Chapter IV
The Precarious State of Queer Relationalities: an attempt to restate law’s role

Introduction
This chapter attempts to build upon the discussions held in the previous chapter. The thrust of the previous chapter was to erect a counter-hegemonic narrative based on a critical study of the normative frames produced and relied upon by the family jurisprudence (viz., family, neighbourhoods, educational institutions, public institutions like banking and insurance service providers, police, courts, medical and psychiatric institutions, and the state, in general) weaved around the lived experiences of the queer vis-à-vis these normative frames. In this way, the previous chapter attempts to theorize family jurisprudence as a problematic piece of legal thinking through the real-life situations experienced by the queer in their lives and which is narrated and documented in their own voices. Since, the objectives of this thesis are not just limited to producing a counter-hegemonic queer narrative vis-à-vis the normative frames of the family law’s thinking; in this chapter, I attempt to develop the scholarship of this thesis in the purview of the following three further objectives:

(1) Studying the interpersonal relationalities that the queer individuals engage themselves with in their lives, which are in the nature of social support-systems or, perhaps queer families;

(2) to study the nature of polymorphous intimate-relationship(s) formed, sustained and broken by the queer within and outside the normative bounds of socio-legal notions of family and kinship.

(3) Keeping in mind, the transformative potential of the law, to prescribe some queer ways to re-imagine the role of law in the regulation of Queer intimate relationalities.

Critical research projects are known for their conscious-raising impact—its power to shake the foundational basis of a system. Though, quite often, critical scholarship (especially, when it comes disciplines such as law) is criticised on the ground that it merely problematizes the subject, shakes-well the conscious of the system/the norm/the dominant and very often leaves the discourse there, without providing any alternative prescriptions to address such problem(s).439 This is often, considered as a limitation of the critical research projects. This becomes even more problematic, when the nature of the researcher’s inquiry has the trappings of socio-legal research. Initially,

when I started with this project, I was quite convinced with the idea that this project could be executed purely in terms of producing a critique of the family jurisprudence limited to the realities depicted through queer narratives; but, after interacting with a couple of my initial respondents and with some scholars working in this domain, such as my Research Supervisor, I changed my thinking. I realised that, by merely documenting the lived-realities of the queer lives vis-à-vis the socio-legal normative structures is going to entail just a counter-hegemonic queer narrative. And, in this way, I would end up simply theorising the problematic nature of family jurisprudence without studying all the myriad possibilities of reforming (or, prescribing ways to reform) that legal thinking which contributes to its making.

The broader question bothering me was: how to take this project to the next level and produce a set of theoretical alternatives that could be used by the queer to engage with the family jurisprudence, with the purpose of reforming the later in the interests of the former. This broader query extends itself to a few more logical inquiries: how does the queer theory politically respond to this broader query? What particular realities of the queer lives could be useful to understand and document queer interests? What alternative routes could be theoretically identified (through the prism of queer methodology) to suggest reforms in the family jurisprudence? How would the queer narratives be useful in this engagement? These objectives are designed with the purpose of taking this project beyond the conventional domains of critical scholarship and create a transformative impact through the results produced by this study (i.e., the production of counter-hegemonic queer narratives, as is the case with this study).

Taking it this way, this Chapter takes the work of the previous one a few more steps ahead. This Chapter supplies a fresh anthology of vulnerabilities that the queer lives experience while engaging with all possible forms of polymorphous relationalities (whether intimate or not-so-intimate). Minimalistically speaking, these narratives act as recorded sources of queer desires, emotions, love, and violence—both within and outside the queer’s intimate spaces and moments, both in the public and in the private. Since, the queer is always already located in heteronormative spaces and structures of the socio-legal assemblage—the queer’s lived experiences help us to understand how the queer forms, sustains and breaks-out of its interpersonal relationalities—which in turn, help us to draw a sketch of the plausible reforms onto the body of this assemblage. Yes, we need reforms for this body of the socio-legal assemblage because, (as the queer methodology tells us) in its current state, its powers turn the queer lives into precarity. This knowledge of the methodology is attested through the analytical-reading of the queer narratives presented in the previous and in this Chapter.
Besides offering an anthology of the queer narratives, this Chapter heavily draws upon the rich episteme of queer philosophy. And, just like the previous chapter, this one follows a discursive track of switching on and off the theory and practice of queer politics to produce certain conclusive and suggestive remarks at the end.

This Chapter is divided into four sections. The first one deploys the queer narratives to present a sketch (or, an attempt to descriptively capture through writing) of the multiple forms and sub-forms in which the queer chooses to make around itself, its relationalities and, live there-under—relationships that have their own chosen names, some exist unnamed, some are subversive and, some are an act of re-claiming the normative. These interpersonal relationalities include intimate relationships, such as that of between two or more lovers, or intimate-care-givers that may or may not be sexually, romantically, or emotionally always connected. Such interpersonal relationalities may also include friends, or other allied support systems of the queer. This section therefore, presents an existential-anthology of the polymorphous nature of queer relationalities that could be called the queer's chosen family/friendship/support-system/kinship.

The second section of this Chapter attempts to map the vulnerabilities that the queer experiences in living/doing its chosen-polymorphous relationalities in the spacial and temporal domains of the public/private. It presents the queer's journey of living/doing these chosen-polymorphous relationalities through a three-tier thematic distribution, given below—which discusses three major questions: how the queer form its relationalities; how does it sustain its relationalities; and, how does it break-out of its relationalities? This three-tier thematic distribution is listed below:

1. Theme-I: Studying the "formation" of the polymorphous queer relationalities:
   1.1. Modes of engaging: virtual/physical/etc.;
   1.2. Nature of concerns/reasons of the queer before/while engaging in relationalities;
2. Theme-II: Studying the modes of “sustaining” queer relationalities:
   2.1. Negotiating with positionality, spaces, and distance;
   2.2. Nature of care-giving involved;
   2.3. Negotiating with normative relational values—such as gender roles, sexual/emotional fidelity, dyadic/polyamorous-ness;
   2.4. Studying the queer's experiences of being at the liminal spaces of expectations and realities of socio-legal recognition.
3. Theme-III: Studying the “breaking-up” of such queer relationalities:
   3.1. Vulnerabilities experienced by the queer in its relationalities;
   3.2. Violence within queer-relationalities.
This section uses the aforesaid three-tier presentation (of the queer’s journey of doing/living these chosen relationalities) to map the vulnerabilities experienced by the queer in domains that are social and legal; and, in spaces that are private and public. This way, this section mainly draws upon the queer lenses to read the queer-experiences of doing relationalities to problematize the role of the social and that of the law which operates through both its presence and, its absence. This section also draws upon a comparison of the legal abilities/disabilities of the normative (marital) relationalities vis-à-vis queer relationalities; for which, it mainly relies upon a survey\textsuperscript{440} of exclusive legal rights/exemptions/privileges extended by the state to the marital families. This kind of a comparative analysis helps us to understand the deep-involvement of the Indian state with the heteronormative ways of doing relationalities (i.e., marriage); and, how such partisan roles of the state directly contribute to the layers of vulnerabilities and precarities in and around the queer relationalities.

The third section discusses the various possibilities of engaging with the law—with the object of positively transforming the queer’s experiences of doing its relationalities. This section mainly draws upon the ‘status model’ and the ‘contract model’ of legal regulation of intimate relationalities to suggest that a carefully engineered amalgamation of both these models works best in the interests of the queer. This is suggested also in the light of a tangential-study of the other legal models (namely, the marriage model and the Civil Union/Domestic Partnership Model) as is followed in foreign jurisdictions. The same is compiled as a list under annexure V of this thesis.

1. **Studying the “Polymorphous Nature” of Queer Relationalities that could be called Chosen Families/Friendships/Partnerships/Support Systems/Queer Kinships**

Choice is at the centre of Queer Kinship. Kath Weston in her much-needed intervention of an anthropological interpretation of kinship brings forth in 1991 the importance of choice-based family making going beyond the strict rubric of the biological kinship. As she writes:

"Defined in opposition to biological family, the concept of families we choose proved attractive in part because it reintroduced agency and subjective sense of making culture into lesbian and gay social organization ... chosen families introduced something rather novel into kinship relations in the

\textsuperscript{440} See Appendix IV of this thesis.
United States by grouping friends together with lovers and children within a single cultural domain.\footnote{Kat Weston, \textit{Families We Choose: Lesbians, Gays, Kinship} 135-6 (Columbia University Press, 1991).}

It is mostly seen through these interviews that, most of the participants have developed their own support systems through people of their choices. The reasons are quite likely, as Anis Da, in his interview says: “in many cases, many of our community members are not well accepted by their own biological families, and probably for that reason, we are always searching for support systems to emotionally bank upon people. We are searching for brother, sisters, mothers, fathers, children, uncle, and aunts. The word family could be a very normative institution, but familial bonds need not always have to do with normativity or a hierarchy. There is a certain, reclaiming of the notion of family when, it comes to queer kinship. When your normative family is disowning you, ridiculing you, harassing you, belittling you, then you are forming your own kind of family, that might not merely be an inertia but might be a process of reclaiming the institution.” He explains his point through his experiences of how he founded his queer father-daughter relation with his chosen daughter, Amy. He says, “Amy’s transition started in this house. When she realised that she should transform herself from a man to a woman, she enjoyed all my support and then, she was scared to disclose this to her biological family, so, I had to play that role. I had to call up and speak to her biological parents. When, I called her mother over phone, very instinctively, I said that \textit{je mey ta to amar kaache aache} (see, the daughter is with me); from the other side, her mother very spontaneously said that, \textit{kintu ami to aapnar bari te kono mey ke thaakte pathaiyi ni} (but, I have not let any of my daughters to stay at your house); then, I had to explain the whole story to her. Slowly, her parents started understanding her. We shared a very cordial relationship and I saw myself majorly in the role of a care-giver in her life. Gradually, she started calling me Daddy and I have been considering her as my daughter from then onwards. So, she chose me, and I respected her choice. She might not have needed me at all, if her normative biological family had supported her from the very beginning. So, our family is a kind of protest, our family is a part of our activism, we are reclaiming our space and, we are reclaiming the patriarchal, heteronormative notions of family in our own way. We are defining our own family, parallel to the traditional family. So, there might not be an established hierarchy. See, Amy loves me because she has a certain respect for me; it is never imposed on her just like how a child is taught that she should obey her father because, he is the head of the family.”

Thirty-five-year-old Aparna Di, one of the front-faces in Bengal’s transgender activism doesn’t want to be personally-labelled with any gender or sexuality
markers. She simply puts forth in Bangla, that *ami nije ke aar kono khope phelte chai na* (I don’t want to place myself in any further categories of gender or sexual orientation). She was assigned male as her sex at birth. Though, her base is urban but, she is now settled completely in suburban Kolkata for the last 13 years. As she lives all of her own from the last 18 years, she says she has made a small family of her own by this time. She lives with her three daughters, Jaya, Tonu and Sohini. She is in a relationship with a female friend of hers named Sam for the last five years. All three of her daughters were assigned sex male at birth. In her biological family, she is survived by her brother with whom, she doesn’t prefer keeping any contact. In fact, she has completely come out of all her biological family network. To my luck I could interview all of them except Sohini, the youngest of the three daughters.

In 2009, Aparna Di said, she met Sam in an electronic store while she was shopping. Sam was an employee in that store, during those days. After a few days of Aparna Di’s buying a fridge from that store, Sam called on behalf of the store to just check if the appliance has been installed at her place. It was after that instance, that they exchanged some personal notes over a few more telephone calls till they met somewhere later in the same year. In October of 2010 they got into a committed relationship. Sam identifies himself as a transman. He had a long-time relationship with a girl in his own locality; it was after his family got to know about their daughter’s forbidden love affair, her father decided to get her married off within a month. So, Sam was forcefully married off by her father against her wishes. Aparna Di said, “when I met Sam in 2009, he used to be under tremendous stress because of his husband’s regular physical and sexual abuse. Sam told me (in a separate interview), that his husband used to forcefully intoxicate him on a daily basis before raping him. And, this continued for nights together at different points in her married-life and, in that condition, she had to come to work daily. Aparna Di adds, “Gradually, I started counselling him and that made him realise that keeping such a relationship was not worth it. By this time, Sam’s father had died and, in his family, I found everyone else to be very supportive and understanding of Sam’s condition. Sam had already created a space for me in his family, by then, as they knew that we both are good friends and it was after I came in his life, he has started reclaiming his life back. I realised that if Sam has to move on in his life, she has to end his marriage as soon as possible. So, I advised him to go back to his maternal home and never return back to his matrimonial family. So, by 2011, Sam filed a divorce suit at the local family court with the help of my lawyers. All he wanted was a peaceful divorce, but the husband wanted to keep things suspended. I remember her mother asking me with numb eyes, “baba parbi to tui” (o, girl, will you be able to get my daughter happy again), to which, I always told her mother, “oke
nijer moton kore bachte din eibar” (let her live on her own, the way he likes to do). I learned the news that, her husband is looking for another girl now to get married and later when after a few months when the dates for his marriage were fixed, I told her husband, if you want to get married again, you have to divorce Sam otherwise, our lawyers will claim maintenance of at least Rs. 30, 000/- from you on a monthly basis for your entire life. It was after a few months that he realised it was better to agree on a mutual divorce and so, somewhere in 2013 Sam got rid of his marriage. Now, he works in our office, the Amitie Trust.”

Jaya the eldest of Aparna Di’s daughters, joined her in her early-20s. Her given sex was male at birth. She was very effeminate right from her childhood. She said in a separate interview, that “my biological family consists of both my parents and two brothers. They always used to discipline me for keeping long hair or putting make-up. I used to listen to them most of my school time but there came a point of time in my life when I started refusing to confirm to their prescriptions and proscriptions; this is when I was confronted with unbearable violence in the family, my brothers used to batter me, for doing all little things that were effeminate. It was 2005, when I decided to leave my family. It was Aparna Di who was then a very good friend agreed to shelter me at her home. She mentored me all throughout my difficult times when I was coming in terms with my sexuality, my gender and my life. I became completely dependent on her and by that time; gradually, I started calling her ‘ma’ (mother) and she also accepted me as her daughter.”

Jaya says, “Aparna Di is my mentor, my guide, my mother. I went to Delhi to join the Hijra Gharanas, and after two years I realised I cannot fit into the hierarchy over there and I wanted to opt out of that order but where would I have gone? My biological family, my own given mother didn’t want me as she didn’t accept me then. That time again, it was Aparna Di to whom I could return." She added, “I realised, oi ma jaar ami pet er shontan noyi, shey ki kore je amake aagle rakhte pare tokhon janlam” (it was then, that I realised the mother who hasn’t given me birth but still to what great extent she could go to protect me). She further adds, “my chosen family therefore comprises of my mother and my two sisters, Tonu and Sohini.”

For Jaya, as she says, “my notion of my immediate family consists of my biological family and my chosen family”. She presently lives with her biological family from the last two years. Though, having said that, she keeps visiting Aparna Di and her sisters on and off. She said, “it was Aparna Di who suggested me that, I should not leave my space and my rights over my biological family. She made me realise that I have an equal stake in the family property just like my other brothers. Also, since, I am financially
capable of supporting my parents, I should do that, as they are getting old and they will need some financial assistance from time to time."

To Tonu, her immediate family means: (1) her father and Jethima from her biological family; and, (2) her Maa (Aparna Di) and two of Aparna Di’s daughters Jaya and Sohini, as a part of her chosen family. Tonu (in her separate interview with me) said, she was already living partly away from her natal home from 2006 onwards, i.e., from the time she had joined MANAS Bangla, as she was becoming more assertive of her gender and sexuality. She further added to this, “after I was raped by a gang of men in 2008, I just couldn’t find the courage to go back home and face my father. I had no clue as to how will I explain him of what had happened to me. I was convinced that he will never understand me.” This was the time, when Aparna Di took her to her home at Rishra. Post-2009, she is mothered by Aparna Di and Tonu currently lives with her and calls her Maa (mother). Aparna Di was already living at Rishra with her eldest (first adopted) daughter, Jaya. Tonu said, “I used to refer her as Maa already and after the rape, I was broken emotionally and otherwise; and she and Anis Da along with my friend Jassi were my constant support. It just very spontaneously happened that I started to live with her from 2009 when I left my biological family.” She lives with her till date.

Aparna Di and her three daughters stay together in her house at Rishra. When asked about the reasons she said, “all the daughters are living on their own and they all are in their 20s, ami bujhde pari je tara shobai khub hi shigiri chitke jabe bibhino-bibhio jayegaye” (I realise that they all are getting to be on their toes and it is soon that they will bifurcate at different places).” She still said, “we live together as we need each other and at the moment the elder one Jaya is in the Hijra profession and she earns sufficiently well to contribute some money to her biological family as well. Tonu works as an artist with a left-wing theatre group. It took us a great struggle to get Tonu over there. The younger one Sohini has just joined our household two years ago and she works as Project Officer at the Amitie Trust. I always tell all my girls to have a good relationship with their respective biological families. They all visit their biological families and also live with me.”

For Ri Di, “what is her notion of family in her personal life?” She said, “family bolte ami bujhi amar nijer banano family, amar ma-babar family noye. Kichu emon manush jader shonge ami amar attar taan pai, tarahi holo giye amar nijer family. Amar Baba-maayer family ta tader family, shyeita ke ami amar family mone kori na” (my notion of family is what I have created for myself, not my parent’s family that was given to me. Those persons with whom I have a spiritual connect are the ones I consider as my family. My parent’s family is there family, I do not consider that as mine.) To this, I asked, “so, tell
me about this family of yours”. She replied, my family consists of Lipi and Ranjita, I consider themselves as my bhai (brothers) and of course, my partner Indrani.” This she said, in the autumn of 2016, in her first interview. By the time, I made my second field-visit to Kolkata in the spring of 2017, I realised that Ri Di had experienced major changes in her personal life. The first was her mother’s demise, and the second, was losing her partner Indrani to a heterosexual marriage. In her biological family, Ri Di is now left with her father, to whom she is the immediate care-giver, and her sister's married family.

“What is your relationship with Lipi Di and Ranjita Di?” I asked Ri Di. She says, “both Lipi Di and Ranjita Di are older than me. I consider Ranjita Di as my friend, philosopher and guide and Lipi Di as my own breadth. I cannot imagine my life without them. They have mentored me in my life and whatever I am today, it is because of Lipi Di and Ranjita Di. For example, ami daal e phodon dile khai na, eita amar barir lokera hoyeto bhule jaye, kintu Lipi Di aar Ranjita Di kokhono bulbe na” (I don’t eat Daal that has phodon (a typical Bengali-style tempering) in it, sometimes my parents may forget that but Lipi Di and Ranjita Di never forget such minute details about me). She further adds, “they both are like guardians, to whom I feel that I am accountable. Tara emon hi guardian jara amake bojhe, aar obujh guardian er jayega te to maa-baba aache hi, jara amake bojhe na” (they are such guardians who understand me, rest at the position of the non-understanding guardians, I have my parents anyway). She says, “I cannot label our relationship with a name, but yes, I call them bhai (brother). For example, each day when I come to office, I have to call Ranjita Di and inform her that I have reached safely.”

She says, “this is my family, I consider. Rest as an extended family, I have Sappho. Both Malobika Di and Akanksha Di are equally responsible for making me what I am today. Akanksha Di is more like a friend to whom I can confide most of my secrets, whereas, I place Malobika Di with very high esteem. Additionally, all my colleagues at Sappho are like one big family. If I take a few days of leave from work, I start missing my office. So, this is my extended family.” In terms of this support system, other than these very intimate relationships, Ri Di sounds very confident when she says, ami jodi goral bhejai, gola porjonto manush amar shathe aashbe (if, I make one call for help, I am sure, there are lot of people who will jump in to help me).

For Archee, she lives with her partner Tush in Kolkata, and shares the same neighbourhood where her parents live. They have rented this accommodation together and are living there for the last three years of their relationship. Though, she often visits her parents and lives some part of the week with them as well. As for her support system within the queer
community, she says: “I think, my partner Tush is the closest in my circle of chosen relations, you may prefer to call it queer kinship. And I always think, other than Tush, I have a support system in the form of friends, for example, even if, someday Tush decides to leave me, I know that my ex-partner and childhood friend Honey will never leave me. I think, the notion of a queer support system is good when we all live in our own personal physical spaces. The notion of a queer family will become a normative family, the moment we start living together in the same home. I would love to live with my partner, sharing a single space, but, with friends, I think too much of intimacy spoils relationships. I see, myself and Tush as one single unit, but, I also know that it is important to have my own individual support system in the form of my friends, with whom my relationship should be independent and parallel to that of my relationship with my partner. Thankfully, I have good friends who act as a great support to me.”

Deepa and Pragya, are a same-sex lesbian dyad, they are living together from more than three years now. Last year, around December, 2016 they got themselves married in the South African jurisdiction. They have recently shifted their base from Trissur to Mumbai, with a little entrepreneurial stint at Goa in between. Deepa is a Canadian citizen of Indian (Malayalee) origin who holds an OCI status under the Indian laws, and she has been living in India from over a decade now. Pragya comes from Jharkhand and is currently making her career in music; whereas, Deepa is into Indian Classical Music with a decade-long career into Queer activism. They have an age gap of around 18 years. Now, Deepa has earned many friends, lovers, and supporters in the last couple of decades; but, currently, she is focusing moreover on her married spouse, Pragya. As she says during her interview: “Before I was with Pragya my primary support system was coming from my lovers and ex-lovers, and other queer friends. But at the present moment, I am focussing on my current partner, and she is not always comfortable with my exes (depending on the dynamics). So, especially after marrying her, I have (a bit surprisingly) entered into a more traditional family structure. On the one hand she is very close to her family who are her primary support system and are accepting of our relationship. On the other hand, my family also knows more about my queer sexuality, which wasn’t there before, so it is possible to share more with them too. That coupled with my partner’s discomfort with my previous ‘chosen family’ has led me to a more traditional place in terms of family. And there are many positive aspects to having this sort of space. Having said that, I must say that I miss my chosen family my exes and the sort of political social and emotional support I got from them! I feel a bit isolated in a way that is similar to how heterosexual patriarchal marriage and families can isolate women. And my partner knows I feel that way. So, I’m hoping for a sort of long slow path where I can re-integrate my alternate family and alternate support system in my life. I’m still in touch with
my other friends and exes and hope to be able to reconnect more in the future."

As said in the aforesaid paragraph, Deepa has an okayish kind of relationship with her biological family as it consists of her mother, her younger sister and her kids, as well as a large extended family, in India, United States and Canada. Deepa’s biological father passed away around 5 years ago. Deepa was once earlier married with a man, who was much younger than her age. As Deepa discusses about him in her interview: “He is a queer/ bisexual man and we were having an open relationship, although we were primary partners with each other. I don’t think our break up was really due to polyamory or non-monogamy, though of course there are complexities and tensions involved with this. It more had to do with our age difference (he was a lot younger than me) and issues of responsibility and trust. We both changed a lot through and after the relationship, and we continue to be good friends.” It was more of an open marriage between them, and post their divorce now, they are in good terms; and, Deepa considers him as a good friend. As Deepa narrates about it: “For a long time after our breakup I still considered him to be my best friend, and we are still fairly close. But I see him less due to my current relationship.”

When I asked Anis Da to explain his notion of family and who all does he think are a part of it. In one go, Anis Da replied that his notion of immediate family are his parents and no one else. Though, at the same time he added that his relatives could all be considered as his extended family. He has said multiple times during the interviews, that his parents are his biggest support systems. He said, he divides half of his week to stay with his parents at his Diamond Harbour house (i.e., from Monday to Wednesday) and the rest of the days with his partner Shambhu’s family at his Kolkata residence where Shambhu and his mother live together.

Anis Da also has a family that he has made for himself. These are mostly relations acquired through friendship and some out his sense of love, care and affection. Anis Da calls this unit as his own chosen family. This chosen family mainly comprises of, but is not limited to the following: (1) Anis Da’s long term and time-tested friends Aparna Di and Joydeep Da; (2) Anis Da’s partner Shambhu; and, (3) Amongst many of his chosen children, his daughters Tonu and Amy form a part of Anis Da’s closer set of queer support system (he says, amongst all his chosen children, Tonu and Amy are the ones who have regularly been in touch with him, and this is the reason why, they are most present in his conscious mind while speaking at the interview)

However, for himself, Anis Da considers queer kinship as a broad network of inter-human relationalities; which could be spread across spaces, locations,
and which is independent of distance. But, having said that, Anis Da also agrees that there is a much proximate circle of chosen relationalities, which could be called as an immediate or closer set of a support system, based on the degrees of intimacy and care that one shares with the other. Here, I have tried to create a brief summary of each of Anis Da’s chosen relationalities:

**Anis Da, Aparna Di and Tonu:** Anis Da says, “I don’t know how will I explain my relationship with Aparna, I mean it is a relationship that cannot be put in any conventional categories. I know her from the last 15 years or so and we have never had anything sexual but it is such a sweet friendship.” Aparna Di is a resolute, strong-willed character who has carved some new standards in the otherwise traditional Hijra communities in Bengal within a short span of nine years. She is 35 now, and is one of the highly regarded leaders amongst the Hijras; she is recently appointed by the Government of West Bengal as the member of the state’s first Transgender Development Board. Though, she is born and raised in Kolkata but she is now settled completely in suburban Kolkata for the last 13 years. She is the Managing Trustee of the Amitie Trust, Serampore that works for mainstreaming of the Hijra community and other sexually marginalised populations in West Bengal. Aparna Di was assigned male as her sex at birth and it was later when she was 27 she got herself into the Hijra Cult. Aparna Di lives at Rishra with her three adopted daughters Jaya, Tonu and Sohini all of whom are males, as assigned at birth. Anis Da and Aparna Di together adopted Tonu in 2010 when she was barely 18-year old. Tonu is now a budding theatre artist.

**Anis Da and Joydeep Da:** Anis Da knows Joydeep Da from 2003, from his MANAS Bangla days where both were colleagues and became good friends then on. Anis Da says, “Joydeep is one of the trusted comrades, he is more than just a friend. We have barely had once or twice some physically intimate moments in our initial days but he is my closest confidant.” He says, “Since, Joydeep is universally out, I have no hesitation in speaking about some of his personal details. Joydeep’s parents are also one of the signatories of the Naz Case. Joydeep is not only an inspiration in that sense, he is also a person living with HIV and he is out with that also, and this is also an important thing why I am mentioning this; the reason is that we are scared about HIV but we are not very cautious, we don’t take protection but once we get any hints we panic that that unsafe exposure could lead to anything and we become paranoid. And in such situations Joydeep is a very great help, someone who is visibly healthy, who is working, who is sane and who has formal training in mental health and is out about his sexuality as well as his HIV status is an invaluable asset. So, his comradeship has no parallel. More than this, our mutual vibrations are most important to us, amra ek dujon ke, eke opor ke khub bhalo bujhi, kono din or shonge ekta kotha Jodi na hoye tahale kharap
I need to talk to him at least once a day.” Joydeep Da lives with his parents, his brother and his sister-in-law in the same house at Serampore.

**Anis Da and Amy:** Anis Da knows Amy from her college days. Amy was assigned male sex at birth, though she later realised her gender fluidity and considers herself as a male to female transgender person today. Amy was the first tenant in Anis Da’s Kolkata Flat. Anis Da says, “Amy’s transition started in this house. When she realised that she should transform herself from a man to a woman, she enjoyed all my support and then, she was scared to disclose this to her biological family, so, I had to play that role. I had to call up and speak to her biological parents. When, I called her mother over phone, very instinctively, I said that *je mey ta to amar kaache aache* (see, the daughter is with me); from the other side, her mother very spontaneously said that, *kintu ami to aapnar bari te kono mey ke thakhte pathaiyi ni* (but, I have not let any of my daughters to stay at your house); then, I had to explain the whole story to her. Slowly, her parents started understanding her.” He further says, “I used to share a good rapport with her family and it was precisely during those years that Amy had been undergoing her gender transitions. We shared a very cordial relationship and I saw myself majorly in the role of a care-giver in her life. Gradually, she started calling me Daddy and I have been considering her as my daughter from then onwards. So, she chose me, and I respected her choice. She might not have needed me at all, if her normative biological family had supported her from the very beginning.”

**Anis Da and Shambhu:** Shambhu is Anis Da’s Partner. It was during the year 2009 that Anis Da received a call on his helpline that he used to run on behalf of a support group called Amitie Trust at Kolkata to provide telephonic counselling to the LGBT persons. His first few conversations with the young Shambhu (he was 22 at that time) happened over phone around the same year. Later, they met in person and by the year 2010 they decided to begin their relationship. Shambhu is a trained hospitality professional and currently works for an airline Company and is based at Kolkata at Anis Da’s Kolkata Flat with his mother. Shambhu says during his separate interview that he was a student at that point of time when he met Anis Da and he used to shuttle between Kolkata and his native Asansol as his coaching institute was at Kolkata. Anis Da intervenes and said that he at this point of time realised that he needs to vacate his flat at Belur (and then, later, his other flat in Kolkata) so that Shambhu could stay here and continue his studies. It was from then onwards that on and off they started living with each other. In 2012 Shambhu’s parents also shifted to the same flat where his father died in the year 2014.
What are Anis Da’s notions on a broader queer family? He says, “if you see then the kind of a queer kinship that I have been able to develop around me is a really large one. For example, Ashok Rao Kavi is considered as Amma by most of us in the community; this way, I also become a part of Ashok’s chosen family. So, you can’t limit my chosen family to only Shambhu, Aparna, Tonu, Amy and Joydeep; I have a huge family, if you see. For example, I have nieces, some people call me mama, some call me mashi even. I don’t mind because, I consider myself as a gender-fluid person; so, people call me with whatever they feel like, and I am happy about it. It is not that I have ever called Ashok (Row Kavi) as my Amma; it is not that we don’t fight. Ashok knows that, I am leftist minded, I know that he is a hardcore right-minded; and, we sometimes have better exchanges even over the Facebook walls as well. But, I have such amount of love and respect for him, that if tomorrow, if Ashok says, that, no, I am not a part if his family, I will be heart-broken. This way, if you see, there are so many community members, I have not chosen them, they have chosen me. For example, take Rohit, he earlier used to work for SAATHI, he now is with Alliance; now, he has always called me Kaka (Father’s younger brother in Bangla) for all these years. Now, I did not tell him that call me Kaka. He calls me Kaka precisely because his parents were initiated by Swami Videshananda Ji, the then, president of the Ramakrishna Mission Order (which is a spiritual order in Hinduism) and I was also initiated by Swami Videshananda Ji; so, his parents and myself are Guru-bhai-bon (brothers and sisters as per the spiritual order followed by Ramakrishna Mission). So, I am his father’s younger brother sort of, and he calls me Kaka and keeps on calling me Kaka all these years. He calls me Kaka even when we are on an official call of Alliance’s teleconferences or meetings, he picks up the phone and says, hai kaka (yes, kaka). So, it’s like that; these relationships, these bonds they form like that and they remain so strong.”

In a similar vein as Anis Da’s notions of a broader queer family/social network, Maya and Shruthi also claim to have many queer-friends in and around Trissur; though, some of them may be really very proximate to them and many may not be. But, both of them during their interviews have in multiple ways acknowledged this wider queer-network as their much valued chosen-support system. As Maya puts forth in her interview: “Actually, there are around fifty friends I have made here in Trissur, who come from the community. But they don’t open themselves out in the society. They will only express their feelings within the community. Bisexuals are more, homos are very less, transgenders also very less. And the support system in the community is growing gradually.” Maya and Shruthi have been living together from the last two years (from almost the same time as they met first at the Kerala Pride in 2015) in a rented accommodation at Trissur, Kerala. Maya’s biological mainly has her mother now left, who has accepted their
relationship and lives in her village home, around 70 kilometers off Trissur; whereas, Shruthi has not conveyed about her love, and her intimate-relationship to her biological family; they consider Maya as Shruthi’s good friend and just a flatmate.

Now, on the scale of defining relationalities, Sumita Di considers herself a loner at core. But, when it comes to defining her own personal support system, she considers herself to have earned five particular relationalities that she calls as her support system: (1) her daughter; (2) her ex-husband; (3) her (same-sex) ex-lover-turned friend; (4) her colleagues; and, (5) her present (same-sex) partner. She says, her relationship with each one of these persons is independent of any expectations on her part. She says, “I don’t see these relationships as a security to my future life.” She takes these relationships as independent of all kind of possible human conditionalities. To her all these words: love, eros, sex, sexual desire, or desire per se, these all are already very-very laden, already very-very essentialised, they always already signify a particular meaning. She says, “Now, when I say, I desire people, I mean to say that, I desire them on my own terms and not on the terms assigned by the society.” For example, she says, “when I say that I do not depend on my daughter that she will come and help me out in a certain way, it is essentially we interpret it as, her as a bad daughter. But, my problem is, my relationship with my daughter perhaps is something with which, I am totally in sync with; and, I am sure that my daughter is also completely in sync with it. This is our mother-daughter relationship. It is essentialised by us, if you have to have it essentialised at all.”

Sumita Di considers herself to have queered her notion of family or support system. She doesn’t attach any of her relationalities (irrespective of whether they are biological or marital or chosen) with any standard of expectations; at least she tries her best to avoid having any set standards when it comes to load a relationship with expectations. This in itself is quite contrary and subversive of conventional relationalities, experienced in normative kinships; for example, a mother-daughter relationship is always already essentialised with a set/pre-fixed standardised template of expectations-conditionalities; Sumita Di’s politics is to subvert these normative frames in her relationship with her biological daughter. As she says, “yes, I am a mother to someone, but, I do very well know that my daughter doesn’t want to be a part of my family; and, I am the head of my family, that way. Meaning thereby, my daughter considers herself as an independent person; I consider myself as an independent individual; and if there is anything called family, then she is one family, and I am one family, if at all the word family has to come anywhere. Yes, I am connected to her and she is connected to me, we are absolutely connected through a typical heteronormative bloodline, that is also our reality, but that is history and I or she cannot do anything to change that,
and neither do I want to change it; but, AADHAR scheme wants her to be included within a family structure”, and, this is where I have an objection. So, if you ask me what kind of a family do I have; it is a very-very difficult thing for me to say. I consider myself to be my family; and, I have some friendly people around me, not many in number, but may be some three, four or five persons."

When I ask Pawan, about his chosen/queer support system, he said very clearly that, by the notion of a chosen family, he can’t think in terms of a hierarchy, but, again his current relationship with his partner (his boyfriend Prodyut) is a very special one for a variety of reasons; but, he also adds here that, “I am not going to repeat history; I am not going to see this as the apex relationship or any such things. I want to retain other connections, as long as other people do not tell me, get lost. I want my support system to not be dependent on only one individual.”

Pawan met his current partner Pradyut around two and a half years ago. Prodyut, is around 30 years of age, and identifies himself as Gay and he is currently pursuing his Ph.D. on Bio-medical research. He comes from a middle-class background, and in a way, he is the first generation higher education learner in his family, as Pawan describes in his interview. He is part of the Calcutta queer scene. “Human sexuality is also an area of his interest; but the nuances of queer politics have always been a part of our conversations”, says Pawan.

Pawan didn’t come to this understanding overnight. According to him, for many years in his life, he always took one particular relationship at a time (mainly with someone special whom he considered most intimate of all) as the top-most relationship in his order of other social relationalities. But, this realisation is a recent one, that makes Pawan understand that, no one particular relationship should trump all other relations and, that all relationships have their own importance and must be treated likewise, and not be neglected at the cost of one particular-exclusive relationship. Hard realities are learned through experiences. Pawan has learned through his share of experiences of his past.

About his chosen set of relationalities, Pawan says: “So, I can’t think in terms of a hierarchy; but again this current relationship is very special for many reasons and one of them being that it has happened at such a point of time when I have been in an unchartered territory. Because, for such a long time I was in one organisation and with that very friend-cum-colleague of mine (with whom, I had a one-way relationship) I was at such a comfortable position that I thank God, although I do not believe in God, but thank God, for this relationship that it is there and has been there for such a long period of time
and even our boss was very appreciative of it that you guys have really stuck it out and it’s rare to have such a friendship for such a long period of time. But, having moved out of such an organisation, I was very protective of not just that friend, but also other colleagues whom I had left in that organisation. This friend is younger to me and I had a one-way romantic feeling for him; and it has also happened that I had visited a personal counsellor about this and I therefore, came to a conclusion that yes, I am entering into a new romantic relationship but I am not going to repeat history; I am not going to see this as the apex relationship or any such things. I want to retain other connections, as long as other people do not tell me, get lost. I want my support system to not be dependent on only one individual”.

What are the rewards of having such a political positionality, on matters of one’s interpersonal and social relationalities? Pawan has a long-term vision for his life surrounding these prized friendships of his. He imagines his post-retirement life with these friends. Pawan speaks from his thirty years of activist-experiences, that “I perceive that as very important and it is not just me, I have seen this in many people, including some of my dearest friends whom I would call as my immediate-chosen family that people become very lonely and they withdraw to their shells or they get into other kind of self-abuse, and harm themselves and hurt themselves; so, at that point of time for friends to be around is very important. To quote-unquote in the Gay World, may be its true for the Bisexuals and the Lesbians also, very often people involve everything in one relationship and when that doesn’t work out because of a variety of factors, their world collapses and you have suicides, or they get into substance abuse, or HIV; so, I want to avoid that for myself and for others.”

Pawan plans to invest on a big piece of land (if possible jointly with his closest friends in the queer community) that he desires to make into a sort of a community retirement space. He shares his post-retirement plans, as he says: “if possible, when I start planning for my retirement while entering that phase of life where you have a place to stay and when you are dependent on bank interests; so, for that phase of life, with some of my dearest friends; including my colleague-cum-friend, that we will not stay at one place, but we will stay at different places but together.” He says, “I want to have something like urban forests where people buy a piece of land near to a city, and then let the plants and natural vegetation grow over and they live close by and then sometimes, such friends often meet. Now, that’s the fantasy, but coming to a more real thing, I think some of my friends may end up buying flats in the same locality or may be in the same building at the most. But, I am not planning to build a home for the members of the community; and some of our peers are attempting that in our country; but, I have my own problems with that. I feel that if we live under one big house, the pressures of the biological
family will be replaced by a chosen family then. Although, you say that you will be free, and you will not have to do this and that; but, there will be some obligations. Again, it becomes very normative and again you are investing yourself in a certain environment where it is very difficult to come out from. But, rather my thing is that if friends have to be with each other, it is important that we have our own small individual spaces, so, that we can retain our autonomy. Not all holidays have to be spent together, not all dinners have to be eaten together, you know, then, it becomes a compulsion and then, you develop resentment."

Pawan has a futuristic idea, a concept of a particular style of living, which defies almost all standard notions of heteronormativity. However, the shadow of heteronormativity still looms large in his thoughts and experiences as there are many of us queers who are still concerned of our biological parents, who do not/refuse to understand our world, our desires. Much of this heteronormativity enters through the old biological relationalities that the queer inherits from its heteronormative past—mainly, the non-accepting/not-so-understanding biological parents. The queer politics doesn’t demand any kind of a compulsive behaviour from anyone—be it one’s parents. But, for a queer who is typically coming from a strong heteronormative setting, it is difficult (some may say inhumane) to drop one’s ailing and old biological parents out of one’s life. It may have its own social and psychological repercussions on the queer’s mental health and social being. As Pawan shares his apprehensions: “Now, when you act on this plan of ours, then there are many of us who are living with their dependent parents; they would definitely be a part of this; but, for instance, my mother or another colleague’s mother would understand this concept of living; but then there is a friend whose mother does not understand him or about us. So, I don’t know how he would react, if she also wants to come to this environment. A shaky thought, but I have brought this out for discussions with people that can we have something like this and nobody has been very forthcoming about it, except a couple of people.”

But, what is this support system which doesn’t come in support when you need it the most? How does the queer deal with issue of expectations or counter-expectations in its relationalities? For Sumita Di, it is not that she is sceptical of the idea of support-giving/taking/exchange; it is just that she doesn’t want to burden any of her relationalities with the load of a standard set of expectations and conditions. As she says, “yes, I do depend upon them (relations); they are my support system. Now, it all depends upon what do we understand by a ‘support system’? One answer could be that, I may fall sick, or the other could be that, I may need money, in both these cases, these persons are my only support system. I cannot think of my daughter to come and help me; she may, but, I do not expect. You know, I do not expect
it from her, just because of the biological relationship that we share. If she has to come, she can still always come. Now, if I utter these things about my daughter with any X, Y, Z person, it is only most likely that they will judge my daughter as a bad person. Maane eita ami ekta shadharon perspective e theke bolchi, mane who is unwilling to take care of her ailing mother? Kintu bepar ta ekkom hi tai noye? (When I say this, I completely speak from an ordinary person’s perspective; and, that ordinary perspective would be o question my daughter’s love for me. But, that is not at all the case with her). She may or she may not; like one of my friends may or may not. There is no guarantee for anybody, because everyone lives their own life and everyone’s life is very-very complex and we all live vulnerable lives in each of our cases. At any moment any problem can happen to anyone of us. So, I cannot expect X to come and help me, just because X is my daughter or my friend. But, yes, I think he or she will; the way I think perhaps she also thinks that way, if she has the amenities and the convenience to come, she will. But, because she is my daughter, she has to rush to me, this type of expectation-building, I think me and my daughter never developed in our relationship.”

How about standards of intimacy in queer support systems? For example, in a conventional family, there is always an inherent hierarchy amongst persons, based on the relationship that they share with you. Often, such hierarchal positionalities are based upon constructed notions of “nearness of bloodline” or “marital supply-chain”; however, this is not the case with queer relationalities. In fact, the politics of queer-bonding/queer families do not work on any pre-set template defining a certain pre-determined hierarchy. It would be to harbour a misconception if one is to construe that, for a queer, all relationalities mean the same degree of values (e.g., love, care, attachment, emotions, etc.); they could always be there, but it is just that in queer relationalities there are no (and never should ideally be) pre-determined criterion that forms an already fixed hierarchy. In queer relationalities, defining a certain positionality for a loved one may be determined by someone’s autonomous choice-making. For example, in the case of Sumita Di, she has a certain defined positionality for different persons in her support system—some she calls as her core support system, and the rest could be called as her peripheral support system. As she says, “Yes, I do have a hierarchy amongst these people. I think, my daughter, my ex-husband and my partner, they are the most intimate people; then, my ex-lover-turned friend and then four-five other people.” Now, why she prefers her daughter over her partner, or over her ex-husband, that is not something which queer politics is concerned with?

Now, given the current circumstances (in Sumita Di’s life), this could be an acceptable intimacy-choice based hierarchy that Sumita Di must have defined for herself; but, this doesn’t mean that this arrangement is inalterable.
It is possible, that in the due course of time Sumita Di may start considering her ex-husband or her partner or some new friend over and above her biological daughter. Whether she really does that or not could be a separate matter; but, there is always a theoretical possibility which may always exist. For example, in the case of Ri Di, when I took her first interview, and, I posed the same question to her (that what is her notion of a hierarchy in her chosen relationalities), she veritably described it as her mother-father (her biological parents), and immediately after that, her partner Indrani Di (as she then was). Now, when I took her second interview, after a span of around seven months, her answer to this question changed its earlier meaning. By this time, she had lost her mother to death and her partner Indrani Di to marriage. Of course, the position of her mother became vacant, which would probably never get filed by any other person ever, as she is no more alive; but, her then-partner Indrani Di is very well alive, but Ri Di lost the charm of giving Indrani Di a second position (amongst others in her support-system) in her life. So, this way individual positionalities could be shifting in queer support systems, with changing choices and changing alternatives that the queer may/may not decide to exercise at any given point in time or the other. The same is not a possibility between a legally wedded man and woman, or between a biologically related father and child. In such normative relationships, individual positionality is always already pre-fixed.

How is the notion of stability perceived in queer relationalities? What are the essential characteristics that define/indicate stability in relationships? In heteronormative relationships, stability is perceived as a very essential concomitant of a successful relationship. In heteronormative relationships, stability is an end, which is mainly reached through the means of marriage. Through, the law on marriage the state imposes monogamy between parties; the law imposes restitution orders to keep the parties supplying conjugality in relationships. As Pawan registers his militancy against the idea of marriage (or any kind of state recognition of intimate/private relationships)—he says: “I think if a relationship has to survive it does on its own, and any registration of it doesn’t save it. Inherently, I would militate against any kind of state recognition.” On the other hand, Maya and Shruthi have a diametrically opposite opinion on it, as they see ‘stability’ as an important concomitant to their intimate relationalities. As they speak: “Like in straight marriages, having children is the most important thing why they live together, even if there are problems, they prefer to live together but in case of relationships in our community, they have no children and also, there is no social or legal sanction to keep them together. So, it is very easy to back out. This way marriage looks as the only means to stabilise relationships amongst members of the LGBT community. This is the main reason, why mostly in the community, people do not have a long-lasting, committed relationship. They
live together for one or two years, and after that find someone else interesting; then, they break up and start living with someone else.”

The politics of queer relationalities do not fantasise stability as any of its goals. Being queer is being anti-structuralist in one’s politics; and, stability is an important signifier that represents structures. The question that comes very obviously is: whose stability are we talking here, or whose definition of stability are we following here? i.e., who is benefited when a relationship is considered stable, is it the state or the individual-participants in a relationship or, is it the society as a collective? Does the genealogy of ‘stability’ partly comes from social expectations, social pressures and is discharged through the sense of social-burden experienced by the individual parties in a relationship? Sumita Di says, she never desired the stability that was defined by the state for her relationships. For her, stability means different things in different relationships, if at all the word stability is to be used. Her politics is again autonomy-based, as she wants the parties in a relationship to define the terms and conditionalities of stability by themselves. As she says: “I never seek to make my relationships stable by the force of a third party like state. I came out of a 35 yearlong very stable marital relationship, and he is a person whom I still consider as one of my most intimate support systems, so, imagine the kind of relationship I had with that person, and I have with that person. But, I just came out of it technically, I mean state-wise. But, now the kind of relationship I have with him will be totally on us.”

This way, queer politics is anti-foundationalist, anti-essentialist, and anti-structuralist at its core, as it questions the very basis of the normative structures. Hence, in queer relationalities one must not impose a certain set of notions on stability (whether the imposer is state, society, or any other power); such issues must be left to the parties to work out. As Sumita Di points out: “But, yes if I speak as an activist then I will have to say that if there is anything called ‘marriage’ in the Indian laws, then it should be for everybody, if it is a question of accessing equal rights. Whether I will like to marry my partner/lover or not, that is my personal choice. But, if you ask me personally, then I would say that people should do away with the institution of marriage altogether.”

There are also some participants for whom marriage is the way forward to take their intimate relationalities towards equal-access and equal justice. For Maya and Shruthi, who come from Trissur in Kerala, marriage forms a very important component in their thinking and future-planning. They see marriage as a part of their social/community culture, and imagine/desire its services in their same-sex intimate-relationship as well. They feel agitated/deprived when they see that the society, its agents and the state deny them the opportunity to marry. They see this “lack” as deprivation (as if they have
some moral entitlement to it) because they envision ‘marriage’ as an enabling-instrument to fulfil their desire for equal opportunities and a dignified life. Maya and Shruthi’s notions of equality and dignity appears to have its roots in the life of their comparators; they see their own intimate-queer-relationallties in competition with (rather no less than) the hetero-sexual/normative relationalities.

As Maya puts forth in her interview: “In the community (LGBT Community), everyone wants to lead a normal life, like the straight people do. They believe in marriage, actually marriage is a belief that someone is with me always. So, just like everyone else, we also want to get married. In India, we have a huge concept about marriage; and since, we are living in India and therefore, I think we should also have the right to marriage?" 

Maya and Shruthi met two years ago, in 2015 during the Kerala Pride. Soon, Maya proposed her and Shruthi accepted the proposal. They clicked and within a matter of a few months Maya invited Shruthi to relocate and stay with her at her rented 1-bhk apartment in Trissur. Meanwhile, Shruthi found herself a job and since then, they are live-in together. Maya’s immediate biological family comprises of only her mother (Amma); she is out to her regarding her sexual choices and her relationship with Shruthi. Maya and Shruthi refer each other as partners. Maya’s mother often visits them; sometimes for weeks together. However, Shruthi has never formally discussed her sexual orientation or her relationship with her biological family. They consider Maya as Shruthi’s good friend and a flatmate.

2. Mapping the Vulnerabilities in Queer Experiences of doing its Chosen Relationalities

This section attempts to map the vulnerabilities that the queer experiences in living/doing its chosen-polymorphous relationalities in the spacial and temporal domains of the public/private. It presents the queer’s journey of living/doing these chosen-polymorphous relationalities through a three-phase thematic distribution, given below—which discusses three major questions: (1) how the queer form its relationalities; (2) how does it sustain its relationalities; and, (3) how does it break-out of its relationalities? Each of these three thematic-questions are further understood in the light of their respective sub-themes, as listed below:

(1) Studying the “formation” of the polymorphous queer relationalities:
   a) Modes of engaging: virtual/physical/etc.;
b) Nature of concerns/reasons of the queer before/while engaging in relationalities;

(2) Studying the modes of “sustaining” queer relationalities:
   a) Negotiating with positionality, spaces, and distance;
   b) Nature of care-giving involved;
   c) Negotiating with normative relational values—such as gender roles, sexual/emotional fidelity, dyadic/polyamorous-ness;
   d) Studying the queer’s experiences of being at the liminal spaces of expectations and realities of socio-legal recognition.

(3) Studying the “breaking-up” of such queer relationalities:
   a) Vulnerabilities experienced by the queer in its relationalities;
   b) Violence within queer-relationalities.

This section uses the aforesaid three-tier presentation (of the queer’s journey of doing/living these chosen relationalities) to map the vulnerabilities experienced by the queer in domains that are social and legal; and, in spaces that are private and public. This way, this section mainly draws upon the queer lenses to read the queer-experiences of doing relationalities to problematize the role of the social and that of the law which operates through both its presence and, its absence. This section also draws upon a comparison of the legal abilities/disabilities of the normative (marital) relationalities vis-à-vis queer relationalities; for which, it mainly relies upon a survey\(^{442}\) of exclusive legal rights/exemptions/privileges extended by the state to the marital families. This kind of a comparative analysis helps us to understand the deep-involvement of the Indian state with the heteronormative ways of doing relationalities \((i.e.,\) marriage\); and, how such partisan roles of the state directly contribute to the layers of vulnerabilities and precarity in and around the queer relationalities.

