



*For
People
Like
Us*

AIDS BHEDBHAY VIRODHI ANDOLAN
(AIDS Anti-Discrimination Movement)
March 1999

'The Cover'

The image of lady drummer depicting freedom of spirit, has been adopted from, one of the most stunning symbols of religious architecture - the 'Sun Temple,' Konark, (Orissa) Centuries of myths and legend shrouds its past. Built in the 13th Century, the entire temple was conceived to be a true 'Microcosm' of the world.

The title has evolved, from the emotional ties of the two girls, on whom this report is based.

*For
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Report of the fact finding team enquiring into the attempted suicide of Mamata and Monalisa in Cuttack. In deep friendship for five years they had signed a deed of agreement before the Notary to remain as life partners.

AIDS BHEDBHAV VIRODHI ANDOLAN
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NEW DELHI, INDIA

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FOR PRIVATE CIRCULATION

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DEDICATION

This report is a tribute to the deep bond of friendship and emotional ties between Mamata and Monalisa, and the courage and efforts shown to strengthen these further through a humane solution on lines of Maitri Akrar Their dreams and aspirations to live together and remain as life partners and not to live apart and sever such a relationship would continue to inspire people for times to come.

ACKNOWLEDGMENTS

We are thankful to public spirited citizens who gave moral and financial support for bringing out this Report. Our Special thanks to Dilip Kumar Behra for translating material in Oriya language to English.

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ABOUT ABVA

More than a decade earlier a group of Delhi based citizens involved in community work in education, health, law, women, gay, professional blood donors, drug abuse issues and in the peace movement came together over the plight of women working in GB Road, Delhi's red light area. The entry into these communities was with a view to learning more about the problems of these defined groups and to see whether their viewpoints may be conveyed to the outside world. Also, if external support was needed could it be extended on a long term basis?

When the group was started the focus was only on issues related to women in prostitution. Around the same time forcible testing for HIV infection among women in prostitution was started under an AIIMS-ICMR scheme with the help of the police. AIDS and HIV infection therefore became part of the group's concern. Public health policy for control of AIDS/HIV infection was based on targeting "high risk" groups. ABVA therefore started studying and documenting the issues related to those "target groups". In this process the group was joined by other concerned citizens. The group has since taken a stand on all kinds of discrimination against "target groups".

ABVA was instrumental in stalling the Draconian AIDS (Prevention) Bill, 1989 through petitions in Parliament, public meetings, protest actions and networking both in India and abroad. As a result, the Bill was placed before a Joint Parliamentary Committee. The Bill was withdrawn in October-November 1991 following a decision made by the Union Cabinet.

ABVA's petition to Petitions Committee of Rajya Sabha against the discriminatory Supreme Court order banning the Professional Blood Donors from giving blood is pending since Sept.- Oct. '98.

ABVA has brought out a series of Citizens' Reports on 'target groups.'

WOMEN & AIDS - Denial and Blame, 1990
AIDS & MANAV ADHIKARON KA SANKAT, 1991
THE BLOOD OF THE PROFESSIONALS, 1991
LESS THAN GAY, 1991
THIS SUGAR IS BITTER, 1992
HARD TIMES FOR POSITIVE TRAVEL, 1993
THE NEEDLE OF SUSPICION, 1996

Apart from the above reports on 'target groups' ABVA has also brought out a report on the anti-Muslim violence following the demolition of Babri Masjid in December 1992. Titled VICTIMS' VERSION, it was released in 1993. Also ABVA participated in a fact finding and report writing process which culminated in a report titled IS PLAGUE OVER? on the plague epidemic which had engulfed Delhi and other parts of India in 1994.

As a constituent member of Delhi Janwadi Adhikar Manch (DJAM) – a democratic rights group formed to support the struggle of industrial workers rendered unemployed due to the 1996 Supreme Court order on shifting of 'polluting industries' to other parts of the country – ABVA participated in bringing out a series of reports on the issue as well as took part in popular protest rallies etc. DJAM consisted of 42 organisations with diverse background viz – trade unions, students union, women's group, health and education groups, civil liberties and democratic rights organisations, cultural and secular groups, Dalit organisations and organisations involved in housing rights campaign and professionals. DJAM worked as an effective democratic coalition.

ABVA has organised several protests against the government's policies on testing, confidentiality and discrimination linked with AIDS.

- | | |
|-------------------|--|
| 28 February, 1990 | Protest against the refusal of doctors at AIIMS to operate upon an African envoy with AIDS at Indian Council of Medical Research (ICMR) headquarters |
| 30 November, 1990 | Staged a protest demonstration at the head office; of the Medical Council of India (MCI), urging it to remove from its Medical Register the names of doctors who refused to treat persons with HIV infection/AIDS. About five months later, the Indian Medical Association responded by publicly stating that a refusal to treat patients with HIV infection/AIDS would be against medical ethics. |
| 18 March, 1991 | Protested outside the head office of the New Delhi Municipal Committee (NDMC) following refusal by the NDMC Hospital at Moti Bagh, New Delhi to treat children with Thalassaemia who had contracted HIV infection through blood transfusion. |

- 7 August, 1991 A 500-strong sit-in was organised at AIIMS following refusal by doctors at the premier medical institute of the country to conduct a delivery on an HIV positive pregnant woman.
- 6 December, 1991 Protested outside World Bank against the use of loan/grant of US \$80 million to the Government of India. ABVA feels that rehabilitation of the HIV positive persons should be an important part of management. Any programme which does not take this into consideration should not be funded. No programme should violate the basic rights of the individual.
- 6 April, 1992 On the eve of World Health Day, ABVA and 37 other concerned organisations protested outside World Health Organisation (WHO), South East Asia Regional Office, New Delhi, against plans for trials of AIDS Vaccine in developing countries.
- 11 August, 1992 Held the first ever protest demonstration in India condemning police atrocities on gay people, at police headquarters, New Delhi after 18 persons had been arrested by the Delhi police from the Central Park at Connaught Place on grounds of being involved in 'homosexual acts.'
- 30 November, 1993 Held a demonstration at the New Delhi based office of the United Nations protesting against the policy of the Indian Government deporting HIV+ foreigners from India.
- 30 November, 1994 Organized a demonstration at the office of NACO, New Delhi protesting against the forcible HIV testing of women in prostitution in Calcutta.
- 6 April, 1994 Organized a demonstration at the office of National Human Rights Commission protesting against the refusal of treatment to Deepak Biswas, suffering from AIDS in Calcutta.

26 September, 1995	Held a demonstration at Jantar Mantar, New Delhi to protest against the supply of HIV infected blood to thalassaemic children by Indian Red Cross Society, Bombay
30 November, 1995	Held a demonstration at the office of the Union Health Ministry demanding that the report on the BIV vaccine trial in Bombay be made public
10 December, 1996	Protested at American Centre against the illegal BIV Vaccine trial conducted at the behest of American vested interests.
7 April, 1998	Protested at Supreme Court against ban on Professional Donors.
30 December, 1998	Organised a public meeting regarding rehabilitation of Professional Blood Donors at National Gandhi Museum.

Legal Struggles: present status

On March 15, 1990 the Delhi police acquired further notoriety when they arrested 112 women and their children from Delhi's red light area in a lightning raid under the Juvenile Justice Act, 1986. Even after the Juvenile Welfare Board pronounced that the children were not neglected the State went in appeal. Shobha Aggarwal, advocate and an ABVA member helped provide free legal support to the respondents.

Accordingly an application was filed on 25 February 1991 for summary dismissal of the appeal. Finally the appeal was dismissed in March, 1995 after five years of legal battle.

In March, 1994 a public interest litigation was filed in Delhi High Court to repeal Section 377 of Indian Penal Code which criminalises sodomy and makes it punishable with imprisonment for ten years and fine. The petition arose out of a public controversy over the refusal of authorities to make condoms available to inmates of Tihar jail. The prayers are as follows:

- a) to declare that section 377 of the Indian Penal Code is unconstitutional and void as being hit by the provisions of Articles 13, 14 and 21 and 25 of the Constitution of India.

- b) to direct the implementation of the Government's National AIDS Programme.
- c) to declare that all action and proceedings purporting to have been done or taken by the respondents and each of them under the said unconstitutional and void law are wholly unauthorised by law, illegal and void and not binding on the jail inmates.
- d) to restrain the respondents from segregating or isolating prisoner with a certain sexual orientation of those suffering from AIDS or from commencing prosecution against those prisoners who are suspected to have participated in consensual anal intercourse.
- e) to direct the respondents to immediately make condoms available at the dispensary within Tihar Jail, where prisoners could freely obtain them without fear that they will be persecuted on account of their sexual orientation.
- f) to direct that only disposable syringes be used in the dispensary within Tihar Jail.
- g) to direct the jail authorities to regularly consult with the National AIDS Control organisation, namely the Respondent No. 6.
- h) may pass any other writ, direction or order as this Hon'ble Court deems fit and proper in the circumstances of this case.

