available to queer and trans couples. The ability to make decisions

for their partners in case of medical emergency, ability to adopt children, and inherit property are rights that are now available only to heterosexual couples which ought to be available to all.

Being married and part of a family would mean the ability to activate the state machinery such as the police for protection from natal family violence and abuse. The recognition in law of such a relationship as marriage would percolate down to police stations, public hospitals and educational institutions making it possible for queer and trans persons to access these.

## Special Marriage Act, 1954

The Special Marriage Act, 1954 which is the secular law of marriage as it stands today, mandates that notice of intended marriage be given one month prior to marriage to the marriage officer of the district in which at least one of the parties to the marriage has resided for a period of not less than 30 days. In addition to this if the notice is given to any other district the marriage officer has to send a copy of the notice to the marriage officer of the district within whose limits the person permanently resides.

For a queer and trans couple getting away from the control and abuse of the natal family, this would open the doors for the natal family to once again take control of their lives. A notice period of one month is a sufficient time for the family with the collusion of police as seen in the testimonies to forcefully separate the couple and take them back to their respective natal families.

Further, the law also permits anyone to object to the marriage. Though the law clearly states that the ground of objections should be those recognised by the law, in cases of inter caste and inter religion marriage it is seen that caste and religion become a ground for objection. The objection ought to be taken only by a spouse and in the event the spouse is unable to take such an objection the marriage registered would be void in law. If the marriage is being registered under force the marriage office ought to effectively determine consent and further such a marriage too is voidable in law.

Consent to marriage is to be given by parties to a marriage and not denied by another. Hence, **giving someone the right to object to the marriage to be registered serves no purpose other than to give an opportunity to natal families to prevent registration.**

Another situation that may arise in cases of queer trans persons is having different name and gender in the Aadhaar card and class X or school certificate leading to rejection of marriage application/certificate. Rejection ought not to be based on mere lack of reconciliation of the two documents. **Either a method of reconciling the documents or an format of affidavit ought to be made available.**

## Right of Child To A Violence Free Home

The one principle governing all aspects of rights and lives of children is the best interest of the child. However, this best interest is always seen within the framework of the assigned family. Assigned family itself is seen as the best interest of the child and violence within the family is not a factor that often plays the role in determining the best interest including in cases of child custody under matrimonial law.

The panel heard of the plight of queer and trans persons who were forced into hetero marriages and had children from the marriage from forced sexual relationships. After years of enduring abuse and harassment having walked out of the marriage the issue of child custody became precarious. In one such case the queer trans person was not given custody as the child being with them was seen as not in the best interest of the child. The child was also brainwashed to believe so. In another on attaining majority the son filed a case against the mother seeking an order for her not to reside with her chosen partner. Hearing these narratives it is seen that being queer and trans person itself seems to make one ineligible not only for custody but also visitation rights. **Being with a queer and trans parent is not seen as in the best interest of the child.**

The plight of queer and trans children is even more precarious having no option to leave their natal families. **The irony of children choosing to express their gender identity different from that assigned and their sexuality is the family's decision to push them into an even more controlling and oppressive situation of heterosexual marriages.** Testifiers in the late teens and early 20s testified to say how they were married at the age of 14 years when their parents realised that they either were not conforming to the gender assigned or were seen to be attracted to same sex persons.

While the child has the right to be sent to foster care and child care institutions on the direction of Child Welfare Committees and the CWC even has the power to declare a family unfit to care for the child,

in all the cases where persons were facing violence from a young age, no case of any one on behalf of the child or the child approaching the CWC was not to be seen. **The marginalisation is of such magnitude that while 4 or more persons were married at the age of 14, others were threatened with rape, inhuman physical assault was meted out not one case of reaching out to child helpline or the CWC was before the panel.**

Even in cases where the plight of such children is brought to the notice of the police the default plan is restoring children to their natal families. The family is seen as a unit always working in the best interest of the child.

It is also **in this context of children who are victims of natal home violence that redefinition of family and marriage is necessitated.** If relationships, communities and partnership outside of heteronormative understanding is created, safe spaces for queer and trans children can also be expanded.

### Safe Shelter and Foster Care for Minor Queer and Trans Persons

Children should be accommodated in safe homes where they are not targeted to further discrimination and violence because of their gender non conformity or sexual orientation. Though the law speaks of special homes, children are often sent to observation homes with no specific protection given to ensure safe spaces for queer and trans children.

If there are no such appropriate children's shelters available for gender non conforming children, such children should be accommodated in the adult shelters for queer and trans people. Such orders were obtained from CWC by domestic violence NGOs working in Tamil Nadu.

The child care institutions under the *Juvenile Justice (Care and Protection of Children) Act, 2015* currently identify children (6-18 years) whose parents are mentally ill, whose parents are terminally ill, whose parents are in prison and who are victims of domestic violence (including emotional, physical and sexual abuse) as eligible for placement in foster families.

The appropriate governments must apply the *Model Guidelines for Foster Care, 2016* in a manner that recognizes the context of natal family violence which render queer and trans or gender non conforming children as eligible for placement in foster care.

As the guidelines provide that the child must be placed within foster families having the same socio-cultural milieu and ethnic group as far as possible, queer and trans families must be considered eligible to provide foster care for such minors.

Foster families who welcome queer and trans or gender non conforming minors shall be entitled to receive economic support in the form of sponsorship by the appropriate governments as per law.

The role of NGOs working on queer and trans issues is indispensable and they must be involved at every stage of the decision-making processes: from short-listing of eligible children, preparation of home study reports to counselling the child, foster family and child care institutions.

## Rights of Adult Children

### Children who are dependant

Many adult children who are still completing their education expressed their fear of disclosing their gender and sexual identity would result in forced marriages or stopping of education. One of the testifiers studying in a University in a different city from their assigned family residence spoke of the continuous negotiation that they had to do to get their parents to pay their college fees. They also said that they lived in the fear of being found out.

While “daughters” conforming to their assigned genders have a possibility of approaching the courts independently for continued educational support and residence, “sons” have no such recourse in law either to maintenance or shelter.

Right to maintenance and shelter must be extended to all children who are facing violence, neglect or threat of being thrown out from their familial homes because of their choices around gender and sexuality, till they complete their education or an appropriate age.

Existing statutes on HIV related discrimination and transgender rights protect the right to residence in limited contexts. This rule of law must be applied broadly to protect the right to residence of adult queer and trans children who are dependent on natal families.