2.1. Studying the narratives on forming-up of diverse relationalities by the queer

What powers enable/disable the queer to/from get/getting engaged in intimate relationalities? Is it always that the queer forms relationalities by its own accord and free choice? Are they often compelled to choose certain kinds of relationalities/bodies over others? How does patriarchy and heteronormativity often play an important role in the making of such decisions? What is the nature of such compulsions: are these always cultural and social or are they legal as well? What are the means and methods deployed by the queer while it forms relationalities? There are more questions than answers while we think about these issues. A discussion on these narratives would better place us to understand the queer-ways of doing relationalities, and in

\(^{442}\) See Appendix IV of this thesis.
the process, these queer narratives highlight the ways of addressing these questions.

Most of the participants in this research have found themselves in the company of other queers, quite naturally, some in the school, some in their neighbourhoods, some in their families, some at the workspaces; some through informal/formal support groups but most of them do live their relations in the backdrop of an untold silence. Staying in silence could be a matter of one’s choice; but, when silence is imposed on our decision-making, then that becomes problematic, and hence a subject of study.

The following are the analyses drawn upon the narratives voiced by the participants during the study.

2.1.1. Modes of engaging: virtual/physical/etc.:

Before I started my fieldwork, I had a loose impression that queer connections are most likely to build up at dedicated and designated sites, such as the cyberspace (e.g., gay chat rooms or online dating/hook up sites) or at the conventional cruising areas (e.g., parks, or marketplaces, public toilets, long night trains, or busses, etc.). I was certainly proven wrong when the data started flowing in. It was quite surprising to find through these interviews, that most of the participants had found sexual-romantic-emotional connects at different points in their lives at some of the most unobvious spaces imaginable, like classrooms, playgrounds, markets, family spaces, neighbourhoods, or workspaces, etc. Some of these translated into long-term intimate relationships, some didn’t. These are some of the most normative of the spaces where, according to Michel Foucault’s analysis of Jeremy Bentham’s panopticon model; one is not supposed to be finding love under the fear of the invisible guard watching from the imaginary tower situated at the centre of the social-panopticon.443 Perhaps, most of these queer connects that develop in these spaces are possible to happen because all their participants are subconsciously well aware of the consequences, if their connections are found out. Though, the power of ‘the social’ appears to be invisible, its impact is very well felt by the queer while making its attempts to search for its intimate relationalities. There is a subtle “playing around” with the invisible (but, highly impactful) social forces that the queer participants dare to undertake, through a set of continuous attempts designed to fool the invisible social guard (supposed to be seated in the social watch tower). The tools that come handy to our queer participants have been mostly, strategies based on the power of silence, denial, and pretension as attempts of playing around the invisible social guard, so that the queer acts are never acknowledged/registered through the otherwise wishful eyes of social-police. This way, Foucault’s analysis doesn’t dodge this narrative.

443 See Supra note 42.
For Ri Di, she experienced her first relationship at school with one of her female classmates; and, which continued for thirteen long years, from 1996 to 2009. She lost her to marriage in the same year; in fact, the reason for their break up was her girlfriend's wilful consent to an arranged marriage. However, Ri Di met her next lover Indrani (now her ex-partner) in the same year, while working at the Manas Bangla office. They have worked for around two years together in that office after which Manas Bangla was closed down because of some alleged financial irregularities. In the year 2010, love blossomed between them, but they had kept a low-profile as a couple within the LGBT circles and only a handful of friends knew about them.

Anis Da considers queer kinship as a broad network of inter-human relationalities; which could be spread across spaces, locations, and which is independent of distance. But, having said that, Anis Da also, agrees that there is a much proximate circle of chosen relationalities; which could be called as an immediate or closer set of a support system. How did Anis Da come in touch with the persons whom he considers as his immediate queer support system? What were the spacial and temporal conditionalities that fostered Anis Da’s relation with these persons? Here, I have tried to explain how Anis Da met these persons who now form a part of his proximate queer support system. Anis Da met Aparna Di (then known by her maiden name Arpon Bannerjee) at Integration Society, Kolkata. The Integration Society was one of the first few safe queer support groups developed in Kolkata. Anis Da knows Joydeep Da from 2003, from his MANAS Bangla days where both were colleagues and became good friends then on. Joydeep Da lives with his parents, his brother and his sister-in-law in the same house at Serampore. Anis Da knows Amy from her college days. They met through some of queer support groups working in Kolkata in the early 2000s. Their relationship became more intense when Amy decided to leave her biological family to stay at Anis Da’s Kolkata apartment as a tenant. Shambhu is Anis Da’s Partner. It was during the year 2009 that Anis Da received a call on his helpline that he used to run on behalf of a support group called Amitie Trust at Kolkata to provide telephonic counselling to the LGBT persons. His first few conversations with the young Shambhu (he was 22 at that time) happened over phone around the same year. Later, they met in person and by the year 2010 they decided to begin their relationship.

Maya met Shruthi during one of the LGBT community events during the Kerala Pride in the year 2015. As she says: “We met at the Kerala Pride in 2015, two years ago. I proposed her and she accepted and later, with Amma’s (Maya’s mother) consent, we are living together and it’s been two years now.” They have been living in Maya’s already rented 1-bhk apartment in the outskirts of Trissur in Kerala, since then. However, Maya’s apartment owner has allowed Shruthi to join in as one of Maya’s good friends. As Maya puts forth during her interview: “the society wants to see a girl in a girlish
way, even if she feels like a boy from inside, she must look like a girl from outside. So, when I rented this house in Trissur three years ago, I had long hair, unlike today; I used to more so, look like a girl. So, there was really no problem in renting the house, and now I have cut my hair short, and I live with my partner, but I think the house owner thinks that we are two friends living.”

Jaya met her current male-partner through a mutual friend of hers. As she recons in her interview: “after four months of my Nirvan, one of our mutual friends introduced us to each other. He takes me as if I am some girl. Sometimes, I happen to tell him that I am not a girl, I have a boy’s body, I don’t have boobs or a vagina, how can I be a girl.”

Deepa met her current partner Pragya online over Facebook around three years ago and it continued a long-distance relationship for little over a year, until they started living together. As she recollects in her interview: “We were planning to spend our lives together, or at least considering it, so living together was the next step. We started living together after a year of long distance relationship. Of course, that’s not the only model; but, we both wanted to try.”

Pawan met his current partner Pradyut around two and a half years ago. Pawan speaks “we met at a queer community event, and we kind of hit it off. Again, I was a little pestered with his interest in me because that was a point in my life when I just left SAATHI and I was toying with the idea of leading an independent life both professionally and personally. When he started showing his interest in me, I also realised that I needed a company, may be because of my uncertainties about this phase of my life. And, his commitment and his love, I think were infectious, so, we ended up spending a lot of time together.”

Aparna Di met Sam in an electronic store while she was shopping. Sam was the Head of the Electronics Section of that Store’s sales team. As Sam recollects in his interview, about his first-time meeting with Aparna Di: “It was an electronics related job at Sony. That is when the talk about divorce came up and he did not agree to it. This continued for long. I continued to go for work. I was extremely depressed even then. I used to wear jeans, kurta and still wore sindur and sankha. I had to maintain this attire because of my family. You can also imagine the kind of talks that were doing the rounds in my neighbourhood after people heard that a woman has left her husband’s home. This is how it was continued for a while. One day Aparna came to our showroom as a customer. I didn’t know anything about Aparna at that point. Maybe because she worked in this field, she was curious when she saw my appearance along with me wearing sindur and sankha. She could not ask me in front of everyone, so she bought a product from the showroom where my
phone number was written. Later she called me on that number. That is how we began talking over the phone, sometimes we would meet on our way to work. I again found someone who could understand me, after the first person had left. She was again someone who was trying to look at me and understand me in a new way. I didn’t know who she was, how she was, I did not think of any of those things. A relationship of mutual like was established, which maybe both of us did not understand at first. She slowly came to know that my husband was not giving me a divorce and so on. This phase had continued for over two years, beginning from my first year of college till I graduated. It had taken me almost two years to handle this whole process of marriage. Aparna spoke to my sister over the phone after this. I had told my sister that a customer had wanted to speak to you. I had not told her that she belonged to this community. Aparna told my sister to talk to my husband in a particular way, that we would not demand any alimony. Actually, he was thinking that we could demand many things in order to get a divorce. This is why he was not ready to give a divorce at all. On the deal that he would not give back anything that we had given him during marriage, he finally agreed to sign for a divorce. After almost two years we came to a mutual agreement for a separation. After this the divorce finally happened. When I got back home after that my family did not behave with me badly because of the divorce. They have always felt guilty for the one reason that at the beginning they had trusted the other man and not their own daughter. This part came to an end. After that I told my sister about Aparna and that we have a very good relationship. At that time she did not understand too much but knew that I was happy at some level.”

Somewhere, Sam’s wearing of Shakha, Pola and Shindur, all the social signifiers of a Hindu married woman hinted to Aparna Di that, Sam is married. But, in a small town like Rishra, especially, married women are not generally seen wearing jeans with kurta (probably its considered too urban and maybe unwomanly); but, Sam’s dressing sense somewhere may have hinted bits of queerness to Aparna Di. As Aparna Di recollects in her separate interview: “Sam ke jokhon prothom baar dekhi, or oyi ek maatha bhorti shindur, abar ei dike jeans theans pore chilo; okke to dekhe hi bujhlam je o to community r manush (after seeing Sam for the first time, in jeans and with her forehead clad with Shindur, it was clear to me that she is one amongst the community). However, it was because of Aparna Di’s motivation and efforts, did Sam come out of his troubled marriage. In October, 2010 they got into a committed relationship.

For Sumita Di, commonality in political vision, a sense of comradeship with persons working in her profession (which is mainly development sector, as she categorises) is the base that fosters any kind of an interpersonal intimacy in her case. As she puts forth herself, “First thing Sourav, I am basically a loner, I don’t have many friends. See, as I understand “intimacy” in the case
of the relations that I have experienced, I think in some cases intimacy is developed over a period of time. When you meet a person and keep interacting with that person for years together, you tend to develop a certain sense of intimacy. So, I have some of such persons in my life. For me, work-based relationships are very important, maybe we are not working on a project together or maybe we are not working at the same office, but I tend to gel well with people who are somewhat connected to my area of working, otherwise, it becomes very unlikely that I develop a rapport with people from other backgrounds or fields, alien to mine.”

So, for someone like Sumita Di, who is a self-confessed loner, a person who does not prefer to be very interacting over the virtual or real world-platforms, their own world (in terms of a support system) could be really tiny. Why does a queer experience loneliness; I mean, it could very well be one’s nature to lead a life in solitude; I mean, one could just be in love with one’s own self, and do things all by her own; so, it doesn’t look problematic this way. But, did she socially get the opportunities to explore the social side of her personality, or, in other words, did she choose her loneliness? Did she have any alternatives before her, while she was picking up loneliness for herself? If she chose loneliness for herself, was she socially provided with opportunities to decide which form or degree of loneliness would she prefer to practice and for what duration of her life? Or, is it that loneliness became a way of life for Sumita Di, without much in her control? In other words, has she normalised a certain lifestyle, that I am referring as ‘loneliness’ here, in our discussions?

Is someone supposed to be providing choices to us? For example, if the state guarantees autonomy of exercising free-choice and equal opportunities to access such choices under Articles 21 and 14 of the Constitution, in this case one can claim a “right to choice” (or equal opportunities to access choices) against the state. There is clearly no law to actualise/facilitate one’s constitutional right to choice (and, equal opportunities) on matters of private social engagements (like friendship/relations, etc.). Let’s claim for a while that there is discrimination in Sumita Di’s case. Though, it could be said that such discrimination is not a direct result of any law per se (at least on the face of the issue) but, will it be inappropriate to claim that such discrimination is manifested solely (at least mainly) by the absence of an effective legal protection? Based on my observations in queer subcultures, queer lives, and queer decision-making; and, also based upon the narratives analysed in the previous chapter, it could at least be concluded that there is social discrimination against persons on the grounds of their queerness. In the context of this discussion, the domain and impact of social discrimination is

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444 Which means that Sumita Di may or may not relate with the expression ‘loneliness’ as it is purely my analysis of her narrative vis-à-vis her experiences of socialisation. However, she uses the adjective “loner” for herself, at several occasions during our interviews.
limited to the ‘causation of loneliness’ as experienced by the queer in their lives. To explore this subject further, I will mainly use my observation as a participant in this study of queer and not-so-queer spaces.

If I can narrate one of my own experiences which, I think fits well in this context that helps us understand possibilities of discrimination against Sumita Di and yes, the discrimination is manifested because of the absence of appropriate legal protections. One fine weekend morning, I seated myself with my regular-dose of espresso in one corner of my university and started thinking (and somewhat writing about) loneliness in the queer context. I wish, I had read some theory on it by that time; which I didn’t. As I was looking around from my seat, I saw one very serious-looking girl (let’s call her “A”) sat on the table next to mine. She took out her bag pack, laid it on the table-surface and rested her head on the bag with her arms folded beneath her head. I saw that her serious looks, soon, gave up to a sorry face and I could sense that she is sobbing under a certain pain with some tears ready to roll out of her already moist eyes. After a few minutes, her female friend (let’s call her “B”) arrived and sat by her. I could sense that the subject of their conversation was essentially boy-trouble-related. B was playing the role of a loyal friend, trying to calm A’s emotional drives by feeding her with some philosophical-gyan. I could sense the level of comfort that A and B had in between them; A sounded much relaxed as she was pouring all her complaints, emotional prangs with B, as if, for all this while A was just waiting for B to come and lend her friendly support to her. Gradually, with B’s efforts, A could unwind much of what was exploding inside her; she genuinely looked much relaxed now. With the passage of a few minutes of these exchanges, A received a call on her phone and, she suddenly sounded very optimistic in her tenor. In a matter of seconds, a neat, muscular, elegant, young boy arrives as a matter of surprise to the hitherto crying A. It seems to me from their conversation, that the boy was one of their batch mates. Anyway, the boy was quickly offered a seat on the table, as A starts conversing with him. As they get more intense and engaged in their conversation, B starts looking around and in a matter of minutes, I see B bidding a quick adieu to the love-birds. A takes time until B exits the campus cafe, and then calls for B with a screaming tone. B was already out, and I think she preferred to have ignored A’s (maybe pretentions) screams. A soon realised that B is gone and probably she didn’t want to lose the company of the boy and so, she plunges her head back in the company of that boy.

The purpose of attempting to narrate this event as an observer is to focus on two particular aspects of the events narrated (which, in my understanding, almost acts like a social-phenomena in most of our daily lives—that’s the claim I would make): first, our social acceptance comes easy for heterosexual love between two similarly aged adults—take the event of B leaving the scene for the love-birds to sort out their problems; and, secondly,
our constant supply of an intense homosocial emotional support also comes as something very easily available when we are disgruntled about our heterosexual love-life—take the event of emotional support supplied by B to A. How many queers were supplied with the same degree and quality of support in their (regular non-queer) social circles? Is this lack of social support somewhere fostered (maybe enforced) by the absence/silence of the law? If it is so, then, how could the law be re-deployed to save the queer from the compulsory enforcement of the social vagaries of exclusion/silence?

B’s behaviour is the key note that, I want to underscore to establish my claim. The kind of positive support and care that B supplied, when A had a heart break in her love-journey was worth noting. Now, if we compare Sumita Di’s experiences in this narrative, the question that I would ask is—did Sumita Di had a person like B in her life when she went through her heart breaks in the 1990s? With this, the fundamental question is—did Sumita Di choose loneliness or was she socially compelled to be lonely? And, if she is socially compelled to be lonely, could a legal-reform (a re-imagined/re-appropriated state of law) have helped (positively supported, in a transformative sense) her in that situation?

I am deliberately not using the expression “equal-opportunities”; because I do not want to tie the ontology of Sumita Di’s experiences (on loneliness) with any comparator (the closest comparator that I could imagine is a non-queer body’s experiences on loneliness). Obviously, both the experiences are un-comparable; and, hence, it is useless to enter that fray. But, one becomes queer here on the account of one’s sexual and gender-non-conformity; and, one is again queer here, because, one’s choice of love always made the social support unavailable when it was needed the most. This sets the discourse on an important question: is loneliness an outcome of social discrimination done against a person on the ground of its queerness? Does one naturalise loneliness (over a certain period of time) as a social ‘given’ to one’s life and, hence, normalises it, internalising it, as if, it’s a routine-part of one’s life? Thinking this way, probably, the experiences of being lonely have a lot to do with one’s queerness.

However, when I see ‘loneliness’ from the post-structuralist epistemologies, it is clear that one must not judge loneliness as a negative feeling/expression/behaviour; rather, loneliness could be perceived as a value-neutral character in itself. Loneliness could very well be a political

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445 Sumita Di’s narratives of undergoing her share of heartbreaks and phases of depression could be located in our discussions in the following sections. The interview and necessary transcriptions are on record with the author.

446 Gabrielle Rivera, Queer Loneliness isn’t Queer (Quirky Rican) available at: https://gabbyrivera.com/2012/10/20/queer-loneliness-isnt-so-queer/ (last accessed on 12th April, 2017).
strategy that one may deploy to re-evaluate the ways in which we experience relationality, human empathy and sociality. Loneliness could thus, be both a pleasurable as well as a traumatic experience.\textsuperscript{447}

As Sumita Di puts forth, “if someone from my old past, like my school mates or my university friends, if they happen to connect me over Facebook, it becomes quite difficult for me to connect with people like that at a virtual level. Firstly because, I am almost inactive over Facebook most of the time; and on the top of it, I consider myself more of as a flesh and blood person. Even, if I meet my old friends or colleagues in person as well, I somehow do not have much to talk about with them really. So, somehow, I do not connect with anybody just like that. So, therefore, I hardly have a friend, I have a few people whom I work with, who are friendly colleagues.”

2.1.2. Nature of concerns/reasons of the queer before/while engaging in relationalities

Why does the queer attempt to develop a support system around itself? Are there any concerns, or fears that drive the queer to engage into relationships? Most of the participant-experiences narrate stories of denial, disapproval, or mere tolerance in their respective biological families, or other such normative structural frames. Many participants are found to be having the desire to settle down with a partner of one’s choice (mostly of the same-sex) and establish a small family of their own with a child of their own; which sounds quite heteronormative. On the other hand, there are many participants, who do not share similar desires. In this section, I attempt to discuss the concerns/reasons that drive a queer-body to engage/involve itself into intimate-relationships, or to make attempts to search for intimate partners. What socio-legal factors construct/engender this drive in the queer-mind; and, what is the role of heteronormativity in such construction/engendering?

Anis Da says, in his interview that, “in many cases, many of our community members are not well accepted by their own biological families, and probably for that reason, we are always searching for support systems to emotionally bank upon people. We are searching for brother, sisters, mothers, fathers, children, uncle, and aunts.”

Oftentimes, intimate queer relationalities begin as an antidote to beat loneliness. Pawan speaks about his initial interactions with his intimate partner Pradyut: “we met at a queer community event, and we kind of hit it

off. Again, I was a little pestered with his interest in me, because that was a point in my life when I just left SAATHI and I was toying with the idea of leading an independent life both professionally and personally. When he started showing his interest in me, I also realised that I needed a company, may be because of my uncertainties about this phase of my life. And, his commitment and his love, I think were infectious, so, we ended up spending a lot of time together."

For Deepa, it was mostly her age that she considers to be her driving force for getting into some form of a relational stability in her otherwise sexually fluid and free lifestyle. To some extent she also talks about having made a conscious choice of entering into a compromise to her life-long politics and love for the values such as polyamory, and fluid partnership as she turns 49. As she puts forth in the interview: "If the primary partner of my choice was also polyamorous, I would continue to be so, though I might slow down due to age. But as it happened I fell in love with someone different than that, and decided that having fluid partners and experiences, which was very important to me for a large chunk of my life, was not the only thing worth living for. So here I am. Maybe age plays a factor in that one feels a need for stability, and I wouldn’t want to lose that emotional bonding I have with her now. But, in any case we often make compromises for the people we love and for other reasons too. Regardless of how strongly I might feel about polyamory/multiplicity in a political/theoretical and also personal way, at the end of the day, I couldn’t say it was non-negotiable. It wasn’t/isn’t the only important thing."

For Archee, the idea of living with her female partner Tush comes with a certain set of her own apprehensions and expectations. It’s been three years that she is living with Tush in the same neighbourhood as that of her parents. As she explains the reasons why she decided to relocate from her parent’s home to the joint rented apartment with her intimate partner are: “living together for the last three years has immensely helped us to understand each other better. I always thought that, for any queer relationship to grow, it is very important for them to start living together as early as possible, because we live with our partners absolutely under no social pressure. I have learned from my previous relationship that, it is important to know the person in and out; otherwise the chances of getting separated are very high. Living together gives both the partners the opportunity to know each other as persons, and as a result, it minimises the chances of heart-breaks and break-ups”.

Probably, in some cases, the queer gets into an intimate-relationship because it looks for a support system, which would acknowledge the queer’s existence without being judgmental, or which would provide the queer opportunities to explore the possibilities to practice mutual care (love), and
respect and freedom. Maybe, after coming out of a forced-marriage, the queer may desire to write a new chapter of its life on a clean slate. Something very similar happened to Sam when she starts exploring her much repressed-queer desires for a second time in her life (though, this time as an adult) who just happened to be undergoing a rough divorce with her husband, who was once forced on her by her own biological family. Probably, in her case, Sam had lots of hope while she was almost testing her prospects with Aparna Di. Sam and Aparna Di’s relationship is that of a PAGFB and a PAGMB; their narrative of falling in love and sustaining their relationality probably defies many major conventional standards of heteronormativity. As Sam explains her reasons for getting along with Aparna Di: “I had always physically desired a woman. Aparna had told me everything about her, that she was not a woman, that she is in the hijra profession, that she was once a man who had transformed into a woman. She had never hidden anything from me. I had agreed to have a relation with her after knowing everything. She had told me that she did not want to keep me in the dark about anything. After I had got over my struggle with the divorce she had told me everything because she was apprehensive about saying anything initially, thinking that I may distance myself. She was very honest and intelligent, so after I got over my struggle she told me everything. However, I was completely dependent on her at that time. I could not see anybody apart from her who would help me survive in life and in my workplace. There was an enormous amount of love. She called me to her house after six months. Even though I trusted her very much I could not muster up the courage to go alone. I had told a few of my sister’s friends about Aparna and they said that they had heard about her that she was in Gurgaon, she used to work in a school and so on. They said that it had come out in the newspaper. They were very excited to know that I was in a relationship with that person. They immediately wanted to come along with me. I told Aparna that a couple of my friends would be coming with me and she asked me to get them. I was still not allowed to stay outside my home at night. If I went out in the morning I had to return by evening. There was an intimate moment in the afternoon when my friends had gone up to the terrace to smoke after lunch and chat. Aparna had cooked many things for me. Everything that a person could want as a man, that his partner would cook for him, wear sari and so on, she had done it all. I had a strange feeling when I had gone on the first day. During such an intimate afternoon, she stopped me one moment. She told me that she had not been able to tell me something till then, which was that even though she was a transwoman, she had still not had her breast surgery. I was ignorant about all this. Till then I had understood her by what I had seen. We had not spoken in detail about this earlier. When she told me about this I became extremely conscious, almost flipped out, and did not know whether I should sit, stand, do what. I was very puzzled. First of all, she had said this during a particular moment, there was a long pause. She was staring at me, I was staring at her, not
saying a word. After that I realised what she had just told me. Then I told her that I did not have any problem with that because I did not love her looking at her physical appearance, but for the person who she was. I told her that even she loved me for who I was because I too was not physically a man. We both give priority to our minds and love each from this position. A space of mutual respect was created.”

Many participants are found to be having the desire to settle down with a partner of one’s choice (mostly of the same-sex) and establish a small family of their own with a child of their own. Such desires may be termed hetero-normative, but, at the same time, such desires are by its very nature are also productive of a great deal of subversiveness, as such desires undoubtedly challenge many hetero-normative ideals/values by its very existence/form. For Jaya, when I ask her to explain her notion of ‘family’ in the interview, she replied: “she would like to live with her biological family, her partner, her daughter and may be adopt a child.”

By this time, we have discussed about the constituent elements of ‘kinship’. The word ‘kinship’ signifies a network of relationships defined on the elements of blood-line, a limited notion of adoption and marriage. This way the domain and scope of ‘kinship’ gets a very limited connotation. In this way, a system of kinship is already a ‘given’ in most of our lives. What about the human relationalities that develop based upon love, emotions, professional-attachments, care, affection, political comradeship, or mere friendship? Whatever be the historical reasons for the evolution of such a semantic/functional layout for ‘kinship’; the project of the queer theory is to encourage the development and celebration of alternative forms of human relationalities. Therefore, arrives the alternative thought-process of ‘queer-kinship’, or ‘queer-families’. The prefix ‘queer’ once amalgamated in ‘kinship’ signifies the existence of diverse alternatives as against the normative. Great, so now we have queer-kinship in the fray! Now what? A very important issue that Sumita Di brings in during my interviews with her is the matter of: “what constitutes queer-kinship? So, is there is a formula to understand kinship-in general (normative-kinship); what is the formula that determines queer-kinship (if at all, we choose to call something by this name)?” We understand the element of choice is the core basis that defines queer-kinship or queer-relationalities; but, what could be the basis that defines or informs such choices? For Sumita Di, the basis to her choices (on matters of relationalities) comes with comradeship, a sense of common vision that she shares with some of the very few people around her. She puts on record, “I cannot develop a relationship with anybody without having some commonality in thinking, e.g., I cannot end up gelling with someone who is homophobic or patriarchal, or heteronormative; it becomes difficult to communicate. I do realise that sometimes these expectations could be very
I ask her: “Sumita Di, howsoever, you want to explain your social systems that depend upon or, you expect to depend upon or, the liabilities or duties that you think that you also have towards these people if you can explain briefly about your engagement and relationship with such people and who are these people, moreover?” To which, she answers: “As I said, either I am directly working with them or they are part of my sector (I refrain to say that we are all part of a profession, because the work that we do is way more than that) that I have been living all these years. So, the expressions ‘queer-relationships’ or ‘queer-kinships’ are very non-normative expressions; and, many like me are trying to build upon these expressions with the variety of their experiences. There are many like me, who want a different kind of bonding; which the normative expressions of ‘kinship’ or ‘relationship’ cannot satisfy. Usually, when we use expressions such as ‘friendship’, ‘relationship’, or ‘kinship’, naturally our thinking takes us to a certain type of relationships, for example, ‘relationship’ signifies a bond which is defined by blood or a marital tie, and such persons are called ‘kin’; or a relationship is said to have some kind of a romantic-erotic tie; or at the least, a relationship is understood to have a certain kind of an emotional tie. With me what happens is that, all of these may or may not be there in my relationships, or something more than these could be there in my relationships. At the moment, I am trying to think about those four or five people about whom I have mentioned to you as my support system, I do not share any of these signifiers in these relationships; for example, we do not share blood or marital ties, neither, with everyone, I have an emotional tie, nor do I have a romantic-erotic tie with everyone. So, I am at a loss at this moment (laughs). But not having these signifiers doesn’t mean that we have no bonding; we have some or the other kind of a bonding. So, with these four or five people, what bonding do I share? I think I share the bonding of the vision, with which we all work together. All of us are trying to something with this common vision. So, there is a common vision somewhere that makes our relation work, as if it’s a team. Though, it is not a team, but it is as if a team where we all take care of each other’s well-being, because if we do not do that, we would never be able to reach where we want to reach as per our common vision, perhaps.

Abar oita korte-korte poroshpor er proti ekta ‘maya’ toyiri hoyeche, ‘maya’ is a word which has no English equivalent that I know of. (while working together, some of us have developed ‘maya’ over each other. ‘maya’ could signify ‘affection’ in English). Mane bhalobasha, jotno eigulo bishon je kano toiri hoye aar ebong kotha theke toiri hoye? Amra bhabhi je oitar ekta formula aache, kintu aashol to taar kono formula nai. Etto gulo jinish je nei aama der ei shomporko gular modhe, kintu tobuo amader modhe ekta maya toiri hoyeche, bhalobasha toiri hoyeche, jotno toiri hoyeche; ami chai je oi
we are willing to walk the extra mile. (love, care, all these things come in a relationship; why or how, I don’t know; we always think that there is a formula that determines bonding in a relationship, but the fact is that there is none. So, many things that we mentioned which should ordinarily be in any relationship; are not there in our relationships, but still there is a certain maya (affection), bhalobasha (love) and jotno (a sense of care) in our relationships. For example, I want that that person should be doing well; that person also wants me to be doing well; and for which we are ready to walk that extra mile.)”

I ask her, “But, Sumita Di don’t you think that somewhere the basis to your relation is emotional, or based on care-giving, because you are a care-giver?” She responds: “That way, yes. If I am talking about emotional bonding, what I think is missing from my relations is that when I face emotional break-downs, I may not want to take their support or take care of me. Here, I will not at all say that, they will come and help me or that I will seek their help when I am in a state of emotional crisis. That may not also happen; I do not want to create a sense of dependence through my relationships. But, if I can help them somewhere, I am willing to do that. Generally, for my emotional sustenance, I do not look forward to these persons. My emotional sustenance generally comes from me and uuhhmmmmmm (long pause), I am a solo traveller, I go to places and that’s how I support myself, that’s a very big source of my emotional sustenance. Yes, I am my own family. When my daughter comes to me, or when I meet my daughter somewhere outside, amar bhalo laage (I feel good). There are moments when I miss her also, but she is also not the source of my emotional sustenance. (long halt) I think I should just cut a very sorry face (laugh).”

What is “love”? Do we define a relationship based on the level of intimacy that we share with that person(s)? Is love a pre-condition to intimacy? Is love a constituent element that forms a queer relationship as well? How does one feel good, or happy in the company of someone special? How does even someone become special? Are there any qualifiers that could possibly describe such feelings? Is the idea such feelings (love)448 always already laden with a historic-political baggage of a heteronormative past? How does the notion of love play its charm in defining queer-bonding? Does love change its meaning in the queer frames of space and time? Or is it that the queer is innocently still under the intoxicating spell (dependence) of love to begin and sustain its relationalities?

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448 Probably, one may deploy the word “love” as a comprehensive signifier that could represent such feelings.
Sumita Di considers five particular relationalities in the core domain of her support system—this includes (1) her (same-sex) partner, (2) her ex-husband, (3) her biological daughter, (4) her (same-sex) ex-lover-turned-friend, and (5) her colleagues. She has placed on record several times in the interviews that, she is not in love with any one of them. Having said that, she also places on record, “I do love people, I do feel attracted to people, I do desire people as well.” Hearing such contradiction in her speech, I ask her, “what does she mean by love?” to which she responds: “I don’t know, frankly speaking. The idea of love it is changing from what I used to think as love say when I was 18. Maane ami kintu shudhu chelemanushi aar amar ei mature ekta difference er kotha bolchi na tahole ami boltam quantitative difference, mane 18 aar 54 (I am not talking about the difference between what I felt when I was young and what I feel now when I am more matured, if that was the case, then I would have talked about a quantitative difference from when I was 18 and now, when I am 54). So, it is not that love was quantitatively more when I was 18, than now; I am not saying that; rather I am talking completely in terms of a qualitative change. So, the feelings which I used to identify as love, say when I was 18 or 20 or 25 maybe, are not the feelings that I correspond with now anymore. So, if I talk in the context of the young love then, I have to say that I am not in love with anyone, anymore but I do love people, I do feel attracted to people, I do desire people as well. Now, when I say, I desire people, I mean to say that, I desire them on my own terms and not on the terms assigned by the society. To illustrate this, let me give you an example—say when I feel that my sexuality is in continuum, that means that I am always going through a movement, a journey; correct. Now, at this stage, I am going through a phase where I feel I am an asexual, not that I think, but I feel that being an asexual doesn’t mean an absence of desire, but absence of that kind of feelings or emotions which is again assigned by the society as desire. I definitely have feelings and emotions towards people which I may consider as desire, not what the society considers as desire or sexual desires or as eros. All these words are always already very-very laden; as if, there is a formula of desire.”

For Sumita Di, there is no and there should not be any “universal notion of love” that one has to compulsorily have in their relationalities to get the certificate or an endorsement from the normative structures, such as marriage or civil union or any state-sanctioned certification systems. For her, if there is something called love, then it has to be left onto the individuals privy to that relationality to have defined its meaning, content, signs or scope, if at all they think they need to do that; instead of them some alien party (a third party) doing it on behalf of those persons (e.g., society or state through institutions of marriage or adoption, or kinship, et.al.). Often, at a formal level, it is the courts, or the state agencies such as the police or the government officers like marriage registrars determine whether two persons could be
declared as married or whether someone could be declared the legal guardian to a child, etc. At the same time, in the much informal but very impactful quarters of social life, it is often the case, that one’s biological parents, or family or relatives, or friends certify/determine whether a person loves a child and hence, worthy of taking custody; or whether one is loved in a relationship or is capable of giving love, and hence, deserves to be in a relationship or not. For the queer, all these words—love, eros, sex, sexual desire, or desire per se; these all are already very-very laden, already very-very essentialised, they signify a particular meaning. As Sumita Di says, “Therefore, see, when I say that I do not depend on my daughter that she will come and help me out in a certain way, it is essentially we interpret it as, her as a bad daughter. But, my problem is, my relationship with my daughter perhaps is something with which, I am totally in sync with; and, I am sure that my daughter is also completely in sync with it. This is our mother-daughter relationship. It is essentialised by us, if you have to have it essentialised at all. So, this is the same theory that extends to how I understand my asexuality, when I say my sexuality is in continuum. So, how I feel desirous, or how I express my desire, or my eros, I do it in my way, not through the way in which the society has assigned or essentialised for anyone.”

2.1.3. Certain Conclusive and Suggestive Remarks-I
The narratives discussed in this first thematic-layout make me conclude with the following remarks:

i. In an abstract sense, desires such as that of eros and attraction can happen anywhere, anytime—there are no designated zones of space and time that could predict its outbreak. Ontologically such desires have no fixed moment for its arrival; or, a pre-determined space for its eruption—that means, such desires do not belong to, or, are not owned by the powers of time and space. For the queer, the above-discussed narratives testify that such an abstraction is not completely misleading—after all, the participants have testified of having been fallen in love or having had felt attracted in spaces such as classrooms, offices, family, etc.—all of which are not exclusively queer-only zones. If this abstraction works in practice—then, why for the queer, the arrival and eruption of such desires have to follow a certain shared-pattern (signified by a sense of an in-built silence; in some cases, a sense of fear; or, in some cases, a certain sense of denial or pretension)?

When Sam’s school-girlfriend was facing tremendous marriage-pressure from her family, she wanted to speak out of her relationship with Sam, to Sam’s elder sister (who was almost like a mentor to both of them). What were young Sam’s concerns when he stopped his then girlfriend from speaking out the realities of
their desires? Was there a law that operated through Sam’s behaviour? Why at the Police Station, Ri Di had to mask her relationship with Ruposhi from being intimate-lovers to blood-sisters? Why did this transition of queer-relationalities happen? What forces made Ri Di and Ruposhi to take such a decision? Was the law not operating through Ri Di and Ruposhi’s fears/concerns? Why Maya doesn’t see any merit in challenging her house owner’s perception that Shruthi is not her friend, but her intimate partner? Such are some of the numerous illustrations that could be read in the light of this abstraction/practice dichotomy.

Why the queer is forced to do its relationalities under forms of imposed dualities and ambivalences? Who sets these dualities/ambivalences over the otherwise free entities of time and space? To my mind, the time and space, in which the queer body does its desires, are already pre-ordained by the forces of heteronormativity—which operates through the structures of the social and that of the law. This way, time and space is not located in abstraction—rather, times and spaces are always-already located within the domain and captivity of the socio-legal assemblage. In Foucauldian sense, the power of the dominant discourse (of heteronormativity) is powerful enough to engulf (and thus, own) the otherwise abstract entities of time and space. Since, the queer is always already located (rather, is produced as an identity-abject) in the socio-legal assemblage (that enforces heteronormativity onto all our lives)—it is impossible for the queer to ignore the snares laid-out in this assemblage. To my understanding, this is the reason why the queer body has to always do its relationalities/desires/eros/attraction under a sense of duality/ambivalence/fear that compulsorily operate through strategies of denial, pretention, and silence—all just to avoid being caught by these snares (heteronormative sanctions of the socio-legal assemblage).

This way, I think, I can conclude that the queer does its relationalities under a constant fear of being caught by the normative structures of the state and the social. Now, what if, there was no 377? What if all bodies were legally protected against all forms of discrimination based on one’s queerness? What if the

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449 But, that doesn’t mean that the queer is not contributing to this discourse—it perhaps, keeps doing it (either to sustain the normative discourse, or to counter it—which is a different matter) and I think it’s the power of the queer, because of which such events form part of the academic discourse.
body was not compelled to do/perform its relationalities on a certain pre-determined pattern/script?

ii. Desires (in their multiple forms of eros, eroticity, romance, or anything likewise) are not the property of any particular body—this way, desire per se has no fixed owner who could claim exclusive rights over it. Tell me, if anyone can claim a monopoly over desire? Under the discussions in this section, I deal with the subjectivity of desire and its relationship with loneliness. There, I take a couple of narratives (of the likes of Pawan and Sumita Di, to mention a few) and, club them with my own observation/reading of seeing a supposedly heteronormative-homosocial conversation taking place between B and A, two female friends. Following a discussion there, I draw a final question for academic consideration at least: “is loneliness an outcome of social discrimination done against a person on the ground of its queerness? Does one naturalise loneliness (over a certain period of time) as a social ‘given’ to one’s life and, hence, normalises it, internalising it, as if, it’s a part of one’s life? If it is social discrimination then, we need to seriously consider, what law’s role is in the production of loneliness? Thinking this way, probably, the experiences of being lonely have a lot to do with one’s queerness.

If this evaluation is convincing to the fellow academics then, I think, it is time that the academia (to speak the least) should focus on the subjectivity of loneliness and its relationship with one’s queerness. With some more sound research on this intersection, I think much nuanced conclusions can be drawn; though, at the moment, it is out of the purview of the current study, as I see it.

iii. What also comes out of the afore-discussed narratives is that, there is no ‘one/unique’ formula to fall in love, or to do emotions, relationalities—queer experiences tell us that there are multiple forms, ways and phases in the lifetime of a body, in which it can fall in love, or find itself doing love or care for someone else—queer experiences also tell us that, there can be multiple accounts of love running parallel at different points at the same time, in the life of a body. This would mean that there is not any one kind of a template of forming or doing a relationship.

But, the current state of the law tells us that apparently there is just one official/formal way of falling and doing relationalities—marriage. This is when, some of us, queers, think of starting or doing our own families—sadly, we have to start with an already-skewed set of choices. The law also happens to
impose over us other non-choice relationships—for example, that of parents, siblings, grandparents, or other kith and kin, in general. When the body wishes to come out of these imposed (given) relationships, the state ensures that it doesn't happen. So, each time, we subscribe for a public facility, the law mandates us to disclose our given-relationships on these papers and portals. This way, the law ensures that we are forever tied up in the web of heteronormative givens.

Often, at a formal level, it is the courts, or the state agencies such as the police or the government officers like marriage registrars determine whether two persons could be declared as married or whether someone could be declared the legal guardian to a child, etc. At the same time, in the much informal but very impactful quarters of social life, it is often the case, that one’s biological parents, or family or relatives, or friends certify/determine whether a person loves a child and hence, worthy of taking custody; or whether one is loved in a relationship or is capable of giving love, and hence, deserves to be in a relationship or not. For the queer, all these words—love, eros, sex, sexual desire, or desire per se; these all are already very-very laden, already very-very essentialised, that they hardly signify anything beyond a particular set of meanings.

Now, this is problematic to the queer politics. If there is no one-way of forming and doing relationalities, then certainly the law should shift from its current role of imposing one-kind of love-making/doing-relationalities on all of us. This legal-shift ought to mean that, the law must supply the individual with multiple-options (not just in terms of quantity but, in terms of quality, as well) and, then, it should leave it to the individual to decide what suits its needs and conditionalities, instead of imposing its one-size-fits-all approach. This way, the law should stop being paternalistic and should rather become more pragmatic; so that, every individual is enabled to access equal opportunities to do its own kind of relationalities, with its own autonomy and agency.

2.2. Studying the narratives on sustaining queer relationalities

This section throws open an analysis drawn upon through the queer narratives which has helped the research to grasp ways in which the queer does (performs), sustain, and continue to live social and interpersonal relationalities. We ‘do’ relationships in our lives—living relationships are moreover acts of doing them. Queer relationalities are not given to them, unlike the heteronormative relationalities. The heteronormative relationships based upon bloodline are ‘given’ wherein, there is no act of ‘choice’ involved in such relationalities. However, some degree of choice socially exists in heteronormative relationalities based upon marriage; most of the heteronormative marriages are still contracted or arranged without giving
much space of choice to its participants (prospective relation-doers), but, theoretically, marriages could very well be a matter of choice for its participants (as long as they choose to marry one person of the opposite sex). In India, marriages mostly remain a family-to-family affair and as a result of which, the prospective-spouses have to hardly make any efforts to find their partners. Alternatively, when one looks at the lives of non-normative, non-heterosexual persons, it is quite the case that their lives are not as scripted as their heterosexual or heteronormative counterparts.

In the analyses, I try to be as least simplistic as possible, while keeping in mind that the purpose of analysing these narratives is not to generalise one’s experiences as everyone else’s.

2.2.1. Negotiating with positionality, spaces, and distance:

This study documents a variety of experiences with one’s family. Most of the participants live with their biological families or take care of their biological parents; there are also a few, who are rejected by their respective families. The one’s who live with their biological families, often share the same space (e.g., their parent’s apartment) with that of their parents or, with their married male siblings and his family, as mostly the female siblings are found to be married off after a certain age.

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450 This calls for the narration of an event that happened sometime ago: Me and one of my queer friends (A) were chatting with one of our best friends (V), whose marriage was fixed by her family a few weeks back. V was sharing with us, how her family got the reference of her prospective husband’s family through the inter-familial networks within their Konkani community. We were both very happy to learn that our best friend was soon going to become a citizen of the United States, as her prospective husband (S) was an Indian (Konkani) origin American citizen. In the middle of our conversation, A said: “Oh God, what if I could also get to marry a guy like S, and become an American citizen just like V.” V very emphatically responded to A’s wish and said, “Don’t worry. You will soon get an American guy to get married. Just have some patience.” I remember very clearly, how sharply A responded V’s suggestion: “V teri shaadi karane ke liye to puri kayenaat jut jayegi; yahan to mujhe hi sab kuch karna padega.” (V, when you desire get married, the entire cosmos will start searching for a groom; but, if I desire the same, it is only me who has to look for a partner for myself). Now, A’s response to V’s concern-cum-suggestion depicts an almost universal concern apprehended or experienced by almost all my participants at some or the other point in their lives. None of their parents, members of the biological family, or their communities ever took an initiative or an effort to find a partner for them. A’s response narrates the concern/desire of at least a certain cross-section of the queer community which really desires to avail the social and legal privileges that arise from marriage. This narrative depicts the differences between A and V’s future-life course, one that is almost scripted through the aid of a ready-to-access normative framework (which is already a ‘given’ in V’s life) called family and community (sometimes state); and the other who has to make efforts on its own and which has not much role of any support systems (whether chosen or given) to rely upon to do its future.
On the other hand, heteronormative families are generally, considered as ‘one unit’, both as per the socio-cultural norms, and in most occasions by the law. This is presumed to be the case, even if the members in such heteronormative family units are living their lives physically at distant locations. The grand social narrative of a 'joint family' has lost its relevance in the wake of fast changing socio-economic agents such as market liberalisation, rapid urbanisation, mass-migration, etc. Gradually, the institution of joint family, which was once understood as the anchor of the Indian social fabric has given way for numerous nuclear family units. Of course, the frames used to construct the social and legal imagination of the Indian family remains to be completely heteronormative in its essence and structure.

This section attempts to record the lived experiences of how the queer has been doing to sustain its chosen relationalities. Now, based on the interviews, it was not surprising to find out that most of the participants had their chosen family members living at different geographical locations. This in itself is a subversive reality lived by the queer which at each moment of its existence challenges the heteronormative frames that define and inform the notion of a conventional family.

It is found through this study that most of the participants are geographically separated by distance from their intimate partners, friends, and other chosen members of these queer families/support systems. The narratives recorded in this thesis speak of diverse reasons as to why distance and positionality of the queer vis-à-vis the other members of their chosen families could be very impactful (both in positive and negative senses) on their experiences. These narratives describe the different degrees of queer-liveability through their stories of courage, sorrow, happiness, satisfaction, containment and responsibility. For example, many participants desire to live with their intimate partners/bosom buddies while sharing the same space (e.g., an apartment or a city), but, they cannot do so, owing to their individual realities which are often determined through the intersectionalities of their class, gender, and sexuality. There are many participants, who live in the same city as that of their intimate partners, but very consciously choose not to create permanent-looking structures to define their shared-spaces; often, such queer realities are based upon their individual political positionalities and prior experiences. Also, there are participants who choose to live separately (from their partners) in different households, and very deliberately retain their individual positionalities through physical distance.

The study reveals that most of the participants happened to have prioritised their biological families over and above their intimate relationalities, at some or the other points in their lives. In many such cases, the intimate partners choose to live with their biological parents and often keep their relationalities
working through frequent visits and meet-ups. On the other hand, there are participants who have made decisions to live jointly with their intimate partners and, also with their biological families; at the same time, there are also participants who have decided to live together exclusively with their intimate partners while sharing a common household. In all these cases, the participants narrate how positionality, spaces and distance impact the economics and politics of their relationalities; and, how these factors enable them to negotiate with their shared realities and normative ecosystems. These narratives also explain as to how vulnerability and violence may operate in queer relationalities through the politics of spaces, positionality and distance.

While Ri Di works in Kolkata, she doesn’t practically live in the city. She rather prefers to travel daily a distance of almost 70 kilometres from Konnagar, a suburban town located around 50 kilometres from Kolkata. Daily, she walks a part of her journey, takes a local train from Konnagar Station, gets down at Howrah then takes a city bus, and then an auto to reach her office. She spends an average of almost 3 hours per day travelling using almost all the possible modes of public transport in all weather conditions. In my reading of her narrative, she does it because, practically, she is the only care-giver to her parents. In the last one year that I have known her, her mother had passed away, who was in her seventies. She is now left with her father in their Konnagar apartment, who is equally old. She has her married elder sister as her extended family who lives with her husband and children in a neighbouring suburb. They often visit Ri Di and her father, but, as Ri Di complaints, that such visits are often out of a sheer sense of formal responsibility, not anything in a real sense of it. For example, she narrates this instance to illustrate her thought: “didi kimba jamai babu aashen majhe majhe, dekhe jaan baba ke, kintu shei orthe puro daito ta boss amake hi nite hoye. Ei to gotto mash, babar raastaye ekta accident holo, ami tokhon office e. Jamai Babu jaante pere elen, daktar dakhiye oshud toshud gulo kine diye bari chole galen. Ami to tokhon khobar ta pey shonge-shonge office theke chute aashchi ki na, oi tuku shomaye baba ke ekla rekhe galo kano jamai babu?” (Yes, my sister or my brother-in-law visit my father quite often, but in a routine sense, I am the one in charge of their well-being. Just the last month, Dad met an accident on the road; My Brother-in-law was working close-by, he rushed at the site and took my dad to the Doctor, brought the medicines, shifted my Dad to home and left him alone in that condition, until I reached a few hours later. Was it not possible for him to have stayed with Dad until I reached?)

During the interview, she expresses her deep sense of responsibly for her parents, as she says, “beyond me, my dad has nobody else to look for, so, I cannot leave him, especially, after mother’s demise. So, I live with him, take
care of him. But, having said that, much of all this is also as, I think that’s my responsibility as a child.”

Indrani Di is her ex-partner whom she met in 2009 while working at the *Manas Bangla* office. They have worked for around two years together in that office after which *Manas Bangla* was closed down because of some alleged financial irregularities. In the year 2010, love blossomed between them, but they have kept a low-profile as a couple within the LGBT community and only a handful of friends know about them.

They both considered each other as partners but they had their own compulsions to live at their respective consanguine families. Indrani Di is a counsellor, who works at Kolkata just like Ri Di. She stays at Rishra (another Kolkata Suburb situated hardly 5km from Konnagar). Ri Di says that they used to ensure that they at least meet once a week which mostly happened to be either the Sunday evening or on Monday, and if they are lucky sometimes they used to meet on both the days.

When I asked Ri Di that “why do you guys just meet once or twice a week? And has it been going like this for the last so many years?” She says, that “both of our parents are alive; in the case of my family, my mother used to get finicky about so many things about me, especially about me returning home late at night. There have been instances when she has had panic attacks because of all this. Also, for a person of her age who was keeping unwell in her last couple of years, I think it would be irresponsible on my part if I had taken some radical steps of moving out of the house with Indrani”.

“So, does Indrani Di has similar issues at her home as well?” I asked Ri Di. She replied, “no Indrani doesn’t have similar issues but, it is just that we both are comfortable living this way.” “But you haven’t answered why Indrani Di and you do not live with each other. Don’t you guys sometimes think that a relationship strengthens even more when we live with our loved ones under one roof?” I interjected. Ri Di while taking a pause, said that, “no, I don’t think that when we put some boundaries around us (like the idea of living in the same house) I think we unconsciously create certain rules for us, for example, this time of the night, one must return home and sleep, or this time of the evening, she should be ready with the dinner and I must not be late than some particular time and must eat the dinner together, etc. I think these rules cage one’s personality from following its natural course”. Ri Di further says, “if you ask me, I think at least I cannot live under such caging rules, I think they somewhere colonise your thought process and we unconsciously erect some new norms in queer lives that brings in homonormativity”. She says, if the queer movement is about fighting the hegemony of Normativity, it is about fighting both heteronormativity as well as homonormativity.”
For Anis Da, his chosen family consists of his partner Shambhu, friends Joydeep Da and Aparna Di and, a few of his chosen-children (which includes two of his chosen daughters Tonu and Amy, about whom Anis Da discusses in detail). Most of them have remained in touch with their own respective biological families; they have their own independent work-lives at different locations, which mostly makes them live at their respective locations. For example, Joydeep Da lives in Serampore with his parents, his brother and his sister-in-law in the same house. Aparna Di lives with his three daughters Jaya, Tonu and Sohini at her flat in Rishra, wherein, of late Jaya has started mostly living with her biological family. Both Rishra and Serampore are suburbs in and around Kolkata. Amy lives with her parents at another locality in Kolkata. One of his daughters Ranjani (whose maiden name was Ranjan Shilmona) works in a corporate house at the moment. He also has a chosen son, who is out of touch for the last one or two years and who lives in Mumbai. Anis Da said, he divides half of his week to stay with his parents at his Diamond Harbour house (i.e., from Monday to Wednesday) and the rest of the days with his partner Shambhu’s family at his Kolkata residence where Shambhu and his mother live together. Diamond Harbour is a far-off suburb located at a distance of around 70 kilometres from Kolkata.