The case has been admitted and is to come up for final arguments.

WHY THIS REPORT

Around the end of last year ABVA received a letter from an activist* named X working in an NGO named Y* based in Cuttack, Orissa stating:

“Dear Friend,

From the book ‘Less than Gay’, I got your address. Whether this address still exists or not I don’t know because the book was published in 1991 and now it is 1998. Still with a hope I am writing this letter and seeking your immediate attention/intervention. This letter is meant to rescue a lesbian who is in danger now.

Mamata - Monalisa story came to lime-light when both attempted suicide. Aged 19 and 24 respectively they fell in love with each other five years back. They knew that society would not accept their relation and afraid of this they filed an affidavit before the court to live together and help all similar lesbians and widows.

When Monalisa’s father got transferred to another place far from their previous place (Monalisa’s father is a Govt. employee) both became panicky. This un-expected parting became intolerable to both and they tried to commit suicide by consuming some poisonous substance. Also both cut their respective veins. The incident happened at Mamata’s residence. Fortunately, Mamata was saved due to immediate attention of family members but Monalisa died on way to hospital. Mamata is now in Cuttack Medical College. She is under the treatment of doctors of Female Medical Ward of S.C.B. Medical College, Cuttack, Orissa.

Now local people are demanding the arrest of Mamata. As the incident happened at Mamata’s residence the general opinion, including that of media, is that she has killed Monalisa. From local media I got these facts and thought it better to inform you.

My interest - I am not a gay. But after reading ‘World of Homosexuals’ by Shakuntala Devi and also ‘Less Than Gay’ I know it (homosexuality) is natural. Also I know about gay/lesbian movement around the world.

Take my support as a form of solidarity to your struggle.

Hope you would take immediate steps to save her life.

Yours truly
Sd/-

Note: *The identity is being concealed as in a subsequent letter he mentioned facing difficulties in his NGO on account of our letters and telephone calls pertaining to the Mamata-Monalisa case!

Meanwhile The Humsafar Trust, a Bombay based NGO had flashed the message on the internet and informed ABVA through a letter that:

“Lesbian groups from USA and other countries are willing to help. We are also in touch with Lawyer’s Collective, a Bombay based NGO, in case we can help Mamata get legal aid. Can you help in following up this case?”

(Annexure -1)

ABVA wrote to the activist X in Cuttack expressing shock at the tragic death of Monalisa and the trauma inflicted on her friend Mamata. More details were asked for. Besides we wanted to know what sort of intervention the families / friends of Mamata and Monalisa wanted us to take in Delhi.

ABVA also wrote to Mamata (this letter we learnt later was received by Mamata’s family members; apparently Mamata is not aware of our letter) extending our support and solidarity and assuring her that ABVA could pursue the matter with the powers that be in Delhi. Since there was no response to our letters, telephonic communication was established with the activist, as well as with Mamata’s father from Delhi itself on 21.1.99. Much later Mamata’s father wrote to ABVA:

“Thank you for your sincere co-operation and understanding. My daughter Mamata and her friend Monalisa were fast friends and thereby unable to withstand each other’s separation. More over four days before (i.e. 6.10.1998) the incident of suicidal attempt, they sought the help of Court for a Notarial Certificate of Partnership Deed for living together. On 10.10.1998 both of them left behind a suicide note. The final result was death of Monalisa and rescue of Mamata. The news had been published on 11.10.1998 and 12.10.1998 in Oriya dailies (SAMBAD, SAMAYA). The first report is original and true; the latter is politicised and false. Monalisa’s family filed an F.I.R. with the police charging Mamata with murder under I.P.C. 302 and I.P.C. 306. The D.S.P. and Circle Inspector (Cuttack Sadar) handled the matter to supervise the case and came to the conclusion that it was a matter of normal suicide under Sec. 309 I.P.C. and is a bailable offence.

Now the case is under Crime Branch of Police. It is quite impossible for me at this age and considering the mental trauma, to meet your noble organisation in Delhi. For your information this is not a matter of homosexuality.”

Dt. 21.1.99

Thanking you,
Yours

Sd/- DHRUBA CHARAN MOHANTY
(Father of Mamata)

We reproduce below activist X's belated reply dated 23.1.99 to ABVA stating:

“Actually we two friends went to Mamata's village last month to assess the situation. Though we could not meet Mamata but we met Mamata's parents and Monalisa's brother. Their suicide has created enmity between the two families. Monalisa's grandfather has filed the F.I.R. suspecting it as a murder case and local police has investigated the matter.

Mamata's brother, Dilip Mohanty is Cuttack District Youth Congress President. Opposition leaders allege that he has high level connections and is influencing the investigating agencies. So now Crime Branch is enquiring into the issue - that I am hearing. Mamata is now at SATAYU HEALTH HOME, Cuttack. When we tried to meet her the authorities did not permit us. Rather we were told to come with a permission letter from Dilip. We have heard that Dilip is not entertaining any media people or solidarity groups because opposition parties has sufficiently maligned his reputation. On learning this we did not contact Dilip. Only family members are permitted to meet her.

We took this incident seriously and wanted to write an article on it. This was our purpose of visit.

As Mamata's brother is a political man we find it difficult to get space even to express our solidarity. We fear how Mamata would be able to lead a stable; life after release from HEALTH HOME. Police and neighbours may create problems for her. In Orissa social organisations have not taken it seriously. Media has highlighted the relationship as un-natural. People think of it as perverted.

My phone number is of my office. So am facing difficulty when you are disclosing the intention.”

Yours
Sd/- X

On 24.12.98 ABVA had raised the issue at the weekly meeting of CALERI (a newly formed Delhi-based group, Campaign for Lesbian Rights) and comprising of about 29 organisations as well as concerned citizens. An appeal was made suggesting that some organisation should send a fact-finding team to Orissa. It is worth mentioning that CALERI was formed in the wake of a public demonstration at Regal Theatre, Connaught Place, New Delhi on 7.12.1998. The demonstration was to protest against

the violent attacks and acts of vandalism resorted to by Shiv Sainiks (a right-wing outfit) in Bombay, Delhi and other parts of the country. The Shiv Sainiks wanted a ban on the film, FIRE, which allegedly hinted at a lesbian relationship.

Around the time Mamata - Monalisa case came to light, the media front-paged the issue of gang-rape of Anjana Mishra in Orissa. Some women's groups held a public demonstration at Orissa Bhawan in New Delhi to protest against this crime, but there was a total silence on the Mamata - Monalisa case. Why this discrimination?

The Politics of Discrimination

The answer has been provided by CALERL. At its 25.2.1999 meeting it circulated the actual, unedited version of Pastor Martin Niemoeller's quote from the HOLOCAUST currently widely used by trade unions, secular - liberal - democratic groups and revolutionary organisations in a censored form:

“In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade-unionists, and I didn't speak up because I wasn't a trade-unionist. Then they came for the homosexuals, and I didn't speak up because I wasn't a homosexual. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.”

Count the number of activists and organisations you know who have used the quotation in a censored form in some politically correct article published in a progressive magazine. It has been used in leaflets distributed by Marxist - Leninist groups struggling for a structural change in society or for total revolution.

The Politics of Silence

The demonstration against the ban on FIRE brought the political hypocrisy of most activist groups to the fore. Not surprisingly Shabana Azmi (a part-time activist) and Nandita Das (a one-time activist) who played the lead roles in FIRE refused to take a public stand in favour of lesbianism. Deepa Mehta, the Director of the film – thankfully with no pretensions to being an activist – publicly asserted that lesbianism is a distortion in society. While film personalities like Dilip Kumar, Mahesh Bhatt and others petitioned the Supreme Court for the film to be exhibited unhindered in movie theatres. M.P.s in Parliament, too, voiced similar concerns. Yet there was deathly silence on the issue of lesbianism itself by both the film personalities and the

People's Representatives! Historians in the next century would not be able to figure out what was the issue at stake in FIRE and the stand taken on it by Kuldip Nayar, Shabana Azmi and other MPs even as they were passionately urging Parliament to allow uninhibited screening of FIRE. Soli J. Sorabjee, the Attorney General of India, appearing on behalf of Union of India is reported to have volunteered to the Supreme Court that security would be provided to those film personalities receiving threats from Shiv Sainiks. The Supreme Court chose not to take a stand on the issue of lesbianism.

It is against this background that ABVA decided to send a Fact Finding Team to Cuttack.

DESTINATION – CUTTACK



Cuttack is one of the oldest cities of Orissa State. Orissa lies on the eastern region of India touching the coast of Bay of Bengal. Cuttack is situated on the delta formed by Mahandi and Kathjori rivers. Temples and stone embankment on the river Kathjori dating back to 11th century provide on antiquity to the city and also an understanding about the ancient civilization of the place.

A.B.V.A's two member fact finding team started from New Delhi on 3rd February 1999 and reached Cuttack, after covering above 1700 Kms. of train journey on 4th February 1999.