## On whom family is dependant

There were instances where adult children who continued to face familial violence were also expected to maintain the family and give their earnings to the parents. While the law recognises the rights of parents to be maintained by their children under section 125 CrPc and Maintenance and Welfare of Parents and Senior Citizens Act, 2007 **an exception needs to be carved out to exempt children who have faced or are facing violence from their parents for reasons of being queer or trans persons.**

## Right to demand protection from State agencies

In situations where queer and trans persons voluntarily leave their natal homes either to escape the violence or to live with their partners, the natal family approaches the police to help the family bring them back. The family often resorts to filing complaints of missing persons which results in the police tracking them down. **The problem also arises when on being tracked down adult queer and trans persons are compelled by the police to return to their natal homes.** The police using the threat of filing cases of kidnapping and theft force them to return home despite a clear and categorical statement as adults that they do not wish to return.

**The collusion between natal families and the police** is also seen when the police mandatorily insist that the person come to the police station where the complaint is filed to give their statement, despite the power vested in Section 161, CrPC which stipulates that a person can give their statement to the police by audio-video means from the jurisdiction they presently reside.

In addition to this **the police having registered cases of abduction and theft against queer and trans persons at the behest of the natal family threaten persons of arrest** unless they return to their natal home despite, in violation of clear directions from the Supreme Court to the police to follow the mandate under section 41 and 41 A of the Criminal Procedure Code to prevent unnecessary arrests.

It was also brought before the Panel that **when queer and trans persons approach the police for protection from natal families or for registration of an FIR, they fail to assist them.** On the contrary, the police immediately inform the natal family and they are called to

the police station. In majority of the cases the police handover or compel them to return to their natal families.

In a majority of the cases that we heard, we found that the police acted as per law only after the courts gave appropriate orders asking them to do so.

The High Court of Delhi in the case of Dhanak of Humanity & Ors. v. State of NCT & Anr. WP (CrI)1321/2021, extended the directions given by the Supreme Court in the case of Shakti Vahini v. Union of India, (2018) 7 SCC 192 directing the state governments to adopt preventive, remedial and punitive measures including establishment of safe houses, to queer and trans couples. However, **such directions are not available throughout the country and ought to be implemented in all states and union territories.**

Further, members of NGO shared their experience of obtaining orders and directions from certain district courts that in cases of missing persons complaints, once the police have obtained statements from the runaway queer and trans couples that they are adults and have left their natal homes of their free will and volition, the case must be closed forthwith and the police must ensure there is no further interference in the relationship. **Such directions have to be given to police in all states and union territories to stop the misuse of law by filing such complaints by natal families.**

The narratives showed that the police have complete disregard for queer and trans persons and not only disobeyed the directions of law but abused the provisions of law to threaten queer and trans persons choosing to leave home and/or stay with their chosen partners.

The police ought to be held accountable under law and strict action taken against such erring officers.

## Right to Shelter - Rental housing and Safe homes

Many of the people who testified before us spoke of **the crisis of shelter** that they faced when they were forced to leave homes and migrate to other towns and cities looking for protection from the violence at home. One person spoke of spending 19 days on the railway platform because they had nowhere to go.

**Secure, safe and affordable shelter has to be provided to all people forced to migrate as it is important for their survival. .**

Some queer and trans people run away alone while others run away with their partners or friends. Testifiers also spoke of being unable to find rental housing on account of their gender identity and sexual orientation and their inability to cohabit as a married couple.

A rights based approach on affordable housing can be addressed under the Transgender Persons (Protection of Rights) Act, 2019 and its 2020 Rules which oblige the appropriate governments to frame welfare schemes on affordable housing, shelters and community centres for at-risk persons to provide access to food, security, mental healthcare and sanitation.

**State should provide safe houses for couples and individuals fleeing family violence including queer and trans couple, inter caste and inter faith couples.**

There is a need for shelter homes that can accommodate them for short term and for rental accommodation in the long term as well since queer and trans individuals and couples do not easily get houses on rent.

Denial of rental accommodation must be seen as discrimination towards queer and trans people and it must be prohibited and prevented.

The State Governments must make available safe houses similar to the *Garima Greh* welfare scheme, in order to guarantee safety and security of all individuals irrespective of gender identity and sexual orientation.

One stop crisis centres for women subjected to domestic violence should be open to accommodate cis lesbian couples running from violent assigned families.

## Right to Decent Health Care

We came across many testimonies of people being forced to go through conversion therapies of various kinds and also subjected to violence of being institutionalised and subjected to unnecessary and harmful procedures.

At the same time many people testified that all this abuse and violence and living with the various fears had a long term impact on their mental health. Yet health care to attend to their needs was not available at all or if available was so expensive that most of the people could not afford it.

District mental health review boards need to be activated and proactive



in preventing in-patient facilities from incarcerating queer and trans individuals whose parents view their queerness or transness as disorder.

The provisions of the Mental Health Care Act on non-discrimination on basis of sexual orientation and gender identity in access to treatment must be implemented in toto, as is interpreted by the courts in *Navtej Singh Johar*.

The strengthening of sexual and reproductive rights of queer persons deserves special attention. A recent review of the status of sexual and reproductive health services in the country reveals that most public and private health care services by design respond only to needs of married, heterosexual women and are therefore exclusionary of single and queer women.

In particular in cases of sexual assault Post-Exposure Prophylaxis currently given only to cis women but should be given to trans masculine survivors of corrective rape and sexual assault.

National programmes such as the adolescent health initiative *Rashtriya Kishor Swasthya Karyakram* (RKSK) should be inclusive of queer, transgender and gender nonconforming adolescents in their service provision..

Queer and trans persons seeking trans-affirmative healthcare services do not share this aspect of their lives with natal families, for the fear of further alienation and aggravated violence due to the stigma attached to their health concerns. We heard this concern being raised by one of the persons who testified with regard to their friend's treatment during COVID. Assigned family was being consulted but they did not know the health status of the patient as they had not disclosed it to their natal family.

This once again underlines the need to recognise other forms of chosen families even in the context of getting necessary health care and for declaration of a nominated representative to take decisions around all health care like in the Mental Health Care Act.

It also means that the health care systems should be sensitive to disclosures to only those approved by the trans person themselves.

## Right to Social Security

The severance of ties from abusive natal families is directly accompanied with loss of social and economic privileges accrued as members of such family. When queer and trans persons leave homes due to violence, they are cut off from financial support and often cannot complete educational qualification, which impacts their employment prospects.

The appropriate governments must take necessary measures to ensure that **persons who experience violence within their natal homes aren't compelled to continue to exist in such circumstances** due to lack of alternative opportunities to live freely. A robust system of social security is essential to avoid complete penury of queer and trans persons.

