

A PILOT STUDY  
CONDUCTED BY

*Sappho for Equality*

**UNDERSTANDING NEEDS AND  
REQUIREMENTS OF LESBIANS,  
BISEXUAL AND TRANSMASCULINE  
INDIVIDUALS FROM FOUR  
DISTRICTS OF WEST BENGAL  
POST-DECRIMINALIZATION OF  
IPC SECTION 377**

AUGUST 2019 – JUNE 2020

**Kolika Mitra and Mandira Ghoshal**



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**PILOT STUDY CONDUCTED BY:**

**PRINCIPAL INVESTIGATOR: KOLIKA MITRA**

**RESEARCH ASSISTANT: MANDIRA GHOSHAL**

**SUPPORTED BY: SAPPHO FOR EQUALITY**

**FUNDED BY: HUMAN CAPABILITY FOUNDATION**

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Kolika Mitra

Principal Investigator

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## INTRODUCTION

The idea behind this project germinated primarily while thinking about issues around livelihood of the lesbian, bisexual women and transmasculine (LBT) community in West Bengal and the actual reality of LBT lives from their childhood to the present. It was realized that information needs to be procured in order to begin work on ensuring protection and security for the LBT community for their survival in an implicitly heteronormative society. The need for a baseline survey of the actual requirements of individuals in the community was strongly felt, especially with the decriminalization of Section 377 of the Indian Penal Code on September 6<sup>th</sup>, 2018. Communication, even on a moderate scale, with the supposed beneficiaries of this decriminalization, and thereby forming a layout of levels of awareness, violence and redressing mechanisms in education, health, workspaces and public spaces were felt as a discernible necessity. With these thoughts, this research was planned as a pilot study that aimed to quantitatively illustrate the state of affairs in the lives of LBT\*PAGFB (persons assigned gender female at birth) and thereafter understand what the community needs in order to lead a dignified and secure life protected by rights that are guaranteed by the Constitution of India.

What the Supreme Court conveyed while reading down Section 377 holds tremendous significance with regard to its affirmation of the history of violence that the LGBT community has undergone for hundreds of years. The section previously had read, *“Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend for ten years, and shall also be liable to fine. Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section”*.

The Court while reading down the Section had argued that “the emphasis on the unique being of an individual is the salt of her/his life. Denial of self-expression is inviting death. One defines oneself, and that is the glorious form of individuality” (Supreme Court of India judgment of IPC Section 377, 2018, p.3). It was emphasized that “the overarching ideals of individual autonomy,

liberty and equality for all sans discrimination of any kind, recognition of identity with dignity and privacy of human beings constitute the cardinal four corners of our Constitution, forming the concrete substratum of our fundamental rights that has eluded certain sections of our society who are still living in the bondage of dogmatic social norms, prejudiced notions, rigid stereotypes, parochial mindset and bigoted perceptions. Social exclusion, identity seclusion and isolation from the social mainstream are still the stark realities faced by individuals today and it is only when each and every individual is liberated from the shackles of such bondage and is able to work towards full development of her/his personality that we can call ourselves a truly free society” (Supreme Court of India judgment of IPC Section 377, 2018, p.5).

Movement around the pursuance to have Section 377 decriminalized had begun decades back and it was through a series of petitions, awareness campaigns, media coverage of violence and others that the decriminalization was achieved. Puri (2016: 8) argues, “Increasingly Section 377 was identified as the symbol of institutionalized homophobia and an instrument of legal and extralegal persecution.” Also it was the barrier to securing rights and protections for them. Naz Foundation’s writ highlighted the ill effects of antisodomy law on same-sex sexualities and the violation of constitutional rights. Sexuality impacts states as much as states seek to define sexual normality, discipline bodies, control population. Narrain and Bhan (2016) mention that in support of the Naz judgement, some parents of LGBT persons had filed interventions and argued that “the real harm to family values is caused by divisive and discriminatory laws like Section 377 of the Indian Penal Code” (ibid: 276). The government’s first legal response to the Naz Foundation writ shows how sexuality’s seeming threat to society is used to produce and affirm the role of the state. It is difficult to sidestep the state in the search for justice.

In the following years, writ petitions were filed for declaring ‘right to sexuality’, ‘right to sexual autonomy’ and ‘right to choice of a sexual partner’ to be part of the right to life guaranteed under Article 21 of the Constitution of India and further to declare Section 377 of the IPC unconstitutional. It was emphasized in the petitions that the rights of the LGBT community need to be recognized and protected, for sexual orientation is an integral and innate facet of every individual’s identity. The impact of sexual orientation of an individual’s life is not limited

to their intimate lives but also affects their familial, professional, social and educational life. Over the past few decades, there has been a growing trend toward de-criminalizing anti-sodomy laws, since such laws have been recognized to be violating human rights.

In 2017, the International Lesbian, Gay, Bisexual, Trans and Intersex Association noted in its Annual State sponsored Homophobia Report that 124 countries no longer penalize homosexuality. Relationships between same-sex couples have been increasingly accorded protection by States across the world. As per the Report mentioned above, a total of 24 countries now allow same-sex couples to marry, while 28 countries legally recognize partnerships between same-sex couples. Several countries have enacted enabling legislations which protect LGBT persons from discrimination and allow them to adopt children. Discrimination has been outlawed in employment, education, social protection and housing on the ground of sexual orientation (Aengus Carroll and Lucas Ramon Mendos, 2017, Ilga Annual State sponsored Homophobia Report, *A World Survey of Sexual Orientation Laws: Criminalization, Protection and Recognition*, 12<sup>th</sup> ed, pp. 26-36).

After years of struggle and movements across the country to build awareness around non-heterosexuality among the masses, it was declared by the Supreme Court of India on September 6<sup>th</sup>, 2018, that:

- Section 377 of the IPC, in so far as it criminalizes consensual sexual conduct between adults of the same sex, is unconstitutional.
- Members of the LGBT community are entitled, as all other citizens, to the full range of constitutional rights, including the liberties protected by the Constitution.
- The choice of whom to partner, the ability to find fulfillment in sexual intimacies and the right not to be subjected to discriminatory behavior are intrinsic to the Constitutional protection of sexual orientation.
- Members of the LGBT community are entitled to the benefit of an equal citizenship, without discrimination and to the equal protection of law.

(Supreme Court of India judgment of IPC Section 377, 2018, p 180)

It was an outcome of many years of struggle by individuals, collectives and organizations actively and passionately working from various parts of the country, with many dedicating their entire lives to this struggle. It was a moment of celebration and victory, of pride and dignity, of freedom and liberation. It was a moment of visibility that is aspired over all others and with this visibility comes the need to secure one's life.

The LGBT community may not be legal criminals any more from 6<sup>th</sup> September 2018, but social perception of non-heteronormative individuals being a public nuisance does not change with change of law- the fundamental reason behind that being, these individuals never really needed the law to be persecuted. Everyday persecution does not happen in the court, but happens in private and public spaces like one's home, school, workplace, streets, public transports, during regular social transactions and exchanges with families, friends/classmates, employers, colleagues, neighbours, teachers, police, healthcare professionals, fellow travelers and so on. Decriminalization of Section 377 gives one the power to resist violence, to uphold one's fundamental rights in the face of law, and not to undergo trial for being a legal criminal that the Act had made the individuals in the community to be. However, where does law cease to shelter amidst social persecution and what are the ways of protecting oneself from the violence that erupts from everyday living conditions?

**Research Objective:** The primary objective of this Pilot (quantitative) study is to understand the needs and requirements of LBT\*PAGFB (lesbian, bisexual and trans persons assigned gender female at birth) living in Kolkata and three other districts of West Bengal after de-criminalization of Section 377 of the IPC. We want to find out the significance that Section 377 held in their lives till before de-criminalization, the violence and discrimination that they have faced and if the reading down of the Section has brought any change in their lives. Acknowledging the fact that having law on one's side can be a source of great strength, especially when that support comes after a long history of struggle for one's basic human

rights, we feel it is important to evaluate the effects of this new recognition as free, equal citizens of a country with access to each fundamental right laid down by the Constitution. Most importantly, the Right to Privacy has been declared as a fundamental right, located within the context of natural, inalienable rights. These natural rights are deemed inalienable because they are inseparable from the human personality and cannot be taken away by the State or the Constitution. Through this quantitative study we want to find out the understanding of these newly-acquired, yet deeply existing rights of LBT\*PAGFB and on the basis of that understanding, begin to evaluate the needs and requirements of this particular community of individuals.

#### **Research Questions:**

1. What are the experiences of LBT\*PAGFB in their everyday interactions with specific social institutions?
2. What is the impact of de-criminalization of IPC Section 377 on the lives of LBT\*PAGFB individuals in city and district areas?
3. Based on the nature of impact, what are the needs and requirements of LBT\*PAGFB individuals currently?

We have looked at four broad areas- education, employment, health and violence in the public space. Our questionnaire has sought to address issues of self-awareness; discrimination from others; forms of violence; comfort and discomfort in certain spaces and in particular uniforms; inaccessibility to toilets; levels of awareness and sensitization in schools, workplaces, among medical professionals and in the public space. We have also tried to look at redressing mechanisms, their responses, availabilities and gaps in conceptualization and execution. Issues around mental health and sexual health have been studied. We have asked for suggestions from each respondent regarding introducing systems in schools to make those spaces safer and more comfortable for children with non-heteronormative gender and sexual expressions. We have tried to look at the problems around livelihood, getting employment, sustaining it, doing



well in it. Most of the respondents that we spoke to have worked in the formal sector, apart from those who are self-employed or have their own business. However, as the data will show, very few companies are LGBT-friendly or are invested in providing work opportunities for people from the community.

Most places, both in the private and in government sectors, are oblivious to non-heteronormative identities, their needs, problems, or rights. However, there is a global change in ways that several workplaces in the formal sector are adopting to establish themselves as LGBTQ-friendly, to employ people from the community and introduce equal opportunity policies. The process has started in India too, but it is long and does not get much support from either the state or the society. It is the duty of the government to ensure that individuals from the community can study, work, avail medical and legal facilities and use the public space with security and dignity. IPC Section 377 has been read down and it is the legal obligation of the state and the government to treat individuals from the community as equal and free citizens of the country.

This study addresses the past and the present situation in the areas of education, employment, health and the public space and has attempted to understand what needs to be done now that Section 377 has been read down. Since this is a Pilot study, we have created the base, providing all necessary data and related analysis, upon which further research can be carried out with different kinds of research questions and objectives.

#### **Long-term implication:**

The main purpose of this quantitative study is to understand and ensure sustainability of persons assigned gender female at birth (PAGFB) identifying as lesbian, bisexual and transmasculine (LBT) and bring out their true potential as equal citizens of this country for the first time after hundreds of years of marginalization and penalization. Based on the findings of this survey, similar studies across other districts can be conducted as part of future projects.

The following sections are divided into:

- Methodology
- Profile of respondents
- Education
- Employment
- Health
- Public space
- Conclusion
- Bibliography

## **Methodology**

This is a Pilot study for which we employed the Quantitative research methodology, used the survey research method for data collection and analyzed the data through the SPSS software. We did a thorough review of existing literature on violence in the four main aspects that we have looked at in this study- education, employment, health and public space. We looked at literature from both India and outside and built an understanding of existing policies and practices around inclusivity and rights of lesbians, bisexual women and transmasculine (LBT) individuals around the world. We also looked at literature on experiences of individuals in these spaces. Based on our review we designed a structured questionnaire that addressed existing rules, policies, practices, experiences of marginalization, violence and discrimination, efforts at building awareness, current laws in the country- their implementation or lack of it and the effects. We tested the questionnaire among people from the LBT community and thereafter started the survey among our sample population which consisted of 200 individuals across age, class, caste, religion, gender and sexual identities from Kolkata and its surrounding districts. Our questionnaire consisted of mainly multiple-choice questions and a few open-ended ones for suggestions.

We used the Purposive Sampling and the Snowball Sampling methods to find 200 respondents who identified as LBT\*PAGFB. In most cases we used to establish contact with our respondents

and fix a date for a face-to-face interview where we would ask the respondents the questions from the questionnaire and would fill it up with their answers, while some preferred to fill the questionnaire themselves. We preferred face-to-face interviews by which we could discuss and address any doubt that the respondents may have had regarding the questionnaire or our research method. We asked for their suggestions too, toward making the school and work spaces safer for the non-heteronormative individual. However, in some cases where it was not possible for the respondent to meet for a face-to-face interview because of distance or their busy schedules, we sent them the questionnaire via email or handed over the questionnaire physically and collected them once they were complete.

Once we collected all the data from the 200 respondents, we used the SPSS software to analyze it.

### **Limitations**

First, since our study aims to look at persons assigned gender female at birth, the survey generated challenges in the form of inaccessibility to a large number of these individuals. This happened because of sheer invisibilization of those identifying as lesbian, bisexual and transmasculine, especially in public spaces like educational institutes and spaces of work and health. We also feel it is important to mention that we had planned to keep a much larger sample size and cover more geographical space in order to have a wider respondent profile, but many LBT\*PAGFB refused to participate in the survey because of fear and anxiety of getting disclosed. Even though our questionnaire did not ask for anyone's name, the consent form that we had for every respondent required their name (given or chosen) and signature. Many did not feel comfortable with giving that out. It is true that Section 377 has been scrapped but as has been mentioned earlier, social persecution never needed a law, still does not need. The legal system has failed to provide dignity and security on several occasions and it is a risk that many consider not worth taking. It was also found, along with observing it as a limitation, that individuals in the non-heteronormative community rely on self-protection for self-preservation

much more than on police and legal agencies. Our fieldwork took longer than we had expected at the beginning. However, we finished it in good time before the lockdown for the Covid-19 pandemic began, as otherwise our study would have stalled or we would have had to finish the survey by other means.