Shambhu, Anis Da’s partner lives permanently in Kolkata with his mother, whereas, Anis Da chooses to shuttle between his Diamond Harbour home and Kolkata, always on a weekly basis because of two reasons: one being personal and the other being occupational-economic. The personal reason is despite having a very good network of his biological relatives; Anis Da is the main care-giver to his ageing parents. Both of his parents are in their 70s and his father had very recently survived a massive stroke. The occupational-cum-economic reason being that he works as one of the Directors of their family owned nursing home, which is also located in Diamond Harbour; which is why, he has to work from that location for at least part of his week. This is the travel-stay-travel cycle for Anis Da that he has been doing every week from more than the last five years.

Pawan lives with his mother (who is in her 80s now) at their South Kolkata flat in a higher-middle class neighbourhood. Pawan’s nature of job allows him to work mostly from his home. Seven years since, after Pawan’s father’s demise, Pawan’s immediate biological family now only consists of his mother and himself. Though, his elder brother is married and has immigrated with his wife and two daughters in New Zealand back in the 1990s, Pawan says, they all share a very cordial family relation. Both of Pawan’s nieces, especially the elder one is very close to Pawan. All the members in his brother’s family have been accepting of Pawan and his current partner Prodyut. Over a period of time, Pawan’s mother has become very much accepting of Pawan’s relationalities, but, there are still many areas in this mother-son relationship
wherein, they have drawn their own boundaries, or there are spaces for constant negotiations or challenges (as I see their relation).

Pawan’s current partner Prodyut is around 30 years of age, and identifies himself as Gay and is currently pursuing his Ph.D. on Bio-medical research. He comes from a middle-class background, and, in a way, he is the first generation higher-education learner in his family, as Pawan describes in his interview. Prodyut lives with his parents and his siblings at his family residence situated in North Kolkata; however, his office is located closer to Pawan’s South Kolkata residence. There is a physical distance of around 20 kilometres between their respective family houses. Pawan has been in a long-distance relationship once earlier in his life and his experiences are not very good. He therefore, values the need to engage periodically on a regular basis, even if both Prodyut and he prefer to stay with their biological parents. So, for the last one year, the arrangement is that, they live mostly together during the weekends at Pawan’s house. As Pawan says, “yes, mostly we prefer to spend our weekends at my house and the proportion is 75:25 because, from my house, his office is closer and so, that also has been a fortunate thing as I told him another thing, that, see, we are both urban citizens and the reality is that I have heard many relations breaking-up simply because of the distance. So, two people, living in either end of Bombay, or Delhi, or Bangalore or even Calcutta, how easy it is for them to maintain the relationships and today in this period, because I have been in a sort of a one-way relationship with a guy, and I would wait for him to come and meet me because he was near Dunlop (a Calcutta Suburb), but he would have time to meet only on weekends. So, I said, look that was a different period of time when the pace of life was slow and back then even one day or a week used to look like God-sent and one had the energy to wait; today, none of us have the energy to wait, you don’t meet for two days and you think something is missing. So, that way, we are damn lucky that your workplace is near. If your workplace would not have been near, then our meetings would have reduced from weekly to monthly, I still wonder whether we could have managed to work out our relationship.”

Archee lives part of every month at her current partner’s flat in Kolkata and the rest of the month with her parents in the same city. She says, the reasons for such an arrangement are because of two reasons: 1) she is emotionally connected to both and doesn’t want to leave either of them. The fact that she is a single child makes a lot of difference to her situation and she is sensitive of the expectations of her parents that if she leaves the home for her partner forever, her parents would feel disheartened and she doesn’t want to do that. 2) she puts the second reason as financial as she is currently doing full-time studies. She further said that, even if she is going to become financially independent she doesn’t think of leaving her natal house.
When Deepa met her current partner Pragya through Facebook, she hardly expected that she would end up legally marrying her in the next few years at a non-Indian jurisdiction. Things happened with them over the period of time. Initially, for the first one year, their interactions were more through virtual modes; later, they started toying with the idea of spending their lives together. This soon culminated in them starting-off with their living-in arrangement, as Pragya shifted from her family residence (in Jharkhand) to Trissur at Deepa’s apartment. As Deepa shares her concerns on the need to live together under one-shared space, she says: “We were planning to spend our lives together, or at least considering it, so living together was the next step. We started living together after a year of long distance relationship. Of course, that’s not the only model, but we both wanted to try.” They have now shifted themselves to Mumbai for some career-related reasons mainly; as Deepa discusses with me about some of their future plans together: “We were losing money in Goa and didn’t get the time we thought we would for other creative pursuits. We moved to Mumbai so Pragya could focus on her musical career. I also decided I would try to write and experiment with some things I usually put on the back burner.” They continue to live together in Mumbai.

Whereas, Jaya, the chosen-daughter of Aparna Di has again started living with her biological family, after being forced to leave that same household in 2005 owing to unbearable violence at the hands of her brothers (under a tacit consent of her parents) because of her effeminate body language and her association with the Hijra cult. She says, “Gradually, her family members have accepted her after years of intervention by many of her activist-friends and well-wishers from the LGBT community”. She presently lives with her biological family from the last two years. Having said that, she keeps visiting Aparna Di and her sisters on and off. Jaya contemplates the reasons while she speaks, “it was Aparna Di who suggested me that, I should not leave my space and my rights over my biological family. She made me realise that I have an equal stake in the family property just like my other brothers. Also, since, I am financially capable of supporting my parents, I should do that, as they are getting old and they will need some financial assistance from time to time.” There is a certain politics behind Aparna Di’s suggesting her daughters to never leave their rightful-place in their biological families, as Aparna Di herself states in one of my separate interviews with her: “that the daughters need to make their space in their biological families as well. It is not just about the emotional aspects of bonding, but it also has to do with the succession of family property and the idea of inclusion within their biological families.”
Jaya also has a male-partner of hers, who comes from a very hetero-patriarchal background and Jaya despite having immense emotional attachment for him, regrets her partner’s over-arching ambitions to control Jaya’s agency and body. As discussed in the aforesaid paragraph, Jaya has again started living with her previously-abusive biological family, though; she continues to visit her chosen mother, sisters and friends from her chosen-community. Also, she continues to earn her and her biological-parent’s livelihood through the conventional *Hijra* methods of *Badhai* (though, she avoids other methods like, begging and prostitution). During my interviews with her, she has stressed on her desire to acquire a small house of her own, where she wishes to settle down and live separately with her partner and maybe adopt a child as well. But, in her current intimate relationship, this seems unlikely to happen, as her current partner keeps challenging her autonomy, self-worth, and her self-acquired identity through his typical hetero-patriarchal comments, gestures and thinking. Jaya therefore, continues to live with her now-reformed biological family, in terms of a shared space, and keeps meeting her intimate partner separately and almost avoids all possibilities of living together with him. Despite having a very intense romantic-erotic relationship with her partner, she is conscious of her partner’s almost perennial dependence on his parents for money and, agency; which mostly has translated into his partner’s inability to convey his parents of his sexual orientation/queer-intimate-relationship with a transwoman. With such concerns, Jaya finds herself safe and better living with her biological and chosen support system, even if, that means abandoning her wishful desire to settle down one day with her partner and future children. As Jaya puts forth in her interviews, when I ask her, how does she imagine her future with her boyfriend? She said, “I want to live with my boyfriend, but the fact is that we still have quite a lot of basic things to sort out, for example, “he is not out to his parents about his relationship with me. For her parents, I am a Hijra, his parents and family are not as sensitized as my family is now, hence, it is very likely that if they come to know of their only son’s love affair with a Hijra, the first thing they would try is to get him married off to a girl of their choice and it is also quite likely that my boyfriend may finally give in to their pressures as he is still not financially very much on his own. Hence, I think, whether I have my boyfriend or not, I will always have my own biological family and I should not leave them. Besides that, even if I take a room on rent, it would be more easy for me and my boyfriend to live together and spend time together, but I have to again pay the rent, cook for myself, so whatever money I am going to spend on myself like that, I think that right now, I give the same money to my parents and family here, I get their warmth, their affection, cooked food to eat, I get to play with my nephews then why should I leave them.”

Tonu (the second chosen-daughter of Aparna Di) also had to leave her natal home in similar circumstances. It is just that she never had to experience
physical abuse in the hands of her family members (unlike Jaya’s case); rather she left home because she didn’t find any support in her father and other closed family members, when she expected it from them, the most. It was around 2008, that young Tonu gathered the courage to cross-dress and got in touch with other members of the LGBT community through a community support group called MANAS Bangla; her newly acquired lifestyle didn’t go well with her family (especially, her Dad). As Tonu says during her interview: “One night, I told my father that I wanted to go for a Gender Reassignment Surgery, to which my father responded, “chele hoye jonmiye, jodi tumi chele hoye na thakte paro, tahale kintu shomosha aache” (If being a boy, you can’t behave like a boy, then there is a problem. “amar baba r ‘shomosha’ kotha ta te khub gaye lege chilo, tar por theke ami baba r shathe aar kotha bola mota moti chere dilam” (I had a strong dissent against the use of the word ‘problem’ in my father’s statement, as that made me think as if I had become a problem for my Dad; I couldn’t take it, and I was adamant, so, I almost stopped speaking to my Dad). So, it could be said, that she started to affirm her gender identity before her family during the first two years of her graduation. Since, her family, especially her Dad couldn’t understand her on this, she decided to leave home.” Her family, including her biological father, deserted her completely for the next six years (from 2009 to 2015) until the early months of 2016 that they started to speak with her and got her home a few times. She said, “when I decided to change my body, join the Hijra Cult, my family deserted me. I was earning from Challabazi (the act of seeking alms at public spaces like Railway Stations or Local Train Coaches) and Baccha Nachano or Badhai (the cultural act of seeking money from families in the events like marriage, or child birth in lieu of blessings) for the next six years until 2015 mostly against the wishes of my mother Aparna Di and when I realised that I can never fit myself in the politics of the Hijras when it comes to earning through the traditional practices of Badhai etc. I decided to leave them. It was again because Maa (Aparna Di) who shared my concerns and got me into theatre and music (thing which I always wanted to take professionally). When my father learned that I am now into theatre and music, he gave me a miss call one day and when I called him back, we spoke for some time.” Now, Tonu visits her natal family quite often than before, though, she lives primarily with her chosen family. She considers five people as her family: two from her biological family (her father and Jethima) and the rest of the three from her chosen family (Aparna Di, Jaya and Sohini as her mother and sisters). She says, “despite whatever her father and her biological family had done to her, she thinks they deserve to be treated with respect and care as they are now getting old, especially jethima is not keeping well for the last few years. For her future, she thinks, she has to take care of her biological family, as she is the only child to her father. She finds herself truly connected to her mother Aparna Di. She says that “our presumption that blood relationships will never let us alone, even in our
darkest hours is a myth. I have experienced it. When I was raped by a gang of men, I didn’t find my biological father besides me, but I found the support of my foster mother, Anis Da and my friends like Jassi and Jaya. In true sense, the latter is ‘my chosen family’.

However, physical distances between parties, changes in their spaces of residence could also have an adverse impact in their relationship. The legal fact that, anyone not connected by blood-kinship ties, marital relation, registered business partnerships cannot apply for joint home loans, also cannot be entitled for many civic benefits as they are otherwise reserved for persons related through heteronormative kinships. This acts as a disability over the queer relationalities.

Sam, in his intimate-relationship with Aparna Di has found that physical distance makes a lot of difference in the quality of an intimate-relationship. Previously, for around three years of Sam has been living with Aparna Di in the latter’s apartment in Rishra, and, Sam describes in his interview how positive those three years were in terms of the quality of exchanges between him, Aparna Di and the daughters. Sam has his ailing mother to also look after while he was staying with Aparna Di. The fact that his mother’s home and Aparna Di’s apartment are at a distance of some 50-70 kilometres, he decided to visit his mother every once in a while. Gradually, as his mother’s health started deteriorating, he started spending his weekends with her. Sam thinks, such constant absence from his partner’s life made their relationship take some ugly turns. As she narrates her tryst with physical distance in queer-relationality, she says, “It is probably very true that when someone is out of sight the person is also out of mind. Maybe everyone will have their own versions of this. There are many people who stay apart, they meet maybe twice in a year, but from my own experience I have felt that this is a very real issue. I used to live with Aparna. I used to go to office from here. I would stay here all week. My weekends would be off, so I would go home then and then go to office again on Monday and come back here. So, I was staying with her. This is how it continued for almost three years. My mother fell ill in the middle and she wanted me to stay at home. She would say that she wanted to see me before she went to sleep at night. So, in this situation, I go home every day now. A sense of distance or gap has come in between the two of us because of this. Now I go back home every day. I was staying with her for around three years. However, we would talk over the phone very regularly. When I would tell her that I cannot live like this, I don’t like it and that I wanted to stay with her, she would explain to me that I could tell my mother that I would stay at Aparna’s for one night on Saturday and then again go back on Sunday. This is how she asked me to adjust. Everything was going fine, like before, but maybe from somewhere there had been some distance from my side. From this experience, I feel that maybe having a
physical closeness is very important. I think it does matter even if to some extent. 60-40. However, much we may say that the bond is between the minds and that is most important and that the physical bond comes much later. If we need to define love we generally say that of course, the physical relation is important, but the mental bond is of ultimate significance. I have however realised that the latter is not really everything. The physical aspect is also important.” What if, Sam and Aparna Di had the legal-opportunity to jointly apply for a home loan and build a house together? We would never know what would have happened, for that they were never provided with that opportunity to even consider ever.

2.2.2. Nature of care-giving involved

Within one’s intimate relationalities, how does the notion of care-giving operate or take shape? If there are no formal notions of care-giving that are imposed over the queer, then, how does the queer perform or act in roles of a care-taker/care-giver? How certain acts are already signified or laden with a certain set of social meaning(s) that when somebody is seen to be doing such acts, that person is called a care-giver. What acts constitute as acts of care-giving? Through acts of care-giving/care-taking, is the queer usurping or re-claiming the conventional/normative acts by operating these notions through a queer way; or, has the queer innovated new acts and has started considering them as acts of care-giving? Is it appropriate to use the expression ‘standards of intimacy’ as a code in the Data Analysis Sheet; the word ‘standards’ do not mean a set of benchmarks here that define care-giving, or guide future queer care-givers. The expression is merely used to describe the acts of care-giving as narrated by the participants. This way, care-giving discussed here is purely in subjective terms.

Normatively, the law demands fidelity from the married persons, which means that all married persons, must be monogamous, and faithful to their spouses. Queer care-giving is queer because it has no scripted structure to follow. Queer care-giving is not just restricted between partner(s); it could involve the queer’s biological family (especially parents, in most cases) or one’s partner’s biological family; it may include one’s children, it includes any member of the veritable and volatile human tribe which the queer considers as its support system. Unlike heteronormative families, it is not necessary that these chosen relationalities have to be materialised/lived under one common address, or under one common roof, or a permanent-home, or some kind of a shared space. There is no thumb rule in queer relationalities that intimate partnerintimate partners have to share a common space for their regular living. However, it is a different matter, that many queer participants in this study have more often taken supposedly normative choices in their lives. Desiring to live with each other is a matter separate from seeing “living
together” as the only choice or as the ideal scenario draws the queer relationalities towards a sense of normativity. Some may say, that by this the queer loses its queerness; I think, this statement holds partly true, as the queer by acting normative, loses its potential to subvert; but at the same time for rest of its deeds—living with, or merely having been in a relationship with person(s) of the same sex is itself an act of subversion. So, my take is that, by having normative desires in an otherwise queer relationality, doesn’t veritably wipe off the queer of its political location. However, in the context of this study the focus is on the diverse means through which the queer performs care-giving to its support-system and hence, becomes a part of a larger network of care-givers, wherein, it shifts between the roles of a care-giving, care-taking or sometimes nothing. Many participants in this study have expressed their desire to stay with their intimate partners and most of them, see staying together as an essential concomitant to a healthy relation.

The socio-legal structure of normative kinship has an underlying value of mutual care-giving, wherein, the standard of care of each of its members (of such kinship) is already fixed/determined. This pre-fixed/pre-determined standard of care depends on numerous normative pre-conditionalities, e.g., the sex, marital status, personal law status, or class of the person(s) involved in such kinship. For example, Section 125 of Code of Criminal Procedure, 1973 orders married men to maintain their wives, minor children, and parents and, in cases of such omission, they are sanctioned with punitive and penal measures. 451 Similarly, the Hindu Marriage Act, 1955 empowers courts to award maintenance and alimony costs over either husband or the wife (as the case may be), in cases of any proceedings under that Act. 452 As per the Indian Divorce Act, 1869 (which only applies over Christian marriages) the onus of paying alimony and maintenance is on the married man towards the wife. 453 Similar provisions also exist under the Special Marriage Act, 1954, 454 which is a secular law on family matters. Other than such financial liabilities, ‘marriage’ mandates a bundle of other legal liabilities such as sexual loyalty/chastity of the parties, 455 prescription of a certain sexual order 456 (only penal-vaginal sex between the parties as an accepted form of sex), etc. Now, these are the ways in which the state ensures that the normative structure of care-giving prevails as the only legitimate and compulsory order over all other forms of care-giving.

451 However, this law specifically exempts married Muslim men from its ambit. See Danial Latifi and Another v. Union of India, (2001) 7 SCC 740.
453 See Section 41 and 42 of the Indian Divorce Act, 1869.
454 See Sections 36 and 37 of the Special Marriage Act, 1954.
455 See Section 497, Indian Penal Code, 1860.
456 See Section 377, Indian Penal Code, 1860.
Over and above all legal sanctions, there is an even more impactful internalised notion of ‘social sanctions’ that are attached to all defaulting parties. Such social sanctions also operate on much gendered lines, e.g., often, it is the wife in a conventional-normative setting who has to face the brunt of social ostracism. It is generally the woman in such conventional heteronormative kinship/social structures who is expected to prove her chastity, caring abilities, or reproductive abilities towards her husband (and sometimes to her husband’s larger family). This way the positionality of women in hetero-patriarchal settings is very vulnerable. Such already gendered vulnerabilities are even more intensified when the marked (gendered) women comes from lower/middle class, lesser-educational background etc. Often, these are the reasons that keep women hooked up in hetero-patriarchal relationships despite their husband’s lack of keenness to continue such a relationship. One such behaviour is recorded in Rajiv’s interview: he says, his wife doesn’t want to leave him even after knowing that Rajiv is HIV positive, or that he is gay, or that he has been in multiple sexual-romantic-erotic relationalities with other men. Rajiv says, “my wife is a very good human being as she never left me alone in my bad times. It was after our marriage, when I realised my HIV status, and, I informed it to her she never once made a fuss of it. After our marriage, I hardly had any sexual contact with her; though, I could sense that she is annoyed from inside, but, she never said anything to me or my mother about it. Later, when she discovered me getting intimate with Pandit Ji (Rajiv’s previous same-sex partner) in our bed room, she of course cried, and didn’t speak to me for days; but, never once, did she leave the house.” Something very similar is also the story with Ratish’s wife. Ratish/Lucy who lives most of his time as Transwoman and earns mainly from sex work was compelled to get married by his mother, at a young age. He lives in Kochi with his other transgender friends/colleagues and hardly visits his wife and son. Ratish says, “my wife knows very well what do I do in the city or how do I earn money, but, she never wants to leave me or my son.” Both Rajiv’s and Ratish’s wives come from middle-class and lower-middle class backgrounds; educationally, both of them are not matriculate and essentially, post their respective marriages, they have dedicated all their time working as housewives in their husband’s families, taking care of their in-laws and raising children. This way, such married women have always acted and continue to act as primary caregivers in a hetero-patriarchal family. Such, socio-economic limitations of gender, class, marriage and education place the women hierarchically at lesser privileged statuses.

In other terms, marriage imposes a certain moral/legal order of discipline on all possible domains in the lives of its parties. It domesticates the parties into a controlled set of behaviours through the force of social-legal sanctions,
much of which are highly gendered, in terms of its nature, content, operation and, its ramifications.

2.2.2.1. Queer Caregiving as a non-scripted mutually agreeable work

This way, marriage, in terms of its functionality carries an internalised notion of several gendered-responsibilities that it not just prescribes, but extracts through various civil/criminal sanctions of the law. The notion of “care” in heteronormative settings, thus, acquires a highly gendered and normative connotation in terms of the attached social sanctions and legal liabilities. All such bundle of socio-legal liabilities, make marriage a very heavy deal; as it expects and extracts certain due performances from its parties at all times. This makes marital parties do or perform the act of marriage at all times in their lives; and, hence, marriage comes as a full-time job for its participants.

Unlike these heteronormative-scripted relationalities, the queer interpersonal engagements (relationalities) are independent of any scripted norms or, structures (at least in its political sense) of care-giving. For example, Sumita Di takes her chosen-polymorphous relationalities mostly as a part-time and as a voluntary act. In the last couple of years, she has been putting efforts to lighten her existing relationships from the burdens of expectation-building/expectation-delivery on matters of care-giving. Most important amongst these relationships were the ones with her husband and with her daughter. She very clearly puts forth her idea of care in these intimate relationalities: that, “I never expect my daughter to pay a visit or take care of me, if I am unwell just because she is my biological daughter, but, yes, it’s okay if she does it just because she loves me; and, if she doesn’t or isn’t in a position to do it, even then it is okay with me. I cannot be imposing in my demands over others, you see.” With regard to her intimate partner, she applies the same principle. She says: “See, for me, I think after living through a heteronormative relationship for 35 years and having been in same-sex relations simultaneously; now, being in a relationship is no more a full-time job anymore. I am quite satisfied with what I have with her. See, I don’t live with my partner, at least not in terms of the typical markers that describe a relationship to us. We don’t share resources, at least not in the way in which two persons share in a living-in relationship. I stay in Kolkata, she lives and Delhi, and whenever I go there, I stay there, whenever she comes here, she stays here. So, naturally to some extant some basic sharing of resources is bound to happen. Now, I am “asexual”, she is on the other hand ‘sexual’, so that is also an area of disparity in our relationship. So, we try to bridge that gap. I love to be alone, and therefore, quite often I love travelling to the mountains all myself, whereas, she has a full-time job, so she does that. Our temperaments are also totally different; she is a very serious academician; and I am a totally a funky person, I prefer to call myself a bhobhoghure
philosopher (vagrant philosopher). So, we are totally two different people. Just a few days ago, we were talking about it, and we were saying that thanks, we both met at such a matured phase of our lives that therefore, we can appreciate this difference; otherwise, it was impossible for us to have had any kind of relationship at the first place. We are so-so different.”

Although, heteronormative marital relationships are mostly bound to have certain ordered life-time commitments, mostly based on gendered lines of care-giving/taking; the queer relationalities (even if they are registered same-sex marriages) do not necessarily have something of a similar kind of an arrangement. For example, Deepa and Pragya instead of having some strict gendered-political roles in their marital partnership, perform their relationship based on convenience. As Deepa underscores some new roles/rules that they have devised to smoothen the exchange of “care” in the daily-doing of their relationship: “(We have) not (any) explicitly political or gender roles and rules, but things to help our relationship run more smoothly. We have a book where we both write one thing we love about each other. We used to do it every day; now we do it when we get time but it helps. We are also trying to resolve our conflicts within a couple of hours and sometimes when we are angry with each other we write each other letters instead of talking. Also, sometimes when we have work to do we try to turn it into a game. Generally, when we have more play and more games in our relationship it works better.”

However, in reality, the queer relationalities could also be quite ordered/disciplined or carry a much deep sense of domestication through their operation. For example, Anis Da during his interviews with me, narrates how he has found himself support within his queer relationalities but, at the same time such queer-structures have placed him under a quite unwanted sense of obligation. As I asked Anis Da, “if he takes his intimate relation with his partner as the centre of all his engagements, or is it one of the engagements that you have along with the other of your engagements?” To this, Anis Da responds: “in the beginning, it was just another engagement but now, it has become extremely-serious, because it is not merely between two individuals, but it is also between two families together; we have senior citizens and other members of the family who take this very seriously, and who are some way or the other are dependent upon it.” I quickly respond: “so, is there a kind of a social pressure on both of you to keep your relationship pulling?” To which, he responds: “Yes, yes, very much there is a social pressure. When people do not know about your relationship, then it is easier to walk out of such a relationship. Now, if people in your surroundings know of your relationship, then most of them will be very unhappy, if we decide to break-up; but, yes, some of them will be very happy, as well (he grins). I don’t know how good or bad is this social pressure. Sometimes, I feel
claustrophobic and sometimes, I feel grateful that we have such social pressures to keep us together.”

Archee says, both she and Tush, have nothing to hide from each other and most of the different parts of their lives are open for each other. On the issue of their differences of opinion on matters of giving social recognition to their relationships—I ask Archee her experiences on dealing with Tush. She responds: “see, Tush is not comfortable talking about her sexuality with people, and on this matter, I have completely opposing views. For example, when I post pictures on my Facebook wall, I have to be careful about her privacy and concerns, so I don’t post pictures which are too intimate. Or, for example, I am comfortable in doing some PDA (public display of affection: a common Indian slang common amongst English speaking youth of this generation) on the streets with her, she is not comfortable on anything more than holding hands. Akhon ami oke chine gachi, tai o tagid ta alada kore kaaj kore na je raastaye beriye or shathe PDA kori (since, I have known her for years now, I no more sense the need of kissing her on the streets when she doesn’t like it.). I ask her—“so, isn’t it like a compromise to the activist or political side of your personality then?” To which she says, “Yes, sometimes these differences act as a discord between us, but, I think, I have become used to her behaviour now because I love her.” (she gets emotional) I ask her further, “so, you are ready to change yourself for her?” To which she responds, “Yes, I think so. Ei change shobdo ta amar jebone onek ta shomosha-jonok, but at the same time, I cannot leave her like that. I think, she is my responsibility somewhere, and ami or kache ekta oshombhob bhalobasha pai, tomaye je ki bhabhe boli... (long sigh) kintu taar mane ei na je, ami amar politics ta chede di, ami kintu oke amar political standpoints gulo kintu bojhate-bojhate jai, tokhon amake ekta jayega te giye bujhte hoye je, shotti to, o to chaye na je o publicly nije ke display koruk. Tahale ami kano or chaoa ta ope amar choa ta ke chapiye debo. O to aar amar politics e te badha diche na.” (Yes, I think so. This ‘change’ word looks quite problematic to me in the context of my life, but at the same time, I cannot leave her like that. I think, she is my responsibility somewhere, and I get a great deal of love from her; I don’t know how to describe this with you (long sigh) but, that doesn’t mean that I have to leave my politics; I keep on sharing with her my political standpoints, but, after reaching a certain point, I have to realise that she doesn’t want to display herself publicly; then, why should I impose my political ambitions/expectations on her, especially when she is not imposing her politics over my lifestyle).

I ask her: “now, suppose because of your activism, your relationship is exposed in the media, do you think that will be a problem with Tush? Or, for example, if you guys go to the Pride together, is that a problem?” She responds: “no, we have never been to the Pride together, especially because
she is not comfortable. But, yes, I think we can go together, if she agrees to go there as a photographer and not as a fellow lesbian, who is in love with me. *Ek Ek jon er way of expression gulo onno rokum er, ekhon eram ta to noye sheta ke to bujhi ami* (you see, everyone has different ways of expressing themselves, and I understand and respect that part of her). *Kintu oder office e te jodi shomokamita ke niye kono kotha hoye, tokhon kintu o tader ke giye jobab diye aashe* (But, if there is a conversation at her office on homosexuality, she informs them pretty well about homosexuals, there she doesn't keep silent). *Ebang, amar mone hoye je, ami je ei deergho din dhore ei political movements gulo ke niye or shathe kotha bole gachi, taar kintu or opore ekta bhala probahab phele che. O kintu voice-up korche niyekor dhire-dhire, jeta kintu aage korte na*” (and, I think that because of my conversations with her on the queer political movements for all these years, she has somewhat become bold enough to at least speak of homosexuality at her office, at least, on a general level. I think, she is voicing up gradually, which she never used to do earlier).

Sometimes, care-giving involves engendering a sense of comfort in each other’s lives through the physical presence of one-another. For example, the sense of comfort that one finds, having the physical presence of one’s partner after coming home from a long day at work, or such similar situations like when one waits for their loved one(s) at the dinner table, or when one misses the physical company of one’s friend, or care-giver while sleeping alone. These could sometimes become ritualistic, when one gets used to a certain kind of behaviour from the other person(s). This often, generates a sense of attachment which then later has to be managed responsibly.

Deepa illustrates on negotiating personal spaces in her relationship and the sense of responsibility that it demands: “Again we are very different in this regard. I am someone who needs a lot of space and likes to spend a lot of time alone. Pragya needs to have space in terms of other people, but with me she usually wants me around her. She recognises I need space and gives it if I ask, but grudgingly. Sometimes space arises through arguments or because of working situations e.g., meetings. And to be honest I try to take advantage of these moments, even if it is because we are not speaking to each other for a few hours because of some fight. As I person who likes to be alone, I value these spaces when they come. But if I ask her for space she tries to give it. And I'm thinking that I'm very willing to give her whatever space she needs. But maybe she sees it differently!”

Anis Da says, in the case of his current relationship, they have experienced all possible forms of expressing their care, attachment and affection towards each other. As he narrates one such instance: he says, “one is, we both love travelling and when we travel by air, it’s a very queer thing that we hold each
other’s hands when the flight takes off or when it lands, not because we are scared but because we enjoy those moments very much, both of us. Emono hoyeche je, onek shomaye te o eka fly korche ki ami eka fly korchi, sheyi shomaye gulo te amra ek dujon ke bishon miss kori, ei bepar gulo to bole bojhano to bishon mushkil Shourobh. Amra jokhon movie dekhchi, amra hath dhore boshe hi movie ta dekhchi, to ei bepar gulo aache, emotional bond is very strong.” (we have experienced while flying alone that we miss each other’s company) He narrates some other instances such as, when we spend some nights together, it is obvious that he has to rest his head on my shoulders and when we live away then every night we have to speak over phone and oke amar theke kichu chumu khete hobe. Aar jothokhon ei ritual gulo puro hobe na o kintu shute jabe na, to ei bepar gulo kintu aache” (it has become almost ritualistic that before going to bed every night he has to put his head over my shoulders and he has to feel a few pecks around his body. Also, when we live separately, every night we have to speak over phone and I have to give him his share of kisses on phone). He says, “These things are not imposed on us, but while living with each other for the last seven years, these things have become an integral part of our lives and without these things we can’t live.”

2.2.2.2. Inter-generational Caregiving

In many instances, the act of care-giving transcends the boundaries of spouse-ship/intimate relations. This is especially the case when the parents of one or both of the intimate partners are living with them in the same house. Unlike, the heteronormative relationalities there are no pre-defined scripts that could guide the queer on matters of inter-generational care-giving; there are no conventions that could act as a manual to supervise a queer on how to manage its material role, how to balance its emotions, and allocate love between its intimate partner(s) and, its biological family (which includes mostly parents in the case of our participants). Many of these narratives depict the manners, and diverse instances through which the queer jostles to negotiate its existence, its positionality, sometimes its own and sometimes its partner’s privacy, happiness and interests. Many of them narrate how they allocate their body, their time, their emotions, their spaces, their care, and their love to their parents, their partner’s parents or, with their own partners, or with other care-givers in a queer/non-queer support system. And, in the middle of all this allocation, care-giving for others; the narratives tell us how the queer manages its individual self, its own space, its emotions, and interest.

Much of this comes through Anis Da’s narrative as he explains the difference he experienced in his life when his partner Shambhu’s parents arrived in their 2-bhk apartment. Anis Da says that, “initially our relationship started as that of a counsellor and a counselee until we met physically for the first few times.
For a considerable period of time, our sexual life was very vibrant and colourful but eventually, sex had taken a back seat and now the emotional bond has become more powerful. It is not that now our sexual urges or our love for each other has diminished kintu bepar ta eikhane je ekta boro shomaye porjonto amader shonshar ta amader du joner chilo (but the thing is that for a long time in our lives, our own house was exclusively our own, Shambhu’s parents didn’t come until 2013) and that was a very wild period as far as sex was concerned. But once his parents joined us, a sort of a hesitance crept in. Hhmmm... I thought that because his father was unwell for a long period of time, even before we met; that gentleman survived seven cerebral attacks. He was partially speech impaired, highly diabetic and often couldn’t move on his own. Onar personality ta ektu ‘ye’ chilo je uni incidentally ratire naa khey shuye porte chaiten, aar tokhon onake keu jor kore khawate parto na, fole majhe majhe hypo hoye jeto (he used to be very stubborn by refusing to take his dinner and it used to be very difficult for any of us to make him eat). As a result, I had always said that the room that is attached to bathroom should belong to the parents. Now, in our two-bedroom flat we do not have a bathroom anymore and post-coital we need a shower and we always used to love taking a shower together. It was very difficult therefore that, amra dujone sex er pore duto towel joriye oder ghorer shamne theke bathroom e jabo, jekhane oder ghorer dorja khola, shyi jayega theke amader ekta hesitance kaaj korte arambho kore (after a point of time, we both started feeling very hesitant to have sex as his parents used to live just in the next room. I think there was a certain degree of embarrassment that we felt in using the common bathroom of our apartment post-coitus; passing in front of the parent’s open room, our nude bodies wrapped in towel). Personally, I am a naturist and a nudist sort of a person, as a result Shambhu also could take that side of mine gradually. Now that is also not possible and as a result all our sexual intimacies have stopped. So, amader relationship ta jerakum aage shashuri ke lukiye husband-wife sex korten, amader jeebon ta onek ta hi shera kum hoye dariyech (Our relationship has become just like a heteronormative relationship, wherein the married couple is expected to have sex hiding themselves from their in-laws, as they live in a joint-family setting, where there is always a paucity of space and privacy; our life has become something very similar). Shambhu always had the hunger of being cared from his childhood, which was quite unfulfilled for him, I suppose, so somewhere within me, he has found that emotionally caring individual. Like this year on our anniversary, Shambhu posted over his Facebook that ‘thank you for being so caring for all these last 7 years.’

This issue of inter-generational care-giving crops up in my discussions with Pawan as well, as I ask him: “Have you guys thought of investing on a property together?” To which he responds: “It will be too far away to talk much about it, but, yes we have discussed it amongst us. My partner has
also said here, that he has to think about his parents as well, and this, I should also understand. So, I have said, that if we get rich enough, let us have two different flats in the same locality—you have yours and I have mine. That way, I will also be happy to look after them, as much as I can. If I can look after my mother to some extent, I can also look after your parents as well. Of course, I would be very happy to have Lucky, living on one side of the house, and also, my personal assistant. It’s very interesting, my personal assistant’s father had a very good relationship with my father, and that is being repeated now and I feel like responsible for him. He has two daughters and wife who live in Burdawan. So, if ever he wants to come out of Burdawan, I would be happy to have him as a part of my household.”

2.2.2.3. Queer-parenting as a form of Caregiving
As the queer rides the present and looks into the future, there are many reasons that may drive the queer to create new relationships and forge new bonds of care-giving in its life. There are moments when the queer may think of bringing a child to its life; the reasons of which could be manifold. Some of such thoughts sometimes remain unfulfilled, sometimes they materialise in different forms, some planned and some unplanned. In this study, I wish, I had the time, money and other material resources to study more on and about queer-parenting. But, with all its real-life limitations, I could figure-out and interview some participants who are/who desire raising children in their lives.

Maya and Shruthi, a young couple in their 20s have a strong desire of raising a child in their relationship. As Maya puts forth during her interview: “Yes, Shruthi likes to have a child the most and I also agree with her. I also think, that if we have children life gets a new meaning. For example, now everyday me and Shruthi have a fixed routine life, I know where to pick her up from office, what time to have dinner generally. Sometimes, I feel there is nothing new in our relationship. I think having a child adds some new challenges to our lives and this way we have some changes in our life happening every time. At the same time, when we do not have a child it is very easy for one or both of us to decide to move places, but when we have a child we have a stable life at one place and it is not very easy for parents to move away from the child so easily.” For Maya, she sees raising a child in her intimate partnership with Shruthi as a way to strengthen/stabilise their own bonding, and to come-over the monotony of their day-to-day regular life-chores.

Though, given the material realities that both of them are in their 20s and are in the process of figuring out their basic living needs, it is highly unlikely that they could afford to have a child of their own in the coming few years. As Shruthi explains: “No, we haven’t taken any steps in that direction yet because right now, we are not settled. We think we have time, and it is time now to build ourselves financially stable and then I think we want to move out
to a place where there is more acceptance of us in the society. I think, that’s the reason why community (LGBT community) people always left Kerala.” But, the question here, is not about how well they are financially placed—the issue is if they desire a child in their lives, are they socially and legally capable of becoming parents?

Though, Archee and Tush also have similar plans to adopt a child, but, then, Archee shares with me her apprehensions regarding this proposition. She says: “Yes, we have thought about having a child. Uhhmmmm (she takes some time to think). We both like kids, but, whenever we had discussions about having a child, one common concern pops up very naturally. Our concern is regarding the social recognition of the child. See, legally, one of us can play the role of a single mother, but when it comes to jointly parenting the child, we both get scared at the thought, while we imagine the future of the child, what if she faces discrimination in the outer world, or whether she will understand our relationship or not, or what if, she starts blaming us for everything? We as a couple, are already facing so much of exclusion, discrimination at hands of the normative structures, when the child faces the same, who is to be blamed for that?”

However, Deepa and Pragya are considering having a child. As Deepa says, “We have been seriously considering having a child, with Pragya’s eggs (since I have had menopause and don’t have eggs) and me as the carrier. It is related in some way to how we relate to our own genders—she doesn’t want to carry a baby in her body, whereas I always wanted to carry and birth a baby. We are not sure about it and we prefer not to wait for too long because of my age, but we are definitely thinking about it and trying to find out if its possible. We would both be mothers and would want both our names on the kids birth certificate (which would mean giving birth in Canada or another country) in the ideal situation. I also have been insisting to Pragya that we would divide the labour in a non-gendered way, aspiring to share responsibilities equally.”

Queer narratives of the likes of Maya-Shruthi, Deepa-Pragya, Archee-Tush indicate strong desires to raise children in their relationships. However, all of them had some shared-apprehensions: (1) since, the child would inevitably interact in the heteronormative structures and its institutions like the school, neighbourhood, playgrounds, etc., what if the child is bullied because of its parent’s sexual orientation, or gender or marital status; (2) as parents, how would they respond, if the child starts blaming them. I think, these apprehensions are very relevant both socially and legally. Now, there is legally no positive answer to such questions. There is simply no law on queer adoption—hence, no legal protection to such queer parents or the adopted child.
In its current state, the Indian laws provide for a very limited notion of adoption. As most of the adoptions are done under the respective personal laws—which are mostly restrictive on the grounds of one’s religion, sex, and age.457 It is not that the secular laws on adoption/guardianship are anyway better; other than religion, they are by and large discriminatory on the all other grounds, such as sex, age, class, marital status and mental capacity of the adopting parent.458 These secular adoption laws are framed by the state keeping in mind the formal principle of ‘best interests of the child’459—which is a great purpose on the face of it. To my mind, the areas where queer politics should be concerned are—what all conditions are passed as ‘best interests of the child’ principle? This is where, we need to evaluate what makes the state presume460 that (1) it is not in the best interests of a girl child to be adopted by a male parent; (2) it is not in the best interests of any child to be adopted by an unmarried/divorced heterosexual dyad; (3) it is not in the best interests of any child to be adopted by polyamorous parents; (4) or it is not in the best interest of any child to be adopted by a non-heterosexual dyad. This way, all these four categories of relationalities become queer, in their political sense, as they are all equally excluded out of the province of law.

However, these laws allow for a single parent to adopt the child and become its legal parent—but, in that case, the partner of that applicant-parent would legally be as good as a stranger to that child. To my mind, under the Guardian and Wards Act, 1890, never any same-sex couples have approached the court or have been granted guardianship over any child till date. So, I do not know how the courts would respond if that happens. In short, the state’s thinking on the matter of what qualifies as ‘best interests of the child’ are highly based upon the moral concerns to save the heteronormative culture, its institutions and values. It still sees parenting from the heteronormative lenses that demand an outright exclusion of the queer family, the labour of queer caregiving and, the emotions/desires of the queer body.

457 See generally, the Hindu Adoptions and Maintenance Act, 1956 as adoption of children is mainly provided by the Hindu personal law. This is merely illustrative of the personal laws, in general.
458 See generally, the provisions of the Guardian and Wards Act, 1890 and the Adoptions Regulations, 2017 framed under the Juvenile Justice (Care and Protection of Children) Act, 2015.
460 See the Regulation 5 of the Adoption Regulations, 2017 as notified under Notification G.S.R. 3(E) dated 4th January, 2017 by the Ministry of Woman and Child Development, Government of India.
Therefore, adoption of children even by an unmarried dyadic couple is impossible legally; forget about same-sex couples or polyamorous relationalities. As far as parenting children through surrogacy is concerned, this area technically is still unlegislated (and moreover, very loosely regulated by law). So, surrogacy is still technically an open possibility through which the queer can have a child of its own. Since, this field is legally unregulated; it is still accessible to the queer. Though, in this form, it remains a costly affair, and of course not all can afford it. But, currently, the Surrogacy (Regulation) Bill, 2016 is pending in the Lok Sabha, and if passed, should enter the Rajya Sabha soon. Now, this is another liberal-nationalist avatar of the Indian State that restricts all forms of surrogacy except the ones which are strictly defined as altruistic under the Bill and, are intended by certified-infertile married couples only. This therefore, excludes all kinds of queer relationalities, queer forms of labour, queer emotions and desires—at least, the adoption laws allow for single-parenting, this one completely prohibits it.

Now, let me discuss the matter of “adult-to-adult parenting” through the narratives shared by those participants who had parented earlier or have been parenting for long now. Akanksha Di and Aparna Di’s narratives tell us their experiences of parenting non-biological adults. Both of them, strictly-speaking, do not have any juridical means/capabilities to do parenting, as there is no law in India that regulates/recognises “adult-to adult parenting” and/or “adult-to-adult adoption”. Does the lack of legal recognition/regulation anywhere lessen the amount of care, or love between the parties to such relationship? For the participants, such a relationship is based upon mutual trust, care and respect for each other. This way, such adult-to-adult adoptive relationships are mainly an act of consensus (meeting of minds) on the part of each of the parties to such relationship—which means, that there is no element of imposition involved from any of the parties, and of course, the state has no role to play here.

Akanksha Di shares her experiences with me, on this; this relates to a girl who was 18 when she came to Sappho for support against her family on

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461 At the present moment, the Indian Council of Medical Research Regulations of 2002 happen to be the only piece of law-in-force on matters of surrogacy. These regulations by and large are understood to be legalising surrogacy.

462 See Section 4(ii) of the Surrogacy (Regulation) Bill, 2016 that states: “(ii) no surrogacy or surrogacy procedures shall be conducted, undertaken, performed or availed of, except for the following purposes, namely:— (a) when either or both members of the couple is suffering from proven infertility; (b) when it is only for altruistic surrogacy purposes” and, it defines a couple under Section 2(g) as “the legally married Indian man and woman above the age of 21 years and 18 years respectively” and, an intending couple under Section 2(r) as “a couple who have been medically certified to be an infertile couple and who intend to become parents through surrogacy”.

issues relating to her sexuality. She became very close to both Akanksha di and her partner, Malobika Di over a couple of years-time. There was this one point of time when she needed a safe place to live in Kolkata and it was then that, both of them decided to take her home. Akanksha Di confides that she became very close to both of them and was living in their house like their daughter. She used to call them Mum-mum, a substitute for ‘mother’ in popular-urban Bangla. They looked after her emotionally, financially and by all other possible means, as how someone’s natural family would do. They sponsored all her education that she wanted to pursue and Akanksha Di proudly says, that “today she is a dancer and lives with her partner in another part of the city and they visit us quite often”. Had they decided to adopt her, could they have done it legally?

As Aparna Di says in the context of her relationship with her three daughters: “we live together as we need each other and at the moment the elder one Jaya is in the Hijra profession and she earns sufficiently well to contribute some money to her biological family as well. Tonu works as an artist with a left-wing theatre group. It took us a great struggle to get Tonu over there. The younger one Sohini has just joined our household two years ago and she works as Project Officer at the Amitie Trust. I always tell all my girls to have a good relationship with their respective biological families. They all visit their biological families and also live with me.” The reason, Aparna Di says, “that the daughters need to make their space in their biological families as well. It is not just about the emotional aspects of bonding, but it also has to do with the succession of family property and the idea of inclusion within their biological families.”

So, is there anything problematic in such a relationship? To my mind, such relationships fit well in the queer politics, as its origin and sustenance purely depends upon mutual choice and consent—which, means, there is no prefixed duration or any scripted format of performance by the parties in such relationships. However, this doesn’t mean that the lack of law’s role is not problematic for such relationships. In my opinion, it is problematic—the lack of legal recognition of such relationships would mean that such adoptive child and the adopting parent are no way legally connected to each other—again, such a relationship is as good as between strangers, in the eyes of the law. We need to understand that the family is not only a social institution here, it also has a legal meaning—this way, family is a legal junction where whoever is allowed an entry gets to enjoy certain legal benefits. In my understanding, this is objectionable to the queer politics, and this must change. Since, the family law already has defined the rules of who could be included within the legal meaning of a family, and who shouldn’t be—we need to realise, that if, this definition is not changed, then, the parties to such queer relationships are never going to get their due share of pie in the legal benefits that the
state otherwise extends to the members of a legal family. The Appendix IV lists a set of rights/exemptions/privileges that are exclusively extended by the various Central Laws to only members of a legal family—all the parties engaged in such adult-to-adult adoption relationships are currently excluded from getting these state-benefits. The question is, if this should change, how could the law incorporate such a change?463

The other kind of queer parenting is reflected by the relationship between Sumita Di and her biological daughter. The daughter is in her late 20s now, and, Sumita Di is in her early 50s—she has had a mutual divorce with her husband (the biological father to the daughter). In her narrative, Sumita Di discusses the challenges that she had experienced (or, is still experiencing) on matters of her parenting.

When me and Sumita Di were discussing on matters of autonomy in queer relationalities; it was in that context, I asked Sumita Di: “I want to know about your experiences as a queer mother. As a concerned caregiver/mother how do you respond to a situation, say—when your daughter is going out at night, for example, do you set her free or do you impose on her your notions of security?” To which she responds: “Ei tai shomosha, ami jeta bolte chaichilam (this is a problem area, that I wanted to address). See, as an individual, I have always tried to politicise the person; meaning thereby, whatever, I thought to do, I think, I should have the opportunity to do it that way I want to do; in other words, nobody should have the right to dictate the terms of my living. I have practiced it myself in my life. Now, as a mother I am no one to restrict my daughter, but, at the max what I end up telling her is that—since, I am better tenured in terms of experience than her, because of the simple reason that I am born 26 years before her birth, I moot certain advises to her that this, this, this could happen with you are on the streets at night or at someone’s private space, so you could better be careful while you attempt anything like that. Ekhon dekho, ei gulo na mukhe bola ba bhabha joto shohoj; jokhon tumi shotti-shotti practice korcho, tokhon kintu ei gulo attonto khothin hoye daraye, ebong amake every step e te bhabhde bhabhde jete hoyeche je, whether I am doing it right or not.(now, to talk about these things or to think about them is very easy, but, when it comes to really practicing them in your life, it is very-very challenging. At every step, I had to keep thinking, whether I am doing the right thing or not. And, till date, if you ask me, I do not know.”

She further adds: “I will give you an example—I remember when my daughter was very young, she once told me that the way I had raised her in a gender-neutral environment it is not the reality. And it came as a blow. I

463See Section 3 of this Chapter for a discussion on this question.
know, I have not raised her in a bubble, she is very much a part of a harsh
gendered world order. Now, we have always had a very free conversation
about sexual matters, I for that matter, never asked her to deal with matters
of sex in silence or in a hush manner. So, she was very open with her
classmates about sexual issues, now that led to a problem. The School
teacher made a big issue out of it and told me in guardian call that “your
daughter says, she learns about sex from her mother. Now, how can this be
the case?” Hence, I am again saying, I do not know, if my parenting has
helped my daughter or has it made her life complicated.”

Here, she experiences moments of dilemma in her own parenting, when she
reflects on her memories of her daughter’s experiences vis-à-vis the
heteronormative structures such as that of schools, the teaching machine or,
the society in general. This way, to raise a child in a gender-neutral
environment, with gender-neutral values (which of course, involves
conversations over multiple matters, including sex) can be really challenging
for a parent in our kind of a society. At least this is what has been Sumita Di’s
experience as a queer mother. Now, this is a case, wherein, the relationship
between Sumita Di and her daughter is legally recognised as that of a
mother-daughter by the law—which means, they are legally entitled to the
benefits provided by the state. What is interesting here to note, is that—even,
if their relationship is legally recognised, they do not have any legal
protection/remedy to proceed against the structures, such as that of the
school, or the parents of her daughter’s classmates, or any person who
considers Sumita Di’s parenting to be inadequate/inappropriate. Such lack of
legal protection reflects the heteronormative expectation of the state from a
mother’s parenting role/capabilities. The liberal Indian state wants its army of
parents to be disciplined, domesticated enough to not discuss sex or
anything that empowers a girl child, or which liberates the thinking of the
child. This way, the state’s expectations (as reflected through its lack of legal
protection in such instances) is reminiscent of the state’s ideological
commitment to patriarchy and heteronormativity—as it cannot loosen its
paternalistic control over the quality of the yield of its prospective citizenry.
The queer politics surely should be interested in changing this state of the
law.