Kishore Nagar:

The village is situated along the banks of 'Mahanadi' river. It has about 300 houses and population of 2,000 people according to the local source of information. The majority of the people are from the 'OBC' community, mainly 'Tantis' (weavers). Nearly at every house one can notice weaving being done. Kishore Nagar has a small market in which STD/ISD communication facility is available. It also has a small

drugstore and a doctor attached to it; a few grocery shops and a couple of tea and sweets shops and two food joints where meals are available. This market is situated opposite the scooter stand, which is in the middle of a small ground. A recently constructed brick building with a hall and two rooms constitutes the 'Panchayat Ghar'; the walls of the hall have been decorated with paintings of patriotic leaders of the freedom movement. The rooms are used as offices. At Kishore Nagar there is a Senior Secondary School where boys and girls study separately. The economic composition of people is a contrast of mediocre Babu like people as well as simple village folks draped in a single saree covering their body all over!

Hulipur:

The location of village Hulipur where families of Mamata and Monalisa reside is 29 Kms. from Cuttack. The situation of this village is between Kandarpur and Nadidurai Revenue District of Cuttack. The approach to this village is through Cuttack - Paradip Highway. The mode of conveyance available is buses and truckers from Orissa Military Police Check, Cuttack which is approximately 3-4 Kms. from the Railway Station. Travelling by bus or trucker one has to get down at 'Soampur' which is nearly 20 Kms. from Cuttack. It takes nearly 1½ hours to travel this distance in bus due to bad road conditions. From Soampur scooter rickshaws are available up to Kishore Nagar and these ferry 7 passengers at a time. Kishore Nagar is the Post-Office and the Police Station for Hulipur. The distance between Soampur and Kishore Nagar is over 5 kms. The drive is on an extremely narrow road winding through the meadows and fields dotted with palm trees. From Kishore Nagar one has to hire a scooter rickshaw to Hulipur village, 3 Kms. away.

Hulipur is about 3 Kms. interior from Kishore Nagar. It is connected by a narrow single track metallic road. It is a medium sized village with about 280 houses and having a population of about 2,500 people (as per local source of information). The houses are brick-layered with thatched roofs. The village has a panoramic set up with its lush greenery and palm trees around the ponds. The village folks bathing in the ponds, the birds cooing around and the freshness of air provides a pleasant atmosphere.

REPORT OF THE FACT-FINDING TEAM

Investigation – Part 1 Meeting Mamata’s father

The Fact Finding Team started at 7.00 a.m. on 5/2/99 from the hotel at Cuttack for Hulipur, the village where the families of Mamata and Monalisa reside. The team reached Kishore Nagar via Soampur at 9.30 a.m. and as efforts were being made to engage a conveyance for Hulipur that being further interior), it was learnt that Dhruba Charan Mohanty (Mamata’s father) was the Secretary of the Gram Panchayat at Kishore Nagar and that he was available at the office from 10 a.m. onwards. So an attempt was made to contact Shri Mohanty at his office.

Meeting with Mamata’s father

When the team reached the Gram Panchayat Office, Dhruba Mohanty had not arrived. After waiting for a short period Mr. Mohanty was there at 10.15 a.m. After exchange of greetings and other preliminaries, ABVA’s letter of introduction (Annexure II) detailing the purpose of team's visit was handed over to him. Mr. Mohanty and a group of 7 people read the said letter and willingly agreed to volunteer information on Mamata - Monalisa case and about their relationship. The group of well-wishers mainly are as follows: Bijoy Kumar Mohanty; Subhash Bhoi; Kartik Chandra Sahoo; Abhay Kumar Maharana; Rajender Kumar Sinha; Ajay Rautray; Purshotam Biswas. The team settled down on the investigation at 11.05 a.m. and concluded the same at 1.30 p.m. during which the questions and the replies given were noted down with due consent of all present.

Question: Could you tell us what was the compelling reason that made Mamata and Monalisa take the extreme step of attempting suicide in which Monalisa lost her life?

Answer: (Dhruba Mohanty) Mamata and Monalisa were intimate friends for the past five years. Their friendship was so strong that they could not remain without seeing each other for a single day. Wherever they went, they went together. Mamata, had no friend other than Monalisa. Monalisa had done her ‘plus two’ schooling from Kishore Nagar and had taken admission for ‘plus three’ (Graduation) but did not join the college. As Monalisa’s father, who works with GRIDCO of the Orissa State Electricity Board as a clerk, had been transferred to the Central Section at Marsaghai District, Monalisa’s admission was arranged there and due to this reason she was to go away on 11-10-1998. The imminent separation and distancing had possibly emotionally charged them to attempt suicide.

INSENSITIVE REPORTING

The print media indulged in sensationalism. The news-reporting was insensitive, judgemental, and actually helped in perpetrating myths about same-sex friendship and lesbianism. There was no serious write-up to educate the people about the issue. Some newspapers had made it an issue of same-sex marriage, others murder or even homosexual crime. SAMAYA, an Oriya magazine published weekly has this to comment in an exclusive report titled "Peculiar marriage - Heinous revenge". (25-31st Oct. '98 issue).

"In the world of love the two stood like heaps of sand. There flowed the emptiness of reality ... In fact to find reality it is difficult ... Thus in the wilderness of youth they plunged in the stream of love - what result did it yield - momentary emotional satisfaction

"Society hates such people: they do not find acceptance in society even after losing everything in life. They are like people lost in a desert. Being lost in youth, they find themselves in a doomed condition. They cannot be saved then, because they are driven by the madness of youthful emotions making them **shameless** to be absorbed in this perversion. **The girls with perverse sex attitude, by forgetting heterosexual means of love, become deeply involved in their own world of sexual fantasy.**

If the **un-natural** love has blown off the light of Monalisa's life then it will not be a good omen. Then it will bring about a **bad name for the whole of Orissa** for times to come with an **unhealthy atmosphere** to follow".

Question: Could you tell us on which date the incident took place and how did anyone come to know about it?

Answer: (Dhruba Mohanty) It took place on the fateful day of 10th October, 1998. Mamata and Monalisa reached Mamata's home around forenoon and both were in Mamata's room. It was a normal practice that whenever the two were together they closed the door without bolting it. Mamata would not like to be disturbed whenever they were together or she was alone in her room. It was around 5.00 p.m. that Mamata's mother heard a faint sound of sobbing and opened the door only to find that the two girls were in a pool of blood. Mamata and Monalisa asked for drinking water. After giving them water Mamata's mother raised an alarm. Both were taken to the Primary Health Centre, where they were given first-aid and referred to CSB Medical College at Cuttack. Monalisa died on the way to Medical College.

Question: In what manner had Mamata and Monalisa attempted suicide?

Answer: (Dhruba Mohanty) Mamata and Monalisa had consumed 'Matadex-50', an insecticide by mixing it with 'Mango Fruiti'. The glasses in which they had consumed the poison and the packing of 'Matadex 50' has been seized by the police.

Q: When did the police seize the articles, and what else did they seize?

A: (Dhruba Mohanty) The police seized the articles and documents on 11th October '98.

Q: Has any F.I.R. been filed in the matter?

A: (Dhruba Mohanty) Yes! Monalisa's father has filed an F.I.R charging Mamata with murder u/s 302/306. **A suicide note was also recovered, written in blood and jointly signed stating that no one should be held responsible for their death.** In the suicide note they had expressed **as their last wish to be cremated on the same pyre.**

Q: It is learnt that Mamata and Monalisa had executed an affidavit concerning their relationship. What was it?

The question was replied by Mr. Mohanty and one of the well-wishers present.

A: It was not an affidavit but a life-partnership deed. Yes! They had made a life-partnership deed in which they had committed to remain unmarried and pursue some small business for their livelihood; also to undertake social work amongst poor women and widows.

Q: Were any of them associated with any social organisation or any other agency doing social work?

A: (Dhruba Mohanty) | am not aware of any such thing.

(Well-wisher) We were also not aware of their track record of being involved in social work; possibly they had it in their mind to do social work.

Q: We understand that the case has been reported by media, what has been its effect on the family and friends?

A: (Dhruba Mohanty) The publicity has given a bad reputation to the family.

(Well-wishers) The media has politicised the issue as Mamata's brother is the President, District Youth Congress. It has been media management by the opposition to politically gain by maligning the family.

Q: Do you have the newspaper clippings/dates on which the issue was carried?

A: (Dhruba Mohanty) It has appeared in 'Sambad', 'Samaj', 'Prajatantra', 'Anieshar' - the issue was merely scandalised. The clippings are available with my son, Dilip Mohanty at his office.

(Well-wisher) It has also been published in newspapers of adjoining states.

Q: What has been the reaction of Dilip Mohanty and how does he react to the issue politically?

A: (Dhruba Mohanty) Dilip feels bad about the whole thing, he is politically damaged.

(Well-wisher) It has been tough for him to manage things at his end. He had to face a lot of difficulties. At one stage Dilip had mentioned that it would have been better if Mamata had also died, he would be saved of this bad reputation and all the trouble it has created for him.