The *Transgender Persons (Protection of Rights) Act, 2019* requires the appropriate governments to take steps to facilitate access to welfare schemes for trans persons to specifically address their social and economic needs. The *2020 Rules* issued under the Act clarify that appropriate governments must specifically focus framing of welfare measures on providing access to healthcare, education, housing, food security, pension, employment and inclusion in financial services.

Queer and Trans persons fleeing violent natal families need to be able to complete their education: support (including hostel accommodation) is needed.

The *Rajiv Gandhi Shramik Kalyan Yojana* and *Atal Beemit Vyakti Kalyan Yojana* offer unemployment insurance for persons who lose jobs in the formal sector due to closure of the factories/establishments. In consideration of the disruption in education and employment opportunities of queer and trans persons who are compelled to sever ties with natal families and leave homes, the government must frame separate unemployment insurance policies for such disadvantaged groups to prevent destitution.

Pension schemes under the *National Social Assistance Programme* typically focus on older populations in organized sectors of work, persons with disabilities and the widowed for alleviation of poverty. The government must also cover other disadvantaged groups like queer and trans persons, whose particular vulnerabilities go beyond age as they are historically marginalized from the world of work, abandoned by natal families and are often compelled to rely on a support system of friends, community groups and chosen family for care in old age.

Queer and trans couples of all genders should be able to get ration cards and other provisions under the Food Security Act.

Queer and trans individuals should be able to receive support from district social welfare authorities such as being able to form SHGs, apply for low/no interest loans to start small scale business or expand existing ones

Free legal aid via district legal service authorities is currently available in all states for cis women, and in 3-4 States for trans persons via amendment of state rules of the Legal Services Act. They need to offer support to queer and trans couples including negotiation in cases where local police are supporting natal families.

## Right to Recovery of Essential Documents

Queer and trans persons often **flee abusive families and homes in desperate circumstances, which often does not provide them the opportunity to collect their essential documents** (school/university records, Aadhaar, Driver's License, passport, PAN card, Voter ID etc.). **Access to such documents is crucial** to ensure a smooth transition and rebuild lives in terms of obtaining housing, education, employment, travel and registering for other social and economic benefits.

In *Shivani Bhat v. State of NCT of Delhi, WP (Crl.) No. 2133/2015* (order dated 05.10.2015), in order to ensure a runaway transmasculine person is not subject to the control of their natal family and has safe passage to a location of their choice for educational and professional purposes, the High Court of Delhi directed the parents to transfer documents like passport and green card.

The *United Nations Guiding Principles on Internal Displacement (1998)* outlines the roles of national and local governments as well as non-government organizations in providing protection and assistance to internally displaced persons. Internally displaced persons are understood as persons who have been forced to leave their homes in order to avoid armed conflict, situations of generalized violence, violations of human rights or natural disasters. In particular to guarantee the legal recognition as persons before law, Principle 20 obliges concerned authorities to issue all documents which are necessary for the exercise of rights, such as passport, personal identification, birth certificate and others. The concerned authorities issuing new documents or replacing old documents which were lost in course of displacement, are mandated to avoid imposing unreasonable conditions, such as requiring the return

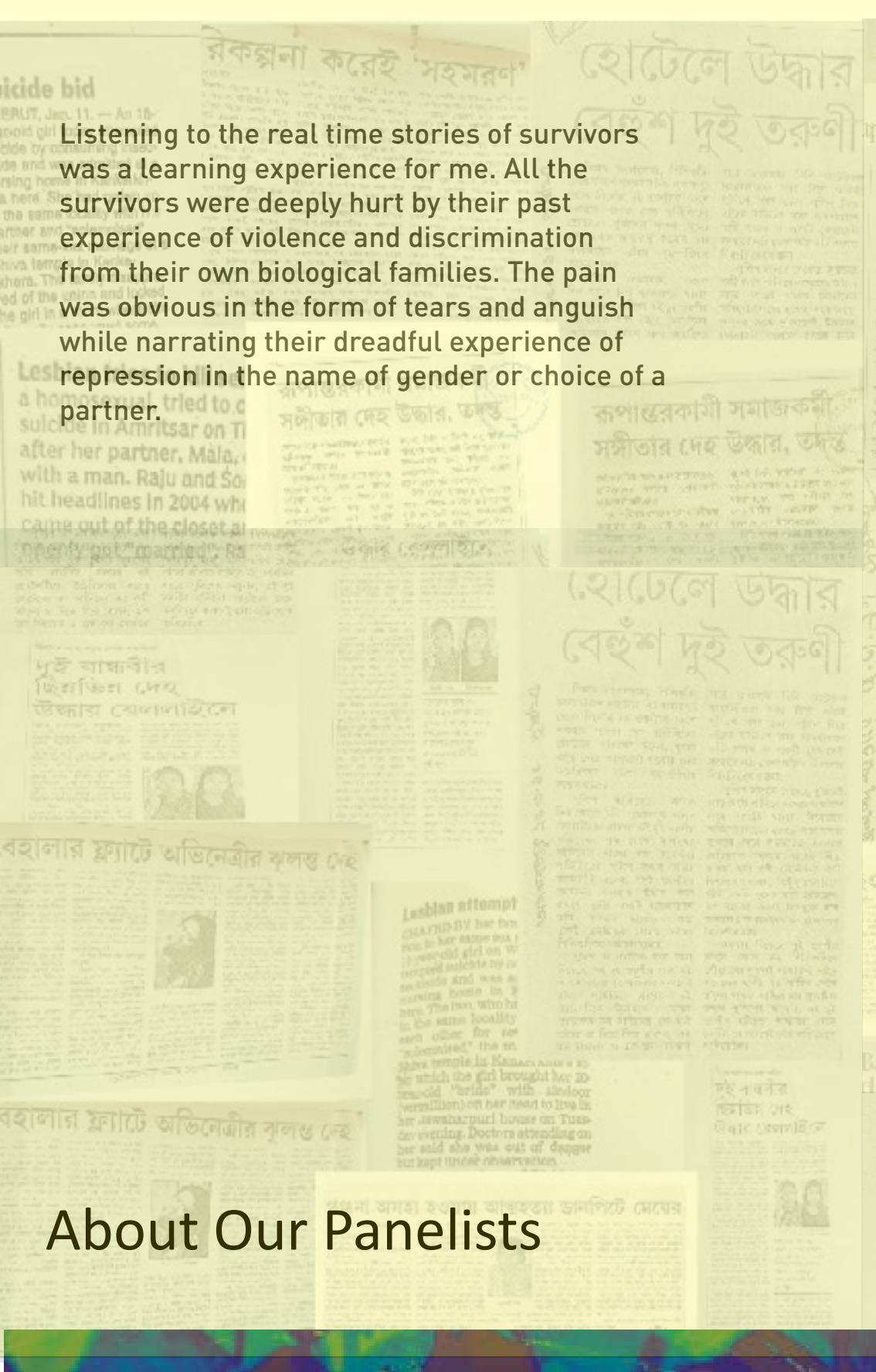
to one's home in order to obtain the documents.