Second, on many occasions we had to reschedule interviews more than once for unavoidable reasons arising on the sides of both the interviewers and the interviewees which also stretched the time that we had kept for fieldwork. However, it was satisfying for us that we could finally interview 200 people in spite of all the limitations and it could not have been possible without their cooperation. They gave us time, they filled the long questionnaire with patience, they shared their personal experiences and they helped in every possible way to complete the fieldwork.

Third, the majority of the respondents of this study are from urban or suburban backgrounds. It was not possible to establish contact with more people from rural backgrounds. If we could do that our findings could have been more diverse.

Fourth, the last three months of this study fell deeply within the beginning and continuation of the lockdown induced by the Covid-19 pandemic. The two of us who worked on this project had to entirely and solely depend on our phones for all sorts of communication and since much of the analysis ideally could have been done together, had to be completed separately. However, we worked systematically and even though the lockdown brought hindrances and challenges of various kinds, we finished the study.

## PROFILE OF RESPONDENTS

We have put out all the data that we collected through our survey. We had 200 respondents, but not every question has been answered by all. Reasons behind not responding are the individuals not finding the question applicable or relevant for them or choosing not to respond to it. There have also been multiple responses, so the percentages that have emerged are not exclusive but results of individuals choosing more than one option for themselves. Eg: If a certain percentage has said that they were thrown out of their houses by their families, the same percentage or a portion of it may also have said that they were confined, or beaten.

We have provided the profile of our respondents following which there are four sections that were covered through our questionnaire- education, employment, health and violence in the public space. A range of issues has been covered in this pilot study so that the data and the findings can be used for further research. We have corroborated the findings from our study with review of existing literature.

It was found that the majority age of the respondents was in the twenties and thirties, with the youngest respondent being 19 years old and the oldest being 57 years old.

### **Educational qualification (Proportion of respondents who have)**

Studied till class 12	10.1
Studied/studying after class 12 - Graduation	47.5
Studied/studying after Graduation - Masters	33.3
Studied/studying after Masters	8.6
Any other	0.5

In the above table one can see that the majority of the population, that is 47.5% have completed their school education and have pursued education afterwards. 33.3% are graduates and 8.6% have pursued education beyond graduation.

<b>Proportion of respondents who</b>	
Are government employees	6.5
Work in private jobs	23.6
Are self employed	12.1
Have own business	5.0
Are students	20.1
Do social work	3.0
Have multiple occupations	20.1
Are unemployed	6.0

The respondents are largely employed or are studying. Only 6% said they were unemployed. There are around 30% of them in government or private jobs and 17% work for themselves (they are either self-employed or have their own business). 20% of the respondents said they have multiple types of work, indicating that quite a few individuals juggle different work, along with education.

<b>Proportion of respondents who said they have the following gender identities</b>	
Woman	49.8
Man	7.1

Androgynous	1.0
Transman	18.8
Transgender	2.0
Gender queer	6.6
Gender fluid	3.0
Gender nonconforming	1.5
Woman & androgynous	2.0
Woman and fluid	2.5
Woman and nonconforming	2.5
Transman & fluid	0.5
Woman, androgynous, queer	0.5
Other	4.1

Of the 197 individuals who responded to this, 88% identified with a single identity- 49.8% identified as woman, 7.1% as man, 1% as androgynous, 18.8% as transman, 2% as transgender, 6.6% as genderqueer, 3.0% as genderfluid and 1.5% as gender nonconforming.

12% did not conform to a single identity- 4.1% did not or could not identify themselves among the categories provided and had their own concept of gender. 8% had multiple identities where one respondent may have identified as woman and androgynous, or as genderqueer and genderfluid.

Proportion of respondents who said they have the following sexual identities	
Lesbian	37.6
Bisexual	14.8
Gay	1.1
Queer	10.6
Pansexual	6.4
Heterosexual	12.2
Homosexual	7.9
Lesbian and Queer	1.6
Lesbian and Homosexual	1.1
Bisexual and Queer	1.6
Queer and Pansexual	1
Queer and Asexual	0.5
Other	3.7

Of the 189 individuals who responded to one's sexual identity, 37.6% have identified as exclusively lesbian, 14.8% as bisexual, 1.1% as gay, 10.6% as queer, 6.4% as pansexual, 12.2% as heterosexual, 7.9% as homosexual. Around 6% had more than one identity and 3.7% identified as none of the above.



### Proportion of respondents who have said they have the following sexual orientation

Exclusively homosexual	42.3
Primarily homosexual	12.0
Bisexual	16.0
Primarily heterosexual	6.9
Exclusively heterosexual	12.0
Asexual	1.1
Polyamorous	6.9
Fluid	10.3
Kink	4.6
Other sexual orientation	2.9

A question was asked regarding what the respondents thought about their sexual orientation based on their sexual practice. 42.3% said that they engaged in exclusively homosexual sexual practices, 16% identified their orientation as bisexual, 12% responded that they believed their sexual practice were exclusively heterosexual, 12% informed that their practice were primarily homosexual, 10.3% expressed that practices of sexual intimacies were fluid in nature, 6.9% said that they engaged in polyamorous sexual practices, 6.9% feel it is primarily heterosexual, 4.6% engage in kink while 2.9% did not identify with any of the practices mentioned above. 1.1% disclosed that they were asexual.

## DISABILITY

Yes	8.4
No	91.6

Of the 191 individuals who responded to the question on disability, 91.6% recorded as having no disability while 8.4% mentioned having some form of physical/mental hindrance to everyday functioning.

## GEOGRAPHIC LOCATION

Metro city	70.2
Metro suburb	15.2
Town	7.6
Small town	4.5
Village	2.5

In this study, according to the 198 individuals responding here, 70.2% are from a metro city (in this context, Kolkata), 15.2% are from metro suburbs, 7.6% are from towns, 4.5% are from small towns and 2.5% are from villages. As the data shows, majority are from urban and semi-urban areas. Caste, class, geography, gender, sex, and sexuality are essentially interrelated and simultaneously experienced.

The following sections include the four broad areas that the study has looked at.

## EDUCATION

According to the National Commission for Protection of Child Rights (NCPCR) draft guidelines (developed as Manual of Safety and Security of Children in Schools) for fixing accountability of school management: Rights of Children have been acknowledged in the Constitution of India under Fundamental Rights as well as Directive Principles of State Policy. Article 39(f) states, “Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment”. The rights are broadly categorized into four categories- survival, development, protection and participation. This makes the safety and security of children a collective responsibility of society. When a child is in school, it has the actual charge or control over a child, and if the school wilfully neglects the child in a manner likely to cause the child unnecessary mental and physical suffering, it may be treated as violation of Juvenile Justice Act, 2015. Hence the School Management has the responsibility of ensuring the safety of children in schools (p 182).

“School Safety” has been defined as creating a safe environment for children, starting from their homes to their schools and back. This includes safety from any kind of abuse, violence, psycho-social issue, disaster: natural and manmade, fire, transportation. Emotional safety is especially important because it is often difficult for teachers and parents to detect emotional problems and difficulties in children. Bullying can cause victimized students to suffer from lower self-esteem and daily stress about their well-being.

The data derived from the survey have been illustrated below:

### Identification as non-heteronormative in school

Yes	51.3
No	33.5

Can't say	15.2
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51.3% of the respondents identified as non-heteronormative in school, 33.5% said they did not, and 15.2% could not confirm. By non-heteronormative they meant that they did not conform to heteronormative expressions of gender roles, gender practices and sexual desires. Although many individuals, especially who identify as transman and man, respond to their sexual orientation as heterosexual, they do not identify as heteronormative.

#### **Confusion regarding gender-sexual identity in school**

Yes	44.5
No	49.5
Can't say	5.0
Don't want to respond	1.0

44.5% said they were confused about their gender-sexual identity in school, 49.5% said they were not, 5% could not confirm and 1% did not want to respond.

#### **Overall school experience**

Excellent	32.7
Above average	27.0
Average	20.4
Below average	10.7
Very poor	9.2

32.7% of the respondents said they had an excellent experience at school, 27% said their experience was above average, 20.4% said it was average, 10.7% said it was below average and 9.2% said it was very poor.

#### **Overall college experience**

Excellent	29.4
Above average	22.3
Average	22.3
Below average	13.2
Very poor	7.1

Of those who have had an experience with college or are currently in college, 29.4% have described the experience as excellent, 22.3% have said it is above average, 22.3% have said it is average, 13.2% mention it as below average and 7.1% have remembered it as very poor.

#### **Disclosure of sexual identities in school**

Yes	49.5
No	50.5

49.5% of the respondents said they disclosed their gender-sexual identity in school. 50.5% said that they did not actively disclose their identity, but many among them revealed that others in school already knew and they did not have to tell anyone separately. As one respondent commented, "Everybody knew anyway". It shows that a large number of children actually know about non-heteronormative identities, so it is necessary that the school deals with this knowledge sensitively and with dignity. Knowledge must not lead to more bullying and discrimination, but should be channelized to promote respect and pride for all.

### Response in School

Positive	62.6
Negative	16.2
Indifferent	14.1
Mixed	7.1

62.6% of the respondents said that disclosure of their gender-sexual identity received a positive response in school, 16.2% faced a negative response, 14.1% said that others were indifferent to their identity and 7.1% said that the reactions that they got in school were a mix of positive and negative.

### Reasons for not disclosing gender-sexual identity in school

Did not feel the need to disclose	23.9
Had fear and anxiety	25.0
Had previous negative experience	5.4
Heard from others about negative experience	6.5
Did not have proper understanding of gender and sexuality	62.0

Of those who did not disclose their gender-sexual identity in school, when asked why, 23.9% did not feel the need to disclose, fear and anxiety at the thought of disclosing were felt by 25%. 5.4% said they had a previous negative experience after disclosing, 6.5% said they had heard stories of negative experiences from others when they had disclosed, 62% did not disclose because they did not have the understanding of gender and sexuality themselves, and 17.4% said they had other reasons for not disclosing.

It must be remembered that these reasons are not exclusive to these percentages but are results of multiple responses.

### Disclosure of gender-sexual identity in college

Yes	63.8
No	36.2

63.8% of the respondents who went to college disclosed their gender-sexual identity to at least someone in college while 36.2% did not. In case of college too, much like school, not everyone had to officially come out, but it was known to more or less everyone. As one respondent commented, “I did not disclose, but it was not a secret either”.

### Violence in School

Yes	35.2
No	62.7
Can't Say	1.6
Don't want to respond	0.5

For our question on violence faced in school- which involved physical, mental and sexual violence- 35.2% (68 respondents) said they faced violence in one form or the other. 62.7% said they did not face any violence in school. 1.6% said they could not respond to this question while 0.5% said they did not want to respond.

### Violence faced from who

Teachers	17.4
Friends	14.1
Classmates	19.0
Other students	12.0
School authorities	7.6

Of the 35.2% of the respondents who have faced violence in school, 17.4% have faced violence from teachers because of their non-heteronormative gender-sexual expressions, 14.1% have faced violence from friends, 19% have faced it from classmates, 12% from other students (not necessarily in one's class, can be seniors and juniors) and 7.6% from school authorities.

### **Physical violence in school**

Beating	3.7
Expelled	2.1
Pulled by hair	2.6
Belongings damaged	5.3
Pushed violently	3.7
Other ways	3.2

Among physical violence that the respondents faced in school, 3.7% have faced beating in school, 2.1% have been expelled, 2.6% said they were pulled by their hair, 5.3% mentioned that their belongings had been damaged, 3.7% have been pushed violently, and 3.2% have faced physical violence in ways other than the options that were given to the respondents.

### **Mental Violence in School**

Bullied	17.4
Used humiliating adjectives	20.6
Silent hostility	17.9
Controlling and compelling	9.5
Name-calling	16.8



Intimidated	10.0
Denial of sexuality	10.0
Taunting	18.4
Faced derogatory remarks	14.7
Verbal abuse	7.9
Allegation of mental illness	16.8
Ridiculed	20.0
Intentionally humiliated	14.2
Blackmailed	4.7
Threatened to be expelled	7.4
Scolded	13.2
Neglect of privacy	13.2
Disclosure of sexuality without consent	8.4

“Mental harassment”, according to the NCPCR draft guidelines, is any non-physical treatment that is detrimental to the psychological wellbeing of a child. Among the different kinds of mental abuse that children with non-heteronormative gender-sexual identity and expressions faced, 17.4% said they were bullied in school, 20.6% reported that humiliating adjectives had been used against them, 17.9% faced silent hostility, 9.5% said that others tried to control their actions, 16.8% faced name-calling, 10% complained of being intimidated because of their expressions, 10% said their sexuality were denied, 18.4% faced taunting, 14.7% said derogatory remarks were thrown at them, 7.9% faced verbal abuse, 16.8% were charged with allegations of mental illness, 20% were ridiculed in school, 14.2% were intentionally humiliated, 4.7% said that they were blackmailed, 7.4% said they were threatened of being expelled from school,

13.2% complained of being scolded, 13.2% said that their privacy had been neglected, and 8.4% said that their sexual identity had been disclosed by others without their consent.

### **Sexual Violence in School**

Sexual comments	14.2
Gender-based insults	12.6
Derogatory sexual language	6.3
Songs and gestures with sexual content	5.3
Sexual jokes	6.8
Unwanted sexual touching	6.3
Sexual violation of privacy	3.7
Others	2.1

14.2% of the children were thrown sexual comments and 12.6% faced gender-based insults in school. 6.3% said that others used derogatory sexual language to speak to them and 5.3% said that songs and gestures with sexual content were used for them, 6.8% said that others had made sexual jokes against them, 6.3% said they faced unwanted sexual touching, 3.7% said they faced some form of sexual violation of privacy and 2.1% said that they experienced sexual violence in ways apart from the options given to them.

Ministry of HRD, Department of School Education and Literacy have issued detailed guidelines for implementation of section 8 and 9 of the RTE Act which inter alia provides that: The school shall prohibit all persons and authorities of the school from harassing or victimizing any child belonging to weaker section and disadvantaged group (NCPCR Draft Guidelines p 40).