Q: Where can we get copy of the suicide note or of the partnership deed executed by Mamata and Monalisa jointly?

A: (Dhruba Mohanty) It is available with Dilip. You can get it from him.

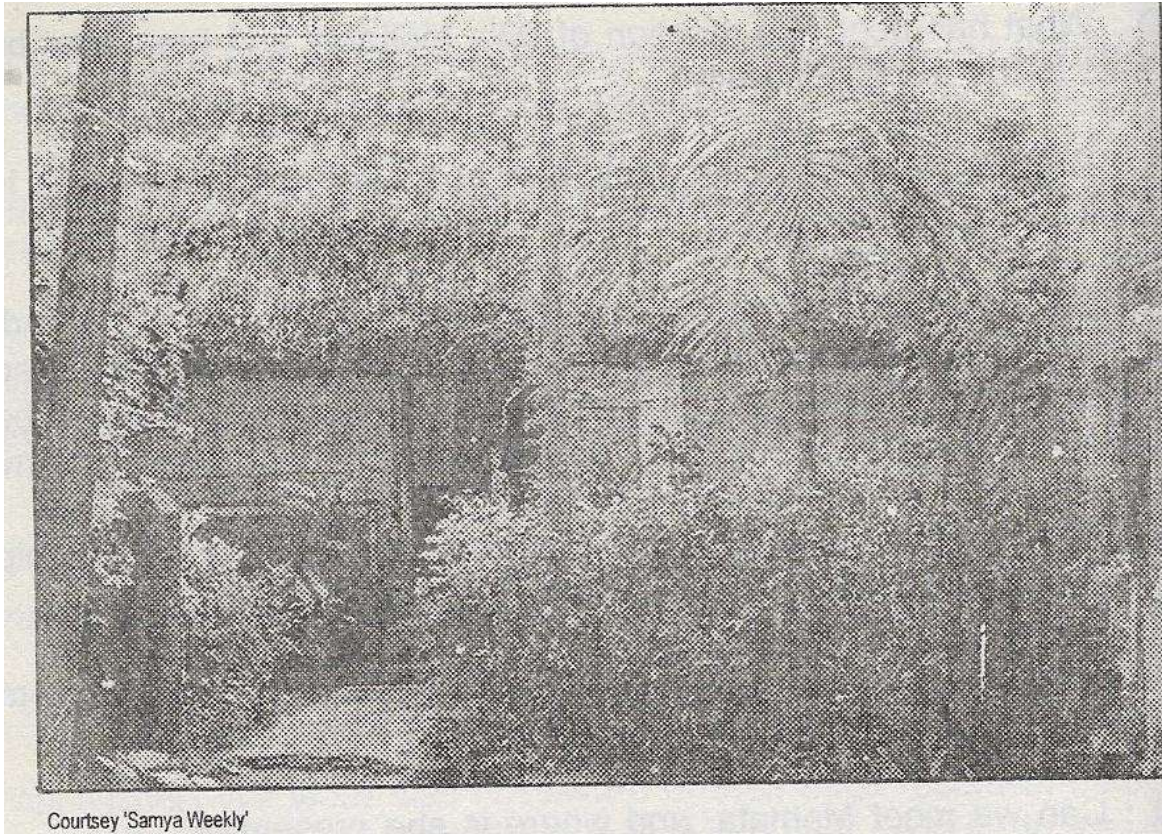
Q: Can we meet Mamata, and where is she presently?

A: (Dhruba Mohanty) Mamata is in SATAYU HEALTH HOME at Badambadi, Cuttack. Dilip shall take you there.

The team closed the investigation at this point with the intention of visiting the place of occurrence and of meeting Monalisa's family members (who-so-ever was available) at Hulipur village.

Investigation - Part 2: Meeting Mamata's mother

The team reached Hulipur along with Dhruba Mohanty in an autorickshaw from Kishore Nagar. The team first halted at Mamata's house at 2.30 p.m.



Courtesy 'Samya Weekly'

MAMATA'S HOUSE

At Mamata's house we were seated in the front room, the walls had been colour washed in electric blue shade. It has a sofa and a folding chair placed along the wall in parallel. At one corner, next to the folding chair is a black and white TV placed on a wooden stool. On the TV-top is placed a metallic photo frame with a cracked glass in which a post card size coloured bust portrait photograph of Mamata is inserted. On the cracked corner over the glass was a round cut photograph of her childhood; and this was inserted in the corner of the frame. Just diagonally above it is a laminated photograph of Dilip Mohanty (dressed in denim shirt) hung on the wall! Besides these two photographs there is another framed colour picture of Mamata that is hung in the centre of the left wall of the room. In this picture Mamata is standing (with the rear-end of a red Maruti 800 at the background); she is clad in jeans with a white top and is smiling. The mounting of this picture is painted in red and green at the two opposite corner. On this it is inscribed with pen "Hot birth day".

Dhruba Mohanty took us inside the house to show us Mamata's room. The inside of the house has a rectangle shaped open courtyard in the centre. There are rooms encircling it with a narrow thatched-roof verandah running along in front of the

rooms. As we entered inside the family dog came upto us, sniffed and then raised its head to look at us with a painful, melancholic look in-its eyes.

Mamata's room is adjacent to the outer room. The approach to her room is through the verandah behind the outer room towards right side. Dhruba Mohanty guided us into this room. The room is of 8'x10' size approximately. The door opens inwardly and is coloured faded blue. On entering the room, on the opposite left hand upper corner there is a piece of canvas with one set of arch shaped hues painted in three colours. Possibly the two hues symbolise two individuals, and their colour the depth of their relationship. Just below is a wooden-planked bed; over it lies a bare thin cotton mattress. In the centre lies Mamata's pillow covered with a printed handloom, towel cloth pillow cover that bears stray stains of vomitus over it.

On the right side next to the wall is a wooden pillar supporting the roof; on it hangs a cross with Christ-image. Just behind it is a small framed photograph of Shiva. Below it on the corner there is a 2'x3^{1/2}' feet improvised wooden shelf placed over a slab resting on bricks over the floor. This is packed with approximately 200 Audio Cassettes. At a glance the collection is of popular Hindi film songs. There were also some 'Meltron' recordable cassettes in green jackets, a tape recorder was placed next to the collection and behind the tape recorder on the wall was a heart shaped paper cutout of about 40" size. The rim of this paper cut-out was lined with red and green water colours; it was divided vertically with a line drawn in red obtusely. Two names were inscribed diagonally across the line that is 'Mami' and 'Mama' (the nick names of Monalisa and Mamata respectively). On the floor between the bed and the wooden pillar are discoloured patches that have appeared after blood has been washed away consequent to the tragic incident in this room.

Dhruba Mohanty brought out a packet covered with a piece of tricoloured cloth. After opening the packet he brought out a pair of jeans and layed the jeans on the bed. The inner side of the hem of both the legs were heavily stained with blood. Dhruba Mohanty remarked that the smell of blood was still there in it even after so many days. He added that it was in this room both Mamata and Monalisa tried to kill themselves first by consuming 'Matadex-50' and then cutting their veins with razor blades. There after we came out of Mamata's room and the door was bolted from outside by Dhruba Mohanty. During the entire period we were in Mamata's room the dog stood still at the door. As we turned away from the room, the dog gave a short mournful cry and walked away to one corner of the courtyard. It was touching to see tears in the eyes of the dog.

Meeting with Mamata's Mother, Mrs. Kamla Mohanty

Mamata's parent's room is situated diagonally opposite to that of Mamata. We were led into this room which is furnished with a wooden decorative bed and a wooden almirah. We were seated on the bed. Mrs. Kamla Mohanty who is in her early forties came and wished us Namaskar with folded hands in an extremely polite manner. She was wearing a simple white saree and a black veil blouse. From her appearance she gave the impression of an ordinary housewife of rural background.

Kamla Devi enquired if we were the ones who had telephoned from Delhi to enquire about Mamata's welfare. We nodded in agreement. Then she herself started telling us about the incident of 10.10.98. She stated as follows:

“Mamata and Monalisa came home around 11.15 a.m. on that day and both were in Mamata's room. The door was closed like on any other day. I didn't suspect anything would go wrong. When both had come here they were looking as normal as on any other day. I was busy with household chores and did not find out what they were doing. Generally, they would be gossiping, listening to music and reading magazines for hours together. How could anyone guess that they would be upto such a gruesome act to do away with their lives. (Kamla Devi starts weeping. She continues with tears rolling down her cheeks.)