The appropriate governments must take all necessary legislative, administrative, judicial and other measures as per obligations in domestic and international law to offer assistance to queer and trans persons in procuring essential documents which are typically not collected during the desperate circumstances in which they are compelled to escape the natal home.

## Creating an Enabling Environment through Stakeholder sensitization:

As spelled out in the interim orders of Justice Anand Venkatesh in *Sushma and or vs. Commissioner of Police*, creating an enabling environment for queer-trans persons and their relationships, requires mass sensitization of state and non-state stakeholders, including the judiciary, police, prison authorities, shelter home authorities, physical and mental health professionals, frontline health workers, child welfare committees, juvenile justice personnel, teachers and parents.

Listening to the real time stories of survivors was a learning experience for me. All the survivors were deeply hurt by their past experience of violence and discrimination from their own biological families. The pain was obvious in the form of tears and anguish while narrating their dreadful experience of repression in the name of gender or choice of a partner.



About Our Panelists



Their complaints against the police and government officers were not new. But, in several cases the stereotypes and biases against queer or trans people were common in doctors, counsellors, officials at shelter homes and child welfare institutions that are considered to be sensitive towards each individual and their identity.

Some were with their newly formed family and friends and trying to live their lives in solidarity. However, despite of their complaints and resentment against their biological families, many were still hopeful or aspiring for recognition from them. The conditioning and situation is such that they are ready to return to their same regressive family if there is no shaming and violence.

Few survivors were tactful in balancing their relationship with family and peers due to their socio-economic background.

In overall, listening and talking to the survivors has increased by knowledge about the nuances of gender equality.

Asif Iqbal



**Retd. Hon Justice Prabha Sridevan, Chennai**

Justice (Retd.) Prabha Sridevan served as a judge of the Madras High Court from 2000 to 2010. Post retirement, she was appointed as the Chairperson of the IPAB (Intellectual Property Appellate Tribunal) from 2011 to 2013. During her tenure as a High Court judge, Justice Sridevan dealt with a wide range of cases, including the celebrated Novartis Glivec case, where she ruled against Novartis, holding that India's section 3(d) was a constitutionally valid statutory provision. She is also a prolific writer and public intellectual, and pens regular columns for both English and Tamil newspapers on a range of social, legal and political issues.

**Asif Iqbal, Co-Founder, Dhanak, Delhi**

Asif has a rich work experience of more than two decades on crucial multi-sectoral issues of social development gained by working with various stakeholders, national and international social organisations, individuals, people's organisations, and campaigns of repute. Over the last twenty-five years, Asif has worked on the issues of natural livelihood resources, livelihood, and child rights. Asif is associated with various groups and organisations working on issues of gender equality, domestic violence, forced marriage, and peaceful co-existence of faith. Asif is a member of CWC (South Delhi) and Co-founder of Dhanak, an organisation working on right to choose in marriage and relationship.

**Divya Taneja, Regional Co-ordinator, Special Cell for Women and Children, Mumbai**

Special Cell For Women and Children dates back to 1984 as a collaboration between Tata Institute Of Social Sciences and Mumbai Police for the provision of psycho-socio-legal services to survivors of violence by trained social workers, strategically located in the police system. Since 2005 Special Cell For Women and Children has been institutionalised till the taluka level in Maharashtra as a State Scheme of Dept of Home and DWCD it has also been institutionalised by other States such as Haryana, Rajasthan and Gujarat. Divya, and the team of social workers at the Special Cell have helped intervene in many cases of violence against queer and trans people. These interventions have been particularly successful in dealing with assigned families.



**Kavita Krishnan, Feminist Activist, Delhi**

Kavita Krishnan is a Marxist feminist and civil liberties activist and the author of *Fearless Freedom* (Penguin India 2020) as well as several pieces on various national and international issues. She is a powerful and fierce voice against right wing forces and the multiple structures of patriarchy in society. Kavita was also a politburo member of the Communist Party of India (Marxist–Leninist) Liberation and the Secretary of the AIPWA.

**Manjula Pradeep, Anti-Caste Feminist Activist, Ahmedabad**

Manjula Pradeep is a human rights lawyer and a social activist based in India. Manjula is the Director of Campaigns at Dalit Human Rights Defenders Network (DHRDNet) and National Convenor of the National Council of Women Leaders (NCWL), which unites and strengthens leadership of grassroots women activists from marginalized communities in India. She is part of WAYVE – (Wise Act of Youth Visioning and Engagement) Foundation which works for the empowerment of women and youth by building and strengthening their leadership and capabilities.

**Mihir Desai, Senior Counsel, Mumbai**

Mihir Desai is a human rights lawyer, practising as senior counsel in the High Court of Bombay and Supreme Court of India. He is co-founder of Indian People’s Tribunal and Human Rights Law Network. He was the former Director of India Centre for Human Rights and Law and was co-founder of magazine *Combat Law*. He has handled cases on fake encounters, mass murders, riots, custodial deaths etc. In 2003 he assisted the Asian Human Rights Commission in their fight on behalf of the Tribal population to remain on land claimed by the Maharashtra State Farming Corporation. In 2005/06 he was co-convenor of an IPT team that investigated communal violence in Orissa. He is also the national vice president of the PUCL.

**Paromita Chakravarti, Feminist Academic, Kolkata**

Dr. Paromita Chakravarti is Professor, Department of English, Jadavpur University and has been Director, School of Women’s Studies, Jadavpur University. She completed her doctoral studies on early modern discourses of madness from the University of Oxford. She teaches Renaissance drama, women’s writing, queer and film studies. She has been a Visiting Fellow at the Universities of Oxford, Liverpool, Amsterdam, Birmingham Hyderabad Delhi. She has

published widely on Shakespeare as well as on women's studies. She has led national and international projects on gender representation in school textbooks, sexuality education, women's higher education, women and HIV and AIDS, single and homeless women. Her published works include *Women Contesting Culture* (Stree, 2012), *Shakespeare and Indian Cinemas* (Routledge, 2018), *Asian Interventions in Global Shakespeare* (Routledge, 2021), and *Ageing and Ageism* (Routledge, Forthcoming).