### **Inform school authorities**

Yes	13.0
No	87.0

Of the 35.2% who have faced physical/mental/sexual violence in school, 13% (8 respondents) have informed the school authorities, while 87% (60 respondents) did not inform in spite of facing violence.

#### **Reason for not informing school authorities after facing violence**

Did not feel the need to	21.7
Fear and anxiety	58.3
Previous negative experience	11.7
Stories of others' negative experience	10.0
Lack of self-understanding of gender and sexuality	33.3
Others	21.7

When the 60 respondents were asked why they did not inform the school authorities when they faced violence in school, 21.7% said that they did not feel the need to inform school authorities, 58.3% said they felt fear and anxiety in approaching them, 11.7% said they had previous negative experience while reporting, 10% said they heard stories of negative experience from others when they had reported, 33.3% said they lacked self-understanding of their gender and sexuality to be able to express the violence to higher authorities, 21.7% said they had other reasons for not informing.

#### **Whether matter was resolved in school**

Yes	25.0
No	75.0

Of those who had reported violence in school to higher authorities, 25% said that the matter was resolved in school while 75% mentioned that it remained unresolved.

### **Grievance Redressal Committee in school**

Yes	5.7
No	81.2
Don't know	13.1

5.7% of the respondents said that their schools had a Grievance Redressal Committee, although it must be noted that many times the respondents meant that they actually approached teachers because a formal committee did not exist. 81.2% said that their schools did not have any formal committee to address students' grievances and 13.1% said that they were unaware of the existence of any such committee.

As per Clause D of functions of School Management Committee/Parents Teachers Association in the Manual on Safety and Security of Children in School (p 186), "All schools must constitute a Grievance Committee for Child Sexual Abuse within a month of beginning of every academic year. The Committee and school staff should be oriented about their role under Section 19 of POCSO Act 2012, that is mandatory reporting of offence".

### **Violence in College**

Yes	21.5
No	71.5
Can't say	1.6
Don't want to respond	1.1

Of those who have been to college or are currently in college, 21.5% reported that they have faced violence in college because of their non-heteronormative gender-sexual identity and expressions, 71.5% said they have not, 1.6% mentioned they could not respond to it and 1.1% did not want to respond to it.

### **Grievance Redressal Committee in College**

Yes	18.6
No	58.2
Don't know	21.5

Of those who went to college or are currently in college, 18.6% said that their college had a Grievance Redressal Committee while 58.2% informed that no such committee existed and 21.5% said they did not know whether any such committee existed.

### **Counsellor in School**

Yes	15.0
No	77.7
Don't know	7.3

15% of the respondents said that their schools had a counsellor who one could approach, 77.7% mentioned there were no such counsellors while 7.3% said they were not aware of any counsellor's presence.

According to the NCPCR Draft guidelines (p 53), at secondary and senior secondary stages, at least twenty sessions of psychological counselling must be provided to every student in an academic session. Parents and teachers may also be involved in such sessions.

### **Counsellor in College**

Yes	17.0
No	66.5
Don't know	13.8

17% of those who went to college or are currently in college said that their colleges had a counsellor who one could approach, 66.5% said there were no such counsellors and 13.8% said they did not know.

#### **Workshops by mental health professionals in school**

Yes	4.1
No	92.3
Don't know	3.6

4.1% of the respondents said that mental health professionals (MHP) were invited by their schools to arrange workshops on gender and sexuality for the students. 92.3% recollected that no such initiatives were taken by the school and 3.6% said they were unaware of any such arrangement.

As per NCPCR Guidelines (p 57) on Eliminating Corporal Punishment in Schools by NCPCR, the school should have a clear protocol to guide teachers about which situation needs assessment and intervention by a school counselor and which one needs immediate intimation to higher authorities at school and the parents. Also, the school counselor should be allowed to hold workshops with the students in different classes from time to time without the presence of teacher and staff. Besides having in-house counselors, the students and their parents should have the liberty to approach reputed counselors/mental health professionals to be empanelled by the school. The school should also invite reputed mental health professionals to hold workshops for its students and teachers.

#### **Workshops by mental health professionals in college**

Yes	11.2
No	77.7
Don't know	9.0

11.2% of the respondents who have been to college said workshops by mental health professionals were organized by their colleges, 77.7% said no such events happened and 9% said they did not know.

#### **Teachers' sensitization program in school**

Yes	1.6
No	91.2
Don't know	7.3

1.6% of the respondents said that programs to sensitize teachers about gender and sexuality were arranged in school, 91.2% disclosed no such sensitization programs were arranged and 7.3% said they did not know if any such events were ever organized.

It is necessary that during the formative periods of their schooling, students are sensitized about human rights, democratic values, respect for diversity and equality, and respect for privacy and dignity of others. Schools must take initiative to conduct activities to educate and develop the understanding of students, staff and parents about the problem and effects of bullying. It is essential that schools take initiatives to provide Adolescence Education, Values Education, Human Rights, Gender Sensitivity and Awareness (NCPCR Draft Guidelines p 43).

#### **Anti-bullying initiatives in school**

Anti-bullying committee	4.5
Anti-bullying program	3.4
Anti-bullying workshop	1.7
Others	7.3

4.5% of the respondents mentioned that their school had some form of anti-bullying committee. 3.4% said their school had arranged some anti-bullying program. 1.7% of the respondents reported that anti-bullying workshops had been arranged by their school. 7.3% of the respondents said that other forms of anti-bullying efforts were taken by the school, which mostly meant teachers addressing such issues.

As per Clause E of functions of School Management Committee (SMC)/Parents Teachers Association (PTA) in the Manual on Safety and Security of Children in Schools: “An anti-bullying committee may be constituted in school comprising of Vice Principal, Senior teacher, School Doctor, Counsellor, SMC/PTA representative, School Management representative, Legal representative, peer educator” (p 186).

As per Clause I: “The member of SMC/PTA who is part of Anti-Bullying Committee to develop bullying prevention program and create awareness” (p 187).

As per Clause J: “To identify the current safety and security measures within the schooling system and identify the gaps therein” (ibid).

However, as Shukla (2017) has pointed out that no school policy addresses bullying. When they report to their teachers, the teachers also blame them. Even though sometimes they assure to take action, they do not. Therefore, in order to protect themselves, the participants confine themselves to safe spaces, avoid hostile places, ignore the violence and stay silent, try to date a person of the opposite sex. “What helps them is when they accept themselves: conversations with supportive staff and parental figures who tell them that it is not them that is in the wrong” (ibid: 29).

#### **School’s treatment of non-heteronormative gender-sexual expressions negatively affecting performance**

Yes	32.8
No	55.2
Can’t say	12.0



32.8% of the respondents reported that their school's treatments of the students' gender-sexual non conformity had negatively affected their performances in school.

"Discrimination" (according to the NCPCR draft guidelines) is understood as prejudiced views and behaviour toward any child because of their caste/gender, occupation, religion.

#### **Impact of negative effect**

Lack of confidence	24.7
Lack of concentration	22.9
Discomfort in approaching teachers	20.5
Anxiety	22.9
Depression	22.3
Low participation in extra-curricular activities	10.3
Non participation in extra-curricular activities	9.1
Feeling of having no friends	18.7
Feeling of isolation	24.1
Others	5.4

24.7% expressed they felt lack of confidence as a result of their school's approach toward them because of their gender-sexual non-conformity. 22.9% said they suffered from lack of concentration, 20.5% disclosed they felt discomfort in approaching teachers in school, 22.9% said they faced anxiety, 22.3% said they suffered from depression in school, 10.3% informed that their participation in extra-curricular activities was low, 9.1% said they did not participate in any extra-curricular activities in school, 18.7% expressed they felt they had no friends, and 24.1% said they felt isolated in school. 5.4% said there were other effects of their schools' treatment of their expressions.

Section 13(1) of the West Bengal Commission for the Protection of Child Rights (CPCR) 2005 Clause E mentions: “Look into the matters relating to children in need of special care and protection, including children in distress, marginalized and disadvantaged children and recommend appropriate remedial measures” (see <http://wbcpcr.org/functions-powers.php>).

#### **Parents’ involvement in school**

Very high	2.8
High	2.8
Medium	6.7
Very low	6.1
Not involved	70.4
No issues	11.2

70.4% of the respondents mentioned that when they were students, their parents were not involved in any matters related to gender and sexuality in school. 11.2% said they did not face any issues.

#### **Comfort with washroom in school**

Very comfortable	27.0
Comfortable	37.0
Neutral	18.0
Uncomfortable	9.5
Very uncomfortable	8.5

27% of the respondents said that they were very comfortable with the washrooms that they were asked to use in school, 37% said they were comfortable, 18% said they were neutral about their feelings, 9.5% said they were uncomfortable and 8.5% said they were very uncomfortable.

### **Washroom of choice**

Yes	54.1
No	35.7
Can't say	10.3

54.1% of the respondents said that the washrooms that they used were of their choice while 35.7% said they were not. 10.3% were not sure if they were washrooms of their choice.

### **Gender-sexual identity matter of discussion in school**

Yes	35.4
No	51.3
Can't say	13.3

51.3% (69 respondents) of the respondents who answered this question said that their gender-sexual identity and expressions were not matters of discussion in school while 35.4% said that they were. 13.3% said they were not sure about this.

### **Nature of discussion in school**

Positive	8.1
Negative	62.2
Indifferent	18.9
Both	10.8

Of the 35.4% who mentioned that their gender-sexual expressions were discussed in school, 62.2% (46 respondents) reported that they were discussed negatively, 18.9% disclosed that the school was indifferent, 8.1% said the discussions happened in a positive light while 10.8% said the discussions were a mix of positive and negative.

#### **Comfort with uniform**

Very comfortable	14.9
Comfortable	22.1
Neutral	21.0
Uncomfortable	15.4
Very uncomfortable	26.2

14.9% of the respondents were very comfortable with their school uniform, 22.1% were comfortable, 21% were neutral about it, 15.4% were uncomfortable and 26.2% were very uncomfortable with wearing their uniform.

#### **Uniform of choice**

Yes	26.3
No	66.0
Can't say	7.7

66% said that the uniform that they were asked to wear in school were not of their choice, 26.3% said they were clothes of their choice and 7.7% were unsure.

#### **Impact of wearing allocated school uniform**

Disinterest toward school	22.5
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Non-participation in school programs	41.0
Spoken to school authorities	12.7
Spoken to parents	8.7
Changed school	3.5
Stopped going to school	3.5

Of the 173 respondents who answered this question, 22.5% said their uniform led to disinterest toward going to school, 41% said they did not participate in school programs if asked to wear saree, 12.7% said they had spoken to school authorities regarding possibilities of wearing something else, 8.7% had spoken to their parents about the discomfort that they faced with the uniform, 3.5% said they changed their school because of the uniform and 3.5% said they had stopped going to school.

Almost 40% of the respondents mentioned that they did not feel comfortable wearing their uniform, 66% said that the uniform that they were asked to wear were not of their choice and there were various effects of wearing the uniform to school every day.

#### **Teachers' sensitization program in college**

Yes	3.1
No	79.7
Can't say	14.6

79.7% of the respondents said that their college did not arrange any sensitization programs for teachers regarding gender and sexuality while 3.1% said their colleges had arranged for such programs. 14.6% said they did not know.

### Stayed in hostel

Yes	28.9
No	71.1

28.9% of the respondents (57 individuals) had stayed in hostels while 71.1% had not.

### Violence in hostel

Physical	0
Mental	30.9
Sexual	0

Of the 26.3% who faced violence while staying in hostel, 30.9% said they faced mental violence.

### Analysis:

44.5% said they were confused about their gender-sexual identity in school and it is the school's responsibility to ensure that children who are already confused about who they are, who cannot share their desires, trauma and experiences even with their closest friends on many occasions, who cannot and do not identify with the heteronormative identities and structures around them, are not further bullied. 62% did not disclose their gender-sexual identity in school because they did not have the understanding of gender and sexuality themselves.

Because we live in a heteronormative society, our concepts of gender, sexuality, sexual desire and orientation are also formed around heteronormativity. The moment the child realizes that it is different in case of them, there is a sense of fear. And because these identities are not unknown to all but laden with stigma, taboo, judgments and assumptions, the child develops a phobia themselves and tries to suppress their desires and expressions as much as possible, simply because of the tremendous fear of being labelled. The child starts believing that having a non-heteronormative identity and related expressions are wrong and it is important to change it, that it is essential to become heterosexual and heteronormative. The child spends a

significant time of their everyday in school and much of their realities are formed upon their experiences there. Hence, it must be guaranteed that the school makes it a safe space for every single student irrespective of their identities, and the most crucial requirement for this is awareness among teachers, school authorities, all students, security guards, helpers, bus drivers and conductors.

Shah, Mahajan, Raj and Nevatia (2013: 1) say that the education system often ends up alienating and punishing those who resist regulation. But it is important for all PAGFB to achieve economic independence, for which education is necessary. They further mention that “an interrupted education means greater vulnerability because it limits career opportunities. This gets compounded by further economic and social displacement when an individual is forced to run away from home due to violence from family or in school around their gender and sexuality” (ibid: 56).

Our data on violence faced in school shows that a significant number of respondents (35.2%) have faced violence of some form in school, mainly mental violence. The perpetrators of those violence have been teachers, friends, classmates, other students and the school authorities themselves. 87% of those who faced violence in school did not report it and there are various reasons behind it, an important one being that the perpetrators were teachers and school authorities themselves. As one of our respondents narrated, “They were the violators”. 58.3% of those who did not report the violence mentioned fear and anxiety. Of the 13% who did report the violence, 75% expressed that the matter had remained unsolved.

Ranade (2018: 78) has pointed out that school is a major site of homophobic name-calling, bullying and labelling. Sexual minority people face lack of support from teachers and experience more victimization and isolation. Ranade refers to Nevatia who has talked about a study from India, focusing on lived realities of queer persons that found schools to be both an escape from the hostile, and often violent, family environment, as well as a violently normativizing institution that enforced strict norms of gender and sexuality (Nevatia et al. 2012).