“Mamata invariably took her lunch at about 3 p.m. when she would be at home. If Monalisa was present at that time, they would eat together. Mamata had always to be served her meals, she would never of her own take it from the kitchen. That fateful day I noticed that it was 5.10 p.m. and she had still not taken her meals so I went towards her room and as I neared I could hear both of them weeping. On entering the room I found them drenched in blood. Both of them asked for drinking water. I rushed with water and first gave water to Monalisa and then to Mamata. I asked them what had they done. Mamata replied that “as society did not allow us to live together so we have committed suicide to end our lives”. Monalisa said that “no one will be able to part us from each other”. I panicked and ran for help. They were transported first to Kishore Nagar and then to Medical College. Now she is at Satayu Nursing Home at Cuttack. I have been told that her hand wounds are not healing. I'm worried about her. I do not know what I should do for Mamata as I have not seen her for nearly one and half months.” Thereafter she started crying again. Kamla Devi's condition is exactly that of a grief stricken mother. We tried to console her and pointed out that her daughter would soon be O.K. Slowly she was able to control her emotion. She got up from the floor where she was sitting and went out of the room to return with 'Paan' (betel leaf) for her husband and both of us. We accepted this

hospitality. Thereafter she mentioned that she was feeling light-hearted after relating the tragic incident to us. We felt it necessary to provide her with moral support at that moment – thus we comforted her with words, telling her that she was a brave lady and certainly she would be able to come through this crisis with passage of time. Mamata, too, would be back home soon. With these words we concluded the meeting and came out of the room. No questions were asked from Kamla Devi. As we came out in the open courtyard to proceed towards the outer room we noticed two persons sitting on one side of the verandah and a third person standing on the other side. Dhruva Mohanty explained that these persons were from other families staying in that house. We reached the gate where the autorickshaw was waiting and proceeded towards Monalisa's house which was situated further interior in the village.

Investigation - Part 3: Meeting Monalisa's family members

We reached Monalisa's house after a short drive of about five minutes. The approach to the house has a hedge-fencing on both the sides of the drive way beginning from the road. The drive way is about 20 metres to the house. At the end of the hedge-fence both the side fences diverge in an 'L' shape and the house stands a few steps in front of it. As we alighted from the autorickshaw we met Mr. Abhay Kumar Mohanty who was attending to his motorcycle. We introduced ourselves and handed him a copy of ABVA's introduction letter. We were offered two garden chairs to sit down in front of the house.

Abhay Mohanty (Monalisa's uncle) went inside the house and called Mr. Joginder Mohanty (Monalisa's grandfather) and handed him our letter. Joginder Mohanty is a thin, tall, lanky looking gentleman in his seventies. He had been an Inspector in C.I.D. in Orissa Police Department. He had taken voluntary retirement and has devoted his life to fiction writing and other literary activities. He has written 70 crime novels, 24 children's literature books in Oriya language. His novel 'JALADASHU' (The Pirate) has been printed by British Museum, three other books have won him literary awards.

The team conveyed its condolence to Joginder Mohanty and to other members of the family. There after we asked a few questions as follows:

Question: Could you please tell us about the suicide of Monalisa and how did it happen?

Answer: (Joginder Mohanty) **It is a case of lesbianism** – Monalisa and Mamata were friends since five years, when Monalisa was a student at High School. Mamata

was her tutor; she coached Monalisa's younger brother also. After Monalisa completed her 'Plus 2' schooling, Mamata persuaded her not to join college.

On 10th October '98 at about 11.00 a.m. Mamata came and took Monalisa to her house. At about 5.10 p.m. we learnt that Monalisa was lying on the ground near Mamata's house. So my grandson, Alok ran to find out what had happened. On reaching there he found Monalisa lying in a pool of blood and she was in a senseless condition. She was still bleeding. So my son took both of them to the Medical College. On the way Monalisa died.

Q: Was Mamata paid for teaching Monalisa and her younger brother?

A: No, Mamata did not take any money for the tutoring.

Q: What makes you believe that it was a lesbian relationship and not just a deep emotional friendship?

A: One day during last summer both of them **were lying on a cot in this very house in a compromising position** to which I was a witness. So I asked my daughter-in-law (Monalisa's mother) not to let Monalisa socialise with Mamata as Mamata was not a good girl. My daughter-in-law did not heed to my advice. Her argument was that Monalisa was taking tuitions from Mamata. As a matter of fact, it is well-known that lesbians could resort to any extreme step on realising that their separation is imminent. And that was so in their case, too. My son, Ashwini Kumar Mohanty (Monalisa's father) who works in GRIDCO was transferred to Marsaghai District at the S.D.O. Office. He had rented a house there and was to take his wife and Monalisa along with him on 7th October '98. But it was Mamata who persuaded Monalisa and her mother to leave on Sunday, 11th October '98 to Marsaghai instead of going on 7th with her father. This persuasion on her part was with a pre-meditated intention to either ensure Monalisa would not go away or to do away with her as a vengeance for being separated. The poison was forcibly administered to her by Mamata. Then her veins were cut. Monalisa herself could not have done it as the cut on her right hand was deeper than on the left hand. Mamata, though, did not have any grievous injury. Moreover when Monalisa was being taken to Medical College, her last words to her uncle were, "This would not have happened to me, if I had gone away to Marsaghai."

Q: We understand that there is a suicide note written in blood stating that no one should be held responsible for their deaths and this is signed jointly by Mamata and Monalisa. What have you to say on this?

A: (Shri Abhay Kumar Mohanty) We have our doubts whether the signature on the suicide note is genuinely of Monalisa.

(Joginder Mohanty) The signature of Monalisa is completely smudged. Therefore the authenticity of the signature is in doubt, till it is verified by a handwriting expert.

Q: We have been told that Monalisa and Mamata had signed an affidavit declaring that they would be living together and not get married; that they would be doing social service for poor and downtrodden women by initiating some cottage industry ventures. In this context what have you to say?

A: Yes, we have heard about this affidavit and it is being distributed by Dilip Mohanty (Mamata's brother). I have not seen the affidavit myself, therefore I shall not be in a position to comment upon it. But the authenticity of this document needs to be confirmed also.

Q: What provides you with the confirmed understanding that Mamata had a premeditated intention to go in for homicidal course of action?

A: Mamata has been an aggressive girl. It is learnt that when she was pursuing her Engineering Course, she had made a criminal assault on one student. Then, a short time ago she attempted to assault her brother, Dilip Mohanty.

In the present context, Mamata's intention is confirmed by the presence of poison, a dagger and razor, which were found in her room and used on Monalisa.

Q: Have you filed any F.I.R. and when?

A: The F.I.R. was filed by Monalisa's father, Ashwini Kumar Mohanty on the night of 11th October '98 at Kishore Nagar Police Station. Copy of the F.I.R. was not made available to us for 12 days. Praying for justice I wrote to various authorities - President, Orissa Rajya Congress; Superintendent of Police, Cuttack; Director-General of Police; DIG-CID; Sonia Gandhi, President AICC; and to the Chair person, National Commission for Women.

The matter was also taken up with the Chief Minister, Mr. J.B. Patnaik in the State Assembly by the local MLA, Mr. Yudhishtir Das who is a senior member of Janta Dal. There had been a protest by 500 students and local people at the Thana after which the copy of F.I.R. was given to us.

Q: In case Monalisa was alive and both the girls had approached you with their declared intention of living together as per the affidavit they had executed what would have been your reaction and that of the family?

A: I do not think the parents of Monalisa would have agreed or accepted such a proposition at any time.

The team concluded the investigation with request for copy of the petition to National Commission for Women and also other documents. We were informed that all the copies were with Monalisa's father at Marsaghai and nothing was available here. We thereafter returned to Kishore Nagar in the autorickshaw.

Investigation Part 4: Meeting with Police Officials

The team after a brief break at Kishore Nagar, visited the Thana to enquire about status of the F.I.R. filed by Monalisa's father. We reached the Thana at 4.30 p.m. At the Thana, the Inspector Incharge as also the Investigating Officer (I.O.), Mr. Saroj Kumar Saine was not available as he had gone to the courts at Cuttack. Mr. Jatinder Sahu (ASI) was available with whom we talked on the matter.

ASI, Jatinder Sahu informed us that the case had been transferred to Crime Branch at Cuttack. On our query he provided us with the name of Mr. Krishna Behra who had been deputed as I.O. in the case. The team requested for details of the F.I.R. that had been filed at this Thana. The details made available from the official record are as follows:

P.S.: Kishore Nagar

F.I.R. No.: 0089 Dated: 11.10.98

U/S: 306/302

St. Diary Ref.: 184 Time: 2 a.m.

Occurrence Day: Saturday, 10.10.98

Time of Occurrence: In between 11 a.m. to 6 p.m.

Information received on: 11.10.98 at 2 a.m.

Type of Information: Written

Distance: 3 Kms. from West of P.S.

Place of Occurrence: Vill.: Hulipur, P.S.: Kishore Nagar, Cuttack

Beat No.: 3

Complainant: Ashwini Kumar Mohanty

Accuse: Mamata Mohanty

Report: (The original complaint was in Oriya. The details given are as per the verbal translation provided by the Duty Officer giving approximate details stated therein). As per the version of the complainant, Monalisa was called by Mamata at her house on 10.10.98 at about 11 a.m.