**Veena Gowda, Feminist Lawyer, Mumbai**

Veena Gowda is a women's rights lawyer who has been practising in the High Court of Bombay and trial Courts in Mumbai. A graduate of the National Law School of India University, Bangalore, she presently heads a team of lawyers working exclusively on women's legal rights such as domestic violence, sexual harassment at the workplace, sexual abuse, and property rights. She also teaches a course "Engendering Law and Justice" at the Tata Institute of Social Science.

**suicide bid**

**ERLIT, Jan. 11.** — An 18-year-old girl today attempted suicide by consuming kerosene and was admitted at a nursing home in Karakhera here. She had given up the same locality with her partner and "sodomised" her same-sex marriage at a Hindu temple in Karakhera. The family disapproved of the union and locked her in a room where she

**রিকল্পনা করেই 'সহমরণ'**

এরলাইত, ১১ জানুয়ারি। — একজন ১৮ বছর বয়সী মেয়ে আজ কেরোসিন পান করে আত্মহত্যা চেষ্টা করে। এ ঘটনা ঘটেছে কারাকেরা নামের একটি নার্সিং হোমে। মেয়েটির নাম অজানা। মেয়েটির পরিবারের লোকেরা জানিয়েছেন, মেয়েটি তার একই লিঙ্গের একজন ব্যক্তিকে সঙ্গী হিসেবে বেছে নিয়েছিলেন। তারা দুজনেই একই জায়গায় বাস করতেন। মেয়েটির পরিবারের লোকেরা মেয়েটির এই সিদ্ধান্তকে খারাপ বলে মনে করেন এবং মেয়েটিকে বাসঘরে আটকে রেখেছিলেন। মেয়েটি কেরোসিন পান করে আত্মহত্যা চেষ্টা করে।

**হোটেলে উদ্ধার  
বেহাঁশ দুই তরুণী**

দিল্লি, ১১ জানুয়ারি। — দুই তরুণী হোটেলের একটি ঘরে আত্মহত্যা চেষ্টা করে। তারা দুজনেই বেহাঁশ ছিল। হোটেলের কর্মকর্তারা তাদের উদ্ধার করে হাসপাতালে নিয়ে গিয়েছিল।

**Lesbian tries to kill self  
a homosexual, tried to c  
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came out of the closet a  
nantly got "married". Ra**

এই ঘটনা ঘটেছে আমৃতসারে। মেয়েটির নাম অজানা। মেয়েটির পরিবারের লোকেরা মেয়েটির এই সিদ্ধান্তকে খারাপ বলে মনে করেন এবং মেয়েটিকে বাসঘরে আটকে রেখেছিলেন। মেয়েটি কেরোসিন পান করে আত্মহত্যা চেষ্টা করে।

**রূপান্তরকারী সমাজিকনী  
সঙ্গীতার দেহ উদ্ধার, তদন্ত**

দিল্লি, ১১ জানুয়ারি। — রূপান্তরকারী সমাজিকনী সঙ্গীতার দেহ উদ্ধার করা হয়েছে। তদন্ত চলছে।

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**দুই বামবীর  
জিহাদিগ দেহ  
উদ্ধার যোগানাহিলে**

দিল্লি, ১১ জানুয়ারি। — দুই বামবীর জিহাদিগ দেহ উদ্ধার করা হয়েছে। তদন্ত চলছে।



**উদ্ধার হোটেলে**

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**বহালার ফ্ল্যাটে অভিনেত্রীর কুলস্ত দেহ**

দিল্লি, ১১ জানুয়ারি। — বহালার ফ্ল্যাটে অভিনেত্রীর কুলস্ত দেহ উদ্ধার করা হয়েছে। তদন্ত চলছে।



**Lesbian attempt**

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**পঞ্জাবী অসহ্য হওয়ার আত্মহত্যা ডানপিটে মেয়ের**

দিল্লি, ১১ জানুয়ারি। — পঞ্জাবী অসহ্য হওয়ার আত্মহত্যা ডানপিটে মেয়ের দেহ উদ্ধার করা হয়েছে। তদন্ত চলছে।



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As the panel who heard these voices, we'd like to thank the organisers and the testifiers for their immense faith and openness to us. For us, it has been a humbling and learning experience. In many narratives, the violence was very recent or continuing. The violence was also stark and unrelenting and took many forms, it was brutal and life threatening at times. We recognise the immense courage and support it took for the testifiers to come and speak so openly about their lives. And it took a huge collective effort of organising to not just hold this hearing, but ensure that it went so smoothly and with so much care for all the folx present. We hope that this report does a bit of work to document this violence and add to the analysis of natal family violence, gendered and casteist violence, and human rights frameworks that exist. We have also carefully scrutinised the role of police, schools and colleges, medical and other institutions, and the judiciary, to analyse where they have been colluding with the violence of the natal families or acting themselves as proxy families to control queer and trans folx. Finally, we also want to note the processes that have worked in providing some relief and have recommended measures in law and policy that will help towards alleviating some of the distress faced by queer and trans persons, and include them more fully in the rights that must be available to all citizens under the constitution.

# suicide bid

ERLIT, Jan. 11. — An 18-year-old girl today attempted suicide by consuming insecticide and was admitted at a nursing home in Karimkhera here. She had gotten into the same locality with her partner and "sodomised" her same-sex marriage at a Hindu temple in Karimkhera. The family disapproved of the union and locked her in a room where she

# স্বিকল্পনা করেই 'সহমরণ'

করিমখেরা ১১ জানুয়ারি। — একজন ১৮ বছর বয়সী মেয়ে আজ সার্বস্বিকল্পনা করে মৃত্যু হুমকি দিয়েছে। এটি ঘটেছে করিমখেরায়। এখানে একটি হিন্দু মন্দিরে 'সহমরণ' করেছিল। তার পরিবার এই সংযোগকে তীব্রভাবে disapproved করেছিল এবং সেটাকে একটি ঘরবন্দী করেছিল যেখানে সে

# হোটেলে উদ্ধার বেহুঁশ দুই তরুণী

করিমখেরা ১১ জানুয়ারি। — দুই তরুণী হোটেলের একটি ঘরে বেহুঁশ অবস্থায় উদ্ধার করা হয়েছে। এরা দুইজনই মিলে মিলে মৃত্যু হুমকি দিয়েছিল। এদের উদ্ধারের পরে এদের চিকিৎসা করা হচ্ছে।

# Lesbian tries to kill self a homosexual, tried to suicide in Amritsar on TV after her partner, Mala, with a man. Raju and Soh hit headlines in 2004 wh came out of the closet a nephew got "married". Ra