32.8% of the respondents also revealed that how their school had responded and reacted to their gender-sexual expressions had also negatively affected their performances in various ways, while 12% could not be sure. These negative effects were never addressed by the school and they remained in the memories of the respondents. These were facts exclusive to them only because their gender-sexual expressions were not heteronormative.

70.4% of the respondents disclosed that their parents were not involved in any matter related to their children's gender and sexual identities or their expressions in school. It shows that neither the teachers nor the parents addressed these matters and the children at a very sensitive age were left to protect themselves.





## EMPLOYMENT

This section looks at employment and livelihood among our respondents. It has attempted to address safety and security, awareness, discrimination, forms of violence, inaccessibility, invisibilization and challenges that LBT\*PAGFB face in their workplaces. Data from the survey have been put out and arguments have been corroborated with some existing literature.

### Disclosure of gender-sexual identity at workplace

Yes	49.7
No	42.9

Of those who have had some work experience, 49.7% said that they have disclosed their gender-sexual identity at their workplace while 42.9% said that they have not.

### Response at workplace

Positive	53.0
Negative	14.5
Indifferent	18.1
Mixed	14.5

Of those 49.7% of the respondents who have disclosed their identity at their workplace, 53% said that response from their colleagues and others at their workplace after their disclosure were positive. 14.5% said the response was negative, 18.1% said others were indifferent to their disclosure while 14.5% said that response from others was a mix of positive and negative.

### Reasons for not disclosing

Did not feel the need to	48.3
Fear and anxiety	45.0
Previous negative experience	16.7
Stories of negative experience from others	16.7
Others	18.3

We asked those who did not disclose their identity at their workplace (70 respondents) what their reasons were to which 48.3% said they did not feel the need to disclose their gender-sexual identity at their workplace, 45% informed that they felt fear and anxiety at the thought of disclosing their identity, 16.7% said they themselves had a negative experience after disclosing their identity at other workplaces, 16.7% said they had heard stories of negative experiences from others after they had disclosed and 18.3% said that they had other reasons for not disclosing.

### Rejected during interview

Yes	10.1
No	73.4
Can't say	16.6

10.1% of the respondents said that they have been rejected at job interviews because of an assumption of their gender-sexual identity, 73.4% said that their identities were never a reason, while 16.6% could not be sure if their rejection at any interview happened because of an assumption of their identity.

### **Skill development**

Yes	61.3
No	20.0
Can't say	18.7

61.3% of the respondents said that they would want to undergo training in skill development for prospects of getting better jobs.

### **Anxiety while going to work**

Yes	20.4
No	69.7
Can't say	2.6

20.4% of the respondents (31 individuals) said that they face anxiety while going to their workplace.

### **Reasons causing anxiety**

Ongoing negative experience	48.3
Fear of being ridiculed/penalized/labelled	44.8
Previous negative experience	31.0
Others' negative experience	10.3
Others	37.9

When the 31 individuals were asked what causes anxiety while going to their workplace every day, 48.3% said it is because of ongoing negative experience. 44.8% said their anxiety is induced by fear of being ridiculed/labelled/penalized. 31% said their anxiety is caused by their own previous negative experience. 10.3% said it is by listening to stories of negative experience from others and 37.9% said their anxiety is caused by factors apart from these.

### **Differential treatment at work**

Yes	36.6
No	47.0
Maybe	16.5

36.6% of the respondents (60 individuals) informed that they have been treated differently at their workplace because of their gender-sexual identity while 16.5% (27 respondents) mentioned that it may have happened.

### **Seen/heard others facing differential treatment at work**

Yes	67.7
No	24.4
Maybe	7.9

67.7% (111 respondents) said that they have seen/heard others being treated differently at their workplace because of their gender-sexual identity while 7.9% (13) remarked that it may have happened.

### **Violence at workplace**

Yes	33.8
No	66.2

33.8% (54 respondents) of those who have worked or are currently working have reported facing physical/mental/sexual violence at their workplace because of their gender-sexual identity.

### **Violence from who**

Employers	7.4
Colleagues	23.6
Others	5.4

7.4% have faced violence from their employers, 23.6% have faced violence from their colleagues and 5.4% have faced violence from others at the workplace.

### **Mental violence at workplace**

Bullied	15.6
Use of humiliating adjectives	26.2
Silent hostility	18.8
Controlling actions	9.4
Name-calling	11.2
Intimidated	4.4
Denial of identity	9.4
Taunting	18.1
Use of derogatory remarks	15.0
Verbal abuse	4.4
Intentional humiliation	14.4
Ridiculed	18.8
Allegation of mental illness	9.4
Violation of privacy	12.5
Disclosure of identity without consent	11.9
Others	5.6

15.6% have been bullied at their workplace because of their gender-sexual identity, 26.2% said that humiliating adjectives were used against them, 18.8% expressed that they faced silent hostility from others, 9.4% stated that their actions were controlled by others, 11.2% had to face name-calling, 4.4% reported being intimidated, 9.4% said that their identity was denied by others even after them disclosing it, 18.1% remarked that they were taunted by others at their workplace, 15% said that others had made derogatory remarks at them, 4.4% reported that they were abused verbally, 14.4% complained that they were intentionally humiliated, 18.8% said that they were ridiculed, 9.4% said that allegations of mental illness were thrown at them, 12.5% said that their privacy was violated, 11.9% reported that their sexual identity was

disclosed to others without their consent, 5.6% have faced other forms of mental violence apart from these.

#### **Sexual violence at workplace**

Sexual comments	10.6
Gender-based insult	9.4
Sexual language	6.9
Humiliating songs and gestures	5.0
Sexual jokes	10.6
Unwanted sexual touching	3.1
Violation of privacy	6.2

10.6% said that others had made sexual comments at them, 9.4% talked about others making gender-based insults at them, 6.9% recounted sexual language being used against them, 5% said that humiliating songs and gestures were made at them, 10.6% disclosed that sexual jokes were made at them, 3.1% said that they were on the receiving end of unwanted sexual touching, 6.2% mentioned there had been other acts that had violated their privacy.

#### **Inform authorities regarding violence at workplace**

Yes	28.1
No	71.9

Of those who had faced violence of some form or other at their workplace, 28.1% had reported the violence to authorities while 71.9% did not.

#### **Reasons for not informing authorities**

Did not feel the need to	35.0
Fear and anxiety	42.5
Others	38.5

Of the 71.9% (41 respondents) who did not report violence to the authorities in spite of facing violence, when asked why, 35% said they did not feel the need to inform, 42.5% disclosed that they felt fear and anxiety at the thought of informing the authorities and 38.5% said they had other reasons for not informing.

#### **Safety at workplace**

Very safe	21.3
Safe	30.0
Neutral	30.0
Unsafe	13.3
Very unsafe	5.3

Of the 150 respondents, when asked how safe they felt at their workplace, 21.3% said they felt very safe and 30% said they felt safe. 30% felt neutral about it. 13.3% expressed that they felt unsafe while for 5.3%, workplace felt very unsafe.

#### **Safety with clients for business persons and freelancers**

Very safe	17.4
Safe	38.4
Neutral	32.6
Unsafe	7.0
Very unsafe	4.7

Most respondents who have their own business or are self-employed, said that they felt safe with their clients. 32.6% felt neutral, 7% informed that they felt unsafe and 4.7% said they felt very unsafe.

#### **Negative impact of experiences at workplace**

Yes	31.1
No	48.5

Maybe	16.5
Can't say	3.7

Of the 164 respondents who answered, 31.1% (51) reported that their experiences at workspace regarding their gender-sexual identity had a negative impact on their performance. 16.5% (27) said that it could have a negative impact but they were unsure while 3.7% (6) were unable to disclose.

#### **Effects of experience at workplace**

Lack of confidence	21.1
Lack of concentration	17.7
Discomfort while interacting with colleagues	26.5
Anxiety	21.1
Depression	18.4
Low participation in collective events	17.2
Non participation in collective events	6.2

Of the 145 individuals who responded, 21.1% (31) said that they feel lack of confidence, 17.7% (26) claimed they suffer from lack of concentration, 26.5% (39) reported that they feel discomfort while interacting with their colleagues, 21.1% (31) expressed that their experience has led to anxiety around their workplace, 18.4% (27) remarked that they have been depressed since their experience, 17.2% (25) disclosed that their participation in collective events is low and 6.2% (9) responded saying that they do not participate in collective events at all.

#### **Fear losing job**

Yes	31.8
No	57.3
Can't say	10.8



Of the 157 individuals who answered, 31.8% (50) of the respondents who have had work experience fear losing their job because of their gender-sexual identity and expressions while 10.8% (17) said they could not be sure.

#### **Consequences of assumption of gender-sexual identity by employers**

Fired	3.4
Not hired	8.7
Not promoted	6.7
Given warnings	5.4
Blackmailed	2.7
Denied better work assignments	13.4
Denied salary increase	6.7

Of the 149 individuals who responded to this, 3.4% (5) respondents were fired because of their identity. 8.7% (13) were not hired for jobs because of their non-heteronormative gender-sexual identity and expressions. 6.7% (10) were not promoted. 5.4% (8) were given warnings. 2.7% (4) were blackmailed, 13.4% (20) were denied better work assignments because of their gender-sexual identity. 6.7% (10) were denied salary increase.

Levine and Leonard (1984) have mentioned that gay men and lesbians have repeatedly claimed that they were fired, not hired, or not promoted because of their sexual orientation. Some conservatives and religious fundamentalists justify employment discrimination on the basis of Biblical teaching and stereotypical misconceptions, arguing that homosexuals are sinners, sufferers of mental illness, child molesters. More sophisticated opponents argue that the evidence supporting lesbian and gay claims of discrimination is not conclusive, consisting mainly of “personal statements by individuals concerning specific cases” (1984: 72).

#### **Considered changing job**

Yes	38.3
No	61.7

Of the 154 individuals who answered, 38.3% (59) of the respondents have considered changing their jobs because of their experiences at their workplace.

#### **Emotional and legal support at workplace**

Yes	28.4
No	47.3
Don't know	24.3

28.4% reported that there is/was provision to get emotional and legal support at their workplace in case of harassment and discrimination on the basis of gender and sexuality, while 47.3% informed that there were no such facility and 24.3% said that they were unaware.

#### **Change in treatment at workplace post reading down of Section 377**

Yes	33.6
No	46.3
Can't say	20.1

33.6% (50) of the 149 individuals who responded to this disclosed that after IPC Section 377 was read down, there has been a change in treatment from colleagues at their workplace.

#### **Nature of change in treatment at workplace**

Positive	66.1
Negative	16.1
Indifferent	12.5
Mixed	5.4

66.1% (37) of the 56 individuals who responded to this said that since IPC Section 377 was read down, there has been a positive change at their workplace, 16.1% (9) remarked that the change was negative and 12.5% were not sure.

### Special scheme for transpeople

Yes	7.7
No	71.0
Don't know	21.3

### Schemes for transpeople

Skilling and training	1.8
Medical benefits	6.2

7.7% (12) of the 155 individuals who responded mentioned that their workplaces have special schemes for transpeople of which 1.8% (2) said that under special schemes, skilling and training are offered to trans people. 6.2% (7) have said medical benefits are offered for them.

### ICC at workplace

Yes	31.0
No	50.7
Don't know	18.3

31% (44) of the 142 respondents said that their workplace has an Internal Complaint Committee (ICC).

### Sexual harassment cell at workplace

Yes	33.3
No	47.9
Don't know	18.8

33.3% (48) of the 144 respondents said their workplaces have a sexual harassment cell, 47.9% (69) said they did not, while 18.8% (27) mentioned they did not know.

#### **Awareness programs by mental health professionals at workplace**

Yes	11.5
No	79.7
Don't know	8.8

79.7% (118) of the 148 respondents declared that their workplace did not arrange any awareness programs by mental health professionals for gender and sexuality, 11.5% (17) said such events were organized while 8.8% did not know.

#### **LGBT quota at workplace**

Yes	3.4
No	5.5
Don't know	91.0

91% (132) of the 145 individuals who responded mentioned that their workplace did not have any quota for LGBT, 3.4% (5) said they did, while 5.5% (8) were unaware.

#### **Same-sex partner recognition at work**

Yes	16.9
No	58.5
Don't know	24.6

58.5% (83) of the 142 respondents said that their same-sex partners are not recognized at work, 16.9% (24) mentioned they were and 24.6% (35) did not know.

#### **Equal opportunity policy at workplace**

Yes	19.7
No	56.9
Don't know	23.5

56.9% (78) of the 137 respondents remarked that their workplace did not have any equal opportunity policy, 19.7% (27) mentioned they did, and 23.5% (32) did not know.

### Gender-neutral adoption leave

Yes	13.5
No	57.1
Don't know	29.3

13.5% (18) of the 133 respondents reported that their workplace had options for gender-neutral adoption leaves.

### Active trans-hiring efforts at workplace

Yes	7.5
No	64.9
Don't know	27.6

64.9% (87) of the 134 individuals mentioned that their workplace did not engage in any active trans-hiring efforts, 7.5% (10) said they did and 27.6% were unaware.

### Sensitization of employees

Yes	16.4
No	69.4
Don't know	14.2

69.4% (93) of the 134 reported that their workplace did not arrange programs to sensitize their employees in aspects of non-heteronormative gender and sexual identities. 16.4% (22) said such sensitization programs were arranged and 14.2% said that they were not aware.

### Restroom infrastructure

Yes	21.3
No	75.0
Don't know	3.7

75% (102) of the 136 respondents mentioned that there was no proper restroom infrastructure at their workplaces for all gender identities. One respondent who worked in a hospital commented, "We had gender-neutral toilets but no trans-friendly wards".