Then at about 6.00 p.m., when she did not return to her house, the younger brother Alok went to bring Monalisa from the house of Dhruba Mohanty. After reaching the house, he found Monalisa was lying in a pool of blood. Monalisa's foot and hand veins had been cut. Smell of poison was coming from her mouth. Then Alok shifted her immediately to Cuttack Medical College, where she died. .

Monalisa was studying at Marsaghai College and she had to attend her College on 11-10-98 but Mamata opposed her going to College and which she frequently stressed upon. So it is suspected that as Monalisa did not agree to Mamata's persuasion of not going away, so she first administered poison to Monalisa and when she became unconscious, her veins of hand and foot were cut with the intention of murder. Due to heavy bleeding and because of the poison given to her, she died.

The team enquired about the protest (mentioned by Mr. Joginder Mohanty to ABVA) held at the Police Thana over the refusal to lodge F.I.R. The Duty Officer denied any knowledge of any such protest, but stated that President, Students Union of the local college had come to emphasise that proper justice be done to the investigation.

The team concluded its investigation at Kishore Nagar and left for Cuttack. At Cuttack we went to Dilip Mohanty at the District Youth Congress Office at Badambadi to meet him and pursue the investigation.

Investigation Part 5: Meeting with Mamata's brother

As we were trying to locate the office of the District Youth Congress at Badambadi we noticed that whom-so-ever we enquired from would want to know (with raised eyebrows) if we were to meet Dilip Mohanty. There seemed to be some sort of fear associated with Dilip Mohanty's name; this could be read from their facial expressions. No one expressed anything in words, but withdrew.

The District Youth Congress Office is located on the first floor of a building on the main road of Badambadi. The approach is through a very narrow lane between two adjacent buildings. On entering the lane there is a big door on the left through which one finds a flight of stair cases to go up to the first floor.

On climbing up, there are offices on the left and right sides of the stair case braced with corridor-like verandah. Dilip Mohanty's Office is on the right side. On entering the office we found Dilip Mohanty seated in front of his table across the door. There was another table in the room over which there was a T.V. set; and around Dilip's table were a dozen or so metallic tubular type folding chairs. The room had the usual Party Office bearings. As we sat down across the table with preliminary introduction, Dilip went out and returned with two more persons. Soon there were five people with him in the room. Dilip asked one of the persons to get tea. By now we were set to start our investigation with him. We handed him a copy of AVBA's letter and explained to him our intention. We tried to establish rapport with other persons present there but Dilip cut us short and added that they were Youth Congress members and his friends.

Dilip Mohanty brought a bunch of papers from his table bureau, He produced ABVA's earlier letter (posted to Mamata at her residential address!) enquiring about Mamata and asking for other details of the incident. He stated in an irked manner that a reply had already been sent to ABVA's Delhi address; and that it was not a case of homosexuality! The team responded to this by stating that it was not just the issue of sexuality, ABVA supported and had been lobbying since 1991 for legal sanction to friendship agreements between two single people of the same sex. We were concerned if sexual orientation was being made the bone of contention or any type of social ostracisation was being meted out to people with different sexual orientation. We added that for these reasons we wanted to assess the situation so as to be able to provide any support that could be possibly made available to the victim, if needed.

Sensing the rigid heterosexual attitude of Dilip Mohanty and his friends, it was necessary at this juncture to sensitise them on the issue of alternate sexuality. Thus, the team pointed out that when politically we are moving towards empowerment of women and reservation for women under such circumstances we must also understand and respect women with different sexual orientation. It has existed in the past and now in the course of political and social empowerment of women, lesbianism is visibly surfacing. It was pointed out that Sec. 377 IPC – which criminalises homosexual acts between two males – is a legacy left behind by our colonial rulers under the influence of Victorian morality. Even so, Sec. 377 IPC does not criminalise same sex relationship between two women.

To provide better understanding on the issue leaflets titled “Myths and reality – Lesbianism” issued by CALERI (Campaign for Lesbian Rights), were circulated. This leaflet (Annexure III) was thoroughly read practically by all people present. The effect of the discussion and the leaflet was visible as Dilip Mohanty and his friends softened their attitude and became open to the fact finding process.

Thereafter we put the following questions to Dilip and his friends:

Question: How is Mamata at present?

Answer: (Dilip) Mamata is in better health and is presently staying here at Cuttack at a friend’s house. She is still under treatment.

Q: Could we meet her?

A: (Dilip) No, she is under psychiatric treatment and confined to one room. We have told her that Monalisa is O.K. and is in the adjoining room. So she is always enquiring about her. Your meeting could disturb her as she may enquire from you also about Monalisa.

Q: Will it be possible for us just to have a glimpse of her without talking to her?

A: (Friends) No, Not at all. We do not want anyone to meet her presently.

Dilip Mohanty nods his head in affirmation to this.

Q: Could you tell us under which doctor’s treatment Mamata is at present, and since how long?

A: (Dilip) She is under the treatment of Dr. Das of Psychiatry Dept. of the Medical College.

(Dilip hands us the Medical Discharge Certificate etc.)

The Discharge Certificate of SCB Medical College Hospital, Cuttack indicates that M.L.C. was filed and Mamata was admitted in Female Medical Ward on 10.10.98 and discharged on 27.10.98. She was diagnosed as ORGANOPHOSPHORUS POISONING WITH CUT INJURIES OVER BOTH WRISTS AND NECK. She was advised to attend Psychiatry OPD on 28.10.98 at 10.30 a.m. by Dr. G.S. Prasty.

The Discharge Slip of SATAYU HEALTH HOME indicates that she was admitted on 27.10.98 and given conservative treatment and discharged on 12.1.99.

Q: How long is Mamata likely to be under Psychiatric treatment according to the attending doctor?

A: (Friend) She is likely to be under treatment for about a month or two. If she is O.K. by then it is fine. Otherwise we will take her to **Ranchi Mental Hospital**.

Dilip Mohanty does not reply but blankly looks at his friend who makes the reply.

Q: We have been told that the affidavit made jointly by Mamata and Monalisa is available with you. Could we have a look at it?

Dilip Mohanty gives us a copy of the 'Deed of Agreement for Partnership as well as to remain as life partner.' It has a Notarial Certificate dated 6.10.98 authenticated by Mr. Kailash Ch. Rout, Notary, Cuttack - Sadar, Sub Division.

Q: We understand that you have the clippings of the newspapers in which the matter was reported locally.

A: (Dilip) No. The local newspaper clippings have not been retained. Only a magazine clipping is available. (He brings out a copy of 'SAMAYA' weekly dt. 25-31st Oct. '98. It has a photograph of Mamata and Monalisa on the left corner of the cover page.)

The team requests for photocopies of this magazine clipping, Partnership Deed and Discharge Slips etc. Dilip sends a friend to get the same photocopied. As we waited for this person to return the T.V. set was switched on to view the evening news on D.D. channel. The attention of Dilip's friends is diverted. Dilip Mohanty volunteers to inform us on his own that **Mamata would not be returning to her job anymore**.

Q: Has Mamata resigned from the job or has she been removed from the office?

A: (Dilip) No, nothing of that sort has taken place. She has not resigned as yet.

Q: Is it the decision of Mamata to quit, the job or has the decision been imposed upon her?

A: (Dilip) No decision has been taken, but we feel that she should give up the job.

At this stage Dilip Mohanty gives an uncomfortable look and shifts his position in the chair.

Soon the photocopies, as requested for, are brought by the friend of Dilip, who shuffles through them and inscribes the identification of each document in ink or puts the date etc., and hands over the set to the team. The team concludes the first day's fact finding investigation at this point at 8.00 p.m. and returns to the Hotel.

Investigation Part 6: Meeting with Social Activist

The team began its work on the second day at 7 a.m. with the plan to visit Bhubaneswar to meet the local MLA as well as the activist (who had initially sent a letter to ABVA) to know their opinion and reaction on the matter. It was also planned to meet the Crime Branch officials to find out the status of the case. Also we wanted to know if any case was initiated through the MLC filed at the Medical College Hospital.

The team reached Bhubaneswar by bus at 9 a.m.; from the point where the bus dropped us it was about 10 minutes walk to the NGO office where the activist named X, was working. We arrived at the office prior to his arrival. He came at about 9.45 a.m. After the formalities were over we enquired from him the details of the case through the following questions.

Question: How did you come to know of the case?

Answer: I learnt about it from local newspaper.

Q: Did you meet the concerned families? Could you meet Mamata?

A: Yes, I visited the family at Hulipur along with another friend. We had a long discussion with Mamata's parents. I did not meet Mamata.

Q: Would you tell us what you were able to make out from the discussion with the family?

A: From the discussion it was gathered that Mamata and Monalisa were close friends for five years. **Their friendship had ultimately taken shape of lesbian relationship and they wanted to live together.** They tried to commit suicide jointly

being emotionally distressed due to the separation which was imminent due to Monalisa's father being transferred.

Q: Did you learn about Mamata's condition from them?