অমৃতসর ১১ জানুয়ারি। — একজন লেসবিয়ান মেয়ে তার সহমরণীকে হত্যা করার চেষ্টা করেছিল। এটি ঘটেছে অমৃতসরে। এখানে একটি টেলিভিশন প্রোগ্রামে এই ঘটনাটি ঘটেছিল।

# রূপান্তরকারী সমাজিকনী সঙ্গীতার দেহ উদ্ধার, তদন্ত

করিমখেরা ১১ জানুয়ারি। — রূপান্তরকারী সমাজিকনী সঙ্গীতার দেহ উদ্ধার করা হয়েছে। তদন্ত চলছে।

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# বহালার ফ্ল্যাটে অভিনেত্রীর স্বল্পসময় দেহ

করিমখেরা ১১ জানুয়ারি। — বহালার ফ্ল্যাটে অভিনেত্রীর দেহ উদ্ধার করা হয়েছে। তদন্ত চলছে।

# Lesbian attempt suicide in her same sex partner's home in 2 same locality in 2 here. The two who each other for an "sodomised" the an temple in Karimkhera, after a 20 "sodomised" with alcohol on her head to live in her Dewaharpuri house on Tues Doctors standing on

করিমখেরা ১১ জানুয়ারি। — লেসবিয়ান মেয়ে তার সহমরণীকে হত্যা করার চেষ্টা করেছিল। এটি ঘটেছে অমৃতসরে।

# হোটেলে উদ্ধার বেহুঁশ দুই তরুণী

করিমখেরা ১১ জানুয়ারি। — দুই তরুণী হোটেলের একটি ঘরে বেহুঁশ অবস্থায় উদ্ধার করা হয়েছে। এদের উদ্ধারের পরে এদের চিকিৎসা করা হচ্ছে।

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# Suggested Glossary

For Sensitive Media Coverage of LGBTIQ+ Issues

প প্রশ্না সমস্যা হওয়ার আশঙ্কায় ডানপিটে মেয়ের

# দুই বহুবীর হত্যা: দেহ উদ্ধার

করিমখেরা ১১ জানুয়ারি। — দুই বহুবীর হত্যা: দেহ উদ্ধার করা হয়েছে। তদন্ত চলছে।



১৯ জানুয়ারি ২০০৪

১৯ জানুয়ারি ২০০৪

সম্পর্ক মানে পরিবার, আত্মহত্যার চেষ্টা ২ ছাত্রীর

১৯ জানুয়ারি ২০০৪

দুই ছাত্রীর দেহ

১৯ জানুয়ারি ২০০৪

মায় আত্মহত্যা জানপিতে মেয়ের

১৯ জানুয়ারি ২০০৪

দুই বাসাবীর  
হিংস্রতা দেখে  
উদ্ধার রেপলাইনে

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১৯ জানুয়ারি ২০০৪

বেহালার ফ্ল্যাটে অভিনেত্রীর কুলস্ত দেহ

১৯ জানুয়ারি ২০০৪

উদ্ধার রেপলাইনে

১৯ জানুয়ারি ২০০৪

Lesbian attempt  
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... "abandoned" the m  
... have temple in Kathma  
... which the girl brought her 20-  
...-year-old "bride" with alcohol  
... (vermillion) on her head to live in  
... her swamipuri house on Tues-  
... day evening. Doctors attending on  
... her said she was out of danger  
... but kept these observations.

পঞ্জনা অসহ্য হওয়ায় আত্মহত্যা জানা

১৯ জানুয়ারি ২০০৪

দুই বাসাবীর  
হিংস্রতা দেখে  
উদ্ধার রেপলাইনে

স্বিকল্পনা করেই 'সহমরণ'

১৯ জানুয়ারি ২০০৪

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১৯ জানুয়ারি ২০০৪

দুই বাসাবীর  
হিংস্রতা দেখে  
উদ্ধার রেপলাইনে



*developed by community members and media in Tamil Nadu  
 endorsed by Madras High Court and reproduced from interim orders of  
 Sushma and Anr vs. Commissioner of Police  
 January 2022*

S.No	Term	Description
<b>A. TERMS RELATED TO SEX</b>		
A1	Sex	Sex refers to the biological make-up of a person, based on external or internal body parts, hormones, sex chromosomes, etc.
A2	Sex characteristics	'Sex characteristics' refer to an individual's physical sexual/reproductive features that are formed on the basis of their sex. This includes genitalia (vagina/uterus or penis/testicles etc), sex chromosomes (XX, XY, XXY, XYY, XO, etc), dominant sex hormones present in their body (estrogen, progesterone, testosterone etc), secondary sexual features (breasts, facial hair, deep voice etc), among others. Sex characteristics may influence a person's gender identity, expressions, sexual orientation or sexuality, but are not the cause of it.
A3	Intersex	Intersex people have innate sex characteristics that do not fit medical and social norms for female or male bodies. These can include external or internal reproductive parts, chromosome patterns, and/ or hormonal patterns. Being intersex can create risks or experiences of stigma, discrimination and harm. Note: It's wrong to assume that all intersex persons are transgender. Intersex persons also have diverse intersections of gender identity, gender expression and sexuality. Like any individual, intersex persons are the only ones who can determine their gender identity, sexuality, and sexual orientation. Note: Several intersex children are forced into surgical procedures by doctors and parents/guardians, to make their bodies 'conform' to a binary sex. This is unethical and should be called out in stories. These enforced surgeries can also result in trauma, health conditions and more later.



## B. TERMS RELATED TO GENDER

B1	Gender	<p>'Gender' is how society perceives persons, based on the norms, behaviours and roles associated with the sex assigned at birth. For instance, a person assigned male is expected to grow up to be a 'man' and be powerful and assertive; a person assigned female is expected to grow up to be a 'woman' and to be sweet and nurturing. It is a social construct, and what each gender is 'expected' to do changes from society to society, and over time.</p>
B2	Gender Identity	<p>'Gender Identity' refers to how an individual defines their own gender. It depends on a person's deeply felt internal experience of gender. It need not correspond to the sex assigned to the person at birth, and the expectations that society has from this assigned sex or associated gender. 'Gender Identity' is self-determined - that is, only an individual can declare what their gender identity is. There is no 'medical test' for gender identity. For instance, a transgender man, or transgender woman, or a non-binary person, are the only ones who can say what their gender is.</p>
B3	Gender expression	<p>Gender expression is how a person publicly expresses or presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronouns are also common ways of expressing gender. Gender expression does not automatically correspond to one's gender identity. For instance, a woman may dress in pants and shirts and have short hair – generally related by society to a 'man's' gender expression. Another example: a person assigned male at birth who wears a saree isn't automatically a transgender woman. They may still identify as a man, or as non-binary, or any other gender identity.</p>