### Financial support for transitioning

Yes	5.9
No	65.2
Don't know	28.9

65.2% (88) of the 135 respondents said their workplace did not financially support individuals if they were undergoing gender affirmative therapies, 28.9% (39) mentioned that they did not know if provision of such support existed, while 5.9% (8) stated that financial assistance was provided by their offices.

### Advocacy of trans-related policies

Yes	7.4
No	76.5
Don't know	16.2

76.5% (104) of the 136 respondents declared that their workplaces did not advocate for any trans-related policies within office premises or outside. 7.4% declared that such advocacy took place and 16.2% were unaware.

### Preferred name and pronoun used at workplace

Yes	35.0
No	31.4
Haven't tried	33.6

Of those who do not go by their birth name (deadname) but have taken up a new name, 35% said that their preferred name and pronoun were used at their workplaces, while 31.4% reported that they were not and 33.6% have not tried.

### Misgendering in office

Yes	19.6
No	80.4

19.6% declared that they had to experience misgendering in office despite telling others of their preferred name and pronoun, which means that they are still referred to and addressed by their deadnames.

#### **Comfort with washroom at workplace**

Very comfortable	23.1
Comfortable	46.9
Neutral	18.2
Uncomfortable	4.9
Very uncomfortable	7.0

46.9% of the 143 respondents declared that they were comfortable with the washroom that they used at their workplace while 23.1% said that they were very comfortable. 18.2% were neutral, 4.9% expressed that they were uncomfortable and 7% were very uncomfortable.

#### **Washroom of choice**

Yes	63.4
No	27.5
Can't say	9.2

63.4% (90) of the 142 respondents expressed that the washroom that they used at their workplace were of their choice while 27.5% (39) reported that the washrooms were not of their choice. 9.2% were not sure so could not respond.

#### **Analysis:**

Shah, Raj, Mahajan and Nevatia (2013) have argued that sometimes it is difficult to find a job because of a body that is different. "Work spaces demand a certain dress code and gender expression. Not being able to dress, look or behave like a 'woman' can mean tension, conflict, stress and violence" (ibid: 57). Individuals also face questions like why they are not getting

married. Work spaces are mostly heteronormative and patriarchal and there are several cases of sexual harassment. If they continue with their jobs even after harassment, the workplace becomes quite unbearable.

31.8% of the respondents said that they fear losing their job because of their non-heteronormative identities and expressions. This fact is an absolute violation of the right of every individual to a safe workplace where they will not be discriminated on the basis of sexuality and sexual orientation. We already have a proportion of individuals (3.4%), even if small, but still a reality for those five individuals who were fired from their jobs because of their identities. We have also seen that a significant proportion (38.3%) of respondents have actually considered changing their jobs because of experiences at their workplace.

Levine and Leonard (1984) have pointed out that in case of existing studies, there are three main sources for anecdotal evidence: courtroom testimony by the small number of lesbians who have sued former employers for reinstatement, alleging wrongful termination on account of sexual preference; personal accounts presented before legislative bodies and human rights commission and often during debates on gay rights bills; and general reports on lesbian life which show that lesbians fear job discrimination. According to the authors, most lesbian workers try to avoid discrimination by living a dual life: on job they pretend to be heterosexuals, although this dual life creates anxiety. However, these personal accounts cannot substantiate any assertion that such discrimination is widespread. Chafetz and her associates (as cited in Levine and Leonard 1984), in their study found that most lesbians feared losing their jobs, those who did not were either self-employed or working in fields where homosexuality is tolerated (Eg, Arts, hair styling). Schneider's and Brook's studies (as cited in Levine and Leonard 1984) also talk about this fear of losing jobs if they disclose their sexual preference. In Saghir and Robin's work (as cited in Levine and Leonard 1984), some respondents were asked to resign, were fired, or were given warnings after detection of their sexual preference. Bell and Weinberg (as cited in Levine and Leonard 1984) discovered that some respondents lost or almost lost a job or were denied better work assignments due to their sexual orientation.



Nambiar and Shahani (2018) have explained that State governments have taken some initiatives for trans inclusion. In Kerala, transmen are included, but schemes are still in their initial phases. Schemes pertaining to skilling and training, mental health, scholarship for school and higher education, prohibition and safe-guards against ragging and discrimination, awareness programs, teacher training and sensitization, pensions for transpeople above the age of sixty are being conceived. Kochi Metro Rail Limited have taken initiatives in offering jobs to transgender persons in sections of housekeeping, customer care and crowd management. Other states too have taken some initiatives but do not specifically mention anything about transmen. They have argued that LGBTQ inclusion brings talent, innovation, great publicity and helps to make good business. Many talented LGBTQ people remain unknown because of marginalization. It restricts market and slows down economic growth. 2016 World Bank report shows, "India's loss in GDP due to homophobia and transphobia is up to \$32 billion, or 1.7% of our GDP" (Radcliffe, 2016, as cited in Nambiar and Shahani, 2018: 22).

Inclusion and diversity are correlated with greater perceived innovation. It increases commitment of the employees. The Tata group is working toward having 5% workers from LGBT+ community by 2020. "From the Fortune 500 companies, the top 50 believe that they benefit from a diverse workforce because they are able to produce better ideas (Deloitte, 2011, as cited in Nambiar and Shahani, 2018: 24). Companies like Ford Motor Co, Alcoa, BP, Goldman Sachs have already seen the benefits of LGBT inclusive policies. For India, inclusion is important for competing on a global scale. According to various surveys, LGBTQ people would prefer to work with LGBTQ leaders or inclusive companies. In India Lalit group has taken inclusive policies. Studies show that openly gay employees are more committed, loyal and more likely to continue with the same company than their closeted counterparts. Vanitha Narayanan, managing partner of IBM Global Business Service also talks in favour of LGBTQ inclusion (ibid).

The city, where the business is located is also important. Bangalore, being an LGBT-friendly city, is also a prime example of inclusive corporate culture. It shows how tolerance attracts economic activities. Tolerance of a city attracts creative class. Inclusive corporate values also attract international workforce and investment. Anti-LGBT laws lead to migration. "Until

Section 377 was read down in September 2018, India was facing similar backlash due to the discriminatory colonial-era Section 377. The IIT Petition filed in 2018 has several alumni citing Section 377 as the reason for a brain drain among IIT alumni. The petitioners were all members of the Lesbian, Gay, Bisexual and Transgender community and are a part of Pravritti, an informal pan-IIT LGBT group with more than 350 members” (Nambiar and Shahani, 2018: 26). “Indian industry bodies such as FICCI and CII are already having LGBTQ conversations in their annual conclaves.” (ibid: 27).

The authors believe that companies that exhibit inclusion can gain favour in the eyes of the forward-thinking millennials. In 2018 the Supreme Court judgment regarding IPC Section 377 was openly supported by nearly 70 Indian companies (details will be found in Nambiar and Shahani 2018). The authors have argued that LGBTQ-themed advertisements have helped to increase business in the Indian scenario. LGBTQ employees can help to understand the LGBTQ market and maintain the inclusive status of the company which is helpful for the company’s reputation in the global market. IBM’s business development program (2012) provides such advises. Some Indian companies already have LGBTQ inclusive policies such as equal opportunity policy which covers sexual orientation and gender identity without any discrimination, same-sex partnership benefits where the company recognizes same-sex partners and gives them equal benefits at par with married spouses and gender neutral adoption leaves where a leave till three months is given to the primary care giver.

Nambiar and Shahani suggest that, for trans inclusion in the workforce, the necessary steps are, an anti-discrimination policy, active trans hiring efforts through HR, sensitization of existing employees, restroom infrastructure, health, insurance and medical benefits, support system for employees transitioning in the workplace, formation of an employee resource group, robust advocacy of the trans policies both within and outside the company and being mindful of trans employees’ particular circumstances.

Apart from corporate sector companies and with regard to civil society organizations, Dannenbaum and Jayaram (2005: 1-16) have demanded that the role of NGOs working on women’s issues should include:

1. NGOs working on women's issues be educated in the issue of sexual harassment and at least one staff member be designated as a sexual harassment expert who can knowledgeably answer questions or direct women to appropriate additional resources (lawyer, hospital etc.) when necessary.

2. NGOs to have a list of reliable lawyers on hand and to be able to offer names and information about more than one lawyer so that the woman can choose.

Mcdevitt-Pugh (2011: 806) writes, "If there is to be a level playing field for corporate lesbians, change is needed in the legislative sphere, the social sphere, and the organizational sphere. Worldwide, homosexuality has to be decriminalized. Immigration laws must also be amended to allow same-sex spouse immigration worldwide. And, finally, workplaces have to become places where being lesbian does not require a coping strategy."

## HEALTH

In this section we have put together the data that were collected on experiences and concepts in the area of health. We have substantiated our findings with some existing literature and tried to find the gaps that exist between what has been prescribed, what has been implemented and what is actually needed.

### Use of protection

NA	31.4
Yes	19.9
No	40.3
Sometimes	8.4

When asked whether they use any kind of protection while engaging sexually with their same-sex/gender partners, 40.3% of the 191 respondents reported that they do not, 31.4% said that using protection did not apply to them, 19.9% mentioned that they did while 8.4% said they used it sometimes.

### Ensure partner using protection

NA	33.2
Yes	27.2
No	31.5
Sometimes	8.2

31.5% of the respondents mentioned that they do not ensure whether their sexual partner is using protection or not, 33.2% expressed that using sexual protection does not apply to them, 27.2% said that they ensure whether protection is being used while 8.2% said that they used it only at times.

#### **Aware of oral sex protection**

Yes	40.7
No	45.0
Can't say	13.8

40.7% reported that they are aware of the protection that can be used during oral sex, 45% said that they are not aware while 13.8% mentioned that they were not sure.

#### **Low risk with regard to STI/HIV**

Yes	64.4
No	13.8
Can't say	12.2
Don't know	9.6

64.4% remarked that they considered themselves to be at low risk when it came to contracting STI/HIV through their sexual encounters, 13.8% said that they did not consider themselves to be at low risk, 12.2% were not sure while 9.6% said they did not know.

#### **Aware of ways STI/HIV can be contracted**

Yes	83.4
No	9.9
Can't say	6.7

83.4% said that they were aware of ways that one could contract STI/HIV, 9.9% does not know, 6.7% could not be sure.

### HIV tests

Never	75.3
Once	13.7
Twice	7.4
More than twice	2.6
Six months	1.1

75.3% of the respondents have never done an HIV test, 13.7% have got it done once, 7.4% have had it done twice, 2.6% have done it more than twice while 1.1% get it done every six months.

### Safety without protection

Yes	21.3
No	71.3
Can't say	7.3

71.3% feel that it is not completely safe to engage in same-sex sexual practice without protection while 21.3% said that they think it is safe. 7.3% were unsure.

### Affect mental health

Always	13.6
Very often	23.6
Sometimes	30.9
Rarely	15.2
Never	16.8

30.9% mentioned that their experiences arising out of their non-heteronormative identity and expressions affect their mental health sometimes, 23.6% expressed that it happens very often while 13.6% said that their mental health gets affected all the time. For 15.2% it is a rare experience while 16.8% never get affected.

#### **Ways in which mental health gets affected**

Depression	51.3
Fear and anxiety of isolation	57.2
Suicidal thoughts	21.9
Drug and alcohol abuse	17.6
Others	14.4

51.3% mentioned that they feel depressed by how their mental health gets affected, 57.2% mentioned that they feel anxious and fear isolation, 21.9% expressed that they have or have had suicidal thoughts and tendencies, 17.6% reported drug and alcohol abuse and 14.4% said that their mental health gets affected in other ways.

#### **Visited mental health professional for gender-sexual identity**

Yes	53.6
No	45.9
Can't say	0.5

53.6% of the respondents said that they have visited mental health professionals (MHP) because of their gender-sexual identity.

#### **Response of MHP**

Positive	74.5
Negative	2.9
Indifferent	4.9
Could not understand	8.8

Of the 102 individuals who responded, 74.5% expressed that the response of the mental health professional had been positive, 2.9% disclosed that it was negative, 4.9% said that they were indifferent and 8.8% could not understand the reaction of the MHP well.

#### **Uncomfortable questions by other doctors**

Gynecologist	28.0
General physician	17.5
Surgeon	5.8
Other doctor	11.8

28% disclosed that they have been asked uncomfortable questions by gynecologists regarding their gender-sexual identity/expressions. 17.5% have faced such questions from general physicians, 5.8% from surgeons and 11.8% from other doctors. One respondent mentioned, “I was too scared to tell the gynecologist that I practice same-sex behavior, hence there was no question”. Another respondent said, “I only visit a queer-friendly doctor”.

#### **Whether MHP examined physically**

Yes	5.4
No	94.0
Don't want to respond	0.6

5.4% (9) of 166 respondents said that they have been examined physically by MHPs, whereas that is not supposed to be done.

#### **Mental health services near residence**

Yes	28.6
No	38.9
Somewhat	6.5
Have not accessed yet	25.9

28.6% mentioned that they have access to mental health services close to their residence while 38.9% said that they do not.



#### **Whether local health centers include counsellors**

Yes	15.6
No	45.2
Don't know	39.2

45.2% disclosed that their local health centers do not have counsellors while 39.2% mentioned that they did not know. 15.6 mentioned that the centers did have counsellors.

#### **Whether Section 377 affected mental health**

Yes	60.1
No	25.4
Can't say	14.5

60.1% said that the existence of IPC Section 377 affected their mental health while 25.4% mentioned that it did not matter to them. 14.5% were unsure.

#### **Whether reading down of Section 377 has affected mental health**

Yes	71.0
No	19.4
Can't say	9.7

71% disclosed that the reading down of Section 377 has had a positive impact on their mental health while 19.4% mentioned that it has had no positive impact because the violence and discrimination still remain the same. 9.7% were unsure.

#### **Expect government to introduce financial aid to undergo Gender Affirmative Therapy (GAT)**

Yes	94.0
No	1.2
Can't say	4.8

94% of those who have transitioned into another gender or want to transition said that they expected the government to introduce financial aid for gender affirmative therapy.