2.2.2.4. Managing the Standards of Expectations
Queer relationalities mostly work on the basis of mutually-agreed standards
of intimacy and care. However, through the shared values and rules of
intimacy and care, the queer may also get swayed into attachment and
expectations. Now, when the standards of intimacy are open for the queers
to mutually decide upon; are the standards of expectations also mutually
worked out with dialogues and discussions? Dealing with “expectations”
(when it comes to care-giving in queer intimate relationalities) is also an
important area that needs consideration for a research of this nature and depth. Most of the participants have agreed to have worked out their standards of expectations mutually over the course of their respective relationships. This makes the standards of expectations in queer-care-giving completely subjective; which means that I am not able to (neither, I should) deduce any fixed/set standards through my reading of these individual-participant-narratives. Thus, my analysis on each of these narratives are purely illustrative of the nature of expectations (if any) that generally, become a part of queer-intimate care-giving.

Sumita Di has a minimalist set of expectations from her partner: for her, transparency and trust is what she expects in her relationship. As I ask Sumita Di, after she discusses with me the standards of sexual-emotional-romantic intimacy with her partner: “Any other kind of expectation that you think you deserve as a partner in this relationship? Because, see there is no institution here, there is no stability in this relationship in terms of any third party’s imposition, right. So, it is solely on you and her to decide to continue, or break this relationship, in whatever state or degree.” To which, she says: “Na, otherwise, I think I am quite happy with her. Meaning, if she is in trouble, I would expect that she would tell me. I don’t know that if I would be able to help her out but, at least I should be considered.” Then, I ask her, “Do you consider yourself a stakeholder in her decision-making?” to which she responds: “No, not in everything, but, yes, if I can use the term “wellness” here; I think, I am a stakeholder in her wellness, and I want her to consider that.”

Talking about having a least sense of expectations, Aparna Di had never expected or tried to force her notions of parenting over her partner, says Sam. Though, Aparna Di has three daughters to take care of, especially the younger two of them, (Tonu and Sohini) need much care, financial support and attention as they are building their respective careers. Aparna Di has neither asked her intimate partner Sam to also take the responsibility of the daughters, nor has she ever asked her daughters to consider Sam in any relational terms. Now, that after five years of their intimate partnership Sam and Aparna Di have developed some strains in their relationship (as put forth by Sam specifically, in his interview, that I could take around April, 2017, during the last leg of my fieldtrips to Kolkata), Sam narrates the standards of care and attachment that has evolved between him and the daughters. He narrates how his relationship with the two daughters has evolved over a period of time, and which is independent of his relationship with Aparna Di. As he says: “For me it is still Aparna. The sense of dependency within me is a lot. I cannot talk about other people, but going by how the situation is right now, it is possible that I am thinking too much about something that has not happened. It is a probability that after six months or one year our five year
relationship is again revived. It is possible. Even now if I am asked to identify my family I would talk about Tanu, Sohini and Aparna. I have two daughters, you must be knowing. Sohini, who calls me Papai, and Tanu. They still call me Papai. Even when I tell them now that there is nothing to hide from you, that you know everything, they still say that they cannot change this. This is how they affectionately call me and I cannot ask them to change this. Aparna had told me on the very first day that just because they are her daughters does not mean that even I have to accept them. Only if you want to you can accept them but she had said that she would never force me to do so. I have always accepted them as my daughters from the beginning. In fact my age difference with Sohini would maybe be only two years. She is probably 28 years old and I am 30. Aparna in fact is much older than me, she is 35 years. She is 4 years older than me. However, still, they call me Papai. This is how the current situation is, the only difference being we don’t stay together any longer. Everything else is probably the same, talking to each other, the official part.”

Sam explains his strong bond with the Aparna Di, and the daughters Tonu and Sohini as his relationship with Aparna Di was going through a strenuous phase, when I interviewed him. As he narrates: “If somebody takes my interview after four years and even if I think that Aparna is in a relationship with someone else, I would still say the same thing. I would be in the same position and say that my relationship is still with Aparna. At that moment I would talk about it as something of the past, now it is still a thing of the present. Apart from this one difference there would be no other difference, I can vouch for that. The level of respect would be the same. Whatever I do till now is because of this family.”

Is there a standard somewhere already set when it comes to defining intimacy in relationships? Often, the standards of intimacy are fixed and predetermined when it comes to normative relational schemas; there are already a set of certain essential characteristics that define the structure of normative relationalities (both in terms of legal and social norms). But, what should be law’s response when it comes to non-normative relationalities?

As far as the experiences of the participants are concerned in this section, it is clear that, along with standards of care, the standards of expectations between intimate partners or, within a queer family are worked-out over the course of time, based on the principles of mutual trust, respect, sense of mutual well-being and transparency. Aren’t such values enough if the law needs to do its transformative role in human relationalities?
2.2.3. Queer’s Negotiations with normative relationship values/standards

As discussed in various sections, the heteronormative relationship-structures impose numerous performative-liabilities (in terms of both legal/social duties) over its participants/inheritors. In fact, the political-history of marriage is such that, it is rooted in a monolithic moral order, which imposes values such as: marriage as a sacrament, monogamy, and coverture. These values are imposing (in nature) over the parties to a marriage, because they are enforced through an entire set of legal schemas. For brevity, I am not repeating the legal basis of these marital values, again in this section. Most of these legally enforced marital values are synced with the value-system of patriarchy and heteronormativity:

Though, politically, queer relationalities are not supposed to be following any structures; it happens more than often, that queer relationalities are engineered upon certain basic values of the standard hetero-patriarchal set-up. For example, Anis Da addresses his partner Shambhu’s mother as Maa (mother in Bangla); although, in public, he refers their relation as that of between a mother-in-relation and a son-in-relation (as he says, there is no law that entitles him to refer his Partner’s mother as his mother-in-law; hence, she is his mother-in-relation). Being a queer-rights’ activist himself, Anis Da calls his Partner’s mother as Maa; and, this is when he is being fully aware of the political ramifications of his act. Though, I can understand that Shambhu’s mother may not be as aware as Anis Da is, on the politics of queering conventional kinship-names. To my mind, Anis Da’s behaviour is more formal (as it only incorporates hetero-patriarchal norms very strategically/peripherally), but, there are participants who have had a much serious/impactful/deeper engagement (whether consciously/subliminally) with hetero-patriarchal values (naming, being one such example) within their relations.

This section attempts to map the vulnerabilities experienced by the queer while doing acts of care in its relationalities under private spaces, such as within biological families, or queer’s own shared-chosen spaces. It tries to develop an experience-based understanding over the specific issues that

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464 See Section 3.4 of Chapter 3.
465 Calling somebody mother or mother-in-relation could be seen as a normative act; but, at the same time, it could also be a political act as well. Probably, in spaces and situations where someone like Anis Da is situated; wherein, the general environment hardly provides opportunities to perform subversive acts. This way, I think, there is always a possibility for negotiation, compromise, some adjustment from both the ends of such relationships. This section only tries to foster an academic discussion so that such “acts of negotiations” could be re-thought, or maybe queered.
impact queer caregiving, because of the prevailing deep-rooted, normalised heteronormative values, generally performed in non-queer relationships.

For my analysis, I will read the participant-narratives on the following four sub-thematic categories: (1) gender roles; (2) sexual/emotional fidelity; (3) dyadic/Poly-amorous relationships; and, (4) financial exchanges/burden-sharing.

### 2.2.3.1. Gender Roles in intimate relationalities

The role of gender has a very pre-dominant position in almost all kinds of human relationalities in India; the presence of gender-roles is almost presumed in most relationships, irrespective of whether they involve same-sex or cross-sexed partners. Gender roles are so deeply ingrained and naturalised in an average Indian’s social upbringing, that it has a multi-faced presence in almost all forms of inter-human relationalities, whether it is cooking, care-giving, work-sharing, resource-sharing or, sexual intimacy, et.al. Therefore, for this study, I have asked the participants questions of all these diverse forms of interpersonal dealings, from financial-burden sharing to sexual roles between partners.\(^{466}\)

As Deepa puts forth her views and experiences in the context of her current intimate-relationship with Pragya, when I ask her to illustrate the role/impact of heteronormative culture/practices in carrying forth her relationship; she responds: “(that gender affects our relationship in) many ways. (1) Again the pervasiveness of monogamy as a cultural ideal, which I think can be linked to a heteronormative model of relationship which views women as property, and also might be related to caste and class. Because polyamory is a minority point of view in society and popular music, films family and friends reinforce notions that faithfulness and commitment are linked to sexual monogamy it’s very difficult to make my partner understand my perspective; (2) (In the context of) marriage roles and expectations, Pragya’s family often sees me as the “woman” in the relationship, I’m expected to cook for and emotionally nurture the family, though these expectations aren’t completely rigid. (3) Butch femme relationship also yields heteronormative expectations, even though if we appear as butch femme, it's because we are both practicing our preferred gender expectations. We are not consciously trying to mimic hetero couples nor do we see ourselves as a hetero couple. Sometimes I am more "masculine" and she is more "feminine". If I feel Pragya’s expectations of me are too patriarchal, I have the space to challenge that. At the same time Pragya feel some pressure from other butches and transmen to be more masculine. She sees herself as a soft butch, someone who also has feminine qualities.”

\(^{466}\) Refer to the questionnaire or codes.
Most of the participants in this study have narrated their efforts of gender-bending in their relationships. Mostly the cases recorded here narrate instances of how they do not confirm to any, or much of pre-determined set of gender roles. Most of the participants who are/were in intimate relationalities are found to be conscious of the internalised patriarchy and homophobia, in some or the other working forms.

As I ask for Deepa’s response on how she experiences/sees the role of gender in her relationship—emotional, sexual, erotic, others; she starts with saying that: “It’s complicated.” However, she further adds: “Sometimes I don’t think about gender at all, maybe that’s part of my pansexual thing, I am into people, not genders. And sometimes I resist any thing that feels too patriarchal in the butch-femme aspect of our relationship. Pragya also has some gender ambiguity, sometimes she has thought about whether she is trans, but for the most part wants to identify as a woman. Both of us enjoy the ideal/experience of being two women in a relationship, bodily and socially. But gender is always complicated, and we’re both complicated people.”

Anis Da very illustratively narrates his diverse forms of exchanges, from the gender perspective during the interviews. They consider their relationship very fluid in terms of their collective gender roles but, by and large, in their own individual lives, they are not predominantly gender non-conforming. Anis Da says, “neither do we have any such strict defined role for ourselves. Well, Shambhu loves cooking, and I hate cooking, but, I don’t mind washing utensils or sweeping the floor, or washing clothes, or such other domestic chores. Now, we have his mother living with us and also the maids are also there. In the initial days, when his mother was not living with us, we used to share the domestic chores between ourselves.”

Archee says in the context of her intimate-relationship with Tush: “No, none of us desire to play the husband or the wife in our relationship. We don’t believe in the traditional heteronormative symbols of marriage that a wife has to wear full-time like shakha, pola or shindur, etc. She further adds, “I think, we both are quite gender fluid when it comes to doing the house-hold chores. For example, she is a great cook and I have learned cooking from her. But, now, I cook sometimes and she loves to eat what I prepare. On the other hand, when it comes to decorating the house, I take the lead role, but she is always besides me. She keeps on suggesting me, the color combinations to our choice of bed sheets. She just has one problem, because of dust allergy, she can’t clean the house, so, that I do, but then I can use that later in my favour to put her under a guilt trip. (she laughs) So, we have fun being together.”

On matters of sex-roles, Anis Da narrates: “Even, sexually also both of us being versatiles, we never had any stereotypical roles in that way. But,
depending upon the moods, we often play different roles; sometimes, he loves playing a more feminine role, sometimes, I do; sometimes, we compete with each other that who is more feminine. Well, this is not just limited to the erotic side of our relationship; if he sometimes cooks certain dishes for me, he claims the role of a wife and I say, I have washed the dishes so, I am the wife. See, because of his job, he has to keep standing for a long time, so sometimes when his feet aches and I massage his feet, then, I say that see, I am the wife doing my duty to my husband. I think, by these gestures, we are mostly ridiculing the gender-stereotypical roles, because, both of us know that there is nothing such thing and we make fun of it. Again, sometimes he says that since, this is my house where he has come to stay with his mother over here, so he is the wife; and, then I say that, no, since he stays in this house with his mother and I come and stay with you, so, I am the wife. such things keep on going, so, it is very fluid, nothing stereotypical, nothing pre-defined. But, ya between us he is more dominant; and incidentally, in our family, most of the men are henpecked husbands. In terms of financial role-sharing, they say, “both of them are financially self-sufficient in terms of their earning. But, on all other collective expenditures, one, who earns more, spends more.”

Similarly, on matters of sex-roles Aparna Di also narrates her experiences of having a gender-neutral relation with her partner Sam. As she narrates: “I believe all are same on the bed and we can at one point of time play a dominant role, as I sometimes play the Butch and Sam plays the Femme, or vice-versa.”

But, there are also many queer-relationalities (per, some more participant-narratives) wherein, there happens to work certain conscious or semi-conscious forms of gender-posturing. For example, in Maya and Shruthi’s relationship, they consider each other more or less in certain essentialised-gendered patterns/characters. For example, Maya not only identifies herself as the boy in her intimate-relationship, she also considers herself the dominant-one. To which Shruthi agrees and she says that, “I am more girlish than Maya; Maya is more like a boy to me.” Also, when I query further about their kitchen roles, Shruthi is quick to respond that: “Maya cooks in the morning and I cook in the evening.” However, Maya soon responds to it: “no, no I know, she cooks better, like if our friends come home, they like her to cook. She is good but she is a little lazy. Every time she is like a kid. (Laughs)” Maya further adds: “Every work in our home we do it together. If we go to the town or if we go to the village then I play the dominant role, I always try to protect her. She is like a kid, so I look after her. She is not much matured yet.”

Jaya’s relationship with her male-partner looks much skewed with gendered notions of role-play, thinking and expectations. She says, “though, I call him
my Partner, instead of referring him as my husband, our relationship is nothing less than a typical hetero-patriarchal and a normative relationship. Almost all the time, he plays the role of a patriarchal male in our relationship, and to some extent its bearable, but nowadays, mostly, I feel it is getting very oppressive and violative to my autonomy.” With a lot of pain, she recons her partner’s controlling approach towards her, especially on her autonomy and mobility—“He is otherwise very protective of me, my security and if I am in some trouble and if he gets to know, he will come as immediately as he can, but then he has his own expectations: I have to confirm to his sense of dressing, he wants me to return home before it is night; also he wants me to reduce my interactions in the Hijra Community, with the Amitie Trust, the support group and numerous friends who have been with me in my darkest times.” She further contemplates, her future with this partner of hers: she says, “if my partner keeps imposing his judgments and concerns over me and for which if someday it means for me leaving my community, my friends and support system, I will better leave him. You see, I am in love with his soul not with his body; if I have to sleep with men, I can get many of them, but when I loved him, I did not know that it will come with so many conditions.”

Jaya’s partner often keeps policing her on matters like, body-language, and public-behaviour. As Jaya laments in her interview further, that “he often, tells me “Oi Hijre der moton tali-thali petash na to jokhon amar shathe dekha korte aachish, ektu mey der moton thak” (stop behaving like the Hijras, when you meet me; try to be like a girl). Based on such inputs given by Jaya, it could be concluded that her partner’s notion of a relationship is very gendered and patriarchal. Her partner wants to enjoy the privileges that a man enjoys in a patriarchal set up. As Jaya puts forth during one of our interactions, that “by most counts, my relationship with him looks completely caught up in a hero-patriarchal set up and, it gets suffocating while playing the role of a woman all the time, acting on his directions as if I don’t have any shachondo (autonomy) of my own.”

Though, Jaya’s partner does not have a steady income, and is very naturally dependant for money on either his biological family, or on Jaya’s earnings that she earns through the Hijra custom of Badhai. However, he still is paternalistic enough to want Jaya stop working, and instead, start living with him. It looks very immature on his part to think so, as he is not financially sound enough till date that he could take care of himself and Jaya. Besides that, he is still very much under his family’s control. It is usual for parents and society in a normative hetero-patriarchal set up to expect their children to get married soon after one gets financially better off and/or reaches an acceptable marriageable age (say late 20s or early 30s). In the case of her boyfriend, he is 26 already. As Jaya says, during the interview that, “my boyfriend sometimes asks me to leave my Hijra profession and come to live
with him. He assures me that he will take care of all our financial needs and asks me to stop going for Badhais. How can I do something like that? I tell him, that you today are saying this and, if tomorrow we have a fight and, god forbid, if we break up then, where will I go? I have to again rework to enter my family, I will again have to restart my situation amongst the Hijras to earn the same level that I enjoy today. I will end up loosing everything that I have earned for myself. Besides, his family members don’t even know of our relationship. He has never dared to tell them anything about me yet.”

Jays seems to apprehend such possibilities, as she acknowledges the skewed gendered roles of her relationship in the interview. Hence, she said, “I would carry on being in my profession and would never leave my financial independence for my boyfriend, at least not anytime soon.”

In Archee’s relationship also, there are certain elements of gender-posturing that works through her sexual life with her partner Tush; as she says: “We share a butch-femme role when it comes to sexual intimacy. This is because, she is more satisfied playing the role of a butch and I have to compromise over there as I consider myself gender-fluid. I compromise here because, I know that my partner is yet to become comfortable with her body. For example, I think, she doesn’t like to have her breasts. I think, she is butch in sex, but otherwise, we both are quite fluid in terms of our day-to-day gender roles, for example, I am more masculine when I speak, but, when she speaks, she is very polite and speaks quite feminine.”

Then, in extension to this, I ask her further: “what do you mean that she is not comfortable in her body?” She responds: “I think, she is quite confused with her gender identity and this has been there with her for many years. I think, because of her past experiences of Child Sexual Abuse, for her, the entire issue of sexual intimacy looks quite complicated. She considers certain forms of sexual intimacies are very abusive and so, she refrains to have some forms of sexual role-plays. For example, she doesn’t know what an orgasm is in her partner. She believes still that, if she had her orgasm, I also had mine. So, that way, we have a very bad sexual life. But, at the end of the day, I cannot leave her, because I love her so-so-so much. I negotiated with Aakash (her previous partner) also that way and that relationship didn’t last long.”

I further, ask her, “why? What keeps you negotiating, hooking up, holding onto such relationships?” She responds quickly: “its only love. I ask myself this question repeatedly, and I have decided that, I am comfortable this way, no not comfortable, ohhhhhhh... (long sigh). Mane or shathe, ami oke atto ta hi bhalo beshe phele chi je amar pokhhe ekhon aar shombhob na je oke shudhu matro shorir er jonne shomporko chere-chure beriye aashbo.” (I
I think, I have gotten into loving her so much, that I cannot leave her just for the sake of some silly issues of sexual incompatibility.

I ask her: “what are the rewards you earn out of this relationship?” She responds: “I think, the most important is, that she understands me very well, shomoshya hoye, kintu ei je choto-choto nuances gulo feel kora, jerakum, amar raastae berole, chata niye jowa ochit, amar akhon podte bosha ochit (I know there are problems between us, but, I love her so much because she cares for me so much; small-small things like I should take an umbrella if it’s too sunny outside, or to remind me that I need to study, etc.) She is a very good care-giver, and at the same time, she has also made me understand how much family is important, especially, my baba-ma. So, amar baba-maar shathe je durroto ta toyiri hoye gachilo, shyi ta ke o onek ta komiyece. Kanok’ amar mone hoye, je je bhabhe, amar movement ta amar jonne jotto ta important, toto tai, amar family o kintu amar jonne important. Ami hoyeto amar baba-maa r theke maar kheyechi, kintu, at the same time, my realisation of my sexuality comes from my father’s books, je boi gulo amake choto belar theke kine diyechilo. Je shomaye ami prothom jante perechilam, Shakespeare, kimba Oscar Wilde er kotha, je shomaye ami jaante parlam je Wendell Rodriks bole ek jon lok royechi. (the kind of distance that got created between me and my parents, I think after Tush came to my life, my relationship with my parents improved considerably. Now, this is because Tush is herself a very family-oriented person; I learned from her how to balance my activism and politics with my family life. I may have been scolded or beaten by my parents at one point of time, but, I also see that I had learned that my initial realisation of my sexuality came through reading books in my father’s library. My father kept buying books by Shakespeare or Oscar Wilde for me). But, I think, my Baba introduced me to such authors, because he always believed that they belonged to a particular class, probably, thinking that in middle-class families like ours, homosexuality doesn’t happen. Also, for him his taste of literature is much more important than the sexuality or gender of these authors.”

2.2.3.2. Sexual/emotional fidelity in intimate relationalities

Queer intimate relationalities mostly do not have any scripted format to be followed, unlike the participants in heteronormative relationalities. The social as well as the legal imagination of marriage is completely heteronormative at its core. The normative core of the mainstream-relationalities dictates a certain kind of monolithic value-system which is mostly non-negotiable: e.g., a relationship is pure only when the participants in that relationship are sexually and emotionally loyal to each other, in other words, the heteronormative relationalities demand that partners must be monogamous to each other. Much of this politics of imposing monogamy amongst partners
is brought through the institution of marriage. Marriage comes laden with a monolithic value-system that amongst many other things, demands monogamy. In India, monogamy is legally normativized through our laws on adultery and bigamy, which mostly is a colonial import. The gendered nature of Section 497 of the Indian Penal Code, 1860 punishes the man for adulterating one’s wife with imprisonment of up to five years or with fine or with both. Other than adultery being a criminal act, the notion of monogamy is further enforced through the laws of divorce. The secular marriage and divorce law enacted by the parliament in the form of Special Marriage Act, 1954, the same is enforced through most of the personal laws on divorce. Similarly, Bigamy is imposed on the married parties both with the rigour of criminal law as well as civil law. Section 494 of the Indian Penal Code, 1860 punishes whoever marries again during the lifetime of husband or wife with imprisonment which may extend up to seven years, along with fine. The same offence remains a ground of seeking divorce for husband and wife under the Special Marriage Act, 1954 as well as almost all the personal laws.

Historically, queer relationalities have operated independent of such regulatory norms. Most of the participants in this study as a matter of record are in open relationships; which mean that they do not confirm to the conventional notions of emotional and sexual fidelity in their relationships. However, this often has its own flip side.

For Anis Da, his conviction for open relationships comes as an intellectual need for transparency in relationalities; and this is precisely the reason why 46-year-old Anis Da has always had clarity with all his intimate partners on this matter. As he says: “for me at a personal level, openness in a relationship was always a matter of intellectual interest. By the time, I had my first gay sex in the late 20s I was quite well equipped to understand the theoretical nuances of a relationship. For me, intellectual conviction is very important, if I cannot logically and rationally accept something, I prefer not doing it. In the same way, when I am logically convinced with something, I very strongly stick to it. So, from that standpoint, I am very well convinced with the idea of an open relationship.”

Anis Da has his own suspicions on the practice of exclusivity in friendships or intimate relationalities. His project is debunking the “overvaluation of sex” by normalising it as merely an “act of sex” in intimate relationalities, whether that involves his intimate partners or friends. He therefore, adds in the interview, “I have always believed that an exclusive relationship many times creates an unhealthy environment in a relationship. The way I see it, you might not agree with it, but let me share it like this, say for example, your favourite dish is chicken stew and your mom cooks a very good chicken stew for you from

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467 Section 27(1)(a) of Special Marriage Act, 1954.
your childhood and you like eating it very well. Probably, you like it more when your mother cooks it is because you get to feel your mother’s affection in that chicken stew. So, you eat that chicken stew because you get your mother’s sense of affection for you while you eat it, at the same time, you also eat it because you get used to eating your mother’s cooked chicken stew that means, you inculcate a sense of habit while eating the chicken stew cooked by your mother. Now, when you eat chicken stew at my place, you will obviously miss your mother’s chicken stew because you are doing something out of your comfort zone that has been built up all through these years. But your taste buds won’t be deprived. Now, when you are at a situation when you have to pay for the same chicken stew it might pinch your pockets, but at least you will get the chicken stew that might not be of the same taste but you might relish it. In the same way, I think, having ‘sex’ with a person with whom you share a very closed bond is something that is not just about the act of sex but also about feeling a mutual emotional bond. Now, when you have a one night stand with somebody you still feel that sex is sex and you enjoy it. I don’t know about you, but I have purchased sex also, and I have enjoyed it. So, this is one dimension of it.”

However, Sumita Di has a much more straight-jacketed justification in support of open-relationships. Her arguments are completely rooted in the power of “individual-autonomy” and “freedom from state-interference/imposition” in interpersonal relationalities (be it queer or anything). As she says: “You see, in a same-sex relationship it is very easy to dump each other because there is no state recognition to our relationships. But, imagine, if the state extends equal protection to a same-sex relationship at par with a heterosexual relationship, it is quite obvious to also imagine, that some of us who are in such relationships will forcefully try to keep the relationship stable under the protection of the state. Now, if that is how it is going to be, then, I wonder, whether it is worth to keep such a relation in our lives?”

The use of legal force against one partner by the other to extract certain conjugal performances frustrates the idea of a free/open-relationship. Provisions of law such as ‘adultery’ or ‘restitution of conjugal rights’ are classic tools used by the normative legal structure to keep the marital relationship intact. However, this normative legal structure doesn’t care about the individual’s interests/desires just because that person is party to a marriage—state’s vehicle to discipline and domesticity. Who is getting benefited/protected by such laws? The queer hence, challenges the normative structures of monogamy in marriage and elsewhere through its subversive acts of open-relationships.

Sexual intimacy beyond one’s established interpersonal relationalities is something unacceptable in the heteronormative culture; much of what
historically comes from the analyses produced by Foucault in his work in the context of the west. The notion of treating ‘sexual intimacy’ as something immoral and hence, unwanted is much prevalent in the queer subcultures as well. There is a certain overvaluing of sex in the dominant sexual cultures in India. Sexual intimacy is always valued as a privileged act; which means that, sexual intimacy can be indulged into only when one is deemed qualified to engage in it. That means, one who engages in it while that person is not deemed qualified for it, is an outlaw, a pariah. The dominant culture has laid certain parameters for us, that recognise qualifications in the forms of: age of the sexual partners; whether the participating sexual partners are married; biological sex of the partner; whether the sexual partners are related by blood or not, et.al. These parameter-cum-qualifications have acquired the status of dominant social norms, much of whose shadows are found in the form of socio-legal proscriptions, as discussed above in the limited context of monogamy. Monogamy is therefore not merely just an individual act of the parties in marriage; rather it is socially internalised in the conscious of the collective; it thus, acquires the status of a performative act, which the parties in marriage have no option but to perform or at least appear to have been performing.

Anis Da says, “there is one more dimension to it; take the case of a married couple A and B, suppose A finds a third person C very attractive and C also reciprocates back but because A is into marriage she restrains herself (whether that is correct or incorrect, good or bad, I don’t want to take you through these value judgments), somewhere a sense of deprivation may work that, ‘I could have enjoyed that particular moment with this particular individual but I deprived myself of that for whatever value I live with’ and at the same time, A is insulting his desire and she is also overlooking the positive vibes that C had given her only because the society has taught me, and trained me to believe that an exclusive monogamous relationship is the only opportunity. There is one more possibility, in which A would have chosen to venture with C, but what is she doing at the end of the day, she is violating the trust reposed on her by her spouse B, that is called adultery because A is involving with C keeping her partner B in dark, then A is cheating on B. But if both the partners A and B are matured enough to understand that temporary bhala laha bole ekta jinish hoye, bhala basha ar ek ta jinish hoye (liking someone is one thing and loving someone is another thing) and if two partners can give that licence to one another they can define the rules of that kind of an arrangement. For example, two partners may decide that we won’t share this particular bed or our bedroom, we will sleep with others but this bedroom is our mutual private zone or something like that. I know such people, who say that ‘I can do everything else but I don’t

468 See generally, Raj Merchant, Chaynika Shah, Shalini Mahajan, et.al., No Outlaws in the Gender Galaxy (Zuban, 2015).
want to lip kiss that person, I lip lock only with my partner and with others I
can do everything else without locking the lips’. So, there can be such
marked areas as defined mutually by two partners, but going beyond that and
reaching a certain level of freedom with mutual consent then may be such a
relation can also turn out to be a healthy relationship. There is one more
thing, if a relationship turns into a burden, you are living the relationship with
the burden that could be very painful. But, in any relationship, it is also very
difficult to move on out of a relationship. There are hundreds of ramifications
of moving out of a relationship like there could be legal consequences or
there could be social or financial implications of it. So, when I think about my
relationships from these standpoints, I think an open relationship is the best
possible option.”

But then, there are strategies that many participants said to have adopted
with their intimate partners. It is important to understand that the notion of
monogamy in relationships is a demand of the normative structures, that all
of us (queers/non-queers) have been fed with in every inch of our upbringing;
result—we have completely normalised it, internalising it in our acts and
expectations. Now, when we see someone, or when we see our own selves
having found attracted by someone (or vice-versa) who is not our intimate-
partner we often feel distressed, or guilty of ourselves. A point worth noting
here is that, the upbringing of all the participants in this study has happened
in heteronormative value-systems. Many participants have experienced
forms of agreement, negotiation, resistance, regret, compliance and
complaints with their intimate partners on matters of sexual/emotional/romantic fidelity.

Given that all the participants share layers of heteronormativity in terms of
their background, it is only obvious that most of them have their own
struggles for or against the normativity (e.g., monogamy) in their intimate
relationalities. Sometimes, one intimate partner is caught while having an
extra-relational intimacy with someone else; sometimes, both of them
mutually agreed to have an open relationship right from the beginning;
sometimes, they started their relationship on a monogamous plane and
gradually moved towards some mutually accepted forms of openness, either
conditionally or unconditionally. Some of the participants experienced
resistance in the hands of their intimate partners while bringing in the matter
of open-relationality on the discussion table; whereas, some of them shared
stories of a smooth exchange.

For Maya and Shruthi, maintaining monogamy is a core that defines their
relationship. They see monogamy as an instrument to attain stability (as they
understand it) and peace in their relationship. Of course, much of such
notions are a product of heteronormative conditioning. As when I come up
with the question before Maya and Shruthi: “What are your opinions on monogamy?” They strike their response almost in chorus: “No, no, no! We are living as any normal couples.” Soon Maya adds further to it: “After we have gone into a committed relationship we do not seek others. Actually, the reason is that every friends in our surroundings, they treat us as a family and that’s why we are happy and we want to be like this. I think, this is normal life and we call each other as partners and not as husband or wife; we treat each other as equal partners in this relationship.”

For Jaya, monogamy is important in her intimate-relationships. As she said, “I have a very good sexual and emotional bond with my boyfriend amidst all our regular fights. We are monogamous to each other.”

Similarly, for Aparna Di and Sam, having an intimate-relationship for the last five years has meant essentially a monogamous way of doing their relationship. As Aparna Di puts forth in her interview: “ami ek jon bishon-bishon-bishon monogamous ekjon person” (I am very-very monogamous a person). Sam in his separate interview narrates his guilt when he had a parallel relation with another woman while he was already in relationship with Aparna Di. Sam said, he felt guilty perhaps because, he never had agreed on having an open relationship with Aparna Di, at the first place. As he shares this particular instance during his interview: “a certain gap was created between her and me for some time. In that time, I ended up being in a relation with another girl, but I soon realised that our wavelengths were not matching. I felt that it was better with Aparna. So, I backed out and informed her that I have committed such blunders and so on. She however, accepted me back and said that it is possible for people to make mistakes at times.” It looks to me, that monogamy is an essential concomitant in Aparna Di and Sam’s relation.

On the other hand, Archee and Tush have decided to be monogamous in their intimate-relationship because Tush as a person wants it direly and for now, Archee is okay with the idea of being monogamous with her. There is a certain gap between the value-systems of both these two partners which is evident in their thoughts and actions. As it appears to me based on my interactions with Archee over the last one year, Archee has a set of her own moral inhibitions when it comes to exploring others outside of her relationship—as it comes evident when I ask her during the interview: “are you comfortable in seeking sexual or emotional intimacy outside of your relationship, or do you also carry an inert moral phobia against this?” To which she responds: “Yes, I think, I do. Though, I don’t want to call it a phobia, rather it’s a kind of a moral barrier for me. I can narrate a recent scenario with you—See, we often have sexual tensions in our relationships; on one such previous occasions, it developed a kind of sexual void in me,
and I was so missing this one friend of mine, whom I know even before I knew Tush. I already had some affection for this old female friend of mine; but, the problem was that my desire was always mostly sexual. Now, that person already shares a very strong friendship with me and Tush for such a long time; we both thought it would be completely awkward to initiate anything sexually between us, especially when I am committed to one of her good friends. Now, this entire phase of making moral judgment-making between me and this person, has finally given an ugly shape to our friendship. We both have started avoiding each other, and in this process, amader bondhuto ta maathe mara gelo aar ki (we lost our friendship owing to all the misunderstanding).” But Archee prefers to live monogamous in her relationship with Tush, as Tush considers sexual fidelity as an important baseline to any healthy relationship and for now, Archee doesn’t see any point in confronting it. As Archee puts forth: “Arche says, “Tush is a highly monogamous person at heart and so, am I. She is quite reserved about matters relating to sex, and that’s a reason why I surely know that she can’t woo any girl for sex or anything like that. I think, Tush amader shomporko ta ke khub tullo-mullo kore dekhe (Tush reveres our relation at the highest level). I ask her these kind of questions many times, because at the Doordarshan (the National TV Broadcaster in India, which also happens to be Tush’s workplace) there are many pretty girls who work as anchors, and I therefore used to ask her, je tor ki kichu hi feel hoye na, mane why are you like this? (that don’t you feel anything sexually, why are you like this?) then, Tush replies that, hai ami jhadi to maari hi, taar bayere aar approach kori na tader; eita shune ami jigesh kori, je kano, o bole, je ami aar ei koshto gulo modhe diye jete chai na. (Yes, I check out the female employees over there, but, don’t dare to proceed beyond that; then, I ask her why, and she responds, that she doesn’t want to bear the pain of going through all this again). I think, she is under a great moral inhibition because of our relationship, and that’s why she doesn’t get herself intimate with other girls.”

Archee understands that Tush’s fears/apprehensions are not completely unfounded. As she discusses with me further, I ask her, “so, do you think, that there is something repressive going in your psyche, for which you feel sad or bad?” To which, she responds, “Yes, I think so. For example, me and Tush had a discussion last night about this. She wanted to have sex last night and I denied saying that, tor aar amar modhe je ei body bepar ta niye je sexual void ta toiri hoyeche na, taar jonne amaro ekta kharap-bhalo lagar jeyega hoyeche. Tokhon o amake nijer Child sexual abuse er golpo gulo bollo. Amar kothao mone hoye, je or moner bhitore kichu sexual pleasures gulo ke niye ekta bhoy kaaj kore, ebong taar jonne hoyeto kokhono counselling jatio kichu ekta korano theek hobe. (we have developed a sexual-void between us because each time you fail to engage freely in sex with me, and I can’t keep having sex with you all the time the way you want
to have it. after listening this, she narrated me her past experiences of child sexual abuse and said that this is because, she is sexually selective and has a fear to engage freely in sex. I think, we need to seek some counselling sessions to fix these sexual tensions amongst us). Honey o amake ekta chaap diyeche, ei puro bepar ta niye” (My friend Honey has also suggested me the same on this matter).”

To which, I now, ask her, “because of your often on and off sexual tensions in your relationship, have you guys considered the option of adding a third partner to your relationship, I mean like making it polyamorous?” To which, she says, “No, we have not. We have never even had an orgy or a threesome also, so far together. In fact, we have never even brought this to our discussions ever.”

For Deepa, she has spent a larger chunk of her life practicing and politicising the notions of polyamory and fluid partnership. But, of late as she looks forward to her life post-50s, she considered to settle down (at least for a while) with Pragya (who presently is a strong believer in a monogamous-dyadic relationship). Deepa and Pragya, in fact, walked an extra step to get themselves registered as a married couple under the South African jurisdiction, last year. Though, they may have got married for multiple-reasons, that are not disputed here, but, Deepa’s negotiation with her values for the love of her life is the focus that I am trying to build here. As she willingly walked into a monogamous order, she explains her reasons when I ask her, “How do you see the polymorphous nature of your sexuality in your current relationship(s)?” to which she responds, “Well that is the big question. I still see myself as having the same identity as before, in terms of being pansexual or even polyamorous. It’s just that I don’t practice it anymore because the primary partner of my choice is not able to understand it. I decided that I did not want to lose her, and after some 15 to 20 years of being polyamorous to various degrees, I felt that I had enough experiences in my life and I could afford to let it go for someone I loved. It’s not that I think this is the “natural” evolution though that is the popular narrative: you sow your wild oats when you are younger and settle down as you grow old. If the primary partner of my choice was also polyamorous, I would continue to be so, though I might slow down due to age. But as it happened I fell in love with someone different than that, and decided that having fluid partners and experiences, which was very important to me for a large chunk of my life, was not the only thing worth living for. So here I am. Maybe age plays a factor in that one feels a need for stability, and I wouldn’t want to lose that emotional bonding I have with her now. But, in any case we often make compromises for the people we love and for other reasons too. Regardless of how strongly I might feel about polyamory/ multiplicity in a political/
theoretical and also personal way, at the end of the day, I couldn't say it was non-negotiable. It wasn’t/isn’t the only important thing.”

Since, the queer does not have a ready-to-use template/manual to do their relationships: discussions and deliberation between the parties (to such queer relationship) form the standards/some ground rules to the doing of such relationship. This way, parties in a relationship decide on their own as to what suits best for them, individually or collectively (as the case may be). This makes queer relationalities practice multiple-standards of intimacy (sexual, romantic, erotic or otherwise) in any format that suits them at a given point of time (whether polyamorous, closed or open dyadic relationships). For Sumita Di, transparency is very important in her relationships. Sumita Di, says, “though, both of us have always had an in-principle agreement on having an open relationship but, yes, I would at least expect that I be told, if she (her partner) is getting intimate with someone else. Yes. I think as a partner, she should share with me, if she is getting along with some intimate other, irrespective of whether their relationship is sexual, erotic, romantic or anything. At the same time, I am willing to tell her about my affairs as well, if any. So, I am talking of a transparency that works both ways. For example, in the case of my previous relationships, I was always frank with my husband about what was going within my life. We have to keep in mind here, that my husband was also my lover as well. As I said, that the door in my life should be open, and that doesn’t mean that someone has to always keep coming. No, that may not be always the case. But, I expect my partner to trust me, when I talk of keeping the door open in my life.”

In conventional relationalities, the standards on intimacy (especially, sexual and emotional fidelity) have socially acquired a very central position. Central because such set-standards almost define the basis of the general social fabric and command allegiance as a monolithic hegemonic frame. Much of these social norms are well enforced by the law of the day, as discussed above. Though, politically at a theoretical level, a queer relationality has its own sense of doing; at a real-time level, the situation is not just the same. Formally, acknowledging openness in intimate relationships is one thing and practicing it, engaging with all its diverse degrees and forms in real life is a very different thing. Most of the participants have found negotiating with their intimate partners on matters of their individual sexuality, as quite a challenging task. Some participants have found this even more challenging when their intimate partners are from a very different background than theirs (especially, in terms of their social and professional experience).

For example, Prodyut (Pawan’s current same-sex partner) is 30 years of age, who socially comes from a middle-class family (as described by Pawan), educationally, comes from a purely Natural Sciences background; though, he is professionally highly accomplished, and has also been quite regular (if not
very active) in the queer activist circles of Kolkata, initially had strict notions on the practice of monogamy in his relationship with Pawan. On the other hand, Pawan is 49-year-old, very active member of the queer movement in the city (and beyond) has very flexible notions on the this subject matter. Hence, when it came to doing his relationship with Prodyut, he has experienced his own share of issues in re-educating his partner. It is over a period of time, that Prodyut has started appreciating the political and practical need for having a non-monogamous relationility. As Pawan narrates his tryst with Prodyut on this matter: “initially, Pradyut had a very monogamous idea about a relationship. Though, I clearly told him my ideas on it. I said to him, that I find the idea of monogamy a little redundant in today’s times, as it may so happen with one of the partners that while travelling alone, or while living at a place all by himself, one may end up listening to one’s sexual urges. I always had the idea that, friends could be good sex partners and for me, having relationship with a person was never a separate thing from having sex with someone. I have always believed that, a person who considers himself in a relationship may be sexually involved in multiple partners. And with the earlier partners, it was never an issue, but in this case, it was. So, we talked a lot about our differences of perception. Now, today we have arrived at a stage, when he has come around saying that, no, what you have said makes sense (laughs). But, this is happening at a time, when I have been sexually quite un-exploring from sometime, so I have told him from my side not to think about me, that because Pawan is not meeting people, why should I? I have told him very clearly, that I have no problems with him seeking pleasure from anyone else and whenever I will feel like doing so, I will. Now, his thing is that he has to travel very often in the local trains and he says, what could I do, if someone in the crowd fiddles with me, takes out my fly and touches it. Now, I tell him, look back at your own principles; according to your principles, it should not have happened and therefore you should protest, you should shout, you should say no, no, but you are not saying that; so, I say look, be a little flexible and especially for career reason, we might be apart and things might happen.”

So, is Pawan suggesting his partner, that sexual intimacy is exclusively a physical act, independent of any mental attachment? In a Cartesian sense, is sexual act only the involvement of the bodies and not the minds? Whatever, be it—what if, one’s intimate partner falls into love with the person (other than its own partner) with whom it is having sex? If that turns out to be the case, what is the future of the intimate partnership/queer-relationship? Prodyut had a similar doubt, as narrated by Pawan. Probably, such a query is most obvious in all reasonable minds of our generation in India—thanks, to the social conditioning, most of us received, including myself. After all, our thoughts and concerns are a product of a deep-rooted systemic programme of mental-conditioning that demands from us that we make endeavours to
sustain our intimate relationalities in all possible ways. Now, this is problematic to queer politics. Why do we have to make efforts to stabilise our intimate relationalities? Whose ideas of stability are we adopting when we make such efforts? And, whatsoever, be the norm, why should I be bound by it when I don’t want to practice it myself? Pawan tried to address this “fear of losing control” in Pradyut’s psyche by constantly engaging with him through deliberations and discussions over a period of time. As he narrates, “Hopefully, we should not get into trouble. So, ya he says, sex is not just about sex, it is also about the minds, what if I end up liking someone, and you end up liking someone. Then, I say that yes, that is the risk, one has to take. What is the guarantee that we are not having sex, but we still are falling in love with somebody else; so, that is something, we can’t control.”

Deepa and Pragya are in a marital relationship, wherein, they have decided to keep it monogamous. But, Deepa, who has a long experience of being in polyamorous and open-relations, is hopeful that through constructive dialogue and meaningful exchanges, she could at least influence (if not necessarily transform) Pragya’s notions on relational-standards. But, for now, Deepa looks patient to me; she wants to play it safe and easy for Pragya to understand the otherwise complicated nuances of free-relationships. It appears that she is ready to take one step at a time, and, the first thing, she is trying, is to make Pragya feel comfortable with the idea of openness in friendship, as she wants her partner to appreciate that openness amongst intimate partners need not always mean sexual openness. As Deepa shares with me over the interview, her constant but subtle efforts in this direction, she says, “We are not having an “open” relationship, that is a choice that I made. But I am keeping some sense of openness and freedom within myself and trying over time to create more space in the relationship. Openness doesn’t have to take the form of sexuality only. It can manifest in friendship, creativity, nature, travel. I am trying to cultivate these things in our relationship and in myself. Pragya’s possessiveness is a problem for me and most people who meet us together comment on this, even her family members. But I am committed to her and intermeshed with her and so I am trying to resolve this problem in creative ways.”

But, the case of Sumita Di and her partner is very different in this sense. Both of them come from social sciences background, in terms of their education, and profession. Sumita Di is a queer-rights’ activist who works in the development sector as an independent academic-consultant; whereas, her partner is a Sociology professor based in Delhi. Though, Sumita Di considers herself to be very different from her partner in most of the aspects; but, they both share a very similar class-background and educational exposure. In principle, both of them always agreed on having an open relationship; but, Sumita Di narrates the problematic side of this formal-looking mutual
arrangement. Sumita Di considers herself and her partner to have been practicing very liberal values in almost all their relationships. Despite, they being formally practicing non-monogamous forms of intimacy, Sumita Di acknowledges that they have problems and concerns in their relationship. As she says: “Now, I feel there is some *shomoshya* (problem or concerns) we have when it comes to monogamy. Now, in our individual lives so far, we have always challenged the normative or we have, in our own individual ways, we have always tried to work out our ways around the normative structures of the society, and in all these things, monogamy is also one of them. *Maane whether or not we are in more than one relationship, kintu, mane ei dorja ta khola thakar proyijon aache, eita shobshomaye mone hote hote gache*” (now, whether or not we are in more than one relationship, we have always felt that the door (option) should be always be kept open for both of us; at least we both have felt it that way in our respective relationships).

She further adds: “Now, there is some *adbhut bepar* (wierd thing) happening to our relation, even though we both have been quite liberated in our thoughts on fidelity in relations. How do I explain you? (pause) Okay, let me give you an example, my relationship with my ex-husband has been pretty silent (from both sides) for the last two and a half years until we got the divorce. But after the actual act of the divorce, I tried to initiate conversations with him and I could see that he is responding, and I have been very happy because of that. You see, I am happy because I have a 35-year-old relationship with him, today if I am 54, we know each other from the time I was 16 and he was 18. Now, a relationship which has been that long term, and where we both hold a lot of history together, where we both have created so many memories together; I felt it utter foolish to sever all my ties with him, just because of the act of divorce. *Amra ja kichu create korechi, shey gulo kintu phele doar moton jinish noye; ami kintu structure taar modhe thawakte chai ni, ami institution taar modhe thawakte chai na, but that does not mean that that person has no meaning in my life.* (whatever we have created, those things are not supposed to be jettisoned; all I wanted was to come out of the heteronormative structure and institution of marriage, but, that does not mean that now, my ex-husband has no meaning in my life at all). So, when I started communicating with him, he responded and then, I felt happy; I mean some kind of communication began from there, which also lasted for three-four months only but, I could very specifically see that *eita kothao amar partner er modhe unrest toyiri koreche* (this was somewhere developing unrest in my partner). Though, she also has technically, a husband and I am already divorced, but still I could see that my interactions with my ex-husband has created a certain discomfort in my partner. So, I decided to sit and discuss this with her on one of the days, and what came out of it was that, *je kothao ekta dorja khule rakha ta ekta idea, kintu jodi amar shotti-shotti mone hoye je*
dorja ta diye karur aashar remote chance o aache, tokhon kintu, I start fidgeting, I start getting jittery about the idea, eita ami ekta jinish dekhte paarchi. Kintu eita te amar oshoshti hoche, amar mone hoche je, amake state jokhon control korchilo during my marriage, ami state er hi kotha shuni ni, I was in relationships, aajke ami eita bolte paarbo na, je amar ex-husband er shathe jetukhani communication hoyeche je that can be called a relationship, no at all. Kintu kaalke amar ex-husband er shonge, kimba Y er shathe othoba Z er shathe ami shomporko korbo ki na, I really don’t know. Ekhon jodi amake ei dorja ta bondho korte hoye, tahale kintu amar jonne mushkil hobe; dorja diye je ke aashbe, ami kaake entry debo ami kintu jaani na. Hoyeto amar 54 bochor boyish, ami hoyeto aar 10 ki 15 bochor baachbo, to o1 10 ki 15 bochor e hoyeto keyu hi aashbe na, mane that is quite possible. Kintu jodi dorja ta bondho kore dite hoye tahale kintu amar jibone ei prothom bondho korte hobe. Ekhon etto struggler pore ami aar compromise korte chai na. This doesn’t mean that I am asking people to come into my life, no." (Me and my partner, always individually believed that somewhere a door should always be open in our relationship, so that if there is a possibility for someone else to come inside our lives, that person could be given an entry. But, if “keeping the door open” is an idea, then I could see in my partner’s behaviour, whenever there is even a remote possibility of someone coming in my life, she gets jittery, she starts fidgeting about this idea. Now, this is inconvenient to me. When State was controlling me through marriage, I never listened to what the State had to impose in terms of fidelity; I continued with several same-sex relations even as I was married. Now, based on whatever communication I have had with my ex-husband after our divorce, I would not say that we are in a relationship; no, not at all. But, sitting here today, how do I know, if I would have my ex-husband or someone called Y or Z in my life tomorrow; I really don’t know. Now, I am 54 years old, maybe I will live for 10 or 15 more years from now, probably in this time, no one will knock onto my open door, this is quite possible, isn’t it? But, if you tell me to lock this door completely, not to be opened ever, I think that is difficult for me. After so many years of struggle that I have earned my freedom, I am not going to compromise on that. But, having said that, I don’t mean that, I am asking people to come into my life; no I am not.)

Perhaps, normative relational roles (especially, sexual and, commitment related) are so deeply internalised by most of us; that often, it becomes practically impossible to liberate oneself from the shadows of relational-puritanism. It looks from the participant-experiences that the extent of such internalised forms of relational-puritanism mostly sways the individuals into having a rigidified notion of intimacy-standards in their own relationalities. Amidst all such hurdles, the queer narratives also depict stories of negotiations with these normative mindset-based barriers.
After, Anis Da describes his idea of a relationship in his life; he discusses the standards of openness that he has drawn with Shambhu, his partner. In the last one year of their relationship, Shambhu has introduced Samar, into their relationship. Samar is close to Shambhu’s age and Anis Da has placed his acceptance of Samar in their relationship on record, in our interviews. Well, it is not the first time that Anis Da and Shambhu have had a third person in their relationship; and it is also not the case that Shambhu has always been as open as he is now, when it came to having an independent partner at his own individual level (though with Anis Da’s knowledge/consent). As recorded previously, Anis Da has described his thoughts on monogamy and polyamory in the above passages, and one could see the clarity of thought in Anis Da’s responses. For Shambhu, it was initially difficult to have accepted non-monogamy as a workable premise for their relationship; however, gradually, Shambhu looks to have attuned himself to the idea of an open relationship, to some degrees at least.

Anis Da narrates his and Shambhu’s experiences in dealing with the issue of openness in their relationship: “Now, I had shared this, right from the beginning with Shambhu but, Shambhu initially was very traditional in his idea of a relationship. But gradually, he has accepted it in his own ways; so, there was this one person who came into Shambhu’s life at one point of time. I knew that person from and I still respect him a lot. We were physically intimate only once, and that was much before I met Shambhu, but we remained very good friends. And this was the only situation in our past, that we all three had a three-way sort of a relationship. Even we have had threesomes. But even that experiment didn’t succeed well so it ended up. Other than this particular instance, none of our individual relations turned out to be a three-way relationship. For example, at the moment, Samar can be Shambhu’s partner, but he is not my partner. But with Samar, somewhere my own relationship is much like that of two very caring brothers. Presently, our relationship is an open relation in a one way that I am accepting of Samar and Shambhu’s relationship. Samar comes to our place, spends his day with us, spends his nights with us, we travel together but I don’t have any partner like that. From my side, Shambhu is totally free, but he couldn’t do the same for me till date.”