B4	Gender non-confirming person	<p>People (adults or children [4]) who do not conform to either of the binary gender definitions of male or female, as well as those whose gender expression may differ from standard gender norms. In some instances, individuals are perceived as gender non-conforming by other people because of their gender expression.</p> <p>However, these individuals may not perceive themselves as gender non-conforming. Gender expression and gender non-conformity are clearly related to individual and social perceptions of masculinity and femininity.</p>
B5	Transgender person	<p>A transgender person is someone whose gender identity does not match with the sex they were assigned at birth. People assigned male or female at birth, and intersex persons, can be transgender. A person is transgender whether or not such a person has undergone gender affirmation procedures like hormone therapy or surgery, as per the Supreme Court NALSA verdict (2014) and Transgender Persons (Protection of Rights) Act.</p> <p>Note: Do not use the term ‘transgenders’ or ‘a transgender’, i.e. as a noun. The word has to be used as an adjective. The correct usage is transgender person, trans person, transgender woman, trans woman, transgender man, trans man, etc. depending on the context.</p>
B6	Trans woman or Transgender woman	<p>‘Transgender woman’ refers to a person who was assigned male at birth, but whose gender identity is that of a woman. ‘Transgender woman’ can be shortened to ‘trans woman’ (two words).</p>
B7	Trans man or Transgender man	<p>‘Transgender man’ refers to a person who was assigned female at birth, but whose gender identity is that of a man. ‘Transgender man’ can be shortened to ‘trans man’ (two words).</p>
B8	Gender non-binary person	<p>‘Non-binary’ refers to a gender identity that doesn’t ascribe to the woman-man binary. A ‘non-binary’ person is someone who does not identify as a man or a woman.</p>

B9	Gender dysphoria	<p>The psychological distress that results from an incompatibility between a person’s self-perceived gender identity, and the gender they are associated with by society based on the sex they were assigned at birth [5].</p> <p>Not all trans persons may experience gender dysphoria. Many may experience gender dysphoria from childhood, while others may experience it later - such as after puberty.</p>
B10	Gender incongruence	<p>A marked and persistent incongruence between the gender felt or experienced by a person, and the gender associated by society with the sex they were assigned at birth [6]</p>
B11	Gender affirmation procedures	<p>Procedures that help an individual affirm their gender identity, including social (wearing clothes perceived to be closer to gender of choice, attempting to “live as the gender”, medical (surgery, hormone, laser), and legal (changing their name and gender on paper) procedures.</p>
B12	Gender Affirmation Surgery	<p>Surgery of external sex characteristics that help an individual affirm their gender identity, or ‘look how they feel on the inside’.</p> <p>It is recommended to use this term instead of sex reassignment surgery (SRS), which was used in the past.</p>
B13	Deadname	<p>The name that was given to a transgender person by their family, and one by which they were identified. However, the transgender individual may no longer use that name.</p> <p>The name a transgender person has ‘left behind’ or ‘killed’, Usually, this refers to the name they were given by their parents/guardians.</p> <p>Note: While reporting, do not ask for a person’s ‘old name’ or ‘original name’ or deadname. It is not an important detail the society needs to know, and mentioning a person’s deadname in a story is disrespectful. Similarly, descriptions like “the man became a woman” or “the woman became a man” should be avoided.</p> <p>You must stick to the name they give you in all published reports.</p>

B14	Genderfluidity/ Genderfluid person	‘Genderfluidity’ refers to a person’s experience of not having a ‘fixed’ gender. A ‘gender fluid’ person may identify with all genders, multiple genders, or with two genders (bigender). (Also see: non binary.)
B15	Cisgender	A person whose gender identity conforms with the gender corresponding to the sex assigned at birth. A person who is not transgender or non-binary is cisgender.

**C. TERMS RELATING TO SEXUALITY**

C1	Sexual Orientation	‘Sexual orientation’ refers to which person(s)/ gender(s) an individual is attracted to - physically, emotionally, and/or romantically. For instance, ‘heterosexual’ orientation refers typically to attraction between a man and a woman. ‘Homosexual’ refers to attraction between two men or two women. Note: ‘Sexual orientation’ is different from ‘gender identity’. Example: Just like a cisgender woman can be heterosexual, bisexual or homosexual (straight, bi or lesbian), a transgender woman, too, can be heterosexual, homosexual or can have any of a wide variety of sexual orientations.
C2		‘Heterosexuality’ typically refers to the sexual attraction between men and women. A ‘heterosexual man’ or ‘straight man’ is a man who is attracted to women. A ‘heterosexual woman’ or ‘straight woman’ refers to a woman who is attracted to men. ‘Heteroromantic’ refers to romantic/emotional attraction, beyond just sexual attraction. This applies for cisgender and transgender persons.
C3	Homosexuality/ Homosexual	‘Homosexuality’ refers to an sexual attraction to a person of their same gender. A ‘homosexual man’ or a ‘gay man’ is a man who is attracted to men; a ‘homosexual woman’ or ‘lesbian’ refers to a woman who is attracted to women. ‘Homoromantic’ refers to a person who feels romantic/emotional attraction to persons of the same gender. This applies for cisgender and transgender persons.

C4	Bisexuality/ Bisexual	<p>‘Bisexuality’ refers to attraction towards persons of one’s own gender, and persons of another gender. In the past, bisexuality has been defined as attraction to both men and women. But as our understanding of gender and gender identity evolves beyond the man/woman binary, the definition of bisexuality is also evolving.</p> <p>‘Bisexuality’ need not imply equal degree of attraction to both genders - just significant attraction to both.</p>
C5	Pansexuality/ Pansexual	<p>‘Pansexuality’ refers to attraction towards persons of multiple genders/all genders, or attraction irrespective of gender. A ‘pansexual person’ feels attraction towards persons of all genders or multiple genders.</p> <p>‘Pansexuality’ need not imply equal attraction to all genders.</p>
C6	Asexual/ Aromantic (Aro- Ace)	<p>‘Asexual’ refers to a person who does not feel sexual attraction towards anyone.</p> <p>‘Aromantic’ refers to a person who does not feel romantic/emotional attraction towards anyone.</p> <p>Note: A person can be both asexual and aromantic at the same time; or they can feel only sexual attraction, or only romantic attraction, and not the other.</p> <p>For example, a person can be asexual, but at the same time feel romantic attraction towards persons of the same gender, or vice versa.</p>
C7	Romantic orientation	<p>‘Romantic orientation’ refers to an individual’s romantic/emotional attraction, independent of their sexual attraction. People can be ‘homoromantic’, ‘heteroromantic’, ‘panromantic’, ‘aromantic’ etc. Romantic orientation need not correspond to a person’s sexual orientation.</p> <p>For instance, a person who is pansexual – that is, they are sexually attracted to people of all genders – can be homoromantic, which means they want to have romantic/emotional relationships only with persons of their own gender.</p>