A: I was informed that Mamata had recovered but that she was having problem with her left wrist wound. It is said that the wrist movements have become restricted and Plastic Surgery is needed for restoring it.

Q: What did you make out about Mamata's relation with Monalisa's family?

A: I was told that Mamata was thick-and-thin with Monalisa's family. She had been spending a lot on Monalisa. Mamata is also said to have financially helped Monalisa's father during the period of strike in GRIDCO when he was not getting his salary.

Q: Did you meet Mamata's brother Dilip. Mohanty?

A: I did not meet him. Due to political power he has become President, District Youth Congress. Moreover he enjoys the patronage of J.B. Patnaik, the erstwhile Chief Minister of Orissa.

Q: What is the reaction of Women's organisations on the issue? Have these organisations taken any stand on the issue?

A: The feminist groups or women's organisations are not very active in Orissa; they are more of cosmetic nature and do not respond to such issues. So far no organisation has taken any stand on the issue or the case.

Investigations Part 7: Meeting with the M.L.A.

The team proceeded to meet the M.L.A. of Sadar Sub-Division, Mr. Yudhishtir Das. The team reached his office at his M.L.A. flat at 12 noon. He was immediately available as the team had fixed an appointment with him in the morning on telephone. He was very cooperative and cordial.

The team asked him the following questions:

Question: How did you come to know about the incident of Mamata and Monalisa of Hulipur village?

Answer: I was informed about the details of the case by my person there in the Hulipur village.

Q: We understand that you took up the matter in the Assembly. Did you raise a question on the issue? Else, how was it mentioned?

A: I learnt that Monalisa's family was being harassed by the local Thana and copy of the FIR was not being given to them. So on the third day after the incident I telephoned the Inspector In-charge and fired him for this lapse. Thereafter Monalisa's family was provided with copy of FIR.

Dilip Mohanty, Mamata's brother, is J.B. Patnaik's man and is also President, District Youth Congress, Cuttack. He telephoned me not to pursue the matter. In fact he has not been allowing the Police to investigate the matter properly through sheer use of political pressure. It is a goonda-raj here; the State Administration has totally collapsed. So, such a matter was required to be brought before the Assembly. **I placed the issue in the 'Home Demand Debate' –** The Chief Minister assured me that action will be taken against Dilip Mohanty if he is found guilty in any manner. The case was transferred to the CID. So far I have not heard anything on the matter from Crime Branch. **No one knows where Mamata is presently. To my knowledge none has seen her since she left Medical College.**

With this information the team concluded its investigation at Bhubaneswar and returned to Cuttack at 3.00 p.m. At 3.30 p.m. the team reached the Crime Branch Office at Baxi Bazar, Cuttack.

Investigation Part 8: Meeting with Crime Branch Officials

On reaching the office of the Crime Branch, we tried to trace the Investigating Officer Mr. S.K. Behra. We were informed that Mr. Behra who was investigating the case has been transferred to the Vigilance Dept. just a day earlier and he had joined there from 6.2.99 itself – the day we were trying to meet him! We were asked to contact Mr. P.K. Mohanty, Senior Officer In-charge on the case. The team contacted Mr. P.K. Mohanty at his office and gave him ABVA's letter of introduction. He asked us to wait in the office as he was called up by the D.I.G. We waited for 2½ hours before he returned. It was 5.30 p.m. by then.

Mr. Mohanty took out the file and placed it before us. The details in the file stated as follows:-

1. Kishore Nagar Police Station: Case No. 89 Dt. 11.10.98 U/S 306/302 IPC Accused Mamata Mohanty.
2. Manglabad P.S.: Unnatural Death Case Dt. 11.10.98 Vide U.D. Case No. 697 Dt. 10.10.98 on the report of Dr. P.K. Patnaik of SCB Medical College Hospital vide Casualty Memo No. 2689 Dt. 10.10.98 of Monalisa Mohanty. The cause of death due to assault relates to Kishore Nagar P.S. Case No. 89/98 U/S 306/302 IPC.

The team enquired whether the I.O. had carried out any investigations and if he happened to meet Mamata Mohanty in the process.

Mr. Mohanty stated that possibly, the I.O. must have carried out the preliminary enquiry and the report is on his diary. The same is likely to reach the case file in due process.

The team then enquired that as Mamata's Discharge Certificate showed that MLC was made at the Hospital, has any case been made against her in lieu of the MLC? Mr. Mohanty directed us to contact Manglabad P.S. as the Medical College Police Post was under its jurisdiction.

The team further enquired about the future of the investigation by the Crime Branch. We were informed that as a practice it was up to the S.P. to whom he may assign the case for further investigation. He added that in this case Additional S.P. Crime Branch, Mr. C.D. Naik, had been specifically authorised to supervise the case and monitor the progress of the same. Thus the case is likely to be assigned shortly to some competent officer to pursue the investigation.

Visit to Manglabad Police Station

At Manglabad P.S. the team contacted the Duty Officer to trace the Casualty Memo No. issued by the attending doctor on 10.10.98 in connection with Mamata's case.

The Duty Officer traced the Casualty Memo No. from his register which was 2690 dt. 10.10.98. The memo was registered on 11.10.98 and sent back to the Police Post at the Medical College on 14.10.98 for preliminary investigation. So the team was directed to contact the Officer Incharge at the Police Post.

The team proceeded to the Medical College which was just at a stone's throw from Manglabad P.S. The Officer Incharge at the Police Post, Panda Babu, had recently

taken charge and was not aware of the case. He called a junior to trace the Casualty Memo of October '98. After a little search the bundles were traced. One by one the Casualty Memos were scrutinized and finally Mamata's Casualty Memo No. 2690 was traced. The memo detailed thus:

Case of metallic poisoning with injuries in neck and back, upper limbs has been admitted in Female Medical Ward.

There was no mention of any preliminary enquiry having been undertaken on it. Thus no case had been registered at the hospital against Mamata. Finally, the team had collected all the facts that could be ascertained on the matter. The fact finding investigation ended on the second day at 9.00 p.m. and we returned back to Hotel.

Regd No-395/98

1Re



Handwritten signature/initials

DEED OF AGREEMENT
FOR PARTNERSHIP AS WELL AS TO REMAIN AS
LIFE PARTNER.

Manika Rani Mohanty
6.10.98



THIS DEED OF AGREEMENT is made on this the
6th day of October, 1998;

BETWEEN

1. Mamata Rani Mohanty, aged about 24 years, daughter of Sri Dhruba Charan Mohanty of village. Mulipur, PO. & P.S. Kishore Nagar, Dist. Cuttack, hereinafter called the FIRST PARTY.

A N D

2. Monalisa Mohanty, aged about 19 years, daughter of Shri Aswini Kumar Mohanty, resident of village. Mulipur, PO. & P.S. Kishore Nagar, Dist. Cuttack, hereinafter called the SECOND PARTY.

Monalisa Mohanty.
6.10.98

Handwritten signature

NATURE OF DEED:- Partnership to live together to earn livelihood.

RECITALS:-
(Description) WHEREAS the first party is a contd....2.

THE DEED IS DONE!

We reproduce below in its entirety the Notarial Certificate and the Deed of Agreement for partnership as well as to remain as life partner made on 6.10.1998, barely four days before Mamata and Monalisa entered into a joint suicide pact.

**DEED OF AGREEMENT
FOR PARTNERSHIP AS WELL AS TO REMAIN AS
LIFE PARTNER**

This DEED OF AGREEMENT is made on this the 6th day of October, 1998:

BETWEEN

1. Mamata Rani Mohanty, aged about 25 years, daughter of Sri Dhruba Charan Mohanty of village Hulipur, PO. & P.S. Kishore Nagar, Distt. Cuttack, hereinafter called the FIRST PARTY.

AND

2. Monalisa Mohanty, aged about 19 years, daughter of Shri Ashwini Kumar Mohanty, resident of village Hulipur, PO. & P.S. Kishore Nagar, Distt. Cuttack, hereinafter called the SECOND PARTY.

NATURE OF DEED - Partnership to live together to earn livelihood.

RECITALS:-

(Description) WHEREAS the first party is a

Diploma Holder in Electronics and Telecommunication Engineering and Serving as Junior Clerk in Soil Conservation Department, Government of Orissa;

AND

WHEREAS the Second Party is a student and is a neighbour of the first party;

AND

WHEREAS the First Party and Second Party both are bachelors and have intimated their relationship with one-another for last several years;

AND

WHEREAS their relationship has become so close that it is not possible on the part of either party to live apart or sever such a relationship;

AND

WHEREAS both the parties hereunto have decided to live together as Life Partner forming a Partnership for the purpose of earning their livelihood.

IT IS ACCORDINGLY DECIDED AS FOLLOWS: -

1. On and from to-day the first party and the second party shall live together and by means of any business to earn their livelihood.