In many cases, the queer’s struggles are not limited to their personal lives; it often takes the form of a social/collective talking-point. Some of them narrated their experiences of how they have become a subject of non-stop gossip or judgment in their closed social circles (viz., one’s biological family/parents, queer or non-queer friends); and this is irrespective of whether they have a public (or nearly public) stand on this issue. In many quarters, queer relationalities are taken for granted to be an open relationship; this often results as a negative impact over the queer’s life, as
open-relationalities are often signified as disloyal/fragile/short-term engagements that lack the necessary degree of seriousness and commitment—courtesy, my experiences as a participant-observer. Remember, Akanksha and Malobika Di’s experience of having been refused a joint-home loan purely on the grounds of their non-heteronormative relationship. As they said in their interview, the bank already had made its mind that a non-heteronormative relationship is not worthy of being trusted for repayment—a reflection of how a same-sex relationship is perceived by the mainstream financial institutions of the country.

In the current sample-size that I have picked for this study, I could see that there is a mixed data when it comes to standards of monogamy in intimate-relationships. The larger share is that of participants having practiced or practicing non-monogamous forms of intimacy in their intimate relationalities. There are a few participants who are practicing some form of polyamory in their current intimate relationalities. The innate connection between practices of polyamory and non-monogamy cannot be disputed, however, for the sake of clarity in the presentation of data; I have discussed polyamorous relationalities in the next section.

2.2.3.3. Dyadic or poly-amorous forms of intimate relationalities

Regarding, the standards of intimacy amongst intimate partners, Ri Di has been quite polyamorous in her dealings. She stated during the interview that both, she and her ex-partner Indrani Di have consciously kept their relationship an open one in terms of their sexual and emotional needs. Ri Di says that, at heart, she is a very monogamous person, if she is with someone, she considers herself completely immersed with that person from that period of time. In fact, Ri Di has narrated an instance, where she and one of her young colleagues Bubu were emotionally and romantically very connected. This all happens while she had Indrani Di in her life. Ri Di and Bubu’s intimacy was so noticeable at one point of time that, Indrani Di ended up asking one day, “what’s happening between you and Bubu?” Ri Di says, “I never wanted to hide anything with Indrani, so I told her that me and Bubu are emotionally quite connected and we also love each other”. She says, “Indrani may have felt bad; but, I know she is a very strong and matured woman, she could be a very possessive one; but, also, she doesn’t put me under any kind of pressure. She lets me be what I am.”

After, Anis Da describes his idea of a relationship, he discusses with me, the standards of openness that he has drawn with Shambhu. He starts narrating: “Now, I had shared this, right from the beginning with Shambhu but, Shambhu initially was very traditional in his idea of a relationship. But gradually, he has accepted it in his own ways; so, there was this one person who came into Shambhu’s life at one point of time. I knew that person from
and I still respect him a lot. We were physically intimate only once, and that was much before I met Shambhu, but we remained very good friends. And this was the only situation in our past, that we all three had a three-way sort of a relationship. Even we have had threesomes. But even that experiment didn't succeed well so it ended up. Other than this particular instance, none of our individual relations turned out to be a three-way relationship. For example, at the moment, Samar can be Shambhu’s partner but he is not my partner. But with Samar, somewhere my own relationship is much like that of two very caring brothers. Initially, Samar was also very apprehensive, probably Samar was not very happy with me, because he was deeply in love with Shambhu and he sort of felt threatened by my presence in Shambhu’s life. I could realise that there was such sort of a resistance at one point of time in Samar’s behaviour. With the passage of time, that resistance has diminished and today we are very good friends or almost very-closed brothers. But, we are not partners, we never had been sexually intimate and I don’t think we ever want to be sexually intimate with each other. So, all our relationships other than the first one has been mutually exclusive ones. This is also true that, though, Shambhu has been able to accept such arrangements at least on a theoretical plane, but in reality, if I get intimate with someone else, then I have seen that Shambhu cannot take it very well. He becomes hysterical, he even self-inflicts harm on himself. So, I have restrained myself from getting sexually intimate with anyone and it’s been four years now. Why I do this, because I can see Shambhu’s perception towards open relationship is changing, as he had a few persons in his life at a time, when I was also there, I think he could feel that his love for me hasn’t changed with the change of different persons coming into his life. So, I think I am allowing ourselves some time and space so that Shambho comes out of his insecurities and so, that we can address these issues more as a couple more in a vocal manner. So, you can say that, in the last few years, I have been trying very strategically to change Shambhu’s perceptions.”

Then, Anis Da concludes his answer and said, “presently, our relationship is an open relation in a one way that I am accepting of Samar and Shambhu’s relationship. Samar comes to our place, spends his day with us, spends his nights with us, we travel together but I don’t have any partner like that. From my side, Shambhu is totally free, but he couldn’t do the same for me till date.”

2.2.3.4. Financial Exchanges within intimate partners
It is important for this study to consider (mainly, record and analyse) the standards of financial exchange (e.g., financial dependence between intimate partners) in queer relationalities. As Sumita Di points out from her activist-experiences that: “queer relationalities, instead of being hierarchal, are more peer-to-peer ones. I think, it is quite obvious that the partners in same-sex relations try to become each other’s peers in everything, including financial
matters. Now, the person, who earns lesser, sometimes also, feels lesser in the relationship, and sometimes this could create a certain pressure on that person”. Since, queer relationalities do not have a fixed/pre-determined/scripted set of standards (e.g., a certain gender-based hierarchy amongst intimate partners on financial matters such as financial-decisions like investing on a house, or spending, etc.); it is pertinent to record such exchanges to understand issues of vulnerability and violence amongst queer intimate partners. This is also vital from the standpoint of legal research (which this instant project is about) so that an estimate can be made about the possible extent of law’s prospective role in queer relationalities (if at all there need be any). In simple words, if there are supposed-problems/concerns arising out of financial exchanges in queer-relationalities then, it is important for legal research to understand the nature of that problem (if any); and, then to suggest forms of legal engagement/negotiation to resolve that problem.

The participants in this study come from a variety of intersectional backgrounds, in terms of their class, educational background, employment, age, etc. It is therefore, only obvious that they all have different standards of financial exchanges/arrangements in their respective intimate relationalities. For example, one of the partners in an intimate-relationship could be earning more, and hence, could be also contributing more towards the expenses running the joint-household; or, both partners may be financially autonomous to the extent that they may not be contributing at all to each other’s expenses (in ordinary circumstances). In many intimate relationalities (as recorded on the basis of the participant’s lived experiences) one of the participants could be financially dependent (totally/partially) on its partner; the reasons could be due to the former’s age, employment, educational background, etc. (or lack of it). In a few cases, such dependence is temporal, and in the others, it mostly looks to be something akin to a permanent arrangement. In a few cases, participants have narrated their experiences in dealing with their same-sex partners by describing, how they have coped up with their financial vulnerabilities.

Pawan has been in a couple of same-sex relationalities in the past, and there has mostly been a gap between his financial abilities and that of his partners. But, for Pawan, financial issues have never affected his relationships; he has followed the principle of “lending” in all his relationships, so, that the one who spends more, doesn’t feel “being used”. As he narrates his experiences: “with one of my previous partners, it has always been the case that I was the one, who had been spending more, as I was earning more than him. But the arrangement was always such that, I am lending you money, and that you have to pay me back when you have it. In this current relationship also, we have something of a similar kind of an arrangement.”
Sumita Di, for example says that she has no financial investments with her partner jointly. Neither does she or her partner has any plans to financially invest on anything jointly, e.g., on buying a house together. Now, there is a certain politics behind such consorted efforts by Sumita Di and her partner. Most participants do not have such kind of politics around their mutual financial decisions; most of the partners are looking to have settled together; which means that they have a very strong mutual financial commitment towards each other.

2.2.4. Being at the liminal spaces between expectations and realities of socio-legal recognition

While the queer does its efforts to sustain itself in a queer relationality, the ecosystem in which the queer is situated (i.e., the heteronormative socio-legal assemblage) always incessantly keeps the queer at positions of perpetual uncertainties and vulnerabilities. As the queer is anyway placed in a certain structure, (whether queer politics likes it or not) the social and legal support become a quintessential necessity for the queer to sustain its relationality and to negotiate the terms of its liveability. In the lack of legal and social support, the queer is perpetually situated in the liminal spaces located between its expectations and realities with/of the social and the law. Such a state of affairs makes the queer relationalities fall prey to the vulnerabilities erected by the socio-legal assemblage.

This section discusses such vulnerabilities in the light of the queer experiences narrated by the participants under four thematic heads: (1) the nature of socio-legal support experienced in Queer Relationalities; (2) Queer Strategic engagements with social and the legal to sustain its relationalities; (3) Queer Relationalities and its Experiences with the paucity of Language; and, (4) The standard(s) of socio-legal support expected in Queer Relationalities.

2.2.4.1. The nature of social support experienced in Queer Relationalities

This section makes an attempt to record the experiences of the participants on matters of their sexual/emotional/romantic/erotic choices and their engaged queer relationalities vis-à-vis the apparatuses of ‘the social’. This section also includes the narratives of engaging with these apparatuses, putting forth the multi-faced intersectional standpoints of the participants and their stories of acting on certain tactful strategies of running-around, fooling-up or, direct-dealing with the social apparatuses and its norms.

Regarding the degrees of social acceptance, most of the participants have had a mix of both positive as well as negative experiences in family spaces,
workspaces, neighbourhoods, etc. Those participants who choose to be out to their immediate social circles, have mostly had negative responses, at least in the initial phases of their coming out. However, gradually with the time, most of the participants (who chose to come out) have been by and large accepted with their sexual choices and sometimes also with their intimate partners at least by their biological parents. Though, this is not the case with everyone; which means there are still many participants who continue to struggle for acceptance in their biological families and/or other closed social circles; and, there are a few who have completely severed their ties with their biological families, or other childhood social-ecosystems such as school friends, neighbourhoods, etc.

**Recognition/Support experienced in social circles**

Often, participants desire to seek recognition of their relationalities from the social circles of their own and their intimate partners (e.g., biological family, friends, etc.). In the case of Akanksha Di’s relationship with Malobika Di, the recognition of their relationship in the latter’s family has happened quite smoothly when compared with the turmoil faced in the case of the former. Today, Malobika Di has her old mother who lives in Barackpore who wholeheartedly accepts her daughter’s relationship with Akanksha Di. In the case of Akanksha Di, her family took some time accepting their relationship. Akanksha Di says, that today her sister-in-law and Malobika Di share a very good bond and they often share their grievances against their partners (Akanksha Di and her Brother) and their in-laws. Akanksha Di further adds, that Malobika Di now gets invited for almost all family functions that happens in her family.

Though, Akanksha Di regrets during her second interview that sometimes their relationship is understated or underrated by their brother’s family. She narrates an example, during Diwali celebrations her brother expects Akanksha Di’s presence at his home every year, but the fact that she cannot make it easily on that day as Malobika Di and Akanksha Di prefer spending some time exclusively with each other in private, during the Diwali evenings. She says, “this mostly gets impossible for my brother to understand as to why Akanksha has to be at her home with Malobika during an important family function such as Diwali.” “It is obvious that any couple needs space and when they want it, they have to be provided with that space,” she adds. She has said during the interview that, she somehow feels that their relationship is not treated *at par* as that of a straight couple by her family. They are still treated as ‘the other’.

With respect to her workspace and professional circles, only a handful of very closed people are told by Akanksha Di about her relationship status. To the rest of the colleagues, she thinks it's neither their business nor her duty to
inform them about her relationship status. She says, “Many colleagues may know that I am lesbian and they may talk behind my back but no one has ever confronted me with questions such as, why I am not getting married.” She shares that, it was even until two years before her boss was genuinely trying to find a suitable alliance for Akanksha Di. She says, that “they were some of the very awkward situations I was made to face with.”

In another case, Maya and Shruthi are two independent working women living-in Trissur as intimate partners. Shruthi comes from a middle-class conservative Hindu family of two siblings and her parents based in Palakkad, a neighbouring district. This family has a very typical heteronormative expectation and estimation about their daughter Shruthi’s life in Trissur. As Shruthi says, “in my family, they do not have any idea about what’s actually between us. They only know that we are very good friends and live like sisters”. For Maya, her mother is her only family and she has accepted both of them. In terms of friend circles, some of them know about our relationship.

For Sam, it was difficult initially (and still is) to take her partner Aparna Di to her home, not because that her family members didn’t accept/accommodate Sam’s choices but, because of his apprehensions of a resistive-neighbourhood. Sam has had, and still has problems getting her intimate-partner Aparna to her natal home. The reason Sam says is because of Aparna Di’s Hijra profession and the social resistance of his small-town neighbourhood; Sam seems apprehensive of any kind of a backlash. As he narrates: “My mother holds a huge sense of peace knowing that Aparna is there, when she talks to her. She has been able to come to my place. I have been going to Aparna’s house from the very beginning, but since Aparna is in the hijra profession it is difficult for me to ask Aparna to visit my home as I live in a closed neighbourhood it is difficult for me to take her to my place. Anyway, there is a black mark on my house, it is labelled because of my divorce which happened within the neighbourhood. On top of that it was slightly difficult for me to take Aparna to my place. She would talk to people in my family, my mother knew about her, my sister knows everything about our relationship. Aparna has come to my house because of her profession. My elder brother has recently had a baby. My neighbourhood probably does not fall under her area, but I wanted to take this up as an opportunity. My family knows that she comes generally, but I had told my mother that if the neighbours ask her anything she should say that Aparna had come as part of her profession. This was to tell the neighbours. I never had to tell people in my family. When she comes to my house, for them it is just Aparna. After almost five years, Aparna went to my place this September. This was maybe some time after you had come to my place.”
There are also participants who have socially closed their choices when it comes to recognition of their queer-relationalities (support systems) or, the recognition of their intimate partners in various social circles (whether of their own or, of their partner(s)). For example, Sumita Di doesn’t expect her partner’s biological family or, her marital spouse (husband, in her case) to recognise her existence, identity, or role in her partner’s life. As she says, “She (her partner) has no marital family as such. She only has her husband who lives at the U.S. and my partner works in Delhi. And yes, she is out about her sexuality with her husband. Her husband also knows that she is in relationship with me and that is the reason that they have separated. They are not yet divorced, but, perhaps (long sigh) we don’t know. In her natal family, I do not want to be recognised, if you ask my personal choice. As I am a person, I don’t feel like meeting people; I am totally happy with whatever I have.”

Though, Sumita Di has taken a clear stand that she doesn’t want to be recognised; but, given an opportunity, would she have desired recognition in the biological family of her partner? Perhaps, yes (or, maybe not). As in another part of the interview (in the same context of social recognition), she said: “I don’t know, whether I am seeking any recognition before a specific group of persons or not. I have never thought it that way. But, if you are talking about “recognition” then yes, I want people to know and recognize my partner as a very special person in my life. Now, there are friends and acquaintances (who do not identify as LGBT or queer) we have at both of our cities Kolkata and Delhi (her partner works there); they know that we are together, that we are in a relationship. So, I call her partner, she calls me partner and I like being recognised not as friend but something more than that, or something other than that; more or less I really do not know. Whether partnership is more than friendship, I don’t know.”

It appears to me, as if Sumita Di has some of her own dilemmas on this issue. On a general level, the queer relationalities are still a taboo-topic for the members of a heteronormative family-setting to deal with, in India. See, the dilemma of language, experienced by Sumita Di. Already, she has been subverting the social frames in many ways; perhaps, there are a few arenas, where the queer often doesn’t want to venture in. Probably, these are arenas/spaces where the queer very subliminally knows that it can never compete with the normative (the non-queer); it often, therefore, retracts/pulls-out of such uncompetitive-domains. Such social spaces are uncompetitive because there is no level-playing field anyway, in terms of the social-recognisability of queer love vis-à-vis non-queer love.

Sumita Di, has taken a political stand in her life, that she is not seeking recognition from the natal family/husband of her partner. Though, it is
apparent that she has a subliminal desire of being recognised in her partner’s family or social circles. As she also states, “But, you know what happens, the way her husband is accepted in the family, though, they are not together, still the husband is the husband and therefore, he is a part of their (her partner’s) family and I am nobody completely. I am not even a friend; I am just a casual acquaintance. Yes, I am not in the competition. But, had I been, then it would have become terrible.”

Such partly undone desires often contribute to trauma, and pain in queer lives; at the same time, it also engenders a sense of expectation-deficit amongst partners in queer relationalities. For example, if one of the partners has an open political stand within its family on matters of its relational-choices/intimate relationalities, whereas, the other partner(s) doesn’t, and then this often, becomes practically problematic, if not politically.

**Positive support/recognition experienced in social circles**
There are also some positive experiences within the queer’s biological families. Such instances are moreover quite rare in the overall experiences of all the participants. Though, at an overall level such familial recognition to the queer’s relational choices could be termed positive; but, construing it objectively would be to make some gross generalizations about the entire social phenomena of social recognizability of queer relationships. Inter and Intra familial experiences of participants such as Anis Da, Malobika Di, Pawan or Himadri Da could be termed positive at an overall level, but, then there are layers within their experiences as well (and all these layers are not necessarily positive at all levels) which needs to be read and analysed to get a fair picture of their experiences of familial recognisability.

These participants have their shares of negative or mixed experiences as well within their own and/or their partner’s biological families. Besides, the multiple intersectional privileges that these participants have (over the other participants) in terms of their sex, gender, age, class, educational background, or accessibility have added to their positive experiences.

One such positive narrative comes from Anis Da’s experiences within his and his partner’s biological families. Regarding his three-way relationship (three-partnered/polyamorous relationship), Anis Da said, “I have been very clear to my parents from the day one about that. How much of it they have accepted or how much they tolerated, I cannot comment on that.”

With respect to the experiences of social recognition of his partner Shambhu in his family, he says, the experience has been quite good. Anis Da says, “I have never believed in monogamy in relationships in my life, so, when my friends, my family members saw Shambhu getting close to me in this way,
they were surprised. It is also because before Shambhu came into my life, there were two sets of persons in my life, one were persons who were sexually attracted to me, and the other were persons who were only wanted to have political comradeship with me. Shambhu was the first person in my life, who was keenly interested to do both with me."

Anis Da narrates a few instances to illustrate his response on Shambhu’s unique ways of getting into his family. He says: “During Durga Puja celebrations, in our family we have this custom of cooking Kochu Shaak (a typical Bengali delicacy cooked with a particular type of Green Leaf that grows in lakes and ponds in Eastern India) for the grand family feast. It is very difficult to cut Kochu Leaves because of the fibres attached to it plus it is very sticky. Generally, some of my sister-in-laws do all the preparation for that but you would suddenly find Shambhu doing that job with my sister-in-laws wearing a pair of plastic gloves. So, what I mean here is that gradually, with these small acts Shambhu has acquired the desired place of my partner in my family and he gets that recognition.”

For Pawan and his partner Prodyut, they moreover seem to have a ‘happy situation’ (in Pawan’s own words) within their respective immediate biological-families. As Pawan says: “See, in his family he has his parents and his two sisters; whereas, in my case, my immediate family is my mom and my brother’s family who are based in New Zealand, now. Well, first of all, his parents know about him and I am not very clear about his status with his sisters; but, his parents completely know about him. In fact, he tells me that when he told them, they said that, we already thought. So, that’s interesting to note that understanding about sexuality at whatever levels, is not restricted to just the upper classes; it is there in the middle class too. So, they know that he is not going to get married and they probably, have an idea about our relationship. In my mother’s case, she has always known about my relationships and my boyfriend and my mother are actually very good friends, because they both enjoy watching cricket and he is always very critical of me that I do not spend enough time with my mom. I said, I have always spent my life with my mom; so, I don’t have to do it that way; although my mom will love it if I sat for two-three hours with her and I think, she deserves that. So, when he comes here, they chat, and they hit it off and so, it’s like a happy situation. I don’t go as much to their place, but when I do, I also spend some time chatting with them and it becomes refreshing for me. So, that way, it becomes a quid pro quo, I find it refreshing to talk to your parents and you find it refreshing to talk to my mother.”

With respect to the matter of social recognition of their relationship in the business/market community in Goa, where Deepa and Pragya started a cafe last year, they said, their experience has been fairly positive. However, there
could be multiple reasons for such a positive reception from such an otherwise heteronormative space; and, Deepa discusses about the same in her statement: “It is definitely more comfortable to be out about your partner and not have to hide things, but on the other hand sometimes it is necessary. In Goa we would sometimes tell new acquaintances and customers, depending on our comfort level and they were generally good about it or pretended to be. Sometimes we also got a slightly homophobic vibe from foreign tourists, not just Indians. But generally, the response was good, even when Pragya asks women travelling together if they are a couple. Sometimes her Gaydar has been right and sometimes it's been wrong, but people were generally good about it. Another interesting experience in Goa. We had taken a small space and turned it into a cafe/ restaurant, and across the street from us a family from Karnataka sold clothing and knick knacks to tourists, and beside us a Bihari/ Nepali couple sold leather goods to the same crowd. In terms of class I would say both families were more dependent on their business for livelihood and had less choices than we do, and both families had young children. We became friends with the families but also because of competition in a dwindling market (and our area was badly hit by demonetisation) we had some competition and also bad comments rooted in jealousy, our area was badly hit by demonetisation) we had some competition and also bad comments rooted in jealousy, our class status, the fact we were new to business, etc. But the interesting thing is that both families as well as other people in the neighbourhood (not everyone, but some of the people) came to know we are a couple, and we sometimes shared personal experiences with our neighbouring business people (they like us had couple run businesses, it's just that they were heterosexual couples.). But the interesting thing is, even in the worse period of backstabbing and gossip, when people said many things about our restaurant food, our lack of experience, our money situation, not once did we hear about any derogatory comment on our sexuality or our relationship. Maybe people had more exposure due to their proximity to tourist culture, or maybe rooted in class or their own cultural experiences, I don't know...”

Sam’s mother is highly accepting of Aparna Di and her relationship with Sam; though, Sam speculates the level of her knowledge about his queer-relationalities. But, Sam’s elder sister is completely aware of his queer life and she is accepting/supportive of it as well. As Sam narrates: “If there is anyone in my family who understands and knows the entire thing that would be my sister. She knows everything about our relationship. My mother understands to some extent, she knows about a few things but she never discusses them with me. I know that my mother knows. We do talk sometimes. She says that she knows such things are happening these days, she gets to know from the TV. However, she says that it is a problem considering our neighbourhood. She does know and understand to some
extent. If there are any arguments between me and my mother and if she is
crying and breaking down, she trusts Aparna a lot in these regards. She is
very worried about who will look after her youngest daughter. My sister is
married and so is my brother, so she is very anxious about who will take care
of me after she is no more. From that position, my mother trusts Aparna a lot.
Maybe she trusts her most in the world regarding me and feels that Aparna is
there and she will look after me. Aparna’s value and position in our family is a
lot. Just because she has not physically been to my place does not mean
that a space has not been created for her. My sister, my family, everyone is
at peace knowing that Aparna is there. In my house, my sister and my
mother know about us. People in my extended family do not know about this,
but everyone in the community knows about us. If you ask anyone at all the
person will say the same thing and take just one name. People in the media
too are aware of this.”

For Deepa and Pragya, choosing the option of getting legally married in
South Africa has translated into better familial recognition of their intimate-
relationship, on one hand; but, at the same time the whole marriage-package
has also brought in the pressure of an entirely new level of familial
expectations over their relationship. As Deepa narrates her experiences post
their marriage: “And for some people in India it gives us a cultural value. For
example, both our families were ambivalent about us getting married but now
have very much settled into married patterns. My mother is expecting Pragya
to take care of me in my old age and my immediate family includes her in
family plans. And, Pragya’s parents are sending her younger brother to live
with us for a few months. Those types of expectations and obligations are
there.”

But, at an overall level, it looks as if, some form of legal certification/a state-
backing of Deepas and Pragyas’ love and commitment to each other has
somewhere, drastically refreshed/improved their individual and collective
relations with their respective biological families and, the latter’s aligning
social circles. Probably, the “act of marriage” or the act of a particular state
and its law, recognising their hitherto despised-relationship has re-assured
their respective families that now, their daughters’ intimate-relationship can
be deemed worthy of at least extending some basic familial/social
recognition. It therefore, looks to me that the familial recognition was always
conditional (at least in part, if not full) and, could be only conferred if, Deepa
and Pragya perform (or at least, appear to perform) their relationship in a
particular normative schema. For example, Deepa and Pragya form a dyadic
couple (although of the same-sex), they are/look monogamous, they are/look
committed and in love; and over everything else, now, they are legally
married—in such terms, Deepa and Pragya very well fit into the larger socio-
moral (popular) narrative of a “good couple”. Through their “act of marriage”
they have re-claimed the normative imagery of a “good couple” and, even if they do not perform any of the practices of good coupledom, the label of social recognition to their relationship would not easily fade away from the psyche of their respective families. As Deepa narrates the impact of their marriage on her relationship with her own biological family, she says: “And for some people in India it gives us a cultural value. For example, both our families were ambivalent about us getting married but now have very much settled into married patterns. I think my relationship with my immediate biological family is quite good right now, especially since I came ‘out’ to my mother about my relationship with Pragya, and she was surprisingly supportive. But the fact I can share my life with my same sex partner is a great relief to me, and some of the close people in my mother’s friends circle also know and are accepting. It feels like a great relief.” This side of Deepa’s life could be accepted by her mother/mother’s friends; but, there are other sides to Deepa’s life as well. As she notes: “I still have a lot of dualities, i.e., Stuff I don’t share with my family, regarding my politics (they know, but we don’t talk about it much) or my polyamorous past (don’t talk about it at all). My extended family in India does not know about it, though they do know about my activism, and maybe suspect. I have a good relationship with them in a sort of ‘don’t ask/don’t tell’ way, but once Pragya and I are more open, am not sure what will happen. I think it’s possible I might lose them, which is one reason why I try to have quality time with them when I see them now.”

Deepa and Pragya’s “act of marriage” therefore, strongly translates to their respective families that, now, their daughters are in the right/safe track and, their intimate-relationship is now suddenly worthy of recognition.

But, then there are layers/degrees within the queer’s own so called ‘positive experiences’, as discussed above. At an overall level, such experiences may be termed fairly positive; but, in no sense, they could be termed completely positive. On matters of social acceptance, whether that be by the parents, or siblings, or the extended family or be it a community of friends (queer or non-queer), often, there are many vacant spaces filled with silence, denial, and fear of the other.

As despite his many positive experiences, Pawan narrates some of his not-so-positive encounters with his parents, in the case of one of his previous same-sex relationships. As he says, “But, in one of my previous relationships, where we both were activists, and we were both visible not just in the community but also in the media; and there were also some tons wagging in my neighbourhood. My parents were not very happy with all this; in fact, the matter went to such an extent that they had to tell me that in case, if you find a separate place to live in, we will not stop you.” Since, the last seven years of Pawan’s father’s demise, his mother has become more
accommodating (if not, always very accepting) of his various intimate relationalities.

When asked about recognition of Samar in his family, Anis Da said, “I cannot say that Samar is welcome in my family, and I think not all the members of my family are happy to see Samar with us. It has happened in a couple of family gatherings that Shambhu because of his childlike nature has tacked Samar to those gatherings, quite against Samar’s wishes (and for me also, it becomes very difficult to tell Shambhu not to do so), I have found that people didn’t make him feel uncomfortable but later asked me that why have you got him here, we didn’t invite him. So, it’s not that people are very happy, but at the same time people are very tolerating.”

He further adds, “with respect to my recognition in Shambhu’s family I must first give you a backdrop of his family. In a very middle-class Bengali Family, Shambhu is the only son after five sisters, so he is naturally the most pampered by most of his sisters. In our culture, a brother has a great role as you know and I think all his sisters think that they have seen this world only because of Shambhu. So, from that standpoint, they have accepted our relationship with a smiling face. But when it comes to Samar, his second sister and his youngest sister had told me behind Shambhu’s back that they consider only me as their only elder brother and not Samar (during the Bhai Phota Festival). They have said, "hai okeo niye eshecho okeo photo dilam kintu tui hi amader boro dada." (Oh since, you have got Shomor as well, we will perform the Bhai Phota ceremony with him as well, but, to me you (Anis Da) are our elder brother). He adds, “now to enable Shambhu to understand the concept of open relationship is already a difficult task, at the top of it, to make his entire family or my entire family buy with this concept of our open relationship is a difficult task. So, I can say that everyone has tolerated Samar well, may not have fully accepted him yet. Now, as far as Shambhu’s mother is concerned, ami kintu bujhi na je onar boyesher jayega tar theke uni kotota bojhen, shyi jinish ta niye amari kintu ektu doubt aache.” (as far as Shambhu’s mother is concerned, I do not know how much does she understand).

Anis Da then responds to the standards of recognition of his relationship within the larger LGBT community. He said, “Now, when you talk about the recognition to our relationship within the LGBT community, puro bepar ta hi ektu golmele (closest English Translation would be, the whole matter appears to be a little topsy-turvy). What has happened is because of my relationship with Shambhu, my activist life is severely affected, I am now a Facebook Activist. I am not attached with any organisation, I rarely attend meetings, but yes, I religiously attend the Pride Walk every year. I had to restrain myself from the world of activism because I have seen Shambhu
getting very insecure, I have seen him struggling with his inferiority complexities when I go out for any activism-related work. At the same time, he loves to travel very much, so whenever I get any outstation assignment, I have to tag him along with me, and if I don’t do that I have seen him getting very disturbed. One thing could be that, he probably cannot trust me and he still thinks that, I will sleep with someone outside and if I really do get intimate with someone, even then, he has his own issues. So, because of these all sorts of reasons, I am very less active to be precise from the last few years in the community. Many people in the LGBT community therefore, do not appreciate my limitations that I have chosen to put on myself. It may be possible that many of the community people have previously found me as a great support, and still some of them regularly seek my suggestions at various issues and from these perspectives, those people in the community dearly want me to be with them again. I think the fact that I lead a domesticated life now is quite unacceptable to many of them. Many in the community have given me their feedback on our relation that, if you allow Shambhu of all sorts of freedoms then why does he not allow you to do all those freedoms. If it is not reciprocated then why are you continuing this one-sided open relationship?”

Though, Deepa finds herself easy and better off in her dealings if she could explain her relationship status/sexuality with some core bunch of people (with whom she has to deal with on a regular basis); but, everything comes at a cost, and for Deepa, she apprehends a backlash at certain heteronormative spaces, where she generally never speaks out her marital status. As she illustrates one example: “when I was studying classical music it was a very conservative and in fact brahmanical environment, and I didn't feel I could be out.”

For Aparna Di and Sam’s relationship, the reception from the larger circles within the local LGBT community has been quite skewed. Sam shares his experiences of facing a certain collective effort to reduce/belittle the existence of his intimate-relationship (with Aparna Di) as a further marginalised existence within an already marginalised community. With respect to the reception of Sam’s relationship with Aparna Di within the LGBT circles of Kolkata, they have had quite a negative experience. Instead of getting support from the LGBT circles, they had to face constant ostracism within the community. Sam narrates his experiences of how social pressures and internalised prejudice from within the queer/LGBT community can hurt interpersonal queer relationalities; and, how such powers have hurt his relationship with his intimate-partner. Sam, who is considered a transman by many in the Kolkata LGBT circles and, his partner Aparna Di, who is considered a Transwoman within the same circles by many had to face typical questions/concerns on how a Transwoman can be in a relationship
with a transman, etc. As Sam narrates: “Everyone slowly came to know that we have a relationship. When I go for any programme organised by the city’s LBT (Lesbian, Bisexual, Transgender women) circles, many transmen have this one question which they cannot ask Aparna because of her personality, but they ask me. Whenever they get an opportunity they ask me how I can be in a relation with this person. Close friends ask me how I can be physically intimate with her. I have to answer a lot of strange questions. What I tell them is that even if I only touch her hand I feel physically intimate with her, we don’t need to have intercourse for that. If I hug her I feel at peace. This is very unique. Even when people ask me about it, they say that this is the first time that a transman is in a relation with a transwoman, and which is something that they really appreciate, so on and so forth. These are things that they say in front, the moment they turn their back to us they are filled with questions. I don’t understand the difference when I think it was the same person who was saying these things so long. It’s a strange phenomenon. No one dares to ask Aparna any question. When I told Aparna that these are questions that are thrown at me and I need to answer such questions, I don’t know whether she tried to understand, but she said that in that case I should leave her. From that moment, onwards I just could not talk to her about this because I knew that whatever I say she will say the same things to me.”

The internalised homophobia/transphobia within the larger LGBT circles regarding Sam’s relationship with her partner Aparna Di has been a good reason for them having brawls within their relationship.

2.2.4.2. Queer Strategic engagements with social and the legal to sustain its relationalities

Why is social/legal recognition of queer relationalities considered as an important issue by most of the participants? What is the impact of the absence of socio-legal recognition on queer lives? At a political level, making efforts to gain recognition from any structures (whether state-based or social) is not what the post-structuralist politics of queer theory would want its comrades to engage with. However, at a real level, most of the participants have been involved in engaging with the social and state apparatuses with the agenda (in varying degrees) of recognition, and inclusion. Much of these efforts (on the part of many of my own participants) could be politically viewed as acts of assimilation. This is certainly not what most of the queer politics is about; as being queer, is being anti-assimilative in one’s political approaches. However, it would be wrong to construe that the queer politics
totally shuns (closes all doors) all forms of engagement with the mainstream.469

‘Engagement’ is after all a method, which is often informed/guided by a certain political ideology. Thinking this way, ‘Engagement’ has its own forms, dimensionalities, degrees and ramifications. When the queer attempts to engage with the structures, the queer ideology demands that the methods (of engagement) must be informed by the political viewpoint(s) of the queer theory. It is important to note that, the queer is not just a queer in real life; as in the real life, a queer is also marked by multiple layers of discrimination and violence, as represented by the intersectional markers of class, gender, sex, age, location, education, et.al. Such markers are social-givens in the queer’s life. If the queer is cis-gendered, often its chequered past is ignored by the mainstream; now, does it mean, that that body has lost its queerness, just because it appears to be one amongst the mainstream. In this scenario, if this cis-gendered queer as a politically informed body, attempts to engage with its biological-parents (who consider him as otherwise ‘normal’), should such an act be considered an act of engagement, or an act of assimilation? Is the line of difference too thin? No, it may not necessarily be so; or, it may be—who knows? I would suggest that, politically speaking there could be many such forms of ‘engagements’ (as the one, illustrated above) which according to some, could be out and out ‘queer’ in its demands, and for others, these could me sheer acts of engagement, or worse, assimilation. To my mind, politically, such engagements could be well-informed and positively authored by the queer methods of strategy-making.

At the same time, there could also be many other forms of engagements as well, from the sexual minorities (I am a little hesitant to use the expression ‘queer’ over here; hence, sexual minorities). Such forms of engagements may not necessarily be termed ‘queer’ in the purist vocabulary of its politics, but, are nonetheless still queer in terms of their objective-functionalities.470

Such are a few narratives (as recorded through the various interviews) where the participants have demanded all sorts of assimilative rights, e.g., equal-marriage rights (some have in fact, struggled for it spending decades in their lives). Some of these cases are patently assimilative on their face, in terms of, their politics, but, do still retain elements of queerness in their essence.

For example, Deepa and Pragya choose to legally register their relationship as marriage under a foreign jurisdiction for the following expectations: “We

choose to do a legal marriage in South Africa as that will be recognized in those countries that accept same-sex marriage. It is not, obviously, recognized in India, but if we travel or want to live overseas, it is useful for us. It is useful for us for getting visa to Canada, or US.” One may well judge their act of marriage as efforts towards gaining assimilation or seeking legal privileges in other jurisdictions; and, on this ground their act of marriage could be politically termed as a non-queer act. A point well taken; but, their act of marriage under a foreign jurisdiction could also be seen as a well-thought, strategic move, which is authored by them with the intention to make their daily lives smooth in terms of them dealing with immigration and maybe other state-based benefits. Their act of marriage can always help them in getting legal asylum or migration to some other jurisdiction (where same-sex marriages are legally recognised); and, this could be especially helpful in case, they face any kind of prosecution or persecution within India owing to their relationship status/sexual orientation/gender identity.

Often, the queer experiences emerge out of real-life compromises; where, silence, lies, omission, self-exile or self-restraint become strategies to negotiate the burdening normative structures of law and the society. Such burdening challenges have diverse forms and they manifest in much unlikely situations. One such challenge is the art of dealing with emotional pressures within biological families; where, manifold factors such as parent’s old age, or their mental/physical conditions pose a major challenge for the queer to deal with. Most of the participants in this study have had such experiences, and in most of the cases they have ended up compromising.

Shruthi’s biological family comprises of her mother, father and her brother. Shruthi says, “for a long time, I have had a tough relation with my family, since, I eloped with my ex-girlfriend Sharanya. Though, now, three years have passed, and my relation with my parents has improved; but, my brother still doesn’t talk to me. He thinks, I have damaged the family honour, and for which I should be ashamed. Since, I am not, his ego is badly hurt. I think, because he is a boy, his own prestige nicely punctured before his friends, and that’s the reason he can’t tolerate me anymore. Rest, I visit my parents almost once in two months and regularly contribute to the family income from my earnings.”

Shruthi is not out about her existing intimate-relationship (with Maya) to her biological family as she apprehends that they will be further hurt emotionally and embarrassed socially, and thus, she doesn’t want to contribute to their agony. So, for now, she has been playing quite strategic with her family members with the expectation that the situation would calm down in future. But, she also reckons her parent’s growing concerns on her marriage as she says that there is considerable marriage pressure on her. So, what is her strategy? As she says: “me and Maya have a Gay friend called Jishore, who
has very similar family situations like Shruthi’s. He is the only child of his parents and they also come from a very ordinary middle-class background. There is tremendous marriage pressure at Jishore’s family as well, just like Shruthi’s. So, I and Maya have entered a hidden pact with Jishore that me (Shruthi) and Jishore will present each other as lovers in each of our respective families. We know that our families are happy that at least their children are going out with the opposite sex.”

How have these two-real-life intimate partners, Maya and Shruthi planned their future? Maya responds to this: “Marriage pressure from family is the main reason why we moved to a big city. In both the families, Jishore and Shruthi are treated as lovers. Jishore comes from a poor family and he is the only son in his family, so, the amount of pressure for marriage is even higher in his case.” Now, the way Shruthi is strategising her present moves, I wonder would she cope up if her biological family ends up really accepting her choice of partner (i.e., Jishore) and build further pressure to get them married? To which Maya is quick to respond again: “yes, okay, but she wants to be with me. We have thought that, me and Shruthi, Jishore and his future partner will take a single room where they can live together, and me and Shruthi can live the way we are. In society, we can live as married couples and in reality, we can live the way we are. But unfortunately, Jishore is yet to get his boyfriend. Last week, we went to Jishore’s sister’s marriage and there we found that most of Jishore’s relatives were treating Shruthi as his future would-be and they were talking to her in that manner. Everybody came to talk to her. That time, Jishore came to me to say sorry.”

“But Shruthi, why don’t you tell your family about your reality or is it that you are waiting to attain some more financial liberty”, I ask. To which Shruthi responds: “I already told you that it is difficult for me to do that, as I have already given them a blow and I don’t want to see them hurt again. But I believe that, since they love me, they will be able to understand my situation someday. Also, whenever I visit them, I very subtly try to educate them through simple things like newspaper items, etc. For this, I keep collecting newspaper cuttings almost on a daily basis. I expect, that slowly they will understand that these kinds of relationships also happen. Maya says, “its something like we have a Plan A and a Plan B, the slow acceptance of her family is the Plan A, and if that fails, then, the next thing is Jishore and the marriage plot.” Well, what the future holds for them, that is of course unknown; but, it seems to me that there is a certain bartering of freedom from Shruthi’s end with her family. As I ask her: “So, Shruthi, you said, you come from a conservative family, so, I was wondering how did they allow you to work away from home in a different city. Is it normal in your family for the female children?” She responds: “See every month, I give them some money from my salary and this way I contribute to the family income and this way they allow me to stay separately. They are in a way now, quite dependent on
me and my brother to contribute to the family income as my father is retired now. And on the top of it, my brother doesn’t have as stable an income as mine.”

Despite having been declared legally wedded partners (as per the South African laws, if not Indian), Deepa and Pragya had to employ some innovative strategies to hide their real identities so that they could be eligible to access rented accommodations in Mumbai. As Deepa narrates their ordeal with the property-dealers and house owners in Mumbai’s suburbs: “when we moved to Mumbai, it was very difficult to get a flat in the area we wanted even if we claimed to just be women friends, no one would rent a flat to us. Everyone wanted to rent to families only, and even though we are married, we did not feel like we could claim that in this context. So, we concocted a rather complicated story about me being Pragya’s mowssy (aunt), complicated because of the Malayalee last name in my documents (Nair). So, we told them I am half Malayalee and half Jharkhandi (Pragya’s ethnicity), with a Malayalee father; but, grown up in Canada. And now we have a nice flat, but I have to repeat the story every so often. I don’t know what will happen when my mom visits as she doesn’t speak Hindi well but is supposed to be Jharkhandi. I guess we’ll have to tell people that she loved my dad so much that she only spoke Malayalam and English after marriage, and no longer prefers to speak in her mother tongue.”

Speaking in terms of intersectionalities, many participants, irrespective of being socially privileged in terms of class, educational background, or gender have mostly given-in to family (mostly parental) pressures, at different points in their lives. Such emotional quandaries often, build situations wherein, most participants have found themselves giving-in to the consorted parental efforts such as compulsive parental pestering, emotional blackmail by aged parents, cultivating a fear of social exclusion/family honour, etc. Amidst such family dramas, those participants who got themselves married in their young ages, are now mostly struggling to come out of the burden of marriage. Some have made compromises within their married lives; some lead their lives under a strict discipline of silence; only a few are engaged in subverting the marriage-norms; some have successfully come out of it; but, most of them have stated in their interviews that, given a chance, they would like to undo their marriage.

Sumita Di’s partner comes from quite a privileged background in terms of her class, education and family. As Sumita Di speaks about her partner in her interviews, “She (her partner) has always been very comfortable with her sexuality. The term that she started using when she was growing up realising

471 For a detailed analysis on familial violence in queer lives, especially on the issue of forced marriages, see Section 3.4 of the Chapter 3.
her sexuality in all its dimensions, is the term ‘bisexual’; later, she changed it into ‘queer’. Now, she identifies herself as a ‘queer’. She has always been very comfortable with that, she has had relationships with both men and women. She also married; little blackmailed into it by her parents. Never mind, she had given into that blackmail, though almost on gunpoint, but, yes, she got married. But, the partner was good and he was a friend in fact.”

Marriage has turned out to be a complex web for many queers, in their middle ages. Sumita Di’s partner is in her 40s and she has been living in different cities in the U.S. (than her husband) from almost the beginning of their marriage. But, for the last five years, she teaches with a University in Delhi, whereas her husband continues to teach in the U.S. Though, she has always been good friends with her husband even from the times before her marriage; but, off late, a distance has developed between them, and now, even if she wants to come out of the marriage, there is parental pressure on her (in terms of their old age, physical/mental sanity, etc.) which hardly allows her to unlock the shackles of marriage from her life. As Sumita Di puts it, “Before her marriage, she was already studying at the U.S. and later she started working there as well. Since, her parent’s emotional blackmail, she gave in and got married to her friend, who now became her husband. Now, from the time she was married, for her and her husband marriage never meant a very big deal as it is in India. Perhaps, because at U.S. marriage is not as culpable as it is here. In fact, both her and her husband have been living and working at separate Universities located at separate cities. But when she decided to come to India, and he decided to come to India, suddenly marriage started looming large. And even today for them, getting a divorce is just a matter of some paperwork; but at the moment they have an even greater problem—it is that, if they divorce, it is very difficult for her family members, mainly her parents to accept that. Her parents are very aged now, for them it is a huge and severe blow; both of them are also very unwell, one is physically stressed, the other is psychologically stressed. So, she apprehends, in case she divorces, what will happen to her old ailing parents. And, I think, her husband is still in love with her. So, it is a little complicated at her end. So, I really can’t say.”

In Sumita Di’s partner’s case, silence and inaction/restraint is the strategy that she has adopted for herself. Probably, she is waiting for situations to improve in her life, in terms of her husband’s health (who recently survived a massive heart attack), and maybe in terms of her parent’s demise in the due course of time. The same situations are experienced in Ratish and Roji’s cases as well—both of whom were forcefully married off at young ages by their respective families. And, now both of them live the duality of their lives, one married, on one hand and, being queer, on the other.
Inaction/restraint is often the strategy employed by Jaya, if not silence; while she discusses about her relationship with her male-partner to her biological-parents. The reason for her to have adopted this strategy is her apprehension about her parent’s ignorance about queer-relationalities, and she doesn’t want to be any radical while dealing her own intimate-relationship with them. She says, “in the last four years, that we are in relationship, I have told everything to my family. As far as my parents are concerned, tara shob hi bojhe, kintu kokhono mukhe bole na je o amar partner. Ei relation gulo o der jonne onek ta notun. Tai mone kore je amra khub hi bhalo bondhu. Kokhono amader jhogda hole pore, maa amake or bepare jigesh kore” (my parents understand everything, it is just that they don’t use the term ‘partnership’ to refer to our relation. Such relations are new to them. They consider us as ‘closed friends’. If we fight, my mother inquiries about him from me.)

**Negotiations in emergency situations**

Even when the queer politically refuses to be recognised in certain social circles (this could be its own social circles, or of its intimate partners, or friends) there could be some real-life situations, where the queer has to (moreover, compulsorily) negotiate with such social circles, its norms, and its members. As sometimes personal emergencies, such as someone’s death, or an accident, etc. could trigger real-time panic moments; and, in such unlikely (but quite plausible) events, the queer often has to end up jostling for spaces, and recognition within or vis-à-vis the normative social structures and its apparatuses.

Sumita Di is one of such participants, who has clearly laid down her political stand on the issue of recognition from her intimate partner’s biological family, or her marital spouse (her partner’s husband); that, she refuses to make any efforts to seek any recognition from her partner’s kinship circles. But, then during the interview, I posed her this question: “But, from your positionality, suppose if there is a very important family function at your partner’s natal family, where your partner is very much engaged, at that point of time, if you have to reach your partner and if, she is not reachable on her mobile phone, whom do you contact in that natal family? Do you have any reference point over there?” She takes a while to think, and then responded to this question: “No, none. I will have to contact her friends who are acceptable in the family. Just 15 days back, her husband had a massive heart attack, akhon kagoj potre (now, on papers) she is the wife, so the university there contacted her, and she had to rush. (long sigh) See the husband is not just a husband, the husband is also a friend; meaning, she would have done that anyway, even if this guy was not her legal husband. That is not the point; the point is, after that, both of us sat and we decided—what are we going to do, if either of us, because that was something like a waking-up call, it can happen to anyone of
us at any moment. For example, if something like that happens to me, then how is she going to reach me; so, then I said that okay fine, I have a daughter, she is socially and legally accepted as my family and I had already told my daughter that if some phone call comes to you, please contact this person (my partner) and your father (my ex-husband). So, these three people whom I said are in the most intimate circle---so my daughter, my partner and my ex-husband, and then the next phone call should go to the lover-turned friend. And for her (my partner), what she did is that, before almost a year, she said that, in her natal family, at least one person should know you and accept it. So, she came out to her brother and her sister-in-law and told them that this is what it is and this is why I do not want to live with my husband and blah blah blah... whatever. And, then she organised a lunch for us, so that they could meet me and I could meet them, so after that for almost one year, the brother and the sister-in-law, they sometimes come to our place in Delhi and they have a kind of a Okayish relationship. Okayish because, I am not a friendly person that way. So, the arrangement in case of an emergency is that, here my daughter and there her brother and sister-in-law are the key people who could be contacted. But, you see these days, this is how people try and negotiate with life.”

Sumita Di’s narrative explains how the queer has to compulsorily engage in the development of certain innovative strategies with the purpose of responding to or negotiating with some of the very plausible real-life eventualities that could happen to anybody anywhere. This way, the queer life and queer choices are a tough deal to live with. Her narrative describes how rigid are our social and legal structures that it is almost impossible to live with one’s chosen political stands. The legal and the social norms could be very burdensome for the queer to deal with, so much so that it could choke the queer underneath its weight. As our legal and social structures are only meant to address, accommodate, facilitate and empower the heteronormative lives and its problems therein; lived experiences, such as these narrate the unaccountable, unrecorded vagaries of the queer lives. Such queer experiences also narrate the problematic impact of the absence of legal/social recognition of queer relationalities and life-choices.

Often, the state and its apparatuses are clueless as to how to treat the queer with its relationalities. Perhaps, the state never thought it a useful business for it to have had. There are typical situations that the queer has to compulsorily experience, and often negotiate or/and move on when it comes to deal with: (1) the society, its apparatuses and spaces; and (2) the state, its apparatuses and the law.
Issues of Proxy-Medical Consent
The element of consent is one of the critical issues in medical treatment. It is well known that the patient must give valid consent to medical treatment; and it is his prerogative to refuse treatment, even if, the said treatment will save his or her life.\textsuperscript{472} Now, when the patient is capable of giving a valid consent, then there is no legal crisis. But, in situations, where the patient is not in a position to give consent, we do not have any statutory clarity in India, on the matter of—which persons are competent to give a third party/surrogate/proxy medical consent? What we know is available to us legally in the form of the Regulation \textsuperscript{473} of the Indian Medical Council that merely restricts this class of surrogate consenters to the members of the closed heteronormative family and legal guardians of a mentally incapacitated patient—which means, in the ordinary circumstances, the queer patient as well as the queer intimate partner/caregiver are perfectly placed in a vulnerable situation. In such situations, the queer has to either leave the scenario or try its best to negotiate with the Medical Authorities—in both cases; the queer body is legally rendered support-less. The heteronormativity triumphs again.