### Violence from medical health space

Physical	3.8
Mental	10.8
Sexual	3.8

Of the 185 individuals who responded, 3.8% said that they have faced physical violence in medical health spaces, 10.8% disclosed that they have experienced mental violence and 3.8% mentioned that they have undergone sexual violence.

### Violence from who at medical health spaces

Doctors	11.4
Nurses	4.9
Attendants	2.2
Patients	2.2
Visitors	1.6
Security guards	1.1
Others	3.8

Of those who have faced violence, 11.4% disclosed that they have faced violence from doctors, 4.9% have faced it from nurses, 2.2% from attendants, 2.2% from other patients, 1.6% from visitors, 1.1% from security guards and 3.8% from others.

### Change in behavior in medical health space

Yes	12.8
No	46.4
Can't say	40.8

Of the 179 individuals who responded to this, 46.4% mentioned that they have not observed any change in behaviour in medical health spaces post decriminalization of Section 377 while 12.8% said that they have observed some change. 40.8% however could not be sure of any change in behavior.

## Analysis:

**Sexual health:** An interesting finding with regard to responses around using protection during sexual intimacies was that 31.4% of the respondents did not think that this question even applies to LBT\*PAGFB individuals. Similarly, 33.2% did not think that ensuring the partner uses protection also held any relevance to non-heteronormative sex. However, 40.7% are aware of the protection that can be used during oral sex, but at the same time 64.4% remarked that they considered themselves to be at low risk when it came to contracting STI/HIV through their sexual encounters. All the more compelling was to find that 83.4% were aware of ways that STI/HIV can be contracted, and 71.3% feel that it is not completely safe to engage in same-sex sexual practice without protection.

All these figures lead us to ask what PAGFBs who identify as lesbians and transmen, understand by protection. The responses to the questions actually contradict one another. Those who do not use protection during sexual intimacies (40.3% in case of self and 31.5% in case of partner) may or may not be aware of the risks, but those who said that using protection does not apply to them at all (31.4% in case of self and 33.2% in case of partner) form a substantial proportion whose concept of protection and its usages during various acts of sexual intimacies are formed by a dominantly heterosexual projection of how infection spreads and what protection can be used to restrict it. It must be remembered that 83.4% of the respondents said that they were aware of how the infection can be contracted, so those who said that using protection does not apply to them also know how it is contracted.

These data show that awareness about sexual health is absolutely crucial among the LBT\*PAGFB community. Talking about mental health among individuals in the community has been on a positive rise, however, information about sexual health, beginning with what it actually means for LBT\*PAGFB individuals is close to none. Also, the ignorance of medical health professions needs to be highlighted in this context. As one of our respondents mentioned, “I went to do the test but they didn’t allow me for HIV test after knowing that I am in same-sex practice. They thought that I cannot have HIV at all”.

Lemp, Jones, Kellogg, Nileri, Anderson, Withum and Katz (1995: 1549) have pointed out that according to previous studies, “The occurrence of woman-to-woman transmission of human immunodeficiency virus (HIV) infection is rare. Several studies (which have been conducted in the West) have also found that as a result, many lesbians and bisexual women perceive themselves to be at low risk. Yet, some studies have noted that women who have sex with women are more likely than heterosexual women to report injection drug use, needle sharing, or unprotected anal sex with men as well- behaviors that put them at substantial risk for HIV infection”. A very low percentage of evidence has been found about woman to woman HIV transmission. However, as the authors claim, the high rates of injection drug use and unsafe sexual behaviors suggest that lesbians and bisexual women are nevertheless at risk for HIV infection (ibid: 1551). Though the situation in India could be different in terms of injection drug use, it is still a reality to some extent, and should not be overlooked.

**Mental health:** A majority of 58.1% expressed that their mental health has been affected in various ways (which include depression, fear of isolation, suicidal thoughts, drug and alcohol use) because of their non-heteronormative identities and expressions, and 53.6% of the respondents have visited mental health professionals, but only 28.6% have found such facilities near their residence. Our sample population is from urban and semi-urban areas and if the availability of MHPs is so dire in these places, the condition of accessing help for mental health crises in rural areas would be abysmal. Only 15.6% of the respondents knew for sure that their local health centers had counsellors, the rest mentioned that MHPs were unavailable or they were unsure about it.

Narrain and Chandran have illustrated that some doctors still exhibit prejudices while dealing with transgender patients. “There is still a long way to go as seen by the fact that neither the association for Indian Psychiatrists nor Indian Psychologists or even the Indian Council of Medical Research (ICMR) has come out with any guidelines or treatment protocols for working with sexual orientation and gender identity” (2016: xix).

Of the 184 individuals who responded, 11.4% disclosed that they have faced violence from doctors. Around 16.6% of the respondents said that their experiences with MHPs has not been

positive. Either the doctors had been indifferent to their problems, or they had been hostile, or their responses were vague. Ranade (2018: 11) has argued, “Mental health professionals in India have, at different points of time in history [after APA’s (American Psychological Association) declassification of homosexuality in 1973] conducted various kinds of reparative, conversion treatment with their homosexual clients”. This included electrical aversion, hormonal treatments and other techniques of behavioural therapy. The Yogyakarta Principles (2007) describe any treatment aimed to cure/change sexual orientation as medical abuse. Ranade (2018: 12) refers to how in 2001, responding to a complaint by a gay rights activist on behalf of a boy who had been administered aversion therapy and non-prescription drugs to cure his homosexuality, the National Human Rights Commission (NHRC) had cited the Indian Penal Code Section 377 (which criminalizes homosexuality), and refused to address the violation”. Studies suggest that there have been large gaps and silences about homosexuality among the MHPs in India, but the situation is changing.

Arvind and Narrain (2016: 38) point out that sometimes MHPs talk about homosexuality as a mental illness, habit, addiction or pathology. It is likely that they share some prejudices of the wider society that sees heterosexuality as the norm. It influences their perspectives while dealing with homosexual patients. Some of them put forward a cultural argument against homosexuality. Some of them reflect (consciously or unconsciously) homophobia and negative assumptions about homosexuals (criminal tendency). Therefore, sometimes they fail to maintain an objective position.

Ranade (2018) explained that after the 2009 Delhi High Court judgment on IPC Section 377, thereafter in 2012, the Indian Journal of Psychiatry (IJP) in an editorial stated that homosexuality is a normal variant of human sexuality. Many MHPs started to support the cause of LGBTQ rights and even signed a petition addressing the Supreme Court, saying that homosexuality is not a mental illness and Section 377 causes tremendous psychological stress and trauma to homosexual persons. But after the 2013 judgment that (re)criminalized homosexuality, IJP published a letter to the editor (named: ‘A fresh look at homosexuality’, Jan 2014) expressing his reservation in accepting homosexuality as a ‘normal’ sexual variant.

It shows from our data that 60.1% of the respondents felt some sort of discomfort in varying degrees by the existence of IPC Section 377 even though the LBT\*PAGFB community very rarely got legally persecuted by the use of this law. Even then its existence and the marking of individuals from the community as legal criminals were violations to one's identity and dignity. This legal tag of perverse criminality gave basis to many service providers like doctors, lawyers, employees the chance to violate the dignity of LBT\*PAGFBs in multiple ways. 71% of the respondents mentioned that they felt extreme joy after the section was read down by the Supreme Court on 6<sup>th</sup> September 2018.



## VIOLENCE IN THE PUBLIC SPACE AND FAMILY

This section offers data on experiences in the public space and from the family. As one would observe that the violence that is inflicted on LBT\*PAGFB is unique because of its association with perversity and for breaking the hegemonic heteronormative structure of the society. There is an inherent desire not to share physical space with a non-heteronormative individual, not allow them in specific areas or to ensure any comfort during their everyday movements between the private and the public. Multiple gender expressions are abhorred by the society and it is manifested through various acts of violence and discrimination. This section has been concluded by reference to some existing literature on this area.

### Perpetrators of violence in the public space

Police	10.5
Police station	8.8
Shopping malls	17.5
Neighbours	42.7
Strangers	53.2
Trial rooms	20.5
Landlords	7.6
Marriage and other social functions	41.5
Security checks	24.0
Public transport	43.3
Others	8.2

When asked about violence that respondents have faced in the public place, 10.5% reported that they have faced violence from the police and 8.8% at police stations. 17.5% declared that they have encountered violence at shopping malls, 42.7% have experienced violence from neighbours, 53.2 % have faced violence from strangers, 20.5% have encountered violence in

trial rooms, 7.6% from landlords, 41.5% have faced violence at marriages and other social functions, 24% have faced violence during security checks, 43.3% said that they have faced violence in public transport. One respondent expressed that they have faced violence from the rail police during their everyday commute in the local train.

#### **Whether violence in the public space was reported**

Yes	8.4
No	91.6

Of all who have faced violence in the public space, only 8.4% (10) of the 119 who responded have reported that violence to the police.

#### **Whether report was accepted**

Yes	40.0
No	60.0

Of the 8.4% who mentioned that they had reported public space violence to the police, 40% said their report was accepted while 60% mentioned that report was not accepted.

#### **Harassment in public toilet**

Physical	2.8
Mental	23.2
Sexual	2.2

When asked whether the respondents had faced harassment in public toilets, of the 181 individuals who responded, 2.8% mentioned they had faced physical violence, 23.3% talked about mental violence while 2.2% disclosed sexual violence.

#### **Prefer unisex toilet**

Yes	56.1
No	24.1



Maybe	16.0
Can't say	3.7

56.1% of the 187 individuals who responded to this said that they would prefer unisex toilet. 24.1% remarked that they will not, 16% said maybe they will while 3.7% could not say.

#### **Harassment for difference between name in ID card and gender expression**

Yes	34.7
No	51.4
Maybe	6.9
Can't say	6.9

Of the 72 individuals who responded to this, 34.7% declared that they had to face harassment for the name and gender that their ID card carried and for their individual gender expressions. 6.9% were not sure.

#### **Change in behavior in public space post decriminalization of Section 377**

Yes	49.4
No	40.0
Can't say	10.6

49.4% of the respondents remarked that they feel there has been a change in behavior among people in public spaces post decriminalization, 10.6% were unsure while 40% said that they have felt no change. One respondent commented, "Maybe 1%-2% have changed, otherwise people are still the same".

#### **Positive change in public space**

Yes	32.3
No	10.1
Both	56.6
Can't say	1.0

32.3% of the respondents mentioned that the change in public space after decriminalization is positive, 10.1% disagreed, 56.6% said the change is a mix of both positive and negative.

#### **Adoption plan**

Yes	51.1
No	32.6
Can't say	16.3

51.1% of the respondents declared that they have adoption plans, while 16.3% were not sure.

#### **Read Transgender Bill**

Yes	31.9
No	19.5
Not clearly	42.7
Don't know about the bill	5.9

Of the 185 individuals who responded, 31.9% mentioned that they have read the Bill, 19.5% said they have not, 42.7% expressed they do not know about it clearly while 5.9% disclosed that they do not know about the Bill.

#### **Satisfaction regarding the TG bill**

Very satisfied	2.1
Somewhat satisfied	9.4
Neutral	17.7

Somewhat unsatisfied	14.6
Very unsatisfied	56.2

56.2% of the respondents were very unsatisfied with the TG bill, 14.6% were somewhat unsatisfied, 17.7% were neutral.

#### **Change in the nature of violence after decriminalization**

Yes	33.5
No	35.3
Can't say	31.1

33.5% of the respondents expressed that there has been a change in the nature of violence after decriminalization, 35.3% mentioned that there was no change, while 31.1% could not be sure.

#### **Nature of change in violence after decriminalization**

Positive	20.3
Negative	15.6
Mixed	64.1

64.1% of the respondents expressed that the change in the nature of violence after decriminalization had been a mix of both positive and negative. 20.3% felt that it has been a positive change while 15.6% felt that the change has been negative.

#### **Violence from family**

Yes	58.6
No	39.2

Can't say	2.2
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58.6% (109) of the 186 respondents said that they have faced violence from their families because of their gender-sexual identity and expressions.

Shah, Raj, Mahajan and Nevatia (2013) mention that those who are not comfortable with their assigned gender face serious problem at the time of puberty. On one hand there are changes in the body and on the other, gender norms are imposed. In many cases, families impose stricter rules, greater surveillance and restricted mobility, if not complete house arrest. Individuals go through emotional and other stresses alone and their families remain oblivious. Even when families are supportive, people still cannot talk about their relationships. Along with gender, there are other markers (age, class, caste, mental health, family support, ability etc.) of power that influence interpersonal dynamics and acceptance from the partner's/partners' families.

#### **Physical violence from family**

Beaten	17.8
Damage to belongings	14.8
Confined	9.9
Pulled by hair	8.2
Kicked	5.5
Pushed violently	6.6
Battered	7.7
Relocated	6.0

17.8% of those who have faced physical violence from their families have been beaten, 14.8% disclosed that their belongings were damaged by their families, 9.9% were confined, 8.2% were pulled by their hair, 5.5% were kicked, 6.6% were pushed violently, 7.7% have been battered and 6% had been relocated to other locations.

### **Mental violence by family**

Pressure of marriage	25.8
Silent hostility	36.8
Denial of identity	39.6
Violation of privacy	31.9
Verbal abuse	31.9
Taunted	33.0
Threats to abandon	20.9
Controlling and compelling actions	24.2
Allegations of mental illness	29.1
Taken to doctor	17.7
Restriction of socialization	20.3
Neglect	22.5
Distrust	24.7
Refusal to give money	20.8
Blackmailed	9.9
Extorting money or property	5.5
Intimidation	16.5
Restriction of mobility	12.6
Intentional humiliation	31.8
Disowning	9.9

Of those who faced mental violence from their families because of their gender-sexual identity and expressions, 25.8% mentioned that there was constant pressure of marriage from their families, 36.8% said that they have faced silent hostility, 39.6% reported that their gender-sexual identity were denied by their families, 31.9% disclosed that their privacy was violated by their families, 31.9% mentioned that they were verbally abused and 33% were taunted, 20.9% said that their families had threatened to abandon them, 24.2% recollected that their actions were controlled and compelled by their families, 29.1% expressed that allegations of mental

illness were made by their families, 17.7% complained that they had been taken to doctors on the pretext of abnormality, 20.3% said that their socialising had been restricted by their families, 22.5% have faced neglect, 24.7% mentioned that they were distrusted by their families, 20.8% expressed that their families had refused to give them money, 9.9% said that they were blackmailed, 5.5% disclosed that their money or property had been extorted by their family, 16.5% mentioned that they were intimidated, 12.6% complained that their mobility had been restricted, 31.8% said that they were intentionally humiliated and 9.9% expressed that their families had disowned them.