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**D. UMBRELLA / COLLECTIVE TERMS (2)**

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D1	Queer	<p>‘Queer’ is an umbrella term used to refer to diverse sex characteristics, genders and sexualities that are not cisgender and/or heterosexual. It is a ‘reclaimed’ word - the word was used as a slur for people who did not align to the societal assumptions of gender and sexuality in the past. However, the LGBTQIA+ community has now claimed ownership of the term and use it to describe themselves.</p> <p>In Tamil the term “paalputhumai” is used to signal a move to a more evolved understanding of human diversity and identities. It is a departure from the dominant, outdated cisgender, heterosexual centric understanding of sex, gender and sexuality [1].The term includes persons of diverse sex characteristics, gender expressions and identities, and sexualities who identify themselves as queer and includes emerging politics around these topics.</p>
D2	LGBTQIA+ / LGBTQIA+	<p>LGBTQIA+ is a term used to collectively refer to gay, lesbian, bisexual, transgender, queer, intersex, asexual, pansexual people and people of other non-cisgenders and non-hetero sexual orientations. The term is sometimes shortened to LGBT, or LGBTQ, or LGBTQ+ as well.</p>

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**E. OTHER COMMUNITY TERMS (4)**

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E1	Coming Out	<p>‘Coming out’ is the process of disclosing one’s LGBTQIA+ identity to others. Usually, LGBTQIA+/queer persons ‘come out’ multiple times throughout their lives in different interactions with different people. That is, it’s not a ‘one-time’ event.</p> <p>NOTE: There is criticism and discourse around the fact that LGBTQIA+ persons have to ‘come out’ at all – because the assumption in society is that everyone is, or ought to be, cisgender and straight. While doing stories about a person ‘coming out’ or mentioning ‘coming out’ in a story, please do so with an understanding that this should not have to be the norm for queer persons.</p>
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E2	Ally	<p>A person or organization supportive of the rights of LGBTIQ+ persons and communities and uses their privilege/position in society to promote LGBTIQ+ rights, communities, and causes.</p> <p>Note: An ‘ally’ should ideally be identified by the community/communities based on their actions. Self declaration of allyship does not mean much if the person’s actions and words end up hurting the communities they claim to support. Take the self declaration of allyship by cisgender and heterosexual persons with a pinch of salt, and while reporting, try to confirm with LGBTIQ+ communities whether this person is actually seen as an ally by the communities in question.</p>
E3	Queer Pride Parade/ Rainbow Pride Parade	<p>‘Queer pride parades’ or ‘Rainbow pride parades’ or ‘LGBTIQ+ pride parades’ are events celebrating LGBTIQ+/queer culture and asserting self-respect in these identities. These events are often used as a method for visibility for queer groups, as well as platforms to demand for the rights of queer communities.</p>
E4	Conversion Therapy, SOGIE-change efforts	<p>Practices that aim to ‘change’ or ‘convert’ people from queer to heterosexual, from trans to cisgender, or gender non- conforming to gender conforming. Some of these attempts stem from superstitions and religion-based beliefs.</p> <p>These are unethical, illegal and unscientific efforts that have been banned in Tamil Nadu.</p>

## Sources and Further Reading

Queer Chennai Chronicles (QCC), QCC and TNM Media Guide Glossary Section.

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Narayani Subramanian (she/her/m), Writer & Marine Researcher.

Nadika Nadja (she/they/m/6), Writer. Member - Sampurna Working Group

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**সম্পর্ক মানেনি পরিবার, আত্মহত্যার চেষ্টা ২ ছাত্রীর**

দুই ছাত্রীর পরিবার সম্পর্ক মানেনি পরিবার, আত্মহত্যার চেষ্টা ২ ছাত্রীর

**দুই ছাত্রীর দেহ**

১১ কুলসত্ত মেহ খিলন দুই পুষ্কভীত আত্মহত্যার চেষ্টা করেছিল। পুষ্কভীতের মাঝে, তারা আত্মহত্যা চেষ্টা করেছিল। তবে, পুষ্কভীত কারণ স্পষ্ট নয়। তারা দুইই ভদ্র বাসিন্দা ছিল। পুষ্কভীতের বাসেও তারা এক সঙ্গে থাকতেন। তারা দুইই বাসিন্দাও গা মানে। এর পরে 'আসছি' বলে বাইরে বেরিয়ে যায়। পুষ্কভীতের তোরের পাশে জলে তাদের কুলসত্ত দেখা যায়।

**মায় আত্মহত্যা জানপিতে মেয়ের**

মায় আত্মহত্যা জানপিতে মেয়ের

**দুই বাসিন্দার হিংস্রতা দেখে উদ্ধার রেপলাইনে**

দুই বাসিন্দার হিংস্রতা দেখে উদ্ধার রেপলাইনে

**দুই বাসিন্দার হিংস্রতা দেখে উদ্ধার রেপলাইনে**

দুই বাসিন্দার হিংস্রতা দেখে উদ্ধার রেপলাইনে

**বেহালার ফ্ল্যাটে অভিনেত্রীর কুলসত্ত দেহ**

বেহালার ফ্ল্যাটে অভিনেত্রীর কুলসত্ত দেহ

**বেহালার ফ্ল্যাটে অভিনেত্রীর কুলসত্ত দেহ**

বেহালার ফ্ল্যাটে অভিনেত্রীর কুলসত্ত দেহ

**উদ্ধার রেপলাইনে**

উদ্ধার রেপলাইনে

**Lesbian attempt**

Lesbian attempt

**পঞ্জনা অসহ্য হওয়ায় আত্মহত্যা জান**

পঞ্জনা অসহ্য হওয়ায় আত্মহত্যা জান

**suicide bid**

suicide bid

**Lesbian tries to kill self**

Lesbian tries to kill self

**রিকল্পনা করেই 'সহমরণ'**

রিকল্পনা করেই 'সহমরণ'

**হোটেলে উদ্ধার**

হোটেলে উদ্ধার



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