Ways of negotiation with the public services or state apparatuses often involve the adoption of certain innovative strategies of dealing by the vulnerable queer. These are innovative, because we do not yet have a manual for the queer that would guide it in the eventuality of some typical encounters with the state or public services. For example, when Anis Da had to very unexpectedly admit his boyfriend’s father to the hospital as he had a cardiac arrest, a very obvious situation emerged at the hospital which he had to deal with some innovative techniques. As Anis Da explains in his own words: “When I took my father-in-relationship (Shambhu’s biological father) to the hospital, I never concealed our relationship from them. I told them very categorically, that Shambhu is my boyfriend and we are live-in-partners and they are also staying with us. Now, the hospital authorities had no way to recognise this relationship in their admission form, since, there is no legal recognition for this relationship; they don’t know how to put it. Then, again the lawyer suggested that at such places, my relationship with Shambhu and his parents could be defined as a landlord-tenant relation in terms of the leave and licence agreement that is entered into by us for this house.”


\textsuperscript{473} Regulation 7.16 of The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 reads as: “Before performing an operation the physician should obtain in writing the consent from the husband or wife, parent or guardian in the case of minor, or the patient himself as the case may be”.
Inability to access Civic Benefits as Partners

Despite being recognised as legally wedded partners, Deepa and Pragya cannot access many public/state benefits in India as married partners; as their relational/marital-status (as per the Indian law) still remains as good as that of two strangers. It is therefore, often, that they have to hide their relational identity very strategically so that they could seek public/state benefits. As Deepa narrates her ordeal: “We don’t see any point in registering for benefits at this point of time as our marriage is not legally recognised in India. So, for example we applied for our Aadhaar Cards after marriage, and we decided to list ourselves as single and divorced as these are our legal statuses in India. Maybe we should have listed ourselves as married to make a point, but being generally afraid under the Modi regime, we decided to play it safe. Similarly, I needed Pragya’s reference when I tried to convert my PIO card into OCI this month, as I did it Mumbai and her name is on lease. Here I referred to Pragya as my roommate or friend (and also had to explain that I will be working as her music manager) even though the landlord believes I am her aunt. Describing her as my friend or roommate or business partner is the closest reflection of our legal identities in India, even though, we are actually married. When we apply for visas for US or Canada, however, I will list her as my wife, and hopefully that will help with the immigration process.”

Anis Da calls his partner’s father as his father-in-relation instead of calling him as his father-in-law; he says, as there is no law that makes his partner’s father his father-in-law, there is no reason as to why he should call his partner’s father, his in-laws. It is also important here to note that the flat in Kolkata where Shambhu and his parents live legally belongs to Anis Da. Since, Shambhu and his parents had shifted from Asansol to Kolkata in 2013, they didn’t have any document to get the basic public supplies like a Gas Connection or a Telephone Line. Anis Da said, “it was then I suggested to Shambhu’s family that we enter into a Leave and Licence Agreement wherein, I will be the Property Owner and they will be my tenants, as there was no alternative way to get these basic civic amenities by any truthful means.” So, on paper, or strictly speaking in a legal sense, Anis Da’s relationship with his partner or his parents stands out as that of a landlord and his tenants. He says, “It is sad, but this is the reality we live in where we are forced to hide our realities to live a decent living”. It is worth noting here, that Shambhu when he migrated to Kolkata didn’t have any of his civil identity proofs with a local Kolkata-based address, which means, that Shambhu could not access basic public services like banking, Driving Licence, cooking-gas connection, etc. At this point, the leave and licence agreement with his live-in-partner was the only legal document that enabled him to enrol for fetching all these facilities. Today, Shambhu has every of these documents, as he has shown himself as a tenant of Anis Da’s Kolkata residence. Now, Shambhu would have never had to go through all this ordeal if he was a
legally wedded spouse of Anis Da; or if the state would have simply recognised Shambhu’s existence based upon his relationship with his partner. These are some of the roundabouts that the queer has to go through, in order to negotiate the rigour of the public structures which operate through their normative filters of recognisability/rejection.

Nominating one’s Partner to one’s Investments

For banking purposes, there is no express legal bar on anyone’s nomination as a nominee to the depositor’s money. But, in practice the banks do not allow a depositor to nominate any individual other than one’s legal (heteronormative) kin. Here, I didn’t find any order/judgment of the Banking Ombudsman or any court that has ever passed any directions to the banks on this issue. So as it looks to me, even if there is no express prohibition in the written law for non-kin to be nominated to someone’s deposits, the law’s apparatuses (banks) do not allow such nominations. Many queer narratives express their experiences with these queer-phobic informal practices.

For insurance purposes, the Insurance Act, 1938 states that any person can be appointed as the nominee in an insurance contract but, all Insurance Contracts mandate the insured to declare its relationship with the nominee under the regulations of the statutory regulator called Insurance Regulatory and Development Authority of India (IRDA) and, that mostly, do not allow strangers (non-kin) to be appointed as the insured’s nominee. Here, I didn’t find any order/judgment of the Insurance Ombudsman, or any court that has ever passed any directions to the banks on this issue. So, as it looks to me—even if there is no express prohibition in the written law for non-kin to be nominated to someone’s deposits, the law’s apparatuses (the insurance company, in this case) do not allow such nominations. Many queer narratives express their experiences with these queer-phobic informal practices.

As Anis Da shares his experiences with the banks: “With respect to the state apparatus, or public institutions, we have never faced any kind of a name-giving as such. But, I don’t know what they say at our back. And, we never

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475 See Section 39(1) of the Insurance Act, 1938.
discuss these things with other people like that. But, in terms of recognition, our expectations are huge; huge, in the sense, it’s less social, more in terms of law. For example, I cannot nominate my partner in my insurance policies or for my financial savings.” He said, that whenever he starts a new insurance scheme for himself, he attempts to put Shambhu’s name as his nominee, but the Insurance companies always reject such applications. He says, “god forbid, if something happens to me then my partner who takes the greatest care of me after what my parents do will not be able to claim anything in my property.”

Nominating a friend to one’s Investments
This is in extension to the afore-discussed issue. With respect to Pawan, it is worth recalling his post-retirement plans that conceptualise an urban-community living style, which he wants to materialise with a couple of his closest queer friends and their immediate kin (whether biological or chosen). In this context, as Pawan shares with me the constraints and possibilities of actualising this conception—he explains to me how some of his closest friends cannot simply afford that kind of a living because of their lack of financial autonomy. On behalf of some of these people, Pawan decided to save some money from his own monthly income and invest the same through banks and other financial institutions. Pawan has had to negotiate with these financial institutions to work his way out to get some of these friends nominated to these financial schemes. Of course, he didn’t have any direct/legal means to put them as the nominees to these schemes, so, he had to take a longer route and, through some via-medias to do what he wanted to do. As he shares his struggles with these financial institutions: “Yes, I have attempted, and the Bankers or Insurance Companies have denied; having said that, I can only nominate those persons who are either connected to me by blood or by marriage. So, what I have done is that, I have made my mother as my nominee in these investment schemes and I have introduced my niece to those two of my friends (for whom I wanted to invest) and I have instructed my niece that, in case I pass away you are the custodian of these funds; money will go to my mom and from my mom you take the money and pass it on to my friend.”

2.2.4.3. Queer Relationalities and its experiences with the Paucity of Language
In terms of language, there is a very rich vocabulary present, when it comes to defining and addressing heteronormative relationalities: whether these are Indian languages (Bangla, Kannada, Hindi, Malayalam, and Tamil; all the major languages used by the participants) or, it is English, per se. For example, in Bangla, or English, we have multiple-words to explain heteronormative relationships, like, Ma (mother), jethu (uncle), mama, (maternal uncle), etc.; so, the ‘queer’ appears to either use the same
normative expressions or it has created new words to the vocabulary or usurped old words to suit its contexts—for example, the word ‘partner’ is a very contemporary usurpation done by the queer community to express some of its relationalities. Most of the participants address their lovers as “partners”. Only a handful of them used the expressions ‘boyfriend’ or ‘girlfriend’. Also, in most of the cases, it is not a rigid nomenclature that the participants have followed in letter and spirit; many have interchangeably used the two expressions at different points in their interviews. At the same time, there are some participants who have re-appropriated the language used to address relationalities in normative frames. For example, when Aparna Di socially-adopted three transwomen (all of whom are PAGMBs), she always referred to them as her daughters (“Mey”, in Bangla) and in turn, all of the three transwomen Jaya, Tonu and Sohini have from then on only referred Aparna Di as their “Ma” (“Mother”, in English). Regarding Jaya’s relationship with her boyfriend, she says, “in the last four years, that we are in relationship, I have told everything to my family. In fact, my sister-in-laws refer him as their Jamal” (a heteronormative expression that signifies “brother-in-law” in Bangla language).

Often, a public usage of words such as ‘partner’ begets an apprehension of a supposed confusion in the minds of the user (queer, in this case). In fact, some of the participants have themselves expressed their own speculations on the usage of words such as ‘partner’. What is it exactly that the word ‘partner’ signifies to the queer anyway? Is the queer itself sure of what it wants to convey through a strategic-deployment of a gender-neutral term such as ‘partner’? What I could gather from my fieldwork is that, many participants are substantially confused, or at least, unsure of how they should address their intimate relationalities. Now, language is an ever-changing medium; wherein, new words keep getting added, and old words, keep changing their meanings. Should a new nomenclature be started in language that could be veritably referred as queer-nomenclature? None of the participants have been found to be innovative enough to have invented new words to describe their relationalities. Sumita Di explains this state of confusion in her narrative: “Now, there are friends and acquaintances (who do not identify as LGBT or queer) we have at both of our cities Kolkata and Delhi (my partner works there); they know us that we are together, that we are in a relationship. So, I call her partner, she calls me partner and I like

478 For example, most of the participants are comfortable to address their intimate-chosen partners in English as “partners”. Based, upon my reading of the participant-narratives, I found most of them have managed the “paucity of appropriate language” through their acts of re-appropriating the existing language in queer ways (which, could be called as, acts of queering language). Having said that, I think, this observation (of mine) has a limited connotation, as most of my sampling happens to be from urban/semi-urban spaces in India; and, most of the participants are by and large polyglot. Being a qualitative-study, the purpose of such limited sampling is not to generalise/reduce, but, to understand the phenomenon.
being recognised not as friend but something more than that, or something other than that; more or less I really do not know. Whether partnership is more than friendship, I don’t know. Now, you see in Bangla, there is a word called *doshor* (which translates into English as ‘emotional companion’), now, if I use the word *doshor* perhaps, people are going to die. (laughs). Now, the word ‘partner’ is also a very loaded word. *Ki bolbo je partner bole, actually ki mean kochi partner bole, jaa shomaj mean kore partner bolte, ami ki tai mean kochi, ami kinto eita jaani na.* (what should we utter next, after I introduce each other as ‘partner’? I really have no clue, when I use the word ‘partner’, do I mean the same as what the society understands from that word or is it that I use it with a certain meaning in my mind and something else gets conveyed; I really do not know?)

On the usage of the word ‘partner’, often, lay persons get perplexed as they are exposed to some new expressions such as ‘partner’. In such situations, often, the queer has to engage in a saga of endless clarifications. As Sumita Di narrates one of her experiences at her Zumba Class; she says, “Once, my partner came to pick me up. Next day, a few ladies at my Zumba Class asked me—“ohh, was she your colleague who came to pick you up yesterday?” and, I said, “no, we are partners”. Then, her immediate question was, “ohh, are you in business?” It is then, I had to clarify her, that “no, she is my same-sex partner”.

Often, due to paucity of any significant vocabulary, the same-sex/queer intimate relationalities are exposed to a language of silence/implied accommodation in social spheres. As Pawan narrates his experiences with his mother, his housekeepers and some office-staff on this issue, he says: “I don’t know what would have happened if my father would have been around; but, my mother I think, has hardly used the word ‘partner’ like some twice or thrice till date to refer to my friends. But, otherwise it has always been a kind of an unspoken kind of a situation. She has always understood who my partner is at the moment, considering the consistency of that person coming home or me going out with. Now, of course, people working in our house, or people working in SAATHI (Pawan’s previous office), they have also always been observing my relationships. I think, they have always tacitly understood about such relationships, but, they have never asked about such questions. But, they know about them; for example, Lucky (Pawan’s housekeeper) will often ask me, *ke wo bhaia aayega, uske liye chawal banana hai? Tiffin mein kya le jayega?* (will that bhaia (Prodyut) come over, should I prepare rice for him too? What will he take in the Tiffin?) or there is another maid who will often ask: *oyi dada aashbe ki, or jaama-kapod ki dhute hobe?* (will that dada come over? Should I wash his clothes as well?) So, it’s a tacit kind of thing and they know that he is a special friend.”
Of course, in all these narratives, there was no out and out physical violence from the members of the society or the state apparatuses. As a matter of illustration, Sumita Di narrates another instance of social interaction: “I will give you another example—that was 2014, I was travelling with my partner to Himachal from Kalka in a Toy Train. A few village women asked me: *aap ek dosre ke kya lagte ho?* (how are you guys related to each other?) then, I responded: *ye meri premi lagti hai.* (she is my lover). So, I used this word *‘premi’* not partner.”

On the other hand, Anis Da generally uses a more self-explanatory expression to address Shambhu, his intimate partner at public spaces or in front of state apparatuses or public offices. I asked Anis Da, “You said that, you have always been assertive about your relationship before public institutions or state-agents; could you tell me, how do you introduce each other before such persons, and, I ask this, especially keeping in mind the paucity of words in Bangla, or other languages that could signify your relationship?” He responded, “we don’t call each other partners only. In Bengali, we use this word *Jeebon Shongi* that literally translates to as Life Partner, and in English, we use the expression, Live-in-partner. Now, you see, there is a age difference of 15 years between us; he is 30 and looks even younger. So, for example, once, we went to the bank to pay for a course fee for him; the bank employees asked me, whether he is my son or what? I think, we laughed at it, and then, we made it very clear that we are two gay live-in-partners. Even, once, it happened like this, the person from whom, I purchased this particular house, there was an arrest warrant issued on his name and the address given was of this flat. He had done some forgery or something like that, and still used this address as his address, though, he sold it out to me. So, one-night police came, initially, I could not remember. When I understood the situation, I showed them the sale deed of the house and explained them that this person has sold me the property on such and such date and he is no longer living here. They accordingly, noted my statement. Now, Shambhu was also there, and Maa was also there; so, they recorded their narratives also and, then, they asked our relationships also. I did not hesitate telling them about us; I said to them that, see, you might not like it and may be after I state our relationship, you might like to arrest us because by being in a particular relationship, we violate one particular law of the land. There were two sub-inspectors and one constable from the local police station, and it was good to see that they were aware of Section 377 and eventually, they became good friends. There is another instance, when I took my father-in-relationship (Shambhu’s biological father) to the hospital, I never concealed it from them; I told them very categorically, that Shambhu is my boyfriend and we are live-in-partners and they are also staying with us. Now, the hospital authorities had no way to recognise this relationship in their admission form, since, there is no legal recognition for
this relationship; they don’t know how to put it. Then, again the lawyer suggested that at such places, my relationship with Shambhu and his parents could be defined as a landlord-tenant relation in terms of the leave and licence agreement that is entered into by us for this house. Also, we have never concealed our relationship to all the flat-mates of this apartment; they all know about our relationship. I don’t know Sourav, why, I have rarely faced any backlash.”

I ask him, “the word wife or bibahita stree (married partner) easily signifies that one is in a certain relationship; now, what is the language in which you see Shambhu being addressed by your family members?” Anis Da responds: “in both of our families, we both have been considered as boys right from our childhood. In my family what happens is that, my sisters-in-laws consider Shambhu as my wife and one amongst their peers; and, in case of his family, his sisters often see me as their brother’s wife. Who is more feminine; they don’t have the vocabulary for that. Since, their boy is considered as a boy in their family, the other person is given a more feminine role very naturally.”

Deepa has been using different words to address/refer Pragya. For her, such usage/deployment is completely contextual. Sometimes, at certain political spaces, she has deployed the non-normative ‘partner’; whereas, before her house owner, she is bound to impersonate her relational identity and refer Pragya as her bhanjii (niece), as being queers, mostly we are made to live our lives in the fear of being rendered homeless, if we speak the truth of our relations before these normative-family-seeking house owners. Whereas, when Deepa went to study classical music, she mainly deployed the ‘language of silence’ (if not denial) as that space was a very conservative Brahmanical environment, in Deepa’s words. In other private and intimate moments, often Deepa refers Pragya as Pragya mol or Pragya kutty (terms of endearment for a younger family member/ girl, in Malayalam) and with friends as her ‘partner’ or kamugee (lover). As she says, “That was before marriage; the Malayalam word for wife (pazhiah) does not hold much romance for me. For myself I refer to her both as my partner and my wife, and I sometimes slip back into calling her my girlfriend. In public, I also sometimes refer to her as my friend. Among queer people we introduce ourselves as partners as sometimes also talk about our marriage. When we meet friendly strangers and other mainstream people Pragya has sometimes described me as her wife, both cuz she’s more invested in the term than me and because, I think, it’s easier for mainstream people to understand. Pragya’s mother sometimes describes me as Pragya’s ‘bheevi’, which I find endearing and sometimes I find other cute Hindi words for wife.”
2.2.4.4. The standard(s) of socio-legal support expected in Queer Relationalities

Most of the participants had the desire to be expressive and vocal about their intimate relationalities; though, most of them have been strategic in their approach(s) while dealing with members of the public, or the normative intimate circles, such as families, or friends, or workspaces, etc. Also, there are participants who have expressed their dilemmas and apprehensions regarding such express or implied disclosure of their private lives and the lives and identity of their intimate partners. When the queer decides to speak out its intimate relationalities it is of course, not only disclosing its own sexuality, or intimate relational choices, but, the queer is also conveying the sexuality and intimate relational choices of its partner(s). Not that the queer is under a political compulsion to speak out; but, when the queer speaks out—what are its expectations from the normative structures of the social and the law? This query is the central theme of this section.

For example, Sumita Di sums up her dilemma in the following words: “I don’t know, whether I am seeking any recognition before a specific group of persons or not. I have never thought it that way. But, if you are talking about “recognition” then yes, I want people to know and recognize my partner as a very special person in my life. Well, what do they understand by the word partner or by the word lover; I don’t really know. Now, there are friends and acquaintances (who do not identify as LGBT or queer) we have at both of our cities Kolkata and Delhi (my partner works there); they know us that we are together, that we are in a relationship. So, I call her partner, she calls me partner and I like being recognised not as friend but something more than that, or something other than that; more or less I really do not know. Whether partnership is more than friendship, I don’t know.”

Despite having a powerful desire to express their relationalities, most of the intimate relations experienced by the participants have been led in silence in most closed-quarters, like one’s natal family, or amongst friends or office colleagues. Even if, parents knew about their children’s real-life situations, they often found it difficult to speak openly in their social circles, like extended family, or friends, neighbours, etc.

With respect to her previous relationship, Ri Di says, that “my ex-partner Indrani doesn’t prefer putting herself under any bracket when it comes to sexuality. She doesn’t even prefer calling herself queer, so to speak.” The interviewer asks, “Do you guys prefer calling each other as partners in social gatherings?” She says, “do heterosexuals call their partners as partners in public gatherings? We prefer keeping a low profile in community gatherings, those who know about us as partners they know. But we don’t prefer flaunting our relationship with others.” She says, “at a personal level, I don’t
prefer calling our relationship with any bracketed name, it brings lot of social expectations on you as a person and that sometimes suffocates you in a relationship.”

Though, this is what she had to say in our first interview; by the time we had our second interview, she informed me of Indrani Di’s decision of getting married to one of her long-time male colleagues. She told me that she had no clue as to why Indrani Di suddenly decided to get married to this guy. She said, “probably, Indrani decided to get married may be because she doesn’t want to miss on the social privileges of a heteronormative marital relation in her life, or it could be because she thought I was getting too intimate with Bubu, in the last few years.” I asked Ri Di, “how has been Indrani Di’s parent’s response in her decision? Did you try speaking to them?” To which, she said, “what could they do as parents, they are of course happy as their only daughter is finally getting married at the age of 38. And as far as our relationship is concerned, you know, her parents merely take me as their daughter’s best friend. Who would go and tell them that we are in a complex emotional-sexual-romantic relationship for the last seven years.”

Anis Da says, “Of course, there is a gap between what I expected and what is given to me by our families. They still think in a certain normative line. When my family members assign a feminine noun to him, I don’t feel very happy about it. I always want him to be recognised as my live-in partner, my boyfriend and not as my wife. But since, the society, the members of the family, everyone is socially engineered to think in a heteronormative pattern and especially, when there is a lack of vocabulary they probably don’t recognise. And, even if they recognise, they cannot express in that way and therefore, there is a gap. Even if, they know that ours is a same-sex relationship, they still consider us as a heteronormative traditional relationship.”

Often, the queer has been assertive, sometimes quite unbending on its demand for equitable treatment within social circles, such as the family. As Pawan narrates his experiences on expressing his sexual-freedom within the space of his personal bedroom (a part of his family house) vis-à-vis the response from his mother (who also lives with him in the same house)—he says: “Sometimes, we (Pawan and his partner Prodyut) are intimate in the morning, and the door is closed and it’s actually the first time that I have had the confidence to close the door because it has always played at the back of my mind that, no, what mom will think. So, my partner always tells me, if your brother was here, and if he wanted to be intimate in the morning, do you think he would worry? Ya, little bit of hesitation may be there; but, the door being closed it would perfectly be natural.” Pawan further adds: “Yeah, she has reacted a little about this, but, I have been very militant about this. I have said
that, look you have seen my relationships and I am the one living with you, I am the one taking care of you, I am the one who shouts at you the most also (laughs) but, I live with you, I take care of you, I haven’t abandoned you like how son’s do or daughter’s do? (laughs) So now, your other son is living abroad and he is doing as what usually sons do, you are okay with that and here, I am trying to live out my relation and you still have a problem.”

With the state and its law, the queer has its own share of complaints and concerns as it continues to enforce vulnerabilities into the queer’s life. Here, I have tried to record some of the queer’s concerns/complaints vis-à-vis the formal and informal apparatuses of the state and its law. This section could be read with the Section 2.2.4.2. titled “Queer Strategic engagements with social and the legal to sustain its relationalities” to understand how the queer can strategically manipulate the structures and norms of the law to get the state’s benefits/privileges/exemptions. In that section, the queer experiences narrate how tedious and sometimes risky roundabouts of the law entail beneficial results, viz., (1) Issues of Proxy-Medical Consent, (2) Inability to access Civic Benefits as Partners, (3) Nominating one’s Partner to your Investments, (4) Nominating a friend to one’s Investments. These experiences, as listed above (in Section 2.2.4.2.), are the areas where the queer may have been able to manipulate/bend the law to get its share of state’s benefits, albeit going through all possible roundabouts; but, that doesn’t mean that the queer can always succeed in passing through these barrier-laden tracks. In this section (see below), some participant-experiences clearly demonstrate, on what areas, the queer cannot take roundabouts to bend the law—areas where, the queer will never get the state’s benefits unless the law changes itself.

In this section, the queer narratives tell us its concerns over those legal areas, where the possibilities of manipulation are less or negligible, and it has no choice but, to wait for the law to change to get its due share in the public-pie. These areas include: (1) Concerns over Persecution, (2) Concerns over Inheritance/Succession of Property, (3) Concerns over Accessing Jointly-owned Investments, (4) Concerns over Accessing Joint-Home Loans, (5) Inability to adopt children/adults jointly, as partners.

**Concerns over Persecution**
Anis Da further adds: “With respect to the state apparatus, or public institutions, we have never faced any kind of a name-giving as such. But, I don’t know what they say at our back. And, we never discuss these things with other people like that. But, in terms of recognition, our expectations are huge; huge, in the sense, it’s less social, more in terms of law. For example, I cannot nominate my partner in my insurance policies or for my financial savings. And, I don’t know, when will the moral guardians of the society will
shout at us or maybe get us arrested for violating Section 377 of the Indian Penal Code, I don’t know. Because, till this March, 2017 I never thought that an armed procession will ever take place on the occasion of Ram Navami at least in West Bengal, this has never happened in the past. So, you never know, when, what might happen and as long as long as Section 377 is there, it’s like a sword hanging on our heads all the time. Maybe today, it seems to be theoretical, but there is always a fear of persecution in which we live in. So, a proper recognition of the relationship is very much required but at the same time there is another apprehension; once, you recognise one particular sort of a same-sex relationship, others who are not living in that particular structure might face another kind of oppression or exclusion and, at least, we don’t want that.”

Family is a social institution that has been usurped by the state and its role has been utilised to facilitate heteronormative hegemony. This way, family becomes a tool in the hands of the state, through which it runs its larger social welfare schemes, e.g., family pension, or family health insurance, *et al.* Now, the state doesn’t facilitate it all for free, it mandates these consuming social units (family) to adhere to a certain kind of conduct. And for someone, to be eligible to consume these state benefits, one must perform according to the state’s pre-defined design—heteronormativity. As discussed in the previous chapter, heteronormativity demands that one’s social expressions relating to sexual, emotional, romantic, erotic feelings must be and only be heterosexual, dyadic, monogamous, non-incestuous. The rules of the game are already set before the arrival of the queer. Obviously, the queer is a misfit here, especially with all its interpersonal polymorphous relationalities. The problem is not the existence of state’s facilitation of/to a certain kind of relationalities; the problem is when the state channelizes its facilitation to only one kind of relationalities, at the cost of all the others. This way the state’s presumably-innocent facilitation acquires the status of a sole universal norm, which acts like a unilateral imposition that completely eschews dissent. This way the state acts paternalistically in its thoughts, policies, law, and behaviour.

**Concerns over Accessing Joint-Home Loans**

Fetching a joint home loan is financially beneficial because of mainly two reasons: (1) Joint Housing Loans are a good way to get a big-budget house as it allows the banks to lend more money looking at the amount of security that two persons can offer, through their jobs or through other forms of collaterals that both can offer;\(^{479}\) and, (2) Joint Loans are also a good way to

\(^{479}\) See the FAQ Section of the Reserve Bank of India’s Housing Finance Portal which reads as: “Repayment capacity is based on your monthly disposable / surplus income, (which in turn is based on factors such as total monthly income / surplus less monthly expenses) and
save an individual’s Income Tax under Section 80C of the Income Tax Act, 1961—which means, if there are two borrowers seeking the loan jointly then each of them can claim an exemption of up to Rs. 1.5 lakh each while filing their individual Income Tax Returns.

For all the years from 1993 to 1998 Malobika Di and Akanksha Di maintained a distance-relationship, till Malobika Di got transferred to Kolkata and they both decided to live together. The first thing they needed was a house of their own at Kolkata. So, they decided to apply for a home loan in 1998. Malobika Di recalls during her separate interview about the initial difficulties they faced getting a home loan from a Private Bank in the name of the two of them, jointly. She narrates the month-long initial difficulties they faced because they both wanted the loan sanctioned to two of them, jointly. She recalls, the Manager humbly submitting to them, that “Madam, please get the loan on one of your names as that would be as per the established conventions of the bank’s loan granting process. We don’t sanction joint loans if the two are not connected either through marriage or blood. He was so keen to give us the loan, he even insisted that we write in the application form that we are sisters connected by blood.” Malobika Di and Akanksha Di in their respective interviews have acknowledged how they were harassed by the bank authorities for this simple home loan. As Malobika Di, puts forth her memories of getting into the bank each time with Akanksha Di they heard murmurs from many bank employees that “oi dekh, oi du jon lesbian abar eshe gelo loan nebe bole” (oh my my, there come again those two lesbians to fetch a loan). She recounts how humiliating was that phase in their lives, at that point of time. She says, “amra er shesh dekhe charte chaichilam, RBI rules e te kothaye lekha aache je du jon bondhu ke ora loan dite pare na” (we didn’t want ourselves to be cowed down, where is it written in the RBI rules that they can’t sanction loans to two friends jointly). Finally, after all the running around, they had to take the loan on one person’s name, singularly and, Malobika Di took that role.

Later, in the year 2003, they applied for another joint home loan to buy a better and bigger flat in Kolkata. This time it was a public-sector bank. Akanksha Di recalls again how they had to face some problems during this second home loan, that they had applied for, jointly. She recalls that the manager of the bank after personally visiting their Jadavpur House decided to take separate interviews from both of them. Later, the two realised that they were asked the same questions by the bank authorities and perhaps this was done by the manager to just check if they both replied similarly or not. The interviewer asked them, what kind of questions were put for th by the bank to which they replied that mainly they wanted to know if one of them

leaves the friendship-alliance, then, what would happen to the bank loan, how do they decide to pay back the loan in that scenario. They said, that "their reply was unanimous that if one of them decides to leave the alliance then the loan should be transferred to one's name who decides to keep the house. It was that simple and we were granted with our second home loan jointly."

Now, with the best of my understanding none of the laws on banking regulation provide for an eligibility criterion for who all qualify as joint-borrowers in the case of housing finance. The Reserve Bank of India under its latest Master Circular on Housing Finance also doesn’t provide for this information. But, when one sees the Home Loan Application Forms of the individual banks, then one can see that most of them demand any member of the immediate Heteronormative Family (i.e., mainly Spouse, Children, Parents or Siblings) to be the only circle of persons qualified to apply as co-applicant/joint-borrower in a Housing Loan Application. In such circumstances, it looks as if it’s a legal discretion of the individual banks to decide whether X, Y, or Z person fits as the co-borrower in a home loan application. The narrative of Akanksha Di and Malobika Di (discussed above) illustrates and, testifies the state of discretion exercised by the individual banks—it shows how much the queer is at the mercy of the individual banks to get a simple house loan. In their narratives, both of our participants tell us about their hard-fought home loan experience during their second home loan seeking exercise.

If this is the case, then it means that there is no uniform policy on this matter to guide the discretion of the individual banks—and, in the absence of a uniform policy for all banks in India on this issue, the possibility of discrimination is highest against queer co-borrowers. Such is the nature, degree and quality of vulnerability produced by the heteronormative Financial Structure of the Public-Private assemblage for the bodies involved in queer relationalities.


481 See for example, the Home Loan Application Forms by (1) Housing Development Finance Corporation Ltd., available at: https://home-loans.hdfc.com/wl1?WT.mc_id=P4_PrdPg_PromoBrn-L_RegSavPg_HL (last accessed on 27th July, 2017); and, Bajaj Finance, available at: bajajfinerv.in/finance/home-loan/joint-home-loan.aspx (last accessed on 27th July, 2017).
Concerns over Inheritance/Succession of Property

In India, law of Inheritance and Succession is mainly dealt under the Personal Law regime. In case, if anyone dies intestate then that person’s property is inherited by its heteronormative legal heirs in an order of hierarchy—which mostly depends on a certain heteronormative understanding of degrees of relational proximity with the deceased and its sex. Which means that, if a person dies without making ‘a will’ the property of the deceased automatically gets inherited by the law’s pre-determined set of ‘default-heirs’.

Now, there are two vulnerabilities that specifically hit the queer on this issue: (1) what is the legal assurance that such ‘will’ is going to get executed through a court after the death of that person?—as the ‘default-heirs’ can always exercise their choice to challenge this ‘will’, and in which case, no one knows when will that beneficiary get the property, if at all, it wins that litigation; and, (2) as the time of death is not certain, what if the person dies before writing such a ‘will’?—and, in such a case, the property automatically passes to its ‘default heirs’, and, in which case, the queer intimate partner doesn’t get any rights in such property.

In both these scenarios, it is the queer who is at a vulnerable position. Take for example, if A and B invest their whole life to build some property, without seeking any assistance (monetary or, otherwise) from their respective biological families—there is a great legal possibility, that B would never be able to own and enjoy that property after A’s death, if such property is not exclusively owned by both A and B. In our discussions on the disability of a queer couple/family on fetching a housing loan from a bank, jointly, we have seen how the banks are mostly reluctant to sanction such loans jointly to persons not related through heteronormative kinship ties. In such a scenario, it is quite possible, that such property has to be legally registered only on A’s name (as it was only A who could be granted an individual loan, and not B) as, the banks may only allow the property to be registered on A’s name as the loan was granted to it, at the first place. So, in such a legal situation (which can very well happen with B) the law is actually telling B to always remain in a perpetual state of mental and financial preparedness to fight life-long battles in Indian courts (that are known for its delays and pendency). Also, the court may just treat B’s relation with A as good as that of two strangers—just like how the banks did, at the first place.

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482 See the Hindu Succession Act, 1956 for succession amongst Hindus, Sikhs, Buddhists and Jains; Muslim Law on Inheritance for the Muslims; and the Indian Succession Act, 1925 for the Christians, and Parsis and for anyone married under the Special Marriage Act, 1954.

483 See for example, Chapter II of the Hindu Succession Act, 1956 in the case of Hindu Law.
The law of inheritance is designed on such deeply-seated heteronormative values of family and kinship, that the queer is almost a stranger in its own property. The law is hierarchised to such levels that the queer is always at a perpetual state of helplessness and precarity. Let’s see below, two queer-narratives that testify such legal speculations.

Akanksha Di and Malobika Di are not health-wise keeping very well from the last couple of years. Both are diabetic, have high cholesterol levels and, have some other severe bodily ailments. Akanksha Di has contended during her second interview that if they want Sappho to succeed some of their property in an unfortunate event of one of their untimely demise. She expressed her concerns over how the court would respond to the probate petition that Sappho will have to file in order to execute their will. What if both the legal heirs of their respective properties decide to contest Sappho’s stake in their property. Her concerns are based upon the hetero-normative succession laws that are practiced in India contemporarily. There is a good possibility that the courts may turn down Sappho’s probate petition, as their legal (biological) heirs would have a better claim in many ways under the Hindu Succession Laws.

Similarly, Sumita Di narrates her experiences with a financial investment company and explains the recourse(s) she strategized/implemented for her to deal that situation. She said, “I have some money, and I want this money to be transferred to my organisation after my death. Now, when I invested that money, I wanted my organisation to be placed as a nominee. The bank people took some time to discuss the matter with the investment company and then they got back to me; it was nice that they did not mince words when they replied to me that, “see, there is this possibility, you can nominate your organisation but, we must tell you that, since, you have a daughter it is very difficult for your organisation to get this money. Now, at the time of getting your money, the investment company will say yes to your decision of nomination, but at the time of the dispersal of your money after your death, there is a high possibility that they may straight away go to court. Now, this way what will happen is that, neither your daughter will get that money, nor your organisation will get it. So, we suggest you that you nominate your daughter as for her it will be much easier to get the money and all she would need is the death certificate and then, you should write a will and keep it with your daughter so, that she knows what to do with that money.” Imagine! Even if I want to have a different relation with my daughter or to challenge the normativity of kinship the state is not letting me do that. That’s what they said (the bank) that of course you can nominate your organisation, but we are not sure that your organisation will get it. So, I decided to take the advice, as of course I do not want my money to dangle somewhere in between and not to reach anyone.”
Why does the state not empower the individual instead? Why does it always have to act through a normative social-unit of ‘family’? Moreover, why does the state have to impose a certain kind of relationalities over everyone? Sumita Di emphasises the need for demolishing these structural forms of state’s facilitation that operate through a normative (one size fits all) institution e.g., health schemas, pension schemes, banking, loaning and other financial facilitations, or succession of one’s private property, etc.; and, she underscores the need to restore the autonomy and agency of the individual, so that it is the individual who could call the shots and not the state on its behalf. She says: “the state should consider me as an adult individual and in that case, every such individual must have the prerogative to decide whom to be able to give what and how much and in what manner. Here, the state should not impose over me its own notions of succession or insurance schemes, etc. And, in this entire process, it should not be the case that, such people should have to be blood related or related through marriage or adoption. I want these pillars to be demolished; there should be only one pillar that is, the individual, so, that, I as an individual should have the autonomy to decide.”

The web of state’s heteronormative schema is so complicated (and, multi-layered) that, I think, it is impossible to ascertain/imagine all forms of possibilities in which the queer is impacted. However, for the purposes of this research, I have mostly restricted my study to the experiences of the participants. For example, in the above paragraph, we discussed how individual autonomy could be used to override state’s power in matters of succession of property, insurance, etc. But, this principle of substitution of individual at the place of state doesn’t solve all the plausible problematic legal-logicalities. The law of inheritance, though empowers an individual to divest its property through the instrument of a will; but, what if that individual died before writing its will. In that eventuality, according to the current norms of inheritance, the property is inherited by a default set of kin who are connected to the deceased by blood or marriage. The legal norms of having these default set of kin, as one’s legal heirs is what is problematic and, no way to that property which the state would want them to inherit. Now, what if one of these default heirs doesn’t want to succeed this property? Sumita Di was scared of this possibility, as she never wanted to succeed her husband’s property, (in the unlikely event of his death). She narrated her story of fear, trauma, planning, coping up and moving on from these typically imposing, paternalistic, hagiographies of the state. She narrated: “When my ex-husband was convinced with my reasons for seeking a divorce, we had a long gap of two and a half years from that point till last month, when the court finally granted us divorce. So, what I did was two and a half years back when the process started within us, I made it a point that all my financial
transactions with my husband should be annulled; all my names should be taken out. I did it because, within these two and a half years, lots of things could have happened, and if that were to happen, I mean here, if my then-husband would have died, then I would have become his widow and then, by default would have inherited the whole amount of his properties, money or whatever. Shey property ta jeta State amar ghaare phele ditto, sheyita niye je ami ki kortam ami jani na. Kintu antototo je jayega gulo te amar haath chilo, jaa amader joint jayega gulo chilo, ami sheyi gulo ke bondo korte korte giyechi. (my husband’s property which would have lied intestate after his death, I would by default inherited all that property as his legal widow. Since, I did not want the state to force feed me with my husband’s property, what I did was that, I annulled my title from all his properties as per the due process of law in that period, before we were granted divorce). So, if I want to be the deciding authority of my property or if I want to be the deciding authority on matters of whose property I should inherit and whose I should not, then I had to make these efforts before the state could have played its part, at least whatever was possible for me.”

**Concerns over Accessing Jointly-owned Investments**

However, for most of the participants the concern is inheritance of their financial investment/property after their death, in case they do not want them to be succeeded or, inherited by the members of their biological family. For example, Maya and Shruthi shared similar concerns, when I ask them about their financial investments: “see so, what we know is that we cannot jointly open a chit fund or a Gold Scheme, as in that case, we have to introduce each other with our real relationship, and we cannot do that. So, on paper we have invested singly, for example, in my investment, I have nominated my Amma in my chit funds, and in her chit funds, she has made her parents as her nominee as we cannot nominate each other, because our relationship will not be recognised by the chit fund company.”

Quite similar were the concerns of Ri Di in her 13-yearlong partnership. As she narrates her experiences of playing out with the stupid heteronormative rules of our financial institutions, she tells us about ways of how one can dodge them, and still have it your way—of course, all this at the cost of a longer route, patience, planning, and risk. She says, “this is when I was in relationship with my then partner for 13 long years. We both used to apprehend, what if our parents one day throw us out of their houses if they come to know of our relationship. Since, we both were earning, we decided to save our earnings in a bank account. When we went to the local bank to open a joint account, we realised that the bank needed some evidence that we both were friends. How stupid that was (she puts with some humour). How can two friends (who consider each other as partners) produce evidence to prove their friendship/partnership (she laughs)? Well, we were
smart enough to produce a partnership deed that said that we were business partners. The joint account was immediately opened by the bank. Later, we utilised our business partnership agreement to open another account with a cooperative society and even managed to fetch a loan jointly on both our names (she laughs).”

Anis Da narrates three separate instances wherein, the first two deal with his attempts of opening joint bank accounts. He said, as his company mainly has dealings with the Diamond Harbour branch of a Private Bank, so, at one point of time, he inquired over there for opening a joint bank account with his partner Shambhu; they never replied anything with clarity. He asked them again and it fetched him the same result.

Later, when another private bank opened a branch near to his office in Diamond Harbour, he said, the agent of that branch was very keen to have business with us and, when he approached Anis Da at multiple occasions, he expressed his wish for a joint account with Shambhu where both of them could put some of their monthly savings together. Anis Da said, “this time around, this agent managed things at his own level and, got us a joint account without much hassle. But Anis Da said the saddening part is that here also, in the application form, we had to introduce each other as ‘friends’.”

For banking purposes, there is no express legal bar on anyone’s nomination as a nominee to the depositor’s money. But, in practice, the banks mostly are found not to be allowing the depositor to nominate any individual other than one’s legal (heteronormative) kin who is mostly a closed family member. Here, I didn’t find any order/judgment of the Banking Ombudsman or any court that has ever passed any directions to the banks on this issue. So, as it looks to me—even if there is no express prohibition in the written law for non-kin to be nominated to someone’s deposits, the law’s apparatuses (banks) do not allow such nominations. Many queer narratives express their experiences with these queer-phobic informal practices.

For Non-Banking Financial Companies (NBFCs like Chit funds or Gold Schemes etc.) anyone can be appointed as the nominee, as the same is regulated under the Banking Companies (Nomination) Rules, 1985, just like how it works in the case of banks, as discussed above. Also, intended joint depositors are technically allowed to deposit with such NBFCs under the RBI

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directions, but, in practice it is found through the experiences of the queer participants that they are not allowed to do so.

**Inability to adopt children/adults, jointly as partners**

Archee and her partner sometimes think of adopting a child. As per the existing legal norms on adoption of children, both can never become parents. Archee says, “even if they keep the current legal norms aside for a while, what is the guarantee that the child will not blame them in the future for adopting him/her as she talks about the harsh hetero-patriarchal social conditioning outside the home in neighbourhoods, schools, etc.” Hence, she puts forth the idea of modifying the institution of marriage to an extent that it is going to take couples like them aboard. She cautions then that “this all is time consuming” as social changes take generations to evolve. But she also says that, “a start can be made with some constructive changes in the law and then the society may follow”.

Like Archee and Tush, Jaya dreams of having a small house one day where, she could live happily with her partner and their adopted child. Alas, that day is not today.

For Tonu, who is herself adopted in her early 20s, she says, she wants the law to change positively so that adults can be adopted under the Indian Law; and, the right to choose one’s family should not just depend on blood relations or marriage.

Akanksha Di shares another part of their lives in one of our interviews: this relates to a girl who was 18 when she came to Sappho for support against her family on issues relating to her sexuality. She became very close to both of them in a couple of years’ time. There was this one point of time when she needed a safe place to live in Kolkata and, it was then that Akanksha Di and Malobika Di decided to take her home. Akanksha Di confides that she became very close to both of them and was living in their house like their daughter. She used to call them Mum-mum, a substitute for ‘mother’ in popular Bangla. They looked after her emotionally, financially and, by all other possible means, as how someone’s natural family would do. They sponsored all her education that she wanted to pursue and, Akanksha Di proudly says, that “today she is a dancer and lives with her partner in another part of the city and they visit each other quite often”. They never adopted her legally as she was already an adult.

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486 For example, see the narratives of Maya and Shruthi with regard to their failed attempts to have Gold Schemes with a local chit-fund company in their town.
2.2.5. Certain Conclusive and Suggestive Remarks-II

Here are some of the vital conclusive remarks based on the discussions held in this Section 2.2.:

i. **Negotiating with positionality, spaces and distance:** The participants narrate how positionality, spaces and distance impact the economics and politics of their relationalities; and, how these factors enable them to negotiate with their shared realities and normative ecosystems. These narratives also explain as to how vulnerability and violence may operate in queer relationalities through the politics of spaces, positionality and distance.

Most of the queer participants are found to be involved in doing multiple relational-roles at one point of time, spread over different geopolitical locations. For example, unlike a conventional heteronormative family unit, where all the members of the family (parents, children, spouses, siblings, etc.) are generally found to be located in one geographical space, that has its own politics of performativity directed by the power of the dominant heteronormative discourse. The queer on the other hand, in many cases, is found to have been operating at multiple locations and spaces (separated by distance and time)—as the queer may be taking care of its parents at one location, and doing its intimate-relationality in another location, having been parenting in some other locations—all at the same time running parallel to each other. In many cases, the queer is found to be doing all at one geographical space.

In my understanding, what comes out of such multifarious relational practices, is the queer’s ability to choose its own scale, rhythm and tunes of doing multiple, multi-level relationalities at its own pace, time, and, manner—instead of following any pre-determined script of performative narrative. This way, the queer appears to be comparatively free from its heteronormative relational-compatriots. But, is the queer really free? The narratives discussed in this section, tell us that, the queer is always already situated in the heteronormative field of socio-legal assemblage that very-well has its own structures and formalities in place to ensnare the queer. Because of this inevitable enforced location of the queer, multiple forms of vulnerabilities are structurally designed by this heteronormative-field to impede the queer’s attempts to do its parallel relationalities, on its own terms. So, how much so ever, the queer tries to do its relationalities on its own chosen-terms, the powers of the state and that of the social always pose an incessant threat/challenge to the queer’s autonomous being. This way, the queer is never free to do its relationalities on its
own, for it is already under an impositional regime of the hegemonic structure of heteronormativity which has unilaterally pre-determined the queer’s pace, rhythm, and scale of doing life. This way, the queer is always under a regime of paternalistic supervision, surveillance, and directional control of the heteronormative structures of law, and the social.

What is important here, is to understand—is the queer freely able to choose the terms of doing its relationalities? Or, are there unseen powers that dictate the queer to take care of its parents, while the other heteronormative siblings are acceptably allowed to move on after they are married off? Are there powers that dictate the duration and limits of the queer’s stay, its role and capacity at heteronormative spaces such as one’s biological family-home? Are there powers that force the queer to move out of the space of its family-home; and, even, after the queer moves into a new space, are there powers that put the queer under a regime of surveillance, discipline, domestication and fear? The narratives in this section, discuss the multiple vulnerabilities erected by the powers of the public/private, state/social over the queer’s supposedly autonomous life.

The suggestion is thus, to revive queer’s autonomy, and to politically demand a retrieval of the law from its authoritarian capacity to a democratic role, where the individual body is set free to fix the terms of forming/doing its own relationalities at its own autonomous call, and not under the commands of a totalitarian regime managed through state-social control.

ii. Queer caregiving: Unlike heteronormative-scripted relationalities, the queer interpersonal engagements (relationalities) are independent of any scripted norms or, structures (at least in its political sense) of care-giving. Also, care-giving, per se is not necessarily a full-time job of the parties to a queer relationality. Queer relationalities do not therefore, place any expected, pre-determined roles, standards of care over its participants—sometimes, one could be a giver, sometimes a taker, sometimes, nowhere. This way, as Michael Warner would say, the queer has worked out its own rules of care; and, as the queer experiences suggest, most of it is based in terms of consensual agreements of the parties involved in the relationality.

Sometimes, care-giving involves engendering a sense of comfort in each other’s lives through the physical presence of one-another. For example, the sense of comfort that one finds, having the physical presence of one’s partner after coming home from a long day at work;
or, such similar situations like when one waits for their loved one(s) at the dinner table; or, when one misses the physical company of one’s friend, or care-giver while sleeping alone. These could sometimes become ritualistic, when one gets used to a certain kind of behaviour from the other person(s). This often, generates a sense of attachment which then later has to be managed responsibly and mutually.

Unlike, the heteronormative relationalities there are no pre-defined scripts that could guide the queer on matters of inter-generational care-giving; there are no conventions that could act as a manual to supervise a queer on how to manage its material role, how to balance its emotions, and allocate love between its intimate partner(s) and, its biological family (which includes mostly parents in the case of our participants). Many of these narratives depict the manners, and diverse instances through which the queer jostles to negotiate its existence, its positionality, sometimes its own and sometimes its partner’s privacy, happiness and interests. These narratives tell us multiple ways in which the queer allocates its body, its time, its emotions, its spaces, its care, and its love to parents, partner’s parents or with their own partners, or with other care-givers in a queer/non-queer support system. And, in the middle of all this allocation, care-giving for others; the narratives tell us how there can be multiple ways in which the queer manages its individual self, its own space, its emotions, and interests.

Queer relationalities mostly work on the basis of mutually-agreed standards of intimacy and care. Now, when the standards of intimacy are open for the queers to mutually decide upon, the standards of expectations are also mutually worked out with dialogues and discussions between the stakeholders to such autonomous relationalities. When the queer is capable of doing its own relationalities on its own, in its own multiple ways of management—then, the unilateral imposition of one universal rigid standard of doing relationalities becomes irrelevant and hence, problematic to the queer politics.

iii. Queer parenting: Generally, a shared concern of the participants has been on parenting and its socio-legal ramifications—it is found through the study that most of the participants have expressed their desire to parent children. Queer narratives of the likes of Maya-Shruthi, Deepa-Pragya, Archee-Tush indicate strong desires to raise children in their relationships. However, all of them had some shared-apprehensions: (1) since, the child would inevitably interact in the heteronormative structures and its institutions like the school, neighbourhood,
playgrounds, etc., what if the child is bullied because of its parent’s sexual orientation, or gender or marital status; and, (2) as parents, how would they respond, if the child starts blaming them. I think, these apprehensions are very relevant both socially and legally. As we can see, there is legally no positive answer to such questions. There is simply no law on queer adoption—hence, no legal protection to such queer parents or, to the adopted child is available.

Currently, the Indian laws provide for a very limited notion of adoption. As most of the adoptions are done under the respective personal laws—which are mostly restrictive on the grounds of one’s religion, sex, and age.\(^\text{487}\) It is not that the secular laws on adoption/guardianship are anyway better; other than religion, they are by and large discriminatory on all the other grounds, such as sex, age, class, marital status and mental capacity of the adopting parent.\(^\text{488}\) These secular adoption laws are framed by the state keeping in mind the formal principle of best interests of the child\(^\text{489}\)—which is a great purpose on the face of it. To my mind, the areas where queer politics should be concerned are—what all conditions are passed as ‘best interests of the child’ principle? This is where, we need to evaluate what makes the state presume\(^\text{490}\) that: (1) it is not in the best interests of a girl child to be adopted by a male parent; (2) it is not in the best interests of any child to be adopted by an unmarried/divorced heterosexual dyad; (3) it is not in the best interests of any child to be adopted by polyamorous parents; (4) or it is not in the best interest of any child to be adopted by a non-heterosexual dyad. This way, the law produces the ‘queer’, as all these four categories of relationalities are left equally marginalised by the law.

However, these laws allow for a single parent to adopt the child and become its legal parent—but, in that case, the partner of that applicant-parent would technically (legally) be as good as a stranger to that child. To my mind, under the Guardian and Wards Act, 1890, never any same-sex couples have approached the court or have been granted guardianship over any child till date. So, I do not know how

\(^{487}\) See for example, the Hindu Adoptions and Maintenance Act, 1956.

\(^{488}\) See generally the provisions of the Guardian and Wards Act, 1890 and the Adoptions Regulations, 2017 framed under the Juvenile Justice (Care and Protection of Children) Act, 2015.

\(^{489}\) See Regulation 2 of the Adoption Regulations, 2017 as notified under Notification G.S.R. 3(E) dated 4\(^{\text{th}}\) January, 2017 by the Ministry of Woman and Child Development, Government of India.