### **Sexual violence**

Sexual jokes	4.9
Sexual taunts	7.1
Sexual name-calling	5.5
Gender-based insults	15.4
Sexist remarks	6.6
Derogatory songs and gestures	4.9
Unwanted sexual touching	4.9

When asked about sexual violence inflicted by the family, 4.9% said that sexual jokes had been made, 7.1% recalled that their family had made sexual taunts, 5.5% said that there had been sexual name-calling, 15.4% remarked that there had been gender-based insults, 6.6% said that their family had made sexist remarks, 4.9% complained of being at the receiving end of derogatory songs and gestures and 4.9% disclosed that there had been unwanted sexual touching.

### **Reported violence to police**

Yes	1.9
No	97.2

Of the 58.6% who said that they have faced violence from their families, 97.2% said that they have not reported violence to the police.

#### **Reasons for not reporting**

Did not feel the need to	42.6
Fear and anxiety	28.7
Stories of negative experience from others	20.2
Others	34.0

42.6% remarked that they did not feel the need to, 28.7% said they felt fear and anxiety at the thought of reporting, 20.2% mentioned that they had heard stories of negative experience from others, 34% said that they had reasons other than those mentioned.

#### **Positive change in family after decriminalization**

Yes	69.9
No	11.0
Can't say	15.1
Mixed	4.1

Of the 35.1% who said that they have observed a change in behaviour among family members, 69.9% remarked that it was a positive change, 11% said it was not, 15.1% could not be sure while 4.1% mentioned the change was mixed. The change however is also conditional as is reflected from the comment of one bisexual respondent who said, "Since my partner is cismale my family is cool with everything. It is a relief for them".

#### **Violence from intimate partners**

Yes	34.8
No	59.0
NA	4.5
Don't want to respond	1.7

34.8% (62) of the 178 respondents expressed that they have faced violence from their intimate partners, 4.5% remarked that the question does not apply to them while 1.7% did not want to respond.

#### **Thought of approaching the police for IPV**

Yes	15.6
No	84.4

Of the 34.8% who said that they have faced violence from their partners, 15.6% (10) disclosed that they had thought of approaching the police about it while 84.4% (54) did not want to go to the police.

#### **Reasons for not approaching the police**

Lacked confidence	11.9
Did not feel the need to	54.2
Fear and anxiety	13.6
Threats from partner	10.2
Discomfort in approaching the police	20.3
Others	20.1

Among the 84.4% who had not thought of approaching the police after facing violence from intimate same-sex partners, 11.9% said that they lacked confidence, 54.2% mentioned that they did not feel the need to report intimate partner violence, 13.6% disclosed that they felt fear and anxiety at the thought, 10.2% reported that they had been threatened by their partners, 20.3% mentioned that they felt discomfort in approaching the police and 20.1% said that they had other reasons for not approaching the police.



### Knowledge of Civil Partnership

Yes	38.7
No	37.7
Not clearly	23.6

38.7% (74) of the 191 individuals who responded mentioned that they are aware of what civil partnership is, 37.7% (72) said that they did not know while 23.6% (45) do not know about it clearly.

### Preferences

Civil partnership	34.6
Marriage	40.2
None	14.5
Any other	10.6

34.6% (62) of the 179 respondents expressed that they preferred civil partnership over marriage, 40.2% (72) remarked that they preferred marriage over civil partnership and 14.5% (26) said that they did not care for any.

### Family acceptance after legal marriage

Yes	34.1
No	36.8
Can't say	29.2

When asked whether their families would accept their same-sex relationship if they were legally married to their partners, 34.1% said yes, 36.8% mentioned that their families would not accept and 29.2% said that they could not be sure.

### Heterosexual marriage

Yes	6.7
No	93.3

6.7% (11) of the 165 respondents reported that they have had a heterosexual marriage at some point in their lives.

### Analysis:

When asked about violence that respondents have had to face in the public space, a considerable proportion disclosed what they have faced from the police, neighbours, strangers, in public transport, in trial rooms of shopping malls and other sites. One bisexual respondent commented, “My current partner is cismale. Earlier with my same-sex partner I used to feel very anxious and very unsafe”. In 91.6% of the cases, violence was never reported to the police.

As was the case with the Naz foundation judgment after IPC Section 377 was decriminalized in 2009, following the Supreme Court verdict on 6<sup>th</sup> September 2018 too, and especially going by our findings, there is some doubt about how much change in the law would result in a change in social attitude. However, it is thought that a change in law has the potential to reduce irrational prejudices. 49.4% of the respondents remarked that they feel there has been a change in behavior among people in public spaces post decriminalization. 32.3% of the respondents mentioned that the change in public space after decriminalization is positive, 10.1% disagreed and 56.6% said the change is a mix of both positive and negative.

Mason has argued that homophobic hostility upon lesbians and gay men not only causes immediate emotional and physical pain but also causes long-term psychological distress and trauma. Violence does not have to be personally experienced to have repercussions. But the question is, “What does it mean for lesbians and gay men to know, whether through individual experience or not, about the risks and possibilities of homophobic hostility and violence?” (2001: 25). As one respondent expressed, “Many people say there should be a different commune/separate living space for these people, but why? We are a part of this society, we eat

what everyone else eats". Respondents employ specific techniques to negotiate a space of safety.

Shah, Raj, Mahajan and Nevatia (2013: 61) say, "Access to public spaces is rather limited for most PAGFB, queer or not, especially while growing up, and their connection and comfort with them later varies, depending on factors like class, access and mobility." They further explain that people who have short hair, wear shirts, pants, sometimes face verbal abuse and threats in public spaces. In urban centers, norms like dress codes are comparatively relaxed. However, they mention that "even in urban centers, gender-segregated public spaces remain the most contested and difficult to negotiate, most notably public toilets, reserved seats in buses, train compartments, security checks in malls, airports or anywhere else" (ibid: 62).

Mason (2011: 34) argues, "The perpetrators of homophobic violence (who appear to be primarily, but not exclusively, male) often seem to be more antagonistic towards unabashed and unashamed representation of gay and lesbian sexualities than they are toward homosexuality itself." He further continues, "This act of 'flaunting' homosexuality exposes one to the possibility of homophobic repercussions at the same time that it challenges the very ability of these repercussions to cause harm" (ibid: 35). As one of our respondents also commented, "I do not reveal my nature, so no such violence happens to me; but the mentality of people is not supportive at all, especially in rural areas".

Halberstam (1998: 9) mentions, "Female masculinity is generally received by hetero and homonormative cultures as a pathological sign of misidentification and maladjustment, as a longing to be and to have a power that is always just out of reach. Within a lesbian context, female masculinity has been situated as the place where patriarchy goes to work on the female psyche and reproduces misogyny within femaleness."

**Toilets:** Many respondents have faced violence in public toilets and 72% feel the need for unisex toilets. Finding a toilet that an individual can safely go to in public and not feel threatened physically, mentally and sexually is important, it derives from the basic dignity of a human being. Halberstam (1998: 20) has pointed out the binary thinking of male and female.

They say, “Ambiguous gender, when and where it does appear, is inevitably transformed into deviance, thirdness, or a blurred version of either male or female”. Ciswomen who tend to ‘fail’ to measure up to expectations of femininity are questioned while using public bathrooms. Sometimes they are mistaken for a boy or a man. Examples show that many feminine women spend huge time policing masculine women. It has been observed that women’s restrooms tend to enforce gender conformity. However, 24% mentioned that in India they would not feel secure in a unisex toilet as well where cismen too would be present. One respondent has commented, “There should be unisex toilets along with gender-segregated ones, just keeping unisex toilets would be unsafe for women”.

**Same-sex marriage and civil partnership:** 51.1% of the respondents declared that they have adoption plans, while 16.3% were not sure. It is important in this juncture to discuss marriage and civil rights. The issue of marriage and seeking rights for it have surfaced in India, and groups within the LGBTQI community have started raising several vital points around what marriage rights would mean for the non-heteronormative community in India. While some have been emphasizing upon the right to security through marriage, others have pointed out the limitations in demanding those rights through the framework of marriage and challenged the need to opt into an institution that is primarily based on hierarchy, exploitation and exclusion.

This study has looked at what individuals currently are thinking about same-sex marriage. Neither same-sex marriage nor civil partnership are legal in India at present and these two contracts of partnership among a same-sex couple add to the legal and social structure in many countries in the world. When our respondents were asked whether they know about Civil Partnership, 38.7% (74) of the 191 respondents replied in the affirmative. 37.7% informed that they did not know and 23.6% (45) expressed that they did not know about it clearly.

What about the percentage who do not want to get married and want to adopt other forms of living? 59.7% of the respondents have expressed that they do not want marriage rights and they have their own demands and desires of living, which include as civil partners. Do they not have citizenship rights? Do they not want economic security? Can they not want to have a family by adopting a child- rights which marriage promise to provide? Why can we not think of

demanding our civil rights irrespective of whether one is married or not? Why do we have to imagine getting rights to live with dignity and security only by being within the purview of marriage? Also, as the findings show, the 59.7% who have said that they do not want marriage rights are conscious at various levels that securing marriage rights would not bring an end to the problems and the discrimination that the LGBTQI community faces every single day. Security in education, employment, health and in public space are crucial and must be viewed as factors demanding serious attention from judicial bodies.

Civil partnership laws (as suggested by Forum Against Oppression of Women- FAOW) would be based on the presumption that two persons of any gender who enter this partnership think of themselves as equal in terms of social, economic, cultural, political locations and want to enter into a partnership which gives an equal distribution of rights. They would be granted equal rights like any two persons who are the spouses in a marriage. So, for legal purposes they will be the equivalent of married spouses in a family. As FAOW has pointed out, “Our lived realities not only conform to shared partnership living of two individuals but also exist as shared, collaborative living between friends, which is more than two individuals. In different urban as well as rural contexts there are examples of a group of women or a group of friends living together and taking responsibility of shared economy, property and healthcare related concerns. Many of us live as single persons too, bearing financial and other responsibilities for care of our chosen friendships and other intimate and natal relationships. Bringing in legal rights is not so much from the needs of intervention of State in intimate relationships and living arrangements, but more as part of recognizing these relationships, support system of care, shared economic, domestic, healthcare, custodial responsibilities in the civil society”.

It is necessary to think about the rights of single women too in this context. Rekha Pappu (in Sen, Biswas and Dhawan 2011: 377) has referred to Paula Bacchetta (2007: 120) who in her article *‘Rescaling Transnational “Queerdom”: Lesbian and “Lesbian” Identitary-Positionalities in Delhi in the 1980s’* has pointed out, “the term ‘single woman’ was formulated in the context of building alliances across classes, religions, castes, regions and now sexualities and asexualities.

It was designed to be inclusive of all women who have ruptured (ties) with the heterosexual matrix: 'lesbians'; celibates; ascetics, unmarried women, divorced women, widows". For Abha, single women disrupt patriarchal genealogies while establishing lineage with women outside their families who may or may not have been 'lesbian': "an unmarried aunt; unmarried activists in movements; ascetics or nuns" (Bacchetta 2007: 120). Vanita (2005: 24) mentions, "Any democracy that protects the freedom to marry should equally protect the freedom to be single, celibate or promiscuous". Also, it must be remembered that 66% of the respondents said that their families may not accept their intimate partnerships even if they got married with their partners legally- contradicting a view that families will accept non-heteronormative partnerships if they were bound by legal marriage.

40.2% of the respondents specifically wanted marriage rights. Sen, Biswas and Dhawan (2011: 422) have argued that the demand for legal sanctions of lesbian/gay marriages arises from various factors (denial of rights, labelling them as illegal, immoral, abnormal). "Both the desire to marry by the lesbian and gay community and the fact of lesbian suicides demonstrate how the state regulates the sphere of the intimate, constantly and selectively upholding certain forms of eros and kinship relations as the purchase point to legitimate citizenship" (ibid: 423). Also, to build acceptance within mainstream society, they see marriage as necessary. Interestingly, same-sex marriages are not punishable by law in India because even though certain same-sex sexual acts were considered to be illegal (till Section 377 of the IPC was read down on 6th September 2018), same-sex marriage is not, because it is not equivalent to the performance of any sexual act. In some cases where the women were arrested, they were later released (Vanita 2005: 80).

Vanita further mentions, "In Gujarat, western India, in the 1980s, some businessmen began to draw up '*maitri karar*', or friendship agreements, to confer financial rights on women who would have been their second wives under the old Hindu law, but were mistresses under the new Hindu law. Some Indian same-sex couples also enter into such contracts to endow each other with status and rights. Friendship agreements evolved independently in India under

Indian contract law, which recognizes any contract, whether notarized or not, between consenting adults, if it does not violate state policy” (ibid: 81). Same-sex couples use various means to acquire legal validity of their marriage, like signing an affidavit and getting it notarized, attaching photographs and copies of age proof documents. Unlike friendship contract, it shows them as husband-wife (ibid: 86). Same-sex unions are neither recognized nor criminalized. Because of the definitional ambiguity of the categories ‘man’ and ‘woman’, governments fail to outlaw some same-sex marriages. But in some cases police arrest the women and produce them in court (ibid: 94).