\(^{490}\) See the Regulation 5 of the Adoption Regulations, 2017 as notified under Notification G.S.R. 3(E) dated 4\(^{\text{th}}\) January, 2017 by the Ministry of Woman and Child Development, Government of India.
the courts would respond if that happens. In short, the state’s thinking on the matter of what qualifies as 'best interests of the child' are highly based upon the moral concerns to save the heteronormative culture, its institutions and values. It still sees parenting from the heteronormative lenses that demand an outright exclusion of the queer family, the labour of queer caregiving and, the emotions/desires of the queer body.

Therefore, adoption of children even by an unmarried dyadic couple is impossible legally; forget about same-sex couples or polyamorous relationalities. As far as parenting children through surrogacy is concerned, this area technically is still unlegislated (and moreover, very loosely regulated by law). So, surrogacy is still technically an open possibility through which the queer can have a child of its own. Since, this field is legally unregulated; it is still accessible to the queer. Though, in this form, it remains a costly affair, and of course not all can afford it. But, currently, the Surrogacy (Regulation) Bill, 2016 is pending in the Lok Sabha, and if passed, should enter the Rajya Sabha soon. Now, this is another 21st century legislative avatar of the Indian State that restricts all forms of surrogacy except the ones which are strictly defined as altruistic under the Bill and, are intended by certified-infertile married couples only. This therefore, excludes all kinds of queer relationalities, queer forms of labour, queer emotions and desires—at least, the adoption laws allow for single-parenting, this one completely prohibits even that.

iv. **Queer Parenting of adults**: Now, let me discuss the matter of adult-to-adult parenting through the narratives shared by those participants who had parented earlier, or have been parenting for long now. Akanksha Di and Aparna Di’s narratives tell us their experiences of parenting non-biological adults. Both of them do not have any juridical means/capacity to do parenting, strictly speaking, as there is no law in India that regulates/recognises adult-parenting and adult-adoptions. Does the lack of legal recognition/regulation/facilitation anywhere

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491 At the present moment, the Indian Council of Medical Research Regulations of 2002 happen to be the only piece of law-in-force on matters of surrogacy. These regulations by and large are understood to be legalising surrogacy.

492 See Section 4(ii) of the Surrogacy (Regulation) Bill, 2016 that states: “(ii) no surrogacy or surrogacy procedures shall be conducted, undertaken, performed or availed of, except for the following purposes, namely:— (a) when either or both members of the couple is suffering from proven infertility; (b) when it is only for altruistic surrogacy purposes” and, it defines a couple under Section 2(g) as “the legally married Indian man and woman above the age of 21 years and 18 years respectively” and, an intending couple under Section 2(r) as “a couple who have been medically certified to be an infertile couple and who intend to become parents through surrogacy”.

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lessen the amount of care, or love, between the parties to such relationships? For the participants, such relationships are based upon mutual trust, care and respect for each other. This way, such adult-to-adult adoptive relationships are mainly an act of consensus (meeting of minds) on the part of each of the parties to such relationship—which means, that there is no element of imposition involved from any of the parties, and of course, the state has no role to play here.

So, is there anything problematic in such a relationship? To my mind, such relationships fit well in the queer politics, as its origin and sustenance is purely depended upon mutual choice and consent—which, means, there is no pre-fixed duration, or any scripted format of performance by the parties in such relationship. However, this doesn’t mean that the lack of law’s role is not problematic for such relationships. In my opinion, it is problematic—the lack of legal recognition of such relationships would mean that such adoptive child and, the adopting parents are no way legally connected to each other—again, such a relationship is as good as between two strangers, in the eyes of the law. We need to understand that the family is not only a social institution here, it also has a legal meaning—this way, family is a legal junction where whoever is allowed an entry gets to enjoy certain legal benefits. In my understanding, such a state of the law is objectionable to the queer politics, and this must change. Since, the law of family already has defined the rules of who could be included within the legal meaning of a family—we need to realise that if such a definition is not changed then, the parties to such queer relationships are never going to get their due share of pie in the legal benefits that the state otherwise extends to the members of a legal family. The Appendix IV, lists a set of rights/exemptions/privileges that are extended by the various Central Laws to only the members of a legal family—all the parties engaged in such adult-adult adoption relationships are currently excluded from getting these state-benefits. The question is, if this should change, how could the law incorporate such a change?493

v. **The problem of finding the right ways of parenting:** The other kind of queer parenting is reflected by the relationship between Sumita Di and her biological daughter. Here, she experiences moments of dilemma in her own parenting, when she reflects on her memories of her daughter’s experiences vis-à-vis the heteronormative structures such as that of schools, the teaching machine or, the society in general. This way, to raise a child in a gender-neutral environment,

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493 See Section 3 of this Chapter, for a discussion on this question.
with gender-neutral values (which of course, involves conversations over multiple matters, including sex) can be really challenging for a parent in our kind of a society. At least, this is what has been Sumita Di’s experience as a queer mother. Now, this is a case, wherein, the relationship between Sumita Di and her daughter is legally recognised as that of a mother-daughter by the law—which means, they are legally entitled to the benefits provided by the state. What is interesting here to note, is that—even, if their relationship is legally recognised, they do not have any legal protection/remedy to proceed against the structures, such as that of the school, or the parents of her daughter’s classmates, or any person who consider Sumita Di’s parenting to be inadequate/inappropriate. Such lack of legal protection reflects the heteronormative expectation of the state from a mother’s parenting role/capabilities—the liberal Indian state wants its army of parents to be disciplined, domesticated enough to not discuss sex or anything that empowers a girl child, or which liberates the thinking of the child. This way, the state’s expectations (as reflected through its lack of legal protection in such instances) is reminiscent of the state’s ideological commitment to patriarchy and heteronormativity—as it cannot loosen its paternalistic control over the quality of the yield of its prospective citizenry. The politics of the queer surely would be interested in changing this state of the law.

On matters of queer parenting, therefore, I think that the law should change so that all adults can raise children, and the law should facilitate that, instead of prohibiting it. Such facilitation also means that the law’s role is to engender a safe and democratic environment for the child and also for the parents to live their lives freely, instead of living under a regime of fear, backlash, discrimination and exclusion. For such facilitation, therefore, I think, that a law on anti-discrimination is needed to check violence and vulnerabilities at public spaces based upon grounds of sexual orientation, gender and marital status.

Along with standards of care, the standards of expectations between intimate partners or within a queer family are worked out over the course of time based on the principles of mutual trust, respect, sense of mutual wellbeing and transparency.

vi. The Queer relationalities and the Gender Trouble: Most of the participants in this study have narrated their efforts of gender-bending in their relationships. Mostly the cases recorded here narrate instances of how they do not confirm to any or, much of pre-determined set of gender roles. Most of the participants who are/were in intimate relationalities are found to be conscious of the internalised
patriarchy and homophobia, in some or, the other working forms. These participant-experiences indicate that there is no uniformity in terms of their gender-based experiences—some are performing on scripted roles of gender; whereas, some are not. Such a shared-experience is of course problematic to the queer-feminist politics. Now, the issue is how to engage with this problem? From the perspective of legal research, the pertinent question would be, how could law be used to transform the queer’s experiences in their relationalities? Can the gender be neutralised in/by the law?

vii. Queer intimate relationalities and the normative expectations of sexual/emotional fidelity: Politically, queer relationalities operate independent of any regulatory norms. Most of the participants in this study as a matter of record are in open relationships; which means that, they do not confirm to the conventional notions of emotional and sexual fidelity in their relationships. However, this often has its own flip side.

The use of legal force against one partner by the other to extract certain conjugal performances frustrates the idea of a free/open-relationship. Provisions of law such as ‘adultery’ or ‘restitution of conjugal rights’ are classic tools used by the normative legal structure to keep the marital relationship intact. However, this normative legal structure doesn’t care about the individual’s interests/desires just because that person is party to marriage—the state’s vehicle to ensure discipline and domesticity amongst its subjects. Who is getting benefited/protected by such laws, and at who’s cost? The queer hence, challenges the culture of monogamy through its subversive acts forging/doing open-relationships, or extra-marital relationships.

But then, there are strategies that many participants have adopted with their intimate partners. It is important to understand that the notion of monogamy in relationships is a demand of the normative structures, that most of us (queers/non-queers) are culturally fed through our upbringing. The result being, that we have completely normalised it, internalising it in our acts and expectations. Now, when we see someone, or when we see our own selves having found attracted by someone (or vice-versa) who is not our intimate-partner we often feel distressed, or guilty of ourselves. A point worth noting here is that, the upbringing of all the participants in this study has happened in heteronormative value-systems. Many participants have experienced forms of agreement, negotiation, resistance, regret, compliance and complaints with their intimate partners on matters of sexual/emotional/romantic fidelity.
Given that all the participants share layers of heteronormativity in terms of their background, it is only obvious that most of them have their own struggles for or against the normativity (e.g., monogamy) in their intimate relationalities. Some of the participants experienced resistance in the hands of their intimate partners while bringing in the matter of open-relationality on the discussion table; whereas, some of them shared stories of a smooth exchange. So, again, there are negotiations with the normative. So, the narratives on this issue are again not uniform or, coherent—that, whether the queer is always (should always be) non-monogamous in its intimate relationalities?

Since, the queer does not have a ready-to-use template/manual to do their relationships: discussions and deliberation between the parties (to such queer relationship) form the standards/some ground rules to the doing of such relationship. This way, parties in a relationship decide on their own as to what suits best for them, individually or collectively (as the case may be). This makes queer relationalities practice multiple-standards of intimacy (sexual, romantic, erotic or otherwise) in any format that suits them at a given point of time (whether polyamorous, closed or open dyadic relationships). But, most of them sought transparency in their relationships.

Relationships are found to be a space of constant negotiations, as differences are inevitable amongst intimate partners, because of numerous factors, like class-difference, exposure-difference, etc. Therefore, the suggestion is not to impose any strict form of fidelity standards in intimate relationalities when the parties are themselves capable to define the terms of intimacy on principles of mutual-trust and consensus.

viii. **Normative pressure of being Dyadic in Queer intimate relationalities:** Often queer intimate relationalities are found to be non-dyadic. Of course, it subverts the normative standards of doing relationalities. The suggestion, is to set the individual adult participants to a certain relationship, decide their own terms of relationality, instead of imposing a ‘one size fits all’ standard on everyone. In the absence of such an autonomous model of law, the queer is always in a state of perpetual vulnerabilities.

ix. **Vulnerabilities born-out of normative standards of Financial Exchange amongst intimate partners:** It is important for this study to consider (record and analyse) the standards of financial exchange (e.g., financial dependence between intimate partners) in queer
relationalities. As Sumita Di points out from her activist-experiences that: “queer relationalities, instead of being hierarchal, are more peer-to-peer ones. I think, it is quite obvious that the partners in same-sex relations try to become each other’s peers in everything, including financial matters. Now, the person, who earns lesser, sometimes also, feels lesser in the relationship, and sometimes this could create a certain pressure on that person”.

The participants in this study come from a variety of intersectional backgrounds, in terms of their class, educational background, employment, age, etc. It is therefore, only obvious that they all have different standards of financial exchanges/arrangements in their respective intimate relationalities. For example, one of the partners in an intimate-relationship could be earning more, and hence, could be also contributing more towards the expenses running the joint-household; or, both partners may be financially autonomous to the extent that they may not be contributing at all to each other’s expenses (in ordinary circumstances). In many intimate relationalities (as recorded on the basis of the participant’s lived experiences) one of the participants could be financially dependent (totally/partially) on its partner; the reasons could be due to the former’s age, employment (or absence of it), educational background, etc. In a few cases, such dependence is temporal, and in the others, it mostly looks to be something akin to a permanent arrangement.

Thus, again the suggestion is to let the individual adult participants to a certain relationship decide their own terms of relationality, instead of imposing a ‘one size fits all’ standard on everyone.

x. **Vulnerability in the form of Lack of Social and Legal Support to Queer relationalities:** Regarding the degrees of socio-legal acceptance and support, most of the participants have had a mix of both positive as well as negative experiences in family spaces, workspaces, neighbourhoods, etc. Those participants who choose to be out to their immediate social circles, have mostly had negative responses, at least in the initial phases of their coming out. However, gradually with the time, most of the participants (who chose to come out) have been by and large accepted with their sexual choices; and, sometimes also with their intimate partners at least, by their biological parents. Though, this is not the case with everyone; which means there are still many participants who continue to struggle for acceptance in their biological families and/or other closed social circles; and, there are a few who have completely severed their ties
with their biological families, or other childhood social-ecosystems such as school friends, neighbourhoods, etc.

Often, the queer experiences emerge out of real-life compromises; where, silence, lies, omission, self-exile or self-restraint becomes strategies to negotiate the burdening normative structures of law and the society. Such burdening challenges have diverse forms and they manifest in much unlikely situations. One such challenge is the art of dealing with emotional pressures within biological families; where, manifold factors such as parent’s old age, or their mental/physical conditions pose a major challenge for the queer to deal with. Most of the participants in this study have had such experiences, and in most of the cases they have ended up compromising.

Speaking in terms of intersectionalities, many participants irrespective of being socially privileged in terms of class, educational background, or gender have mostly given-in to family (mostly parental) pressures, at different points in their lives. Such emotional quandaries often, build situations wherein, most participants have found themselves giving-in to the consorted parental efforts such as compulsive parental pestering, emotional blackmail by aged parents, cultivating a fear of social exclusion/family honour, etc. Amidst such family dramas, those participants who got themselves married in their young ages, are now mostly struggling to come out of the burden of marriage. Some have made compromises within their married lives; some lead their lives under a strict discipline of silence; only a few are engaged in subverting the marriage-norms; some have successfully come out of it; but, most of them have stated in their interviews that, given a chance, they would like to undo their marriage.

Often, due to paucity of any significant vocabulary, the same-sex/queer intimate relationalities are reduced to a language of silence/implied accommodation in social spheres. For example, if we see, the social language we use, like Bangla, or English, we have hundreds of words to explain heteronormative relationships, like, Ma (mother), jethu (uncle), mama, (maternal uncle), etc.; so, the ‘queer’ appears to either use the same normative expressions or it has created new words to the vocabulary or usurped old words to suit its contexts—for example, the word ‘partner’ is a very contemporary usurpation done by the queer/feminists to express some of its relationalities.

Often, a public usage of words such as ‘partner’ begets an apprehension of a supposed confusion in the minds of the user
(queer, in this case). In fact, some of the participants have themselves expressed their own speculations on the usage of words such as ‘partner’. What is it exactly that the word ‘partner’ signifies to the queer anyway? Is the queer itself sure of what it wants to convey through a strategic deployment of a gender-neutral term such as, ‘partner’? What I could gather from my fieldwork is that, many participants are substantially confused or at least unsure of how they should (or, in what all ways, they could) address their intimate relationalities. Language being a constantly evolving/changing medium, new words keep getting added and old words keep changing their meanings, possibilities of change are always open.

Family is a social institution that has been usurped by the state and its role has been utilised to facilitate heteronormative hegemony. This way, family becomes a tool in the hands of the state through which it runs its larger social welfare schemes, e.g., family pension, or family health insurance, *et al.* Now, the state doesn’t facilitate it all for free, it mandates these consuming social units (family) to adhere to a certain kind of conduct. And for someone, to be eligible to consume these state benefits, one must perform according to the state’s pre-defined design—heteronormativity. As discussed in the previous chapter, heteronormativity demands that one’s social expressions relating to sexual, emotional, romantic, erotic feelings must be and only be heterosexual, dyadic, monogamous, nonincestuous. The rules of the game are already set before the arrival of the queer. Obviously, the queer is a misfit here, especially with all its interpersonal polymorphous relationalities. The problem is not the existence of state’s facilitation of a certain kind of relationalities; the problem is when the state channelizes its facilitation to only one kind of relationalities at the cost of all the others. This way the state’s presumably-innocent facilitation acquires the status of a sole universal norm, which acts like a unilateral imposition that completely eschews dissent. This way the state acts paternally in its thinking, policies, law, and behaviour. The queer faces certain typical vulnerabilities produced by law; some of such vital issues are presented below:

a. **Issues of Proxy-Medical Consent:** What we know is available to us legally in the form of the Regulation 7.16 of the Indian Medical Council that merely restricts this class of surrogate consenters to the members of the closed heteronormative family and legal guardians of a mentally incapacitated patient—which means, in the ordinary circumstances, the queer patient as well as the queer intimate partner/caregiver are perfectly placed in a
vulnerable situation. In such situations, the queer has to either leave the scenario or try its best to negotiate with the Medical Authorities—in both cases; the queer body is legally rendered support-less. The heteronormativity triumphs again.

b. **Inability to access Civic Benefits as Partners**: Queer partners who are legally wedded in foreign jurisdictions are as good as strangers under the Indian laws. Therefore, to get state/social privileges/exemptions in spaces public/private, the queer has to negotiate through strategies of silence, restraint, deceit, or finding ways to dodge the law. For example, to seek a rented accommodation in Mumbai, Deepa and Pragya had to introduce themselves as blood-related kin, hiding their true relationship. Or, Shambhu had to enter into a leave and license agreement with his partner Anis Da to apply for the essential identity-documents and to seek essential civic supplies like gas, telephone etc.

c. **Nominating one’s Partner/friend to one’s Investments**: Even if there is no express prohibition in the written law for non-kin to be nominated to someone’s deposits, the law’s apparatuses (banks and insurance companies) do not allow such nominations. Many queer narratives express their experiences with these queer-phobic informal-legal practices.

d. **Concerns over Persecution**: The presence of regressive Criminal Laws that anyway penalise queer desire and its chosen relationalities causes a regime of fear not just against prosecution by the formal apparatuses of the state, but also persecution by the informal apparatuses of the state and the social.

e. **Concerns over Accessing Joint-Home Loans**: None of the laws on banking regulation provide for an eligibility criterion for who all qualify as joint-borrowers in the case of housing finance. The Reserve Bank of India under its latest Master Circular on Housing Finance also doesn’t provide for this information. But, when one sees the Home Loan Application Forms of the individual banks, then one can see that most of

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them demand any member of the immediate Heteronormative Family (i.e., mainly Spouse, Children, Parents or Siblings) to be the only circle of persons qualified to apply as co-applicant/joint-borrower in a Housing Loan Application. In such circumstances, it looks as if it’s a legal discretion of the individual banks to decide whether X, Y, or Z person fits as the co-borrower in a home loan application. The narrative of Akanksha Di and Malobika Di (discussed above) illustrates and testifies the state of discretion exercised by the individual banks—it shows how much the queer is at the mercy of the individual banks to get a simple house loan. In their narratives, both of our participants tell us about their hard-fought home loan experience during their second home loan seeking exercise.

If this is the case, then it means that there is no uniform policy on this matter to guide the discretion of the individual banks—and, in the absence of a uniform policy for all banks in India on this issue, the possibility of discrimination is highest against queer co-borrowers. Such is the nature, degree and quality of vulnerability produced by the heteronormative Financial Structure of the Public/Private assemblage for the persons involved in queer relationalities.

f. Concerns over Inheritance/Succession of Property: In India, law of Inheritance and Succession is mainly dealt under the Personal Law regime. In case, if anyone dies intestate then that person’s property is inherited by its legal heirs (i.e., someone from the heteronormative kinship) in an order of hierarchy—which mostly depends on a certain heteronormative understanding of degrees of relational proximity with the deceased (depending upon his/her sex). Which means that, if a person dies without making a ‘will’ such property of the deceased automatically gets inherited by the law’s pre-determined set of ‘default heirs’.

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496 See the Hindu Succession Act, 1956 for succession amongst Hindus, Sikhs, Budhists and Jains; Muslim Law on Inheritance for the Muslims; and the Indian Succession Act, 1925 for the Christians, and Parsis and for anyone married under the Special Marriage Act, 1954.
497 See for example, Chapter II of the Hindu Succession Act, 1956.
Now, there are two vulnerabilities that specifically hit the queer on this issue: (1) what is the legal assurance that such 'will' is going to get executed through a court after the death of that person?—as the 'default heirs' can always exercise their choice to challenge this 'will', and in which case, no one knows if that beneficiary will get the property in his/her lifetime (given, that the judicial process is indefinite and time-consuming in India); (2) as the time of one's death is not certain, what if the person dies before writing such a 'will'?—and, in such a case, the property automatically passes on to its 'default heirs', and, in which case, the queer intimate partner doesn't get any rights in such property.

In both these scenarios, it is the queer who is at a vulnerable position. Now, if A and B invest on building a property, without seeking any assistance (monetary or otherwise) from their respective biological families—there is always a legal possibility that B would never be able to own and enjoy that property after A's death, if such property is not jointly owned by both A and B. The participant-narratives clearly indicate the de facto disability of a queer couple/family in jointly fetching housing loans. Through these narratives, we have seen how the banks are mostly reluctant to sanction such loans jointly to persons not related through heteronormative kinship ties. In such a scenario, it is quite possible, that such property was legally registered only on A’s name (as it was only A who was granted an individual loan, and not B). So, in the event of such a likely legal possibility, the law is simply telling B to always remain in a perpetual state of mental and financial preparedness to fight life-long battles in Indian courts, which are known for their delays and pendency of cases. In the absence of any legal protections to B, the court’s role remains completely unpredictable; in case, the court decides to give precedence to the bank’s decision (of refusing to grant joint home loans to queer partners), then B’s relation with A is reduced as good as that of between two strangers, legally speaking.

The law of inheritance is designed on such deeply seated heteronormative values of family and kinship that the queer is almost a stranger in its own property. The law is hierarchised to such levels that the queer is always at a perpetual state of helplessness.
The theme of this section is to focus on the vulnerabilities experienced by the queer while it is doing its relationalities within the constraining field of the socio-legal assemblage. Based on the queer’s own narratives of doing relationships, this section discusses the challenges posed by the normative and, how the queer negotiates with these challenges; and, steers its way deploying multifarious strategies and coping mechanisms. In an all, this section attempts to problematize the role of the law and that of the social on its incessant project of producing vulnerabilities for the queer as it engages itself in its subversive politics by doing its choice-based relationalities/kinship.

2.3. **Studying the narratives on breaking-up of Queer Relationalities**

It is not that vulnerabilities only lie outside the queer relationalities—of course, there are innumerable surmounting vulnerabilities produced by the heteronormative powers of the socio-legal assemblage, that at each moment crave to mow-down queer’s desires and relationalities, from within. Vulnerabilities within intimate relationalities may take the shape of violence. The nature of vulnerabilities within the queer’s own chosen-polymorphous relationalities poses a very different challenge for any serious project on legal reform. Based on the subjective participant-experiences, this section attempts to map the multifarious forms and, layers of vulnerabilities and violence between partners in intimate relationalities.

The queer’s relationalities emanate because of an exercise of choice it made at one point of time in its life—though, while doing the acts of sustaining relationalities, it is possible that the queer undergoes moments of violence and vulnerabilities within its own relational spaces—there could be times when the queer chooses to exercise its choices of taking a break from its intimate partner(s). Sometimes, such breaks are lifelong, sometimes periodic. Violence operates in numerous ways within intimate partners—sometimes it is joint, sometimes not. Violence can also occur through other constituent individuals involved in the intimate relationships—like parents, or children, or friends. Violence has multiple forms, sometimes, it changes its quality and degree depending on the prevailing temporal and spacial conditionalities. As an observant in my fieldwork, it seems only natural to me that most of us in queer intimate relationalities normalise violence within our intimate-relationships: sometimes, we learn to ignore it; and sometimes, it becomes a part of our routine dealings and habits, and, we very subliminally start internalising, accepting and justifying violence.\(^{498}\) The next sub-section attempts to evaluate the nature of violence experienced by the participants in their intimate-relationships, and the coping-mechanisms developed by them

\(^{498}\) See generally, Erinn Gilson, “Vulnerability, Ignorance and Oppression” 26 *Hypatia* (2011) 308.
in the due course. It problematises the role of law’s deliberate inability to protect the victims of intimate partner violence in queer kinships.

2.3.1. Violence within Queer Intimate Relationalties

As I ask Archee about vulnerabilities in her intimate relationship, she says: “I think, I always have options to fall back on my friends, if Tush decides to walk away from my life someday. So, I don’t see myself vulnerable in this relationship, but when I think of Tush, I think, she suffers from a certain insecurity that she often shares with me, she says—if I leave you someday, then you will have many friendship offers or new relationships in your life, but, what will I do?”

Anis Da says, “there are of course different kind of vulnerabilities, with different persons in our chosen relationships. Well, this is solely my perception that Shambhu is very-very vulnerable, emotionally, financially and socially. Because of his young age and because of his lack of exposure and may be because of his upbringing and mindset. Maybe, he came up with lot of questions when we met, and in me he found, answers, as well as a support; he is often apprehensive of losing that and that is why he doesn’t want to share me with absolutely anyone. I think, this psyche is caused by his vulnerability and without causing any insult to him and of course, he is financially self-sufficient, the standard of life he is living right now is because I am with him. For example, he is driving my car to his workplace for work, and with his current pay package, I think this may not have been very easy."

He further adds, “As far as I am concerned, I am at a phase of mid-life crisis; I know, in the next four years I will complete 50 years of my life on this planet; and, in another fifteen years, most of my abilities to enjoy sensual, physical pleasures will be almost drained out; and, I wanted to explore so much; and, I wanted to enjoy so much. Because, I am investing so much on this relationship, I am unable to do that and probably by the time, when he will be able to fully appreciate my notions of an open relationship, I will be too old to enjoy all those pleasures. So, time is running out of my hand and this gives a lot of vulnerability."

Anis Da further adds, “This might be an addition, something happened and because of which, I was very seriously considering that I should walk out of this relationship and suddenly my father suffered from cardiac stroke which left me extremely vulnerable. My emotional bond with my parents is very strong, and I know, life without them will be a fact, sooner or later, but it is very difficult for me to accept; and, when I was dealing all those emotions, suddenly I realised that I have developed a habit of not unlocking the door of my flat but, ring the bell and wait for someone to open it for me and having nobody at home to welcome me. To unlock the door and entering into an empty apartment, which happened to be my habit 8 years back is now almost
a nightmare to me. My life before all these 8 years was about having drinks with friends, raunchy sex, sometimes paid, but, mostly unpaid, then, crashing dead and in the morning getting up taking shower and going off for work. I used to have a bar of soap, shampoo and running water in my Belur apartment; I never used to be bothered about cleaning my dusty apartment; that was life for me. It was like living in a concrete structure and structures are not homes; home involves a lot of feelings, some tidiness, some decoration, some emotions. Now, in that disturbed state of mind, when I start imagining life without him, I felt even more vulnerable, as if I will have a void in my life without him. So, this is a very recent realisation, that my habits are changed, and probably, I will not be able to go back to that lifestyle, as I don't think, I can afford that. That is another kind of vulnerability: what if he walks out of my life. Anyway, he is young and looking at how skin dip our community is, I think Shambhu has a greater demand whereas; my demands are diminishing unless someone wants a sugar daddy.

Anis Da adds: “But, there is vulnerability beyond this: even if I draft a will and leave this property to my partner through a registered deed so that he can enjoy this property during his lifetime or as long as he wishes to; members of my biological family may not like to honour my will, and this may lead to a long judicial battle, and my partner may not be in a position to fight, so, this is another kind of arrangement which makes us vulnerable. Just like this, there are many-many such situations, where we live our daily lives. We are living with these tons of insecurities for all these years, and probably we have got so accustomed with them, that we have become less expectant. So, in terms of understanding violence in my relationships, past and present I think, first there have been instances of inflicting self-harm of the worst sense. This was no doubt, violence for both of us. The second one, is when one becomes extremely whimsical, moody, short-tempered and mis-behaving. Well, thirdly, I have faced exploitation in a very different way in one of my previous relationships. Now, I am 46, and when I was 39, I felt like being exploited as a sugar daddy, that was extremely painful and violent. That time, on one of the days, I had a daylong meeting, and I had to return home at Diamond Harbour on the same evening. At that time, Shambhu was living at Belur, and this guy was staying here in Kolkata. Now, suddenly on that evening this fellow rings me up and asks me, if we could meet. He said that someone had hurt his feelings very bad and he needs my presence and support to calm him down and making. Okay, so, I meet him up that evening despite my busy schedule, and then, I realise that someone committed to meet him up, but later didn’t respond to his calls, which is why he was very upset and needed me to comfort and console him, and this is why he wanted me to cancel my trip back to Diamond Harbour. Well, looking at his young age, I mean he was just a student back then, and on phone it appeared to me that he needed my support; so, I called my mother and informed her that I will not be able to
return home that night because of some urgent work. Now, it was a very long day for me, so after soon I arrived, I went on to the shower; from the shower, I could hear that he is speaking over phone. When I came out of the bathroom, he told me that, the fellow whom he was expecting ranged up and asked him to pay a visit to such and such hotel, and so, while you go your way to Diamond Harbour could you please drop me to that hotel as well. So, then you feel like being taken for granted; and, I have had such experiences in my life.”

Sam narrates his experiences of violence in his relationship with Aparna Di. As he says, “For instance in our relationship, Aparna really likes to dominate. We generally solve it. How I have come to terms with it is I tell myself that physically she was once male. Now she has become a woman, but where will that trait go? Maybe that one trait makes her a dominant character. She has still stuck on to that chauvinist side of her. It is probably in her sub-conscience and she does not realise it herself. I handle this violence in my own way. She is very dominating and keeps controlling me on where I should not go or what I should not do, or she asks me what I want to eat and tells me that she will go and buy the necessities. It is a completely different scenario. She will decide where we will go, with whom we will go or who will come with us. I have no say on these areas and Aparna has completely taken it away. This is how it has been all this while. It is possible that because of this my own sense of existence has not developed. I had a crisis of existence. This means that she can do everything without me. It is a possibility. This kind of domestic violence exists. My sense of independence is very limited. What I want does not hold much importance. What she wants is of maximum importance. I don’t know if you would treat this as violence, maybe it is very minor. Whenever we go out together very strange questions are thrown at us and there are some very weird comments. For instance, they would say that the man is like a woman and the woman is like a man? They were strange concepts. I could not accept these at first which is why I would not go out with her. Slowly everything has been overcome. If you have seen Arpan Banerjee from before, I have heard that the Aparna Banerjee of today is very different. People tell me that after I have come into her life the new Aparna Banerjee has been found. Earlier she was very hot tempered. Now that she has become so beautiful and glamorous. People in our office make this claim. Jassi has been seeing her for many years; since, she was Arpan. He tells me that there has been a big change from Arpan to Aparna, that after I have come into her life she has become so calm, stable and quiet. Some change has been for the better, some for the worse.”

Anis Da says, “as I told you that, sometimes Shambhu is more domineering in this relationship; from my experience, I know that he doesn’t mean anything but, when you are shouted at or when you are threatened; of
course, he has his own ways of threatening me. Generally, in domestic violence what happens that the dominant person causes physical violence to the dominated person; whereas, in our relationship, the dominating person causes physical harm to himself to put the other person in emotional distress. Sometimes, you feel like leaving this relationship; like, if the other person wants to commit suicide, let him commit suicide, as I cannot live everyday under this threat.”

Most of the participants have been through phases of violence in their respective same-sex intimate relationalities. What can the queer do when it experiences violence at the hands of its intimate partners? Obviously, the state and its law do not address this issue positively. The law has a very skewed understanding of a domestic violence—all domestic relationships have to be compulsorily heterosexual; and, the violence can only be directed from the male to the female participant in that relationship. Of course, the queer has no recourse under the law. As Sumita Di narrates her experiences on violence in same-sex relationships: “yes, I have been through violence in my intimate relationships, but, at those points I have never thought of involving the state, because the relationship I was in was a same-sex relationship. Now, I of course did not even think of involving the state, probably because it was a given to me that the state doesn’t recognize same-sex relationships, hence, it was never an option for me to reduce violence. Now, if the same violence was done by my husband, then I think, it was perhaps much easier for me to have thought of going to the Police. I know the law on domestic violence is there in a heterosexual relationship, whether I like it or not. When my husband locks me in a room, the first thing I will do perhaps, if I get a chance to run is to go to the Police, but, if my same-sex partner does the same act with me, then, I would try to fight back with her, or I will cry, or I will get depressed in the pain she caused to me, or maybe, I will think of ways to dump her from my life. I think, these are the things, I thought of doing, when I had experienced violence in my previous same-sex relations.”

Since, all participants do not share an equal plane as that of their partners; and, often there are differences in terms of their experiences, financial abilities, educational qualifications, general approach to life and so on; some participants have narrated their experiences on re-educating/sensitizing their respective intimate partners on matters of violence in intimate circles. As Pawan, who comes from a social-activist background, has been dealing with cases of violence in queer and non-queer intimate-relationships. On the other hand, Prodyut, who is 30 years of age, and is Pawan’s partner; he comes from a very typical natural sciences background, and quite lacks any training and experience on understanding violence in intimate-relationships. So, for Prodyut, it is much likely to normalise violence. Pawan narrates his
experiences of bridging this gap by constant deliberations with his partner. As he says: “Interestingly, parallel to this current relationship, I have been also involved with a lot of cases dealing with ‘consent issues’ (i.e., matters regarding sexual consent; the paradox of yes, no or may be) and I have been discussing quite a few of these cases with him. So, sometimes he has said that, my words are very hurtful and that is violence and I agree with him. On his side, I have found that some of his expectations are hurtful (and I have also pointed it out to him to educate him more on violence) because his perception is that, if he wants something, then, I should also be ready to give that. And if I don’t give it to him then the way he gets upset with it is a little unfair on his part. So, there have been these conversations.”

In this saga of re-educating partners, methods/strategies based on talking, deliberations and exchanges are very vital amongst intimate partners. As most of the participants come from hetero-patriarchal backgrounds in terms of their families, schooling, neighbourhood, et al., it is only obvious that they would keep professing and practicing this value-system in their adult lives; much of which is often reflected in their intimate queer-relationalities as well. The hetero-patriarchal value-system valorises the unity of a social collective (whether that be forms, such as couple-dom or a family, or the community) over the autonomy and agency of the individual (who is party to such collective either by volition or inheritance). This way, much of this value-system normalises various forms of violence in the name of family honour, coverture, or for peace and stability amongst partners. Since, most of the participants share this common background in terms of their initial social training, much of their acts within their intimate queer-relationalities often reveal internalised forms of violence.

It is quite common an element in a hetero-patriarchal upbringing that most of the participants who engage in intimate relationalities (irrespective of whether it is same-sex or cross-sex) do perform the act of “jealousy” (whether subliminally or, consciously) when we see our partner getting along well with anyone or anything. At this instance, Pawan narrates his role in Prodyut’s ongoing passage with acquiring a value-neutral style of love-making and relationship-doing. As Pawan explains: “My thing is that I am touching 50; for nearly 17 years of my life there has been another person in my life. He has been with me as a friend and has always stood with my thick and thin personally, professionally and emotionally. Yes, at one point of time, initially, it began as a one-way relationship which was just romantic but with the time, later it grew as a very strong friendship, and we have been colleagues for long. Now, our relationship has become something, which is always going to be there and my current boyfriend had a problem with this. With this person, it has nothing to do with sex, it is a very deep sweet relationship where I am concerned about the other person, and he is concerned about me. Yes, we
have been intimate in the past, but it has been long time ago but, I feel protective to this person and I want to be protective about him so that he is not in trouble. Now, currently he is not in Calcutta, he is working in a different city. Now, I think, my boyfriend has understood, that there are a couple of relationships that we never forget; you are not with them now, but you can never dismiss them. So, can it happen that we are absolutely just for one person? That never happens! There are different kinds of relationships, and you have to do justice with all of them. Yes, sometimes one gets jealous, but one has to control those feelings. There was much more possessiveness in him than now, and yes, he is evolving. And, I tell him that okay, you are much younger than me, we have a gap of nearly 19 years; so, things are supposed to be happening in your life which I may have already been through; so, I have to also be mentally prepared. As long as the core of our relationship doesn’t change, I also can’t tell you that don’t get into this friendship and don’t get into that friendship.”

2.3.2. Certain Conclusive and Suggestive Remarks-III
There are multiple layers within intimate relationalities in the folds of which polymorphous vulnerabilities operate at different moments and spaces. They come in different forms and sizes, and many times the queer normalises it, by ignoring it. Some participants feel they are vulnerable because of the age-gap; some feel vulnerable because of the supposed lack of openness on matters of sexuality and gender; some feel vulnerable because of lack of sexual-compatibility; some feel vulnerable because of the fear of being left alone. Vulnerabilities within intimate relationalities may take the shape of violence.

Violence operates in numerous ways within intimate partners—sometimes it is joint, sometimes not. Violence can also occur through other constituent individuals involved in the intimate relationship—like parents, or children, or friends. Violence has multiple forms—sometimes it changes its quality and degree depending on temporal and spacial conditionalities. It is very natural that most of us in queer intimate relationalities normalise violence—sometimes, learn to ignore it—and sometimes, this way, it becomes a part of our routine dealings and habits, and, we very subliminally start internalising it.

Some partners feel themselves alienated because of lack of attention by the other partner. In some cases, one partner feels dominated and controlled always by the choices of the other partner. In many cases, violence operates in subtle ways instead being direct and face to face. For example, when one partner threatens through acts of self-inflicting bodily, or psychological harm on one’s own self—which, in turn causes emotional distress in the other partner. Sometimes, one of the intimate partners threatens to commit suicide—and thus, causes violence onto the other.
Since, all participants do not share an equal plane as that of their partners; and, often there are differences in terms of their experiences, financial abilities, educational qualifications, general approach to life and so on; some participants have narrated their experiences on re-educating/sensitizing their respective intimate partners on matters of violence in intimate circles.

The question is: what can the queer do when it experiences violence at the hands of its intimate relationships? Obviously, the state and its law do not address this issue positively. The law has a very skewed understanding of a domestic violence—all domestic relationships have to be compulsorily heterosexual, and the violence can only be directed from the male to the female participant in that relationship. Of course, the queer has no recourse under the law.

Now, because of lack of state and social support, it is mostly found that the queer tries to cope up with the ongoing and after-effects of violence either on its own or through speaking and sharing up within its closed/queer circle of friends. Many of them are otherwise found to be in clinics and hospitals to meet counsellors.

3. On the Methods of engaging with the Law: Studying the Contract-cum-Status Model for Regulating Queer Intimate Relationalities

Over a period of the last three decades, mainly the Western academia has fiercely discussed the various alternative models to regulate intimate relationalities/families through different forms of legal engagements. Most of them take marriage as the reference point to put forth their suggestive models. Many have argued in favour of extending the marriage rights to the same-sex couples. While many have argued that the state should not lose control over the institution of marriage, by restricting it to heterosexual couples only. Some arguments assert that only a particular rights and privileges which are currently endowed over the married couples should be

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extended to cohabiting couples.\textsuperscript{501} as well as, to a variety of other relationships.\textsuperscript{502} Despite all these pro-marriage assertions, there are some very strong arguments put forth to delegitimize the state’s stakes and interests in any kind of adult relationships, including marriage—these voices call for an absolute withdrawal of the state from sanctioning marriage and other intimate relationships.\textsuperscript{503} There are also some who agree that the state should support marriage disagree about the amount of financial, legal or social support that it should extend.\textsuperscript{504} Finally, there are arguments that these all models merely consider certain collective-goods that any legal model for regulating intimate relations can provide; and therefore, the ultimate legal model that could be adopted is only possible by understanding the worth of collective-goods that it entails.\textsuperscript{505}

This section discusses the various possibilities of engaging with the law—with the object of positively transforming the queer’s experiences of doing its relationalities. It mainly draws upon the ‘status model’ and the ‘contract model’ of legal regulation of intimate relationalities to suggest that a carefully engineered amalgamation of both these models works best in the interests of the queer.

The heteronormative powers of the socio-legal assemblage have already designed the monolithic ‘one size fits all’ model of ‘kinship and marriage’ to do human relationalities. This way, under this hegemonic state-enforced social regime, “we the people” are left with no choice but to marry if one


\textsuperscript{505} See Maxine Eichner, “Marriage and the Elephant: The Liberal Democratic State’s Regulation of Intimate Relationships between Adults” 30 Harvard Journal of Law & Gender (2007) 25. Personally, let me thank Prof. Maxine Eichner for her intellectual labour with which she has provided with an extensive bibliography of the various legal models that are discussed in the American academia meant for regulating intimate relationships. I have included a few selected contributions from her otherwise detailed bibliography for this project, while adding a few authorities on my own.
wants to legally do a family of its own. But, for all those of us who are interested in exercising our own choice and participate in the act of making our own kind of families, it is hard to get our free thoughts bound by the rubrics of the biological and marital family.

Following the discussion below and reading it in the light of all other parts of the thesis, this section argues for the following broad suggestions:

i. In order to treat the queer relationalities/families as per the constitutional commitment:
   a. The law must withdraw from its current role of normalising/enforcing heteronormative relationships/families through the social institutions of marriage and kinship;
   b. The law must respect the freedom of all individuals to form the chosen relationalities/families of their own choice;

ii. In order to facilitate this freedom of choice the law must respect if any individual\(^{506}\) wants to legally enforce its chosen relationalities through freely agreed terms of a valid contract with other individual(s) of its choice;

iii. In order to actualise law's formal commitment to withdraw its role/participation in the monolithic enforcement of heteronormativity (as is suggested), the law must open-up all the privileges/exemptions/benefits/protections that it endows upon the heteronormative/marital family (and, the individuals associated with it) to the newly contracted relationalities (and the individuals associated therein) as well.

The suggestion “i” is theorised upon two distinct bases: first, the empirical basis, which is based upon the queer narratives that depict the negative impact and, vulnerabilities experienced by the queer to its individual and relational well-being because of the heteronormative socio-legal structures of family, marriage and kinship;\(^{507}\) and, second, is the theoretical basis which is based upon constitutional argumentation.\(^{508}\) This way, the suggestion “i” is most foundational upon which the rest of the suggestions lay themselves. The suggestions “ii” and “iii” also are theorised under two levels: the first level of theorisation, discusses the operational/schematic basis of these suggestions;\(^{509}\) and, the second level of theorisation is based upon constitutional arguments that justify these suggestions.\(^{510}\)

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\(^{506}\) Of course, “individual” signifies an adult, here and, at all other places in this section.

\(^{507}\) This is discussed thoroughly under the previous and this current Chapter.

\(^{508}\) This is discussed in the next Chapter.

\(^{509}\) This is mainly dealt under this section.

\(^{510}\) This is discussed in the next Chapter.
In an all, the suggestions “ii” and “iii” mainly entail that, if human relationalities/families are to be legally regulated then, they become a space of conflicting and balancing public/state and private/individual interests. In jurisprudential terms, the public/state interest is symbolised by ‘status’; and, the private/individual interests are symbolised by “contract.”

The discussions held under this section (and in the next Chapter) would suggest that, a carefully engineered amalgamation of the “status and contractual interests” suit best for legally regulating/facilitating the queer relationalities under the contemporaneous constitutional regime of India. This is further tangentially-discussed in the light of a comparative chart presented in the Annexure V of this thesis—which provides a categorical description of which foreign jurisdictions follow the marriage model, and which follow the Civil Union/Domestic Partnership Model.

In liberal legal structures (especially, ones under constitutional frames) the rights and duties of the individual are identified through a combination of two signifying markers—the status, and the contract. Unlike, the primitive societies, wherein the individual was marked by its status—or, even, unlike the classical liberal theorisations of the social contract, wherein, the individual’s rights and duties are formally understood to be marked by contract. This would mean that under a constitutional framework of state-individual relationship the positionality of either of them is at times defined by contract and, on the other times by the power of status—which signifies a shifting positionality—none is permanently marked by either.

In Sir Henry Maine’s classic theorisation about the progress in modern societies in his book Ancient Law, he associates ‘contract’ as a defining instrument of the modern society’s state-individual relationship, wherein, the individual’s positionality before the state is not prefixed by certain given cultures of governance; rather, they are negotiated through the freedom reflected by the legal instrument of contract. For Maine, therefore:

“The word Status may be usefully employed to construct a formula expressing the law of progress thus indicated, which, whatever be its value, seems to me to be sufficiently ascertained. All the forms of Status taken notice of in the Law of Persons were derived from, and to some extent are still coloured by, the powers and privileges anciently residing in the Family. If then we employ Status, agreeably with the usage of

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the best writers, to signify these personal conditions only, and avoid applying the term to such conditions as are the immediate or remote result of agreement, we may say that the movement of the progressive societies has hitherto been a movement from Status to Contract."

So, under Maine’s dicta, a ‘contract’ signifies movement of progressive societies; whereas ‘status’ signifies fixity (lack of movement) in societies, or causing lack of progressive movement of the collective. This way, ‘contract’ is associated with signs of progress and movement; and, ‘status’ is associated with signs of un-progress and immobility. Perhaps Maine has his own very strong reasoning to put this co-relationship between the ‘contract as a legal instrument’ and the ‘freedom of the individual’—as this way, a contract gives an individual the legal opportunity to freely agree to certain terms and conditions of its living, or to refuse so therein. Thinking in this way, a contract can be considered as a vehicle to attain autonomy for the individual as it gives it the power to choose or to refuse to choose; whereas, status on the other hand symbolises certain imposed conditions of living by the structures of the dominant discourse, where the individual lacks the autonomy to choose. So, for Maine, contract is a sign of mobility of freedom and collective progress; and, status carries the unwanted burden of fixity resulting into collective regression.

In our existing socio-legal structures, for any individual to engage into intimate relationalities or form a family, the only possible route is to follow the conventional heteronormative norms of kinship and marriage—which are enforced unilaterally and vertically by the powers of the state and the social. And, once the individual gets married, the socio-legal norms deploy certain specific/inalterable rights and duties over the married individual—law of coverture treats the spouse-ship or, the marital unit as one legal entity. This way, marriage acts like a status wherein, the individuals performing in such marriage do not have the freedom to contract the terms and conditions of their marital relationship at their own free will—as the state has a default web of marital norms which are unilaterally burdened on anyone agreeing to marry.

The examples of marriage being a status can be numerous—obligation to remain monogamous, obligation not to pursue any kind of sexual pleasure other than penal-vaginal intercourse (even under a state of mutual agreement), gendered obligations to maintain each other, obligation to

remain emotionally faithful, etc. The state is so obsessive over the marital family that it doesn’t even allow them to dissolve their marriage at their own free will—as to exercise a mutual divorce the spouses have to involve the state anyway, even if the spouses are legally eligible to apply for one. Marriage is also a form of status because, it is the state that decides on the quality and quantity of sanction (punishment) which is to be imposed in case a spouse is found to be violating these inviolable obligations—which means, that the parties to the marriage are again not at free will to discuss and mutually decide the terms of such sanctions; or, whether or not they even want to impose such sanctions. For example, if the state gets to know that the husband and wife enjoy non-penal-vaginal forms of sexual pleasures (even under terms of mutual consent)—technically, nothing stops the power of state machinery to enter one’s marital space, as having indulged in such forms of pleasures stands out as a criminal act. This way, marriage in its current legal form is purely a form of status (as, it lacks the freedom that parties to a contract enjoy).

Now, if Maine’s disposition is correct, then marriage as a status is a signifier of personal immobility, and collective-regression, as it comes with a certain invariable set of rights and obligations, enforced by the law. Again, if Maine is correct in his dictum, then certainly ‘contract’ stands as the logical opposite of ‘status’—which means, that, if this project has to think of alternative models of regulating intimate-relationships/families, going beyond the ‘status model’—then, the only logical option should be the ‘contract model’ of regulation; at least, as per Maine’s thesis. Let’s discuss then the arguments that favour replacement of the status model with that of the contract model. But, while doing so, let us also see the problems with the contract model and, the need for an amalgamation of a contract-cum-status model.

3.1. Contract-cum-Status Model to Regulate Intimate Relationalities
The postmodern, deconstructionist basis of the queer politics lays the premises of social constructionism: it interprets the outcome of social construction as a structure produced and organised by power, which should therefore be deconstructed and de-structured ('un-do', according to Butler). In order to un-do the structures, un-do the constructs that have historically regulated intimate relationalities, the politics of law has to immanently look beyond all kinds of imposition-ist, biased, monolithic, structures—heteronormative kinship based on marriage and blood. Then, if


the thinking of the law could be filtered through the meshes of queer politics—the politics of intimate relationalities must be fair, objective and pluralistic—it must then place the control (autonomy) with the individual, instead of letting the individual controlled by the structures of heteronormativity. This way, the freedom to form, sustain and break relationalities must be governed by private interests of the individuals involved in the doing of such relationalities—instead of being run by the power of public interests, that are mostly extrinsic to intimate relationalities. In short, the queer politics doesn’t allow the state to have (an easy, or any) access to my private life, to my individual decision-making and, choices exercised in my private domain. If this is so, then, to my mind, in the episteme of liberal legal theory, no regulative-model suits best to the interests of queer, other than the contract-based model.

As it is only the liberal legal instrument of a contract that places the control of regulation of an intimate-relationship over to the individuals themselves—instead of authoritatively dictating the intending parties (to such intimate relationship) the state’s expectations—viz., whom to marry, what should be the sex of your intimate partner, how many intimate partners one must have at a point of time, what kind of sex can you indulge in, what legal rights one must have when the husband rapes you, or what should you do when your reproductive life is not for you to control or, whether you should work or raise children and take care of your husband’s family or, when and how should you dissolve your own relationship, et.al. This way, the contract empowers the individuals to decide upon the terms and conditions of their own relationalities—when to form them (if at all to form them), how to run them, and when and how to break them. The contract thus, saves the individual from a permissive regime of state’s control over the time and manner of dissolution of one’s relationship, the manner of distribution of jointly invested/bought properties. This way, the contract lets the individuals negotiate upon the legal consequences in cases of breach of such contractual terms. The power of contract also empowers the individual to bestow over persons of its choice with crucial decisions vital to the wellbeing of one’s self—viz., the power to take medical decisions when one’s partner/friend is in an incapacitated state, as opposed to the default-exclusive powers of one’s biological kin. Contracts also empower the individual to divest its own property at its own pleasure through the instrument of wills, as opposed to the default kinship-based model of inheritance. Contract lets the parties choose modes and terms of investing one’s finances; instead of dictating them—who could be the nominee to one’s insurance, bank accounts, or gold schemes, or who could be a co-applicant in a joint home loan. Contract allows the parties to decide upon the terms of giving and receiving care or, distribution of financial assets within one’s own relationships; instead of being dictated to follow a gendered scheme of care,
or to expect the wife to relocate herself every time the husband changes/loses his job.

As Charles Fried, argues that the element of promise in a contract acts as a strong force in the law, both as a moral and as a legal principle, “by which persons may impose on themselves obligations where none existed before.” He posits that contract law has a distinct intellectual integrity of its own, based on a modified form of the classical theory. Damages were awarded on the basis of the mutually agreed terms between the parties as articulated in the contract—the courts never imposed anything in the name of public interest. This way, the individual was free to form, sustain and break relationalities legally through the instrument of contract. The law of contract was built around the concept of freedom of contract.

Hence, it is only the legal instrument of ‘contract’ that could save the individuals from the atrociousness of patriarchy, and heteronormativity of marriage, provided the individual opts for a contract instead of marriage. Okay, so far so good! But, why should an individual opt for the contract as a vehicle to do its intimate relationalities/family—when the Indian state endows over 85 different varieties of legal privileges/exemptions/protections exclusively over the marital family? And, this exclusive state-support to the marital relationship/family is in addition to the social privileges that marriage already begets—the normalising character of marriage.

Under the current regime of Indian family jurisprudence, there are multiple material-benefits of marriage, all legally, politically, economically, and socially valorising/enriching the marital family, at the exclusion of all forms of non-marital relationships/families. This unilateral and exclusive privileging of marriage provides it with a normalising status in the mind-set and operation of the legal system.

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516 The classical conception of contract arrives with the industrial revolution in the eighteenth and nineteenth century and acted as an important tool of the laissez faire economy of liberal market in the enlightenment era. This view, now often referred to as the ‘bargain’ or ‘will’ theory of contract, reflected the social and political theories of the times. See P. S. Atiyah, An Introduction to the Law of Contract 1 (Oxford-Clarendon, 3d Ed. 1981).
517 See Id. “Influenced by natural law, the judges of the Nineteenth Century held that the autonomy of the individual was supreme: people had a right to make contracts for themselves, and the law interfered with their contracts as little as possible. The law was there not to regulate the power of contracting nor to interfere with the terms of agreements, but simply to offer a forum for dispute resolution when a party did not comply with the contract.”
519 See the Appendix IV for a non-exhaustive (but, basic) list of legal rights that the state exclusively endows over onto a marital relationship/family.
of the state, and its subjects; which over a period of generations has acquired the state of a monolithic-naturalised order of human life—socially, politically and economically. Now, if the queer agenda has to succeed through the vehicle of contract—the question that logically appears is: how to then denude marriage of this (acquired/constructed) virtual status of normalcy and naturality?

The logical-most response to this question, then is that: (1) the law must withdraw from its current role of normalising/enforcing heteronormative relationships/families through the social institutions of marriage and kinship; and, (2) in order to actualise law's formal commitment to withdraw its role/participation in the monolithic enforcement of heteronormativity (as is suggested), the law must open-up all the privileges/exemptions/benefits/protections that it endows upon the heteronormative/marital family (and the individuals associated with it) to the newly contracted relationalities (and the individuals associated therein) as well.

As shown in the Appendix IV, the state exclusively invests through a lot of legal rights endowed over the marital family—looking at the nature of these rights, one could see that such rights are in the nature of secular civic benefits viz., (1) Legal Capability to make joint Financial Investments through Banking, Insurance, Securities Market, etc.; (2) Crucial Life-saving decisions such as the right to give surrogate Medical Consent on behalf of an incapacitated partner; (3) Right to parenting children through modes of adoption and surrogacy; (4) right of a non-Indian spouse to acquire Indian citizenship on the grounds of spouse-ship; (5) rights to claim compensation or other forms of monetary benefits(e.g., pension, gratuity, allowances, etc.) as members of a marital/heterosexual family or kinship; (6) political right to get recognised as a spouse and thus, getting exclusive legal immunities/privileges (e.g., diplomatic immunity, ; (7) Protection against Domestic Violence; (8) Property Rights such as inheritance, or getting nominated to one’s investments; (9) Geriatric Security in forms such as pensions, easy loans, etc.; (10) Maintenance Rights; (11) Rights on matters of Organ Transplantation; (12) Civic protection to the Marital Family in cases of Forfeiture of Property; (13) Tax Benefits; and (14) Trail Benefits before a court.

Now, if contract as an alternative legal model for the regulation of intimate relationalities has to politically succeed, then the law has to extend all the same civic benefits that it usually extends to the marital family/relationships to the contractual family/relationalities, as well. It is therefore, that the queer must agitate for its right to equal opportunities before the law and, for equal protection of the laws—the right to substantive equality. Logically speaking,
one of the main reasons, why marriage sells is because marriage comes with a bundle of exclusive legal rights—now, if the same legal rights are extended to all individuals irrespective of their marital status, then surely, marriage loses its snobbish elitism.

The existing regime of family jurisprudence only allows one to either marry or not to marry—it doesn’t respect the individual’s will; what if that person always wanted to form a family but without getting through the marriage-route. This way, the current schema of family jurisprudence doesn’t tell the individual: “what to do, if you don’t or, can’t marry?” This makes our family jurisprudence monolithically singular, unidirectional, un-participatory, vertical, imposing, choice-less, and, of course, patriarchal and heteronormative.

This way, if a contract-based model of legal regulation of intimate relationalities is allowed to exist substantially (not just formally) side-by-side with the socio-legal institution of marriage—then, the individual is automatically empowered with a variety of choices, such as: (1) whether or not to marry; or (2) whether or not to enter in a contract, or (3) if not to enter in a contract, then maybe marry, or (4) if not to marry, then maybe enter in contract or, (5) not to opt for either. A parallel legal regime of having both, marriage and, contract thus, enables intending parties with choices—thus, making the family jurisprudence a field that is pluralistic, multi-directional, participatory, horizontal, autonomous, choiceful and, of course, lacking in patriarchy and heteronormativity.

At the same time, this proposed parallel legal regime of marriage and contract would hopefully led to the denuding of marriage of its normalising character, which in turn would render marriage powerless, or at best, equally powerful as that of contract. This way, family jurisprudence would be able to accommodate both marriage and contract to exist as equally-functional vehicles to do relationalities/family—this would logically lead to the creation of a substantive balance of powers—creating a sense of juristic harmony, instead of compelling people to live under a totalitarian regime full of disquiet and discrimination.

But, why should the state take a break from its project of heteronormativity? Perhaps, the queer narratives (as discussed in the previous and in this Chapter) along with the other jurisprudential discussion answers this ‘why question’. But, over here, let me also add on two more jurisprudential perspectives to further strengthen the response to this “why question”. For this, I will firstly go through the arguments put forth by Martha Albertson Fineman and Michael Warner to explain the need for a contractual model.520

520 Supra note 503.
Then, I discuss the shortfalls of a purely contract-form of model and, the need of status, in a limited sense.

Fineman in her book, *The Autonomy Myth*\(^{521}\) puts forth her ideas on why should the state pull out of marriage—wherein, her main argument has been that the state of complete autonomy for anyone is impossible to achieve, for in the contemporary society, we all live under a web of structures that provides at least a little for everyone’s needs.\(^{522}\) Based on this argument, she contends that the current public policy of extending thousands of state supports for the marital family (at the cost of all other forms of non-marital relationships) is thoroughly misguided. She sees the public policy to extend state support for marital family to be formally guided by the principle of strengthening the ‘family’ as the basic social unit that is seen by the state to be the only space where the nurture and care of the children and others can likewise happen at its best possible level. For her therefore, the state has a legitimate interest to enter into such families which has a role in caretaking of children and other vulnerable persons, such as disabled, aged persons, etc. But, this legitimate role of the state shouldn’t translate beyond such relationships; as, according to her, the state has no legitimate business in furthering the relationships between capable adults; and, therefore, it should abandon civil marriage as an institution.\(^{523}\) Instead, she proposes legal relationships between capable adults should be enforceable by the private contracts negotiated with free consent.

The Appendix IV shows a list of 85 state’s benefits (in various forms such as privileges/exemptions, etc.) that the marital family enjoys legally as a matter of right. By what authority can the state divest its resources to only one kind of ideology-oriented thought of family-making? This biased treatment of the state in favour of the heteronormative family shows the deep commitment of the state for a certain form of social unit, which is kept alive at the cost of all other forms of socialisation.

Her contention therefore is that, the state should keep investing the same public money in the form of its support to any relationship based on its functions of caretaking, instead of just being on the type of family, i.e., the marital family, irrespective of, in whatever relationships these functions take place. For her, as long as the state’s role is contained within supporting all


\(^{522}\) Id at 15.

\(^{523}\) Id. at xix. To quote Fineman herself: “Why create policies based on a seriously weakened family affiliation-the marital couple-when it is really caretaking that we as a society should want to ensure? Society has a responsibility to adjust to these changing patterns of behaviour by guaranteeing that the emerging family forms are supported in performing the tasks we would have them assume.”
forms of functionally caretaking relationships, areas in which the state has a legitimate interest in supporting, such of the state’s role should be acceptable. As she says:

"It is time to build our family policy around these emerging norms, to focus not on form but on the function we want families to perform ... arguing that the focus needs to shift away from the historic, symbolic form of the marital relationship and towards the role or function that the institution of the family is seeking to serve in society."\(^{524}\)

It is therefore, Fineman argues that the pursuit of autonomy should be abandoned, and the state must ensure that human needs are humanely and justly met for all citizens, not just for those who live in families.\(^{525}\) As she wants to break the state’s exclusive facilitation of marital families, her idea is that, if the state withdraws from providing these public facilities to anyone who gets married, automatically the institution of marriage will be reduced to a mere social/religious institution, without any legal consequences.

Michael Warner almost half a decade before Fineman brings forth his arguments to favour the autonomy of the individuals to form, sustain and break intimate relationalities in his book *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*.\(^{526}\) Warner in his thesis calls for the abolition of civil marriages, on the grounds of liberal constitutional values such as liberty, equality and absence of state’s role in the private lives. Warner argues that marriage is the means through which the state has historically sought to privilege and promote a particular, monogamous model of heterosexual sexuality, and to stigmatize all other models as morally tainted.\(^{527}\) Warner argues against the ethics of state’s enforcement of marriage over all the polity as something natural and normal, he says:

"This kind of social engineering is questionable. It brings the machinery of administration to bear on the realm of pleasures and intimate relations, aiming to stifle variety among ways of living. It authorizes the state to make one form of *life-already normative*- even more privileged. The state’s administrative penetration into contemporary life may have numbed us to the deep coerciveness in this way of thinking. We take it for granted. Yet it is blind majoritarianism, armed not only with an

\(^{524}\) Id. at 67 and 68.
\(^{525}\) Id. at 199, 285.
\(^{527}\) Id. at 123.
impressive battery of prohibitions and punishments, but with an equally impressive battery of economistic incentives and disincentives, all designed to manipulate not just the economic choices of the populace, but people’s substantive and normative vision of the good life.\textsuperscript{528}

Warner’s thesis is a reminder to the queer of its history of fight against the regime of shamefulness erected by the normative power of the state and the social. He says that the structures of the normative have tried at each moment to inculcate the feeling of shame—it’s time that the queer politics stands to vindicate all forms of sex, pleasures and desires and stop demanding for equal marriage rights. As he argues:

“Shouldn’t it be possible to allow everyone sexual autonomy, in a way consistent with everyone else’s sexual autonomy? As simple as this ethical principle sounds, we have not come close to putting it into practice. ... Sex is understood to be as various as the people who have it. It is not required to be tidy, normal, uniform, or authorized by the government. This kind of culture is often denounced as relativist, self-indulgent, or merely libertine. In fact, it has its own norms, its own way of keeping people in line.... A relation to others, in these contexts, begins in an acknowledgement of all that is most abject and least reputable in oneself. Shame is bedrock. Queers can be abusive, insulting, and vile toward one another, but because abjection is understood to be the shared condition, they also know how to communicate through such camaraderie a moving and unexpected form of generosity.... The rule is: Get over yourself. Put a wig on before you judge. And the corollary is that you stand to learn most from the people you think are beneath you. At its best, this ethic cuts against every form of hierarchy you could bring into the room ....\textsuperscript{529}

Now, to my mind Fineman and Warner make some phenomenal arguments in favour of defending the autonomy of all adults under their respective theses—adults must be able to exercise the freedom of forming, sustaining and breaking adult-to-adult relationalities through the legal instrument of privately entered contracts (which is Fineman’s thesis), in which the state should not have any say or role. Having said that, I have some of the serious problems with a “purely contractual model”, mainly based on my reading of the participant’s experiences; as, they are discussed below:

\textsuperscript{528} Id. at 112.  
\textsuperscript{529} Id. at 1, 35.
i. To my mind, the contractual nature of adult relationships is much needed to save the autonomy of the individual, as it strengthens the individual, as against normative structures of the family/marriage/kinship. But, even then, there are instances wherein, the individual’s interests are to be protected within these contractual relationships; and, for which a certain degree of state’s support cannot be denied; and, in all such instances the state, in my mind has a legitimate interest to intervene, even if such relationships are contractually arranged—this is the public interest in a private relationship, which is an inalienable principle of our contemporary contract laws. As the queer experiences narrate instances of violence (and, vulnerabilities produced, thereof) within intimate queer relationships—should the state not be interested in the individual’s safety, health and dignity? If that was the case, then, spousal acts of marital rapes or domestic violence must also be justified by the same analogy of the public/private divide.

ii. Since, any contractual relationship, is based upon the principle of formal equality of the parties; even if, in reality there are marked differences between the parties on the grounds of intersectional markers such as sex, gender, educational difference, class, age, etc. Owing to such reality-based differences, it is possible that one of the parties in the intimate-relationship contract is more powerful than the other—which could very well violate the principle of free-consent (which is an inalienable component of any contract). For example, if it could be established that one of the parties was in a dominant position sufficient enough to have influenced the free consent of the other party, then such contracts are void. Contracts also presume that both the parties are free enough to bargain and negotiate the terms of their contractual order—in such, instances, does the state not have a legitimate interest in protecting the interests of the weaker party over that of the stronger? In short, all contractual relationships are enforced by a certain legal procedure which involves the machinery of the state and its apparatuses such as the courts, police, or advocates, etc.—in such inevitable situations, can any contract be enforced without involving the state? If not, then a complete withdrawal of the state from privately negotiated contractual relationships doesn’t seem likely to happen.

iii. Since, many contractual relationalities may have vulnerable individuals like children, aged persons (mostly parents), or/and disabled persons in its domain of operation—how could the state not have a legitimate interest in protecting the interests of such weaker/vulnerable individuals who are also a part of/have a stake in (or, are likely to be affected by) the health and well-being of a contractual relationship. In such instances, how can the state’s role be denied in a contractual
relationship? Where could such affected vulnerable parties go to seek protection, if their health, life, dignity is at risk being under a contractual regime?

With these concerns, it is clear that a ‘completely contractual’ model of regulating intimate relationalities is not a good idea, as there are spaces where, the state has a legitimate interest in the larger public good. Therefore, to my mind, the intimate relationships need a balance of public-private interests—the question is how can that be theorised? With one of the very few first academic interventions on this issue, comes the writing by Gregg Temple in his article titled *Freedom of Contract and Intimate Relationships* which directs this query in a twofold rubric: (1) if there is public interest in a contractual relationship, it must be defined; and, (2) it must be determined whether contractual ordering is the best method to realise the public interest.

To my mind, a contractual ordering is a quintessential component to ensure the freedom of choice (self-determination) of the individual, and its further protection against the state’s impositional regime of heteronormative values and institutions. But, having said that the above discussion also informs us of certain typical situations wherein, the state’s intervention in a privately ordered contractual relationship becomes almost inevitable. This way, as important is the freedom of contract of the individual, at the same time, the interests of the state under certain situations (howsoever rare) seems to be equally important for any regulation-model to be concerned about intimate relationalities. This brings us to the arena of public policy—its domain, and role in freedom of contract.

The discussion therefore is thus, about understanding the soundness and deficiencies of the ‘contract’ and ‘status’ model—as legal modes of regulating intimate relationalities. This takes us back to Maine’s thesis and its critiques. Wolfgang G. Friedmann raises certain doubts and critiques on Maine’s thesis of relating ‘status’ with that of un-freedom or immobility. As he writes:

“There appears, however, to be agreement among contemporary interpreters of the concept that the core of status lies in two aspects: first, the aggregate of a person's capacities and incapacities, as determined by that person's membership of a class or group in society; second, the sum of legal

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530 Supra note 518.
conditions imposed by the operation of law, as distinct from rights and duties acquired by the voluntary act of a person. It is a combination of these two elements, the sum of capacities and incapacities arising from group membership, and the imposition of these conditions by compulsion rather than choice that is at the heart of the most famous and politically important treatment of status, by Sir Henry Maine.” (emphasis mine)532

But, what did Maine mean when he related status with fixity or regression? At the heart of Maine’s thesis is his political realisation that for centuries the individual has been made to operate under the compulsion of the law that has severely affected the individual’s autonomy—its power to choose its own fate—self-determination. Friedmann invokes Roscoe Pound’s analysis to explain this relationship. As Pound argues:

"At bottom Maine’s theory is Hegelian. The idea which is realizing is liberty-free individual self-assertion. The way in which it is realizing is a progress from status to contract. It is a progress away from legal institutions and legal rules and legal doctrines in which one's legally recognized claims and legally enforced duties flow from a condition in which he is put or in which he finds himself without reference to his will and of which he cannot divest himself by any manifestation of his will. It is a progress toward legal institutions and rules and doctrines in which legally recognized claims flow from personality, from being a conscious free-willing human individual, and legally enforceable duties with respect to others are consequences of willed action, either in assuming the duties by some legally recognized form of undertaking or by willed culpable action or by willed action culpably carried on.”533

Status is not necessarily a bad thing always, in all generations (as it otherwise appears from Maine’s comparative thesis). Status has a particular place in the episteme of public laws—as historically the liberal welfare state has facilitated the individuals various civil benefits like education, healthcare, insurance, pension, various forms of affirmative action, etc.534 For example, take the case of the Protection of Women from Domestic Violence Act,

532 Id. at 222.
534 Supra note 531 at 227. As Friedmann invokes Pound to reinforce this point: “conception of status, which, of course, includes, but is not limited to the restrictions put by public law upon freedom of contract, enables us to use it as a helpful and illuminating notion in the wider context of "social engineering," the clash and adjustment between public and private interests that is at the core of every modern legal system.”.
2005—this legislation enables the ‘woman’ located in domestic spaces to get the protection of the law against acts of violence committed on her by the members of her domestic commune. Now, being a ‘woman’ here attaches a certain privileging to the individual under the law—is then, being a woman, not a form of status? If so, is it a bad thing? This way, status is not as notorious as it sounds after reading Maine’s thesis, i.e., it is not necessarily always a sign of un-progress or disempowerment, or collective regression. Similar examples can be seen with respect to the status-hood of the children under the Protection of Children from Sexual Offences Act, 2012, and the Juvenile Justice (Care and Protection of Children) Act, 2015. Such legislative status-hood of the individual (in this example, children) is then, a carrier of substantive equality of the children vis-à-vis the adults. Taking it this way, ‘status’ can prove to be a useful tool in its wider operation of social engineering—as the clash and adjustment between public and private interests is at the core of every modern legal system.\footnote{Id. at 227. Here, Friedman says “Together with this wider and more flexible notion of status must go a relativization of its relation to persons, groups or classes in society.”}

As discussed above, status can thus, be a signifier of legal privilege, a substantive legal protection, of a certain class of individuals, like the children, old persons, or disabled persons, \textit{et. al.}—who are otherwise considered to be vulnerable in certain relationships, spaces and times—whether public or private. At the same time, a person who is marked by a certain status in certain given situations, times, spaces or under certain relationalities—is also not marked by that status permanently—this way, statuses could be temporal, or spacial or relational. For example, if a person enters into a labour contract with an industrialist—that person because of his act of contract gets marked with a protected legal status such as that of a labour who is now supposed to be protected under a scheme of welfare legislations such as the Minimum Wages Act, 1948, or the Factories Act, 1948, etc. Now, when this person buys consumer goods from the market—he newly acquires the status of a consumer now—under the provisions of the Consumer Protection Act, 1986. At the same time, he may have his other general all-time statuses such as that based upon his sex, or nationality, citizenship, or caste, etc. This example, shows us that, a person may be marked by certain legally imposed statuses by virtue of an operation of a public law but, at the same time, that person’s private freedom of entering into contractual relations is also not suppressed/restricted—also that, a person is not permanently marked by any particular status forever (except certain specific statuses such as that based upon race, nationality, sex, or caste, etc., as discussed above). This way, there is nothing called as a permanent status which is absolute: every legal subject has a multiplicity of legal relations and status restrictions. This way, in our contemporary society, “status is a many-sided thing that the interrelations of private freedom and public regulation are infinite and
complex, that no individual or group in modern society is either ‘free’ or ‘status bound’.

What is the take away from all these discussions on the epistemology of status—to my mind, all this valuable discussion describes to us, the duality of an individual’s power and status under the law: one’s private interest expressed through the freedom to enter contractual regulations are to an extent subject to public interest as well—and, the law imposes its supposed understanding of ‘public interest’ over the otherwise free parties to a contract. Remember the labour-industrialist contract discussed above—both parties (labour and the industrialist) although, are free to legally execute a contract on mutually bargainable terms; but, since, the law presumes the labour to be in a relatively vulnerable position in such contacts—the law imposes over the parties that the statutory wages are duly promised to be paid under the terms of the contract. This way, the parties are in a state of duality—on the one hand, they are free to enter into a contract; but, at the same time, they are also bound by certain impositional standards fixed by the law (keeping in mind the larger cause of the public interest and the constitutional duties of a state to protect the weak against the strong). In Kantian terms, then law is the aggregate of conditions under which the freedom of each can exist with the freedom of everyone else.

So, then how is this proposed legal model of contract-cum-status supposed to regulate intimate relationalities within our contemporary legal order? With the discussions held above, it is necessary, however, that the private-public interests in intimate relationships be balanced in this proposed model. Perhaps, to address this much-needed necessity of private-public balance of interests—we need to look at the evolution of contract law in other fields of legal regulation, e.g., law of insurance contracts, law of market competition, law of transfer of property—as each one of these regulative frameworks use the freedom of contract as a regular principle but, also provide for a balancing of public-private interests through their respective contract regimes. As Clyde Summers provides:

“Each of these categories has its own identity, for each has its own body of rules shaped by the special economic, social, institutional, and legal conditions surrounding the type of transaction with which it is concerned. If the "law of contracts" is to be conceived as encompassing all contractual transactions, it must not be conceptualized as a single body of law but as a family of bodies of law, interrelated but each

536 Id. at 228.
distinctive. The study of contract law then becomes a study of comparative law.\textsuperscript{538}

This way, Summer's analysis serves a dual function. First, it precludes generalizations from the trend away from freedom of contract. More importantly, it suggests the desirability of a jurisprudence of intimate relationship contracts based on the principles of a general contract law, but incorporating special economic, social, institutional, and legal conditions.\textsuperscript{539}

To my mind, the public and private interests in intimate relationalities can also be well balanced under the existing Contract Jurisprudence that is practiced in India through the Indian Contract Act, 1872 (ICA), its precedents, the common law and other related/associated laws, provided certain grey areas are sorted out. The following discussion provides for an illustrative schema that uses the principles of contract law to justify the working of this proposed parallel model for regulating intimate relationalities. This following discussion theorises the possibilities of a proposed legal regulation of intimate relationalities under the ICA; and, in the process it also attempts to underscore the underlying ambiguities and vacuums in the language of the said Act that are nonetheless problematic to the nature of such proposed/potential contractual-relations/possibilities.

The principle of bargaining is important to contracts entered in intimate relationalities because an early identification of problems that might arise in the course of the relationship can help intending partners to resolve them before they grow into more serious issues.\textsuperscript{540} Currently, the socio-legal regime of marriage, is mostly considered as an arranged inter-familial alliance—which hardly provides much substantive opportunities for the intending spouses to know each other, forget about living with each other and discovering their positive and negative personality aspects. This way, a contractual form of legal regulation provides more autonomy directly to the intending parties, as this model lacks any negative historical baggage, unlike marriage.

The Indian Contract law also demands that every agreement must also have a lawful consideration without which such agreements are not contracts.\textsuperscript{541} The Section 2(d) of the ICA defines consideration as: "When, at the desire of the promisor, the promisee or any other person has done or abstained from doing, or does or abstains from doing, or promises to do or to abstain from

\textsuperscript{539} Supra note 518 at 149.
\textsuperscript{540} Id. at 155.
\textsuperscript{541} See Section 10, Indian Contract Act, 1872.
doing, something, such act or abstinence or promise is called a consideration for the promise.” As is the case with intimate relationalities, consideration is generally in the form of non-economic reciprocal promises of love, support and care. As per the requirements of the ICA such forms of considerations are valid in law and thus, can be used to form a contract. Yes, there is a requirement of such agreements of intimate relationships to be in writing and registered, otherwise such agreements would be considered void. This is Section 25 of the ICA, that reads as: “An agreement made without consideration is void, unless (1) it is expressed in writing and registered under the law for the time being in force for the registration of documents, and is made on account of natural love and affection between parties standing in a near relation to each other”.

Now, technically (based on the language of the Section 25(1)) two expressions, viz., “natural love and affection between parties” and, “standing in a near relation to each other” are ambiguous as we do not know: (1) what constitutes natural love and affection; (2) does “parties standing in near relation” signify an exclusively blood-related/marital relationship or, otherwise as well? According to the Pollock and Mulla’s commentary on the Indian Contracts Act, the term “in near relation” is not judicially well addressed. However, one of the colonial cases Nisar Ahmed Khan v. Rahmat Begum decided by the Oudh High Court determines that if parties are governed under Muslim Personal law then, the meaning of the expression “parties standing in near relation” must signify “near relatives” only. There are two more judgments of the pre-constitutional period, one that of the Calcutta High Court and the other from the Bombay High Court that give conflicting judgments on this issue. The Calcutta Judgment was a suit filed by the wife against her husband to recover the arrears of the allowance which her husband agreed to pay under an agreement. The trial court dismissed the petition on the ground that there was no consideration moving from the wife’s end, and hence, due to lack of reciprocal consideration, it is not a valid agreement. The wife’s case was that it was an agreement effected by the husband on the grounds of natural love and affection for the wife (who is a

542 See Id. at Section 25(1).
544 MANU/OU/0236/1927.
545 Id. at para 2 “When the meaning of this proviso has been under discussion in previous cases there appears to have been a tendency to interpret the words "parties standing in a near relation " as though they mean "near relatives. We are of opinion that the meaning of the words should not be narrowed down in this way. There are many instances in which persons, who are not [relatives or relations within the meaning 'of the law, nevertheless stand in a near relation to one another."
546 Rajlukhy Dabee v. Bhootnath Mookherjee, (1900) 4 Cal. WN 488.
547 Bhiwa Mahadeshet Takete v. Shivaram Mahadeshet Takete, (1899) 1 Bom. LR 495.
near relative) and such absence of consideration is saved under the proviso (1) to Section 25 of the ICA. The Colonial judges relied upon the duties of a Hindu wife under the Hindu Law and quoted from Mayne (which was also relied upon by a few precedents) that: "If she," that is, the wife, " quits the home of her own accord, either without cause, or on account of such ordinary quarrels as are incident to married life in general, she can set up no claim to separate maintenance. Nothing will justify her in leaving her home." Now, because this agreement was made by the husband because of his realisation that it was becoming inconvenient for the wife to live in the husband’s family and in the marital life—the judges interpreted this to construe that there was no natural love and affection between the parties, and hence, it cannot be saved under the proviso (1) to Section 25—thus, the such agreement was not a valid one and the wife was denied the promised maintenance. Now, this is clearly a judgment which is widely impacted by the status of a wife under the Classical Hindu Law and judge’s personal understanding of whether there was natural love between the spouses, or not. However, it is highly unlikely that such a precedent holds good in today’s circumstances, as the status of the wife is much raised in the post-constitutional era, where maintenance is now a statutory right of the wife under the Section 125 of the Code of Criminal Procedure, 1973 and the Section 25 of the Hindu Marriage Act, 1955.

However, in the contradictory judgment of the Bombay High Court, the court enforced a contract between two brothers even when there was no reciprocal consideration from the younger brother. This was done on the grounds of the presumed formal relationship (based on blood) that there must be natural love and affection between two brothers.

Now, can persons (howsoever intimate, or non-intimate their relation is) not related by blood enter into a contractual relationship based on mutual love and affection? The answer would be ‘yes’. As long as there is mutual consideration between all the parties to an agreement (in valuable terms such as promise to do certain acts or the promise to omit from certain acts) there is valid consideration and such agreements are valid contracts.

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548 Supra note 546 at para 7; “the recitals do not show any consideration, moving from the wife for the agreement. There is no promise on the part of the wife to do, or abstain from doing anything; she gives up no right.”

549 Id. The husband notes in the agreement that: “It having become inconvenient for you in many respects to live as aforesaid (and) finding it difficult to live in my family, you have claimed proper maintenance and suitable habitation from me, I therefore make the following provision for your maintenance (and) habitation by this ekramana.”

550 Consideration as understood by the English and Indian Courts is what was held by J. Lush in Currie v. Misa, (1875) LR 1 App Cas 554 which states: “A valuable consideration, in the sense of the law, may consist either in some right, interest, profit, or benefit accruing to
However, if there is lack of consideration from one of the parties (not connected with heteronormative kinship), then because of the ambiguous language of the proviso (1) of the Section 25, we do not know how would the courts respond to such a case. The answers to this could be many, as these expressions look problematic and thus, their scope must be defined by the law, or the judges should show maturity instead of blindly following the precedents.

As discussed above, contract model of regulation is much criticised because on the face it presumes formal equality of all persons—which is of course not how things happen at all possible levels. As it is quite likely that the amongst the parties to a contract, one (or more) is lesser, or higher in terms of one’s class, education, employment, etc.—in all such scenarios, the stronger party may dominate the interests of the weaker. How does contract jurisprudence balance such conflict of interests? To my mind, the Doctrine of Unconscienceability which is inbuilt in the Indian Contract Act, 1872 in the form of Sections 10 to 18 provides for the necessary remedies. The Section 10 demands ‘free consent’ between the parties as an inalienable ingredient of a contract—and, free consent is only possible when it is not caused by coercion, undue influence, fraud, misrepresentation, or mistake.551 Hence, any contract of intimate relationship would be voidable at the instance of the party which is able to establish the lack of free consent through mediation, or in a court of law, as the case may be. This way, a contract of intimate relationality is not completely a handiwork of the freedom of private interests to contract—rather, such freedom is already constrained to a limited extent with the safeguards inbuilt in the ICA (under Sections 10 to18) as it reflects the public interest to protect the weaker party against the stronger.

It is also possible in long term contracts that after some duration, the parties loose the purpose of their relationship or they feel the need to change the terms of their contract. The law of contract makes such provisions known as the Doctrine of Changed Circumstances or, the Doctrine of Frustration of Contract. This is dealt as per the Section 56 of the Indian Contracts Act, 1872.552 Under which an agreement to do anything which is an impossible act is void. Here, frustration means that a contract has ceased to bind the

the one party, or some forbearance, detriment, loss or responsibility, given, suffered, or undertaken by the other”

551 See Section 13 that defines Consent as “Two or more person are said to consent when they agree upon the same thing in the same sense” and Section 14 for Free Consent, as discussed above.

552 Section 56 reads as: “Agreement to do impossible act.—An agreement to do an act impossible in itself is void. Contract to do act afterwards becoming impossible or unlawful.—A contract to do an act which, after the contract is made, becomes impossible, or, by reason of some event which the promisor could not prevent, unlawful, becomes void when the act becomes impossible or unlawful.”
parties because the common basis on which by mutual understanding it was based has failed; there has been a failure of what in the contemplation of both parties would be the essential condition or purpose of the performance.\textsuperscript{553} In such circumstances, parties, if they want, may also change the terms of their contract by entering into renegotiations. If they have not provided for renegotiation as a part of the contract, they can rescind the old contract and negotiate a new one. A better idea would be to include a renegotiation clause in the original contract.\textsuperscript{554} A clause could provide for renegotiation at specified times or upon specified occurrences. It also should be noted that the contract is not intended to cover all possible problems that might arise in the course of a long term intimate relationship; further planning is expected.\textsuperscript{555}

For the dissolution of contracts, the terms of such dissolution must be kept within the contract by the parties. For this, it is needed that the terms of contract are defined in as clear terms as possible to avoid confusion and thus, dispute. But, this is not possible always in contracts on intimate relationships, as the terms of contract are non-economic in nature arising generally out of unquantifiable terms, such as love, affection, etc.; we must attempt to integrate them into contract doctrine.\textsuperscript{556} So, the way for the intimate partners (in a contractual relationship) in such situations is to have included 'liquidated damages clause'\textsuperscript{557} in their contracts—so, that they can place their mutually agreed monetary value or a specific performance for each of the monetary or non-monetary terms of their contract terms.\textsuperscript{558} As Bakker suggests in the context of contractual intimate relationships in South Africa under the Domestic Partnership Bill, 2008:

"Due to the personal and emotional nature of intimate relationships our adversarial legal system is not sufficiently equipped to deal with the termination of intimate relationships. The parties should be able to terminate their relationship by the mere registration of a termination agreement. Also, provision should be made for a party in an unregistered intimate relationship to approach the court after dissolution for appropriate relief inter alia for maintenance and the division of

\begin{itemize}
\item \textsuperscript{553} Parshotam Das v Batala Municipal Committee, AIR 1949 EP 301.
\item \textsuperscript{554} Supra note 518 at 169.
\item \textsuperscript{555} Id.
\item \textsuperscript{556} Id. at 172. As Gregg Temple says: "In such contracts: the terms/promises are generally based upon good faith, fair dealing principles as the parties would generally have a fiduciary element involved in their relationship."
\item \textsuperscript{557} Id. at 173.
\item \textsuperscript{558} Id. Temple says: "Generally, liquidated damages clauses are enforced only if the specified damages are a reasonable forecast of the probable loss from the breach, and an actual damage amount would be difficult to calculate after the breach".
\end{itemize}
property, which will be granted only if the facts justify it. Such an approach will protect the parties' autonomy to choose the consequences of their relationship without the state's imposing consequences, while at the same time protecting the rights of the vulnerable parties.  

Bakker’s suggestion makes a good alternative that could be deployed by the parties on their own consenting will—and, in case, they are unable to resolve their disputes, they may always resort to non-judicial methods of dispute resolution, such as mediation. And, for all other things, they can always file a civil suit in a court of law just like any other private citizen does in case of contractual disputes.

So far so good—with the discussions held above, an agreement to privately regulate an intimate relationship between two or more persons (whether sexual, or not-sexual) looks like as if it is a valid agreement which is enforceable by law—thus, can be legally enforced as a contract under the ICA. But, the situation is not that simple and, to make such a claim is not that easy, a task. There is a web of legal complexities not just in the form of ‘valid consideration’ under proviso (1) of Section 25 (as discussed above)—but, a major challenge is to understand the scope of Section 23 of the ICA.

It seems that any agreement between free consenting parties to regulate a queer intimate relationship may not go very well with the provisions of Section 23 of the ICA. Though, it is hard to understand if the authors of this legislation thought of same-sex relationships, or live-in heterosexual relationships, or non-dyadic relations between consenting adults, of same or opposite sexes at the time of drafting the Section 23. It was a period of time, when marriage was understood to be the natural order of a normal human life. Any challenge to the ‘order of a married life’ was (and, continues to be)
frustrated by the courts under a joint operation of the Section 23 and the penal provisions relating to marriage in the Indian Penal Code, 1860. A challenge by an unmarried woman against a married man to enforce the terms of their privately engaged agreement to regulate their intimate relationship was averted by the Indian courts in the name of saving the sanctity of the sacred 'married life'. It is clear that on the grounds of Section 23 an 'agreement for cohabitation' between a married person and an unmarried person is considered to be a nullity by the courts as it is found to be in the nature of adultery (which is an offence under Section 497 of the IPC) and, hence, such agreements are considered to be opposed to public policy. Also, thanks to the Common Law legacy, pre-nuptial and post-nuptial agreements that are engaged by the intending spouses or married spouses are considered to be opposed to public policy (Section 23 of ICA), if the personal law of the parties treat marriage as a sacrament (instead of a contract) and hence, such agreements are considered to be invalid under the law.

As per the Section 23 any consideration or object is lawful only when it is: (1) not forbidden by any law; or, (2) is of such a nature that, if permitted it would defeat the provisions of any law; or, (3) not regarded as immoral or opposed to public policy by any court. Now, with respect to the queer intimate relationalities how far the provisions of Section 23 can be problematic? It is clear that if an agreement is in the nature of committing any crime, such agreement is not a valid because of two reasons: (1) as it has a unlawful object; and, (2) committing any act forbidden by the Indian Penal Code with the intention of causing any person to enter into an agreement is

document their intention in the form of an agreement—whether such an agreement will be enforceable by law, or it could be averted by Section 26 as an invalid agreement, and hence, not a contract?

602 See the recent judgment of the Supreme Court in Indra Sarma v. VKV Sarma, MANU/SC/1230/2013 wherein, an unmarried female lover of a married man brought a suit under the Protection of Women against Domestic Violence Act, 2005. The court framed the question thus as—" whether a "live-in relationship" would amount to a "relationship in the nature of marriage" falling within the definition of "domestic relationship" Under Section 2(f) of the Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act') and the disruption of such a relationship by failure to maintain a women involved in such a relationship amounts to "domestic violence" within the meaning of Section 3 of the DV Act?" The court held very clearly: Since the unmarried female lover was aware that her lover was a married person having two children even before the commencement of relationship hence the status of such woman is that of a concubine or mistress and cannot fall under Section 2(f) of Domestic Violence Act 2005 and cannot become within "Domestic relationship".

603 See the judgment of the Madras High Court in Manica Gounder v. Muniammal, MANU.TN/0161/1968.


605 See Explanation (e) to Section 23 of ICA.
considered as an act of coercion, and thus, such agreements are not valid. With this, Section 377 of the IPC is the only criminal provision that in very ambiguous terms penalises any voluntary act of carnal intercourse against the order of nature. It is not very clear, whether female to female carnal intercourse is against the order of nature or not. But, what is clear with the 150 years of the history of the Section 377’s almost-seamless operation is that any act of oral, or anal intercourse between two consenting/non-consenting males or between persons of the opposite sex is an offence under the said provision. So, does it mean that an agreement to regulate an intimate relationship (which is also of a sexual nature) between consenting adult males is forbidden by law (under Section 23 of ICA)? The courts in numerous occasions have held that for any agreement to be forbidden by law such law must expressly forbid such agreements; and, if the law doesn't, then such agreements are valid as per Section 23. Now, clearly Section 377 operates even in cases where there is voluntariness/consent—hence, it is most likely that any such agreement would be considered to lack having a lawful object and thus, would be declared void.

But, what are the other relationships that are penalised by the Section 377 of the IPC? The ambiguous language of this provision makes it incomprehensible to understand whether the following agreements would be considered having a lawful object and a lawful consideration (as per Section 23 of the ICA) or not:

i. In the absence of any case law on this point—whether an agreement entered by two consenting adult females to regulate their intimate relationship (which also includes terms to regulate their sexual relations) is a valid agreement under Section 23?

ii. Whether an agreement entered by two consenting adult males to regulate their intimate relationship (which does not include any terms to regulate their sexual relations) is a valid agreement under Section 23?

566 See Section 15 of ICA.
568 In Nanakram v. Kundalraj, (1986) 2 SCR 839:(1986) 3 SCC 83, the question was whether a lease in violation of statutory provisions was void. It was held that in the absence of any mandatory provision obliging eviction in case of contravention of the provisions of the Act, the lease would not be void and the parties would be bound, as between themselves, to observe the conditions of lease. The same was upheld in Nutan Kumar v. IInd ADJ, AIR 2002 SC 3456. Though, these are agreements which were alleged to be forbidden by civil laws, what would be the fate of agreements which are alleged to be forbidden by a Criminal statute (as the case is with agreements meant to regulate adult intimate relationships vis-à-vis Section 377, IPC)? Would Section 15 (that defines Coercion) be pressed into service as well to declare such consent as an invalid consent on the grounds of its alleged violation of the IPC?
iii. Whether an agreement entered by two consenting adults of the opposite sex to regulate their intimate relationship (which also includes terms to regulate their sexual relations) is a valid agreement under Section 23?

iv. Whether an agreement entered by two consenting adults of the opposite sex to regulate their intimate relationship (which does not include any terms to regulate their sexual relations) is a valid agreement under Section 23?

v. Whether an agreement entered by more than two consenting adults of the same or opposite sex to regulate their intimate relationship(s) (which also includes terms to regulate their sexual relations) is a valid agreement under Section 23?

vi. Whether an agreement entered by more than two consenting adults of the same or opposite sex to regulate their intimate relationship(s) (which does not include any terms to regulate their sexual relations) is a valid agreement under Section 23?

To my understanding, we do not yet know what are the particular sets of “acts” that are objectionable to the law? When the state and its law are so keen to regulate our personal lives (especially sexual lives) the law should make it clear as to what acts are forbidden by it, and what are not.

Thus, Section 377 of the IPC is the major hurdle that has the potential to hamper all attempts by queer intimate partners to get their relationships legally regulated under the Contract Law—as such agreements are expressly prohibited by Section 23 of the ICA. But, since Section 377 has lot of grey areas—we would never know how the courts would respond.

3.2. Certain Conclusive and Suggestive Remarks-IV

The discussions in this section entail that a contract-cum-status model, suits best to regulate the queer intimate relationalities as opposed to marriage. It is suggested that such a model could be made to work parallel to that of the marriage regime of the heteronormative kinship. With a parallel operation of both the heteronormative kinship model (based on marriage) and the queer kinship model (based on contract)—the family jurisprudence becomes pluralistic and fair as a field of juridical thinking and practice.

Such a parallel scheme of two legal models to regulate intimate relationalities—the family jurisprudence which currently is monolithically singular, unidirectional, un-participatory, vertical, imposing, choice-less, and, of course, patriarchal and heteronormative transforms into a field that is pluralistic, multi-directional, participatory, horizontal, autonomous, choiceful and, of course, lacking in patriarchy and heteronormativity.
As it is only the liberal legal instrument of a contract that places the control of regulation of an intimate-relationship over to the individuals themselves—instead of authoritatively dictating the intending parties (to such intimate relationship) the state’s expectations—viz., whom to marry, what should be the sex of your intimate partner, how many intimate partners one must have at a point of time, what kind of sex can you indulge in, what legal rights one must have when the husband rapes you, or what should you do when your reproductive life is not for you to control or, whether you should work or raise children and take care of your husband’s family or, when and how should you dissolve your own relationship, et.al. This way, the contract empowers the individuals to decide upon the terms and conditions of their own relationalities—when to form them (if at all to form them), how to run them, and, when and how to break them. The contract thus, saves the individual from a permissive regime of state’s control over the time and manner of dissolution of one’s relationship, the manner of distribution of jointly invested/bought properties. This way, the contract lets the individuals negotiate upon the legal consequences in cases of breach of such contractual terms. The power of contract also empowers the individual to bestow over persons of its choice with crucial decisions vital to the wellbeing of one’s self—viz., the power to take medical decisions when one’s partner/friend is in an incapacitated state, as opposed to the default-exclusive powers of one’s biological kin. Contracts also empower the individual to divest its own property at its own pleasure through the instrument of wills, as opposed to the default kinship-based model of inheritance. Contract lets the parties choose modes and terms of investing one’s finances; instead of dictating them—who could be the nominee to one’s insurance, bank accounts, or gold schemes, or who could be a co-applicant in a joint home loan. Contract allows the parties to decide upon the terms of giving and receiving care or, distribution of financial assets within one’s own relationships; instead of being dictated to follow a gendered scheme of care or to expect the wife to relocate herself every time the husband changes/loses his job.

It is therefore, that the queer must agitate for its right to equal opportunities before the law and for equal protection of the laws—the right to substantive equality. The existing regime of family jurisprudence only allows one to either marry, or not to marry—it doesn’t respect the individual’s will; what if that person always wanted to form a family but without getting through the marriage-route. This way, the current schema of family jurisprudence doesn’t tell the individual: “what to do, if you don’t or can’t marry?”

This way, if a contract-based model of legal regulation of intimate relationalities is allowed to exist substantially (not just formally) side-by-side with the socio-legal institution of marriage—then, the individual is
automatically empowered with a variety of choices, such as: (1) whether or not to marry; or (2) whether or not to enter in a contract, or (3) if not to enter in a contract, then maybe marry, or (4) if not to marry, then maybe enter in contract or, (5) not to opt for either. A parallel legal regime of having both, marriage and contract thus, enables intending parties with choices—thus, making the family jurisprudence a field that is pluralistic, multi-directional, participatory, horizontal, autonomous, choiceful and, of course, lacking in patriarchy and heteronormativity.

At the same time, this proposed parallel legal regime of marriage and contract would hopefully led to the denuding of marriage of its normalising character, which in turn would render marriage powerless, or at best, equally powerful as that of contract. This way, family jurisprudence would be able to accommodate both marriage and contract to exist as equally-functional vehicles to do relationalities/family—this would logically lead to the creation of a substantive balance of powers—creating a sense of juristic harmony, instead of compelling people to live under a totalitarian regime full of disquiet and discrimination.

With the discussions held in this section, it is clear that a ‘completely contractual’ model of regulating intimate relationalities is not a good idea, as there are spaces where, the state has a legitimate interest in the larger public good. Therefore, to my mind, the intimate relationships need a balance of public-private interests—the question is how can that be theorised? The discussions held in this section entail that the existing Indian Contract law very well is a product of a fine balance between public and private interests. No parties are completely free to contract anything and everything under the ICA—they are in multiple ways filtered by the state’s legitimate role to protect the public interest. But, there are still a few lacunae within the ICA that needs to be addressed—so that the ICA can be used to regulate the intimate relationalities.

The following changes are suggested within the ICA so that agreements to intimate relationalities can be regulated within the ICA:

i. In order to accommodate intimate relationalities' contacts within the ICA, the discussions in this section indicate that, certain grey spots within the ICA (and, its aligning laws) must be amended positively. These areas are:
   a. In the proviso (1) of the Section 25 of the ICA, the expressions “natural love and affection” and “parties standing in a near relation to each other” need to be clarified as to whether they mean relations based on heteronormative kinship, or anything otherwise.
b. As per the Section 23 any consideration or object is lawful only when it is (1) not forbidden by any law; or, (2) is of such a nature that, if permitted it would defeat the provisions of any law; or, (3) not regarded as immoral or opposed to public policy by any court. As, Section 377 of the IPC is the only criminal provision that in very ambiguous terms penalises any voluntary act of carnal intercourse against the order of nature. The law doesn’t tell us what all kind of sexual intimacies would be considered “carnal intercourse against the nature”; but, the history of its judicial administration tells us that all sexual intimacies which involve acts of anal/oral intercourse by penile penetration only fall within its notorious ambit. With this, it is submitted that as long as Section 377 of IPC is in effect, it is difficult to theorise an agreement regulating intimate relationships to become enforceable by law under the ICA. Hence, it is suggested that, Section 377 must be either read down by the courts, or repealed by the legislatures.

Now, if these two above-discussed grey spots are legally addressed, then a contract regulating intimate relationalities could become a possible reality under the ICA, as the rest of the episteme of contract law very well is capable of accommodating such proposed contracts within its intellectual and operational ambit.

Once, these problems within the Contract law are addressed then, the law must withdraw from its current role of normalising/enforcing heteronormative relationships/families through the social institutions of marriage and kinship. In order to actualise law’s formal commitment to withdraw its

What we still do not know is whether Section 23 of the ICA read with Section 377 of IPC also forbids the following intimate relationality agreements: (1) In the absence of any case law on this point—whether an agreement entered by two consenting adult females to regulate their intimate relationship (which also includes terms to regulate their sexual relations) is a valid agreement under Section 23? (2) Whether an agreement entered by two consenting adult males to regulate their intimate relationship (which does not include any terms to regulate their sexual relations) is a valid agreement under Section 23? (3) Whether an agreement entered by two consenting adults of the opposite sex to regulate their intimate relationship (which also includes terms to regulate their sexual relations) is a valid agreement under Section 23? (4) Whether an agreement entered by two consenting adults of the opposite sex to regulate their intimate relationship (which does not include any terms to regulate their sexual relations) is a valid agreement under Section 23? (5) Whether an agreement entered by more than two consenting adults of the same or opposite sex to regulate their intimate relationship(s) (which also includes terms to regulate their sexual relations) is a valid agreement under Section 23? (6) Whether an agreement entered by more than two consenting adults of the same or opposite sex to regulate their intimate relationship(s) (which does not include any terms to regulate their sexual relations) is a valid agreement under Section 23?
role/participation in the monolithic enforcement of heteronormativity (as is suggested), the law must open-up all the privileges/exemptions/benefits/protections that it endows upon the heteronormative/marital family (and the individuals associated with it) to the newly contracted relationalities (and the individuals associated therein) as well.

As shown in the Appendix IV, the state exclusively invests through a lot of legal rights endowed over the marital family—looking at the nature of these rights, one could see that such rights are in the nature of secular civic benefits viz., (1) Legal Capability to make joint Financial Investments through Banking, Insurance, Securities Market, etc.; (2) Crucial Life-saving decisions such as the right to give surrogate Medical Consent on behalf of an incapacitated partner; (3) Right to parenting children through modes of adoption and surrogacy; (4) right of a non-Indian spouse to acquire Indian citizenship on the grounds of spouse-ship; (5) rights to claim compensation or other forms of monetary benefits(e.g., pension, gratuity, allowances, etc.) as members of a marital/heterosexual family or kinship; (6) political right to get recognised as a spouse and thus, getting exclusive legal immunities/privileges (e.g., diplomatic immunity, ); (7) Protection against Domestic Violence; (8) Property Rights such as inheritance, or getting nominated to one’s investments; (9) Geriatric Security in forms such as pensions, easy loans, etc.; (10) Maintenance Rights; (11) Rights on matters of Organ Transplantation; (12) Civic protection to the Marital Family in cases of Forfeiture of Property; (13) Tax Benefits; (14) Trail Benefits before a court.

Now, if contract as an alternative legal model for the regulation of intimate relationalities has to politically succeed, then the law has to extend all the same civic benefits that it usually extends to the marital family/relationships to the contractual family/relationalities as well. If this is the renewed state of law’s commitment then, a stand-alone statute on anti-discrimination is needed to prevent instances of discrimination in public and private spaces on the grounds of one’s sexuality, gender and marital status.