Ashwini Sukthankar in Narrain and Bhan (2005) discusses the pros and cons of a right to have either the State or private health insurance companies pay for sex reassignment surgery or right to marry. Satya and Famila had their own critiques of the privileging of such struggle. But according to them, there is nothing concrete to critique. There is no consensus within the community regarding such rights, the community itself is still in a fledgling position (ibid: 164). As Sen, Biswas and Dhawan (2011) point out, according to one line of argument, the lesbian/gay demand to marry symbolizes the radical force that challenge the hetero-normative structure and can redefine the institution of family. According to another line of argument, it will end up replicating gender and kinship stereotypes.

From another perspective, reference can be made of Vanita (2005), that instead of abolition, human rights activists talk about the inclusion of same-sex couples. She has argued that institutional empowerment of women and gay people will help to dismantle patriarchy and heterosexism. “Legalizing same-sex marriage involves the institutional empowerment of gay people. It allows, for example, a person opting out of or thrown out of a same-sex union, or battered partner to claim the rights of divorce, alimony or maintenance, custody or visitation rights vis-a-vis children, and social recognition of loss (ibid: 23).” However, keeping all arguments in mind, it stands true that civil rights of every single individual in the country must be protected, irrespective of whether they are married or not, whether they have one partner, several partners or no partners.

**Redressing practices:** Reporting violence by the family (58.6% of the respondents have faced violence) to the police for being non-heteronormative is very rare. 28.7% admitted to feeling fear and anxiety at the thought of reporting their families to the police and 20.2% of the respondents said that they have heard negative experiences from others when the latter had reported. Much of it is because the police are not aware of non-heteronormative identities and the complainant is only further joked about, ridiculed, taunted and often violated. Also, as Agaja (2018: 100) has argued, even verbal and mental abuse by parents, family and society is justified as these are considered to be the acceptable methods to bring deviants back to normalcy.”

Reporting intimate partner violence (24.8% have disclosed intimate partner violence) is also very low. Although, as even heterosexual individuals do not report against their families on the first go and want to resolve everything behind closed doors mostly by trivializing the violence themselves, non-heteronormative individuals too do not want to drag their families to the police station even after facing terrible violence. Some forms of violence are unique to non-heteronormative intimate relationships. As Shah, Raj, Mahajan and Nevatia (2013: 47) explain, gender non-conforming PAGFB are often vulnerable rather than powerful in their relationships with ‘woman’-identified persons who have a less troubled sense of their own gender. Both the fact and the fear of being left for cismen are especially traumatic for PAGFB who do not identify as ‘woman’.” They further say, “Many gender non-conforming PAGFB are additionally traumatized when partners question or disrespect or fail to affirm their gender” (2013: 47). Also, as they argue, violence within relationships may arise from gendered behaviour or expectations, jealousy, possessiveness. There are instances of physical, verbal, emotional violence and self-harm due to extreme stress. Many of the problems within relationships arise due to lack of support outside.

15.6% even revealed that they had thought of reporting it to the police. Even then, it is not an option for most. 42.6% of the respondents expressed that they did not feel the need to, because they never considered the violence to be violent enough to actually persecute their



families legally. Also in case of violence from the intimate partner, 11.9% said that they lacked confidence, 54.2% mentioned that they did not feel the need to report intimate partner violence, 13.6% disclosed that they felt fear and anxiety at the thought, 10.2% reported that they had been threatened by their partners, 20.3% mentioned that they felt discomfort in approaching the police and 20.1% said that they had other reasons for not approaching the police.

Fray-Witzer (in Leventhal and Lundy 1999: 20) has remarked, “Batterers often keep their victims trapped in violent relationships by convincing them that no one will take their claims seriously –not the police, not prosecutors, not the courts. Unfortunately, the belief that the legal system does not afford the same (or any) legal protections to battered lesbians or gay men is indeed accurate”. Fray-Witzer (1999: 26) has provided a list of suggestions that say:

1. “It is essential that all legal personnel who deal with domestic violence –police officers, advocates, prosecutors, defense attorneys, law clerks, and judges –receive training in both same-sex battering and homophobia.”
2. “Reference materials that address the issue of same-sex battering must be available. Pamphlets and posters that address same-sex battering and are posted in courthouses, police stations, and shelters will let battered lesbians and gay men know that they are welcome and that their problems are taken seriously. It is also important that police, court-sponsored advocates, and prosecutors know which programs offer services and support groups for battered lesbians and gay men” (1999: 27).
3. “...the court’s role in ensuring that same-sex battering is taken seriously may manifest itself in writing unbiased laws, issuing and enforcing protective orders, and making sure that the sentences issued in criminal cases arising from domestic violence in same-sex relationships are comparable to the sentences issued in heterosexual cases of the same magnitude” (1999: 28).
4. Sometimes the victim returns to the batterer again and again before finally leaving the person. It is important to remind them they can always come back to the court without fear of blame.

The existing laws also cause an impediment during the process of reporting. Shah, Raj, Mahajan and Nevatia (2013: 17) have mentioned, “Within the women’s movements too, there is more openness towards understanding that the gendered oppression of women and trans\* persons has much in common – the most recent example at the time of this writing being the women’s groups’ demand for a gender sensitive sexual assault law that recognises a gender neutral victim but only a “male” perpetrator.”

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## CONCLUSION

As this study is concluded, some broad findings from each section have been laid out. Scope of introducing changes in existing structures that will provide security and respect to non-heteronormative individuals have also been discussed. Further research can be carried out based on the data and the findings from this pilot study.

## EDUCATION

It was found from our study that almost 40% of the respondents did not feel comfortable in their uniform and 66% said that the uniform was not of their choice. This must be taken into account by the government and also by private schools. Students are made to wear a fixed set of uniform every single day to school till class 12. It can be very agonizing for gender non-conforming and trans children to wear a uniform that is a source of discomfort, almost on the verge of being an everyday torture. School authorities and the government must consider this issue very seriously and bring about necessary changes in rules. Comfort and respect for oneself are essential preconditions for the child to feel safe in the school space and thereafter participate and concentrate on school activities. Also, as mentioned previously, awareness and sensitization programs among students, teachers, school authorities and parents are necessary. Open interactive discussions about sex, sexuality and gender must be encouraged between teachers and students, instead of finding ways and excuses of suppression.

Some suggestions that the respondents have given regarding what changes need to happen in order to make the school a safer place for all children are:

1. To include homosexuality in the syllabus for Biology books that are taught in classes 8 and 9.
2. Teacher training and sensitization programs on gender and sexuality to be organized in schools.

3. To make people understand it so that they are not scared of it.
4. Teachers to treat students individually and encourage them to be who they are.
5. Interacting with parents and conducting awareness and sensitization programs with them.
6. Unisex toilets in schools along with gender-segregated ones.
7. Gender neutral amenities i.e. toilets and uniforms, and non-restriction on choice in using them.
8. Uniforms to be made keeping gender non-conforming children in mind.
9. Proper sensitization of gender, sexuality, caste, class of students, teaching and non-teaching staff.
10. Redressing cells and mental health support for victims of violence.
11. Presence of counsellor in school.
12. Schools to not judge on the basis of sexual orientation.
13. Presence of queer-friendly mental health professionals.
14. Providing right information about gender and sexuality.
15. Teachers to be made to attend gender-sexual orientation programs before joining the school.
16. Sensitization of school kids by including stories with genderqueer characters, since young.
17. Sex education classes to be held from an early age.
18. Doors in every toilet to be made compulsory.
19. Anti-bullying efforts.
20. Self-defence programs to be conducted in school.
21. To ensure that all teaching and non-teaching staff at the school, all students and all parents attend awareness and sensitization workshops that are being conducted for them. Just organizing them is not enough.
22. To include representatives from the LGBTQI community in the committees made to deal with gender/sexual violence in school.
23. Co-ed schools to not have separate seating arrangements between both genders.
24. To appoint teachers from the LGBTQI community.
25. To have a diversity culture cell/laboratory.

26. To have more gender-inclusive sports and curricula.

## **EMPLOYMENT**

Reading down Section 377 of the IPC have had mixed reactions across spaces as we have seen in this study. 33.6% have mentioned that there has been a change among employers and colleagues and 66.1% of them have said that it has been a positive change. Sizeable proportions among the respondents who have had work experience have talked about anxiety regarding going to work, being discriminated in various ways, seeing others with non-heteronormative identities and expressions being discriminated and violated. They have disclosed forms of violence that have taken place, that they have considered changing their jobs, and about the lack of awareness and sensitization among employers and colleagues.

**Anticipated Discrimination:** This study reveals that 31.7% respondents expected discrimination (to be fired or predicted harassment) if their sexual orientation were discovered. An interesting comment from a respondent can be mentioned here, who said, “No discrimination happened in any negative way, but for any panel/program on gender and sexuality, I am always approached. It is a given fact that I would be interested. Assumption is also differential treatment”. Another respondent mentioned, “I believe it affects me less frequently now because I have not come out to everyone, but once I do, the effect will be severe”.

**Actual Discrimination:** 3.4% respondents reported actual instances of formal or informal job discrimination, restricted work rewards such as promotions, salary increase or increased job responsibilities, and restricted job mobility. Some women were not hired, fired or forced to resign. Also, there are cases of harassment and other unofficial actions taken by supervisors or co-workers, such as, gossips, taunts, ridicule and damage to personal belonging. One respondent reported their male office colleagues saying, “These days women do it with other women, if that is happening, let us also derive some fun out of it”. Some respondents also testified to instances of physical harassment. Reference can be made to a comment from one

of our respondents who said, “I am not sure whether the discrimination happened because of my LBT identity, but I feel there is a general distrust for queer women”.

## HEALTH

Knowledge about sexual health is crucial among non-heteronormative individuals. As the data shows, a substantial proportion of the respondents does not think that they need to use any kind of protection during sexual intimacies or that using protection even applies to them. It must be remembered that LBT\*PAGFB also have multiple partners and multiple sexual intimacies and that this practice is not restricted to GBT\*PAGMBs (persons assigned gender male at birth identifying as gay, bisexual and trans) only. Along with mental health, attention must be given to sexual health too. It is especially worrisome because the majority know how STI/HIV can spread or be contracted and yet many of them feel that using protection is completely pointless. This concept must be addressed and reformed with immediacy.

The availability of mental health professionals must be looked at urgently. Occurrence of mental health issues is very common among non-heteronormative individuals, the main reason behind that being lack of support, demonstration of extreme hostility and intolerance toward non-heteronormative identities and expressions beginning from a young age that they have to endure across spaces all their lives. These hold severe effects on individuals and get manifested in several ways. Easy and affordable availability for mental health professionals is of great consequence and must be made of high priority. Our sample population comes from urban and semi-urban spaces and there are numerous complaints of mental health professionals not being available at close quarters and at affordable rates. Looking at this data, the situation at rural areas can be imagined to be deplorable.

It has been observed that the reading down of IPC Section 377 has had a tremendous impact across the population. The majority have been positively affected by the judgment. Interestingly, the feeling of positivity does not necessarily come from the fact that there could be a change in public behavior across spaces, because there has not been much change. In fact,

the knowledge around Section 377 has much increased among the general mass because of the publicity that it has received through media and academics, and this knowledge is on many occasions misused by the mass by engagement in further discrimination. However, as one of the respondents has pointed out, “Now they think before committing any violence”.

One more important observation that came up was that the government needs to seriously start thinking about providing financial help or offering Gender Affirmative Therapies (GAT) at subsidized rates in government and semi-government hospitals and clinics. The current rates are extremely high, and on most occasions many transmasculine individuals end up spending much of their savings on GAT. It is perceived as the only option for a significant number of transmasculine individuals that will enable them to live a life of dignity. It is a therapy that those who want should not be deprived of because of financial constraints.

## **PUBLIC SPACE VIOLENCE**

Many of the respondents have regularly faced and continue to face harassment and violence in the public space. The problem with not finding safe toilets is paramount and definitely curbs movements of LBT\*PAGFB to a great extent. It has been observed through this study that unisex toilets in India is not always considered the best option by a sizeable proportion among the respondents. LBT\*PAGFB may not want to share toilet space with cis men, and otherwise as one respondent has commented, “There is need for separate cubicles in that case”. As mentioned earlier, the policing of masculine women in female toilets is a common occurrence.

It is imperative to seriously think about the rights that LBT\*PAGFB need to demand as legal citizens of this country and it is equally important to imagine it outside the structure of marriage. The simple reason behind this being, there are many who do not want a marriage but they want economic security, public safety and accessibilities to the services offered by hospitals, banks, police, educational institutions, insurance agencies, tourism and the government, with or without a partner. Civil rights must exist for all and marriage must not be made a condition to demanding and availing those essential rights.

The right mechanisms for reporting violence (from the natal family, the public space and intimate partners) must be ensured. What is required with utmost severity is to make redressing institutes like police and legal officials more sensitized and aware of non-heteronormative gender and sexual identities and expressions, specifically of LBT\*PAGFB. As claimed throughout this report, it is the right of every individual irrespective of sexuality, sexual orientation and gender to live with dignity, pride and security in every space that we traverse.

This pilot study is based entirely upon the data that have been gathered from our 200 respondents and it has been attempted to highlight some basic needs and requirements (post reading down of IPC Section 377) which are reflecting through actual everyday realities and experiences. Though the Transgender Persons (Protection of Rights) Bill, 2019 was introduced in the Lok Sabha and successively passed in both the Lok Sabha and the Rajya Sabha on November 26, 2019 amidst severe criticism from the transgender and the larger LGBTQI community and its allies, one can still make demands and claim rights. The legal system in our country has granted the entire LGBTQI population the right to do so. It is necessary to make public institutions accountable for their actions, for their neglect and years of invisibilization and discrimination. It is imperative for the governments to consider specific demands (especially surrounding livelihood, education and health) for all non-heteronormative individuals across location, class, caste, age, gender, ability and religion. This study is offered as a potential document for lobbying with the government in order to demand what is needed for LBT\*PAGFB in West Bengal.



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