2. The partnership shall be known as “MAMATA & MONALISA”.
3. The partnership shall have a capital of Rs. 1,000/- (Rupees one thousand only) contributed equally by the parties.
4. Both the parties shall invest the said amount in some sort of cottage industry to be engaged in helping financially widows, divorcees, handicapped women, destitutes, orphans etc.
5. Both the parties have agreed to remain bachelor and to spend their entire income for the purposes mentioned supra.
6. Both the parties have hoped and expected to fulfil their ambition in life of helping poor and destitutes and to accept unmarried girls as partners of their temperaments.
7. Both the parties have agreed that neither the parties shall ill-treat, annoy nor create such atmosphere which may cause mental or physical cruelty to the other.
8. Both the parties having entered into this Agreement and having decided to continue their life as Life Partner for good without acting any fraud, coercion, misrepresentation, concealment etc. of each other and shall create an atmosphere for healthy sound and peaceful living.
9. With these stipulations this Partnership deed is executed by the parties without any force or pressure in presence of the witnesses in full understanding and realisation of the realities of this Deed.

WITNESSES

- | | | | |
|----|---|----|----------------------------------|
| 1. | Sd/-
Bihash Kumar Dash
S/o Santonu Dash
Kalyani Nagar
Cuttack -12 | 3. | Sd-
Signature of First Party |
| 2. | Sd/-
Sounendra Bohera
S/o Sisir Kumar Bohera
Mahanadi Vihar
Cuttack | 4. | Sd-
Signature of Second Party |

CERTIFICATE

Certified that the executants are my clients and I have dictated the terms of the Deed, as per their statements and typed by my typist as per my direction. The executants are major as per their statements.

Cuttack
Dt. 6.10.98

Sd/-
(GOUTAM KR. MUDULI)
Advocate

Office of Sri Kailash Ch. Rout

B.A., L.L.B.,

Notary and Advocate

Cuttack Sadar, Sub-Division

AROUND THE CLOCK OFFICE

Res: Arunodaya Nagar

(Back side of Khannagar Petrol Pump)

Cuttack – 753012

Phone: 612526

NOTARIAL CERTIFICATE

(Pursuant to Section 8 of the Notaries Act, 1952)

TO ALL TO WHOM THESE PRESENTS *shall come Sri Kailash Ch. Rout 'NOTARY' duly appointed and authorized by the Government of Orissa residing at Cuttack do hereby verify, attest and certify that, this deed of Partnership annexed hereto Comprising 6 (six) sheets has been executed in my presence by the executant(s) and the executant(s) has/have been identified by Sri Goutam Muduli Advocate.*

The contents of this annexed deed have been read over and explained to the executants in my presence and the executants appeared to understand the same and admitted to be correct and put their signatures and thumb impression on the instrument.

IN FAITH AND TESTIMONY WHERE OF
being required of a NOTARY, I do hereby authenticate execution of the instrument under my Official Seal and Signature on the 6th day of Oct 1998, at Cuttack (Orissa)

Regd. No.395

Date: 6/10/98

Sd/-

KAILASH CH. ROUT

NOTARY

Cuttack-Sadar Sub-Division

PEOPLE TO JUDGE

More than a decade earlier just when ABVA came into existence we were sensitised to the issue of sexual minorities as worldwide reports appeared detailing how homosexual people were being targeted on account of a wrong notion perpetrated by the World Medical Establishment led by the W.H.O. The latter had classified them as a 'target group'; later the medical view matured to a point where 'high-risk activity' was held responsible for the spread of AIDS. The concept of safe sex and safer sex got evolved. ABVA was the first organisation in India to publicly demand condoms as a preventive measure against spread of AIDS through infected (male) clients visiting Delhi's red-light area, G.B. Road. At that time India's top most medical scientist, Dr. A.S. Paintal, the Director-General of Indian Council of Medical Research had publicly opined that 'women are the lousy lot' and held them responsible for spread of AIDS.

Individuals within ABVA, who have interacted with women's groups since the 1980s recalled during the writing of 'Less Than Gay' that far from taking a public stand on the issue, the issue of sexual minorities itself was never even discussed in most feminist groups. Courtesy AIDS, ABVA members got sensitised to the issue. Ever since then we have been asserting on the human rights violations of gays and lesbians who form a silent minority. It has been an uphill task to get progressive/liberal/democratic/revolutionary/women's groups to take a public stand on the issue.

Mamata - Monalisa case has once again brought to the fore the suppression of sexual minorities especially amongst women. Repression of sexual minorities is widespread. Ignoring the issue or maintaining a silence on it does not lessen this repression.

We reproduce from 'Less Than Gay' – A citizens' report on the status of homosexuality in India (ABVA, 1991) a series of documented case histories involving same-sex friendship and emotional ties with or without physical intimacy and same-sex marriage. A common trend observed is that unable to bear the pangs of impending separation, a joint suicide pact is entered into by the concerned partners. The separation is engineered at the behest of a male family member (brother or father)/male employer/male colleagues at university/husband of one of the 2 women eventually forced into a heterosexual marriage. Those who survive the bid are than harassed at the hands of the police, the courts and the employer apart from being socially ostracised. Insensitive media reporting adds to the trauma.

The hope is that in a rare instance parents of both the partners have actually consented to the wedding. In other rare cases partners have dared to live together happily ever after through ‘maitri karar’.

Marriage offers social prestige. Why should the definition of marriage be confined to the legal solemnization of a sexual relationship? Shouldn't friends not in a sexual relation to each other be allowed to marry (or at least be allowed to live together) with the legal consequences the status brings. Why can't they settle down or live together?

Isn't it time that jurists, civil rights organisations and women's groups have a Public debate on these questions?

On the other hand women who have some choice do not resist marriage with men. The reasons could be isolation and loneliness; the feeling of fighting a battle in isolation; social support or economic independence to resist marriage with men being not available. Lesbian women may be forced into marriage before they become aware of the true nature of their sexuality. Some may be forced to marry in an effort to suppress it.

CASE HISTORIES

Women and Women

“When I was in college in Himachal Pradesh, my classmates found me crazy; they would laugh and mock at me. I was one of the few who did not boast of having a boyfriend. It was at that time, when I was drowned in complexes, that she came up and hugged me. Nobody had hugged me like that for many years. Her embrace somehow gave an outlet to my suppressed emotions. I started crying. We got very close to each other as if we were children. She became my patient listener. For hours I would keep lying in her lap and she would stroke my hair....

“For me being lesbian is a matter of emotional, intellectual and political dignity. I have had very bad experiences with social organizations about my sexuality. There is so much repression. I once worked for a few years with a voluntary group in Delhi where, during one of our soul-searching sessions, I spoke about women-women relationships, the need to strengthen them, the need to resist marriage, the joys of being lesbian. Everyone was very sympathetic – they thought I had a problem and harassed me for the entire year with suggestions for cure. In fact, their badgering made me fall sick for a long period of time.

“Women have been friends to each other since the world began. They have been emotional, economic, and intellectual supporters of each other. Women have always had strong attractions for each other, feelings of complete identification and empathy. But heterosexual marriage forces female friendships to compete for a meaningful or equal place in a woman’s life. Despite the enormous pressures put on women to exist for men, they have still been and are struggling to be friends. (From a long piece written for ABVA by a young woman currently based in Western India).

“Dangerous” Women

How many of us have heard men call a woman who is competent, “tough”, not available, “a bloody lesbian” as a way of dismissing her? The following reflection was written by an Indian woman studying at a University in Britain: “When I heard that a female student who I had bought a drink in our college bar was subsequently cornered by two male students eager to warn her that I was a lesbian and therefore a “dangerous woman”, my reaction was of both indignation (on her behalf) and amusement. Their arrogance shouldn’t have surprised me, given my experience of young men in Cambridge.

“Being a “dangerous woman”, however, appealed to me – though not in the sense I believe they intended. (For my part, I have never whistled at, touched up, sexually harassed, assaulted or otherwise abused a woman, will never expect a woman to bear my name or my children, take harmful contraceptives, or abandon her career to cater for me). But perhaps it was subversion they wished to charge me with? To this I must plead “Well, it depends...”

“I have known of my Lesbianism for several years and it has always seemed to me a cause for celebration – even though other people have often made it extremely difficult for me to “celebrate” my sexuality openly without great risk to myself and my lovers. To the extent that lesbians attack the status quo and present an alternative to other women, the charge of subversion is justified – with two qualifications: firstly, women are not poor impressionable little creatures; we are certainly best placed to judge for ourselves what is and is not in our interests. Secondly, what is this “normal heterosexuality” that is so fragile as to warrant the alarmism that underlies anti-lesbianism? If heterosexuality is “natural”, why do we need severe social and legal sanctions to enforce it? Why are parents so paranoid about their children adopting the “appropriate” sex-roles? And why should two men I don’t know be so presumptions as to warn another woman of the danger of associating with me?

“It seems clear that most people are somehow aware that heterosexuality is a rather flimsy social construct requiring inordinate efforts to maintain it “uncontaminated” in the face of the alternatives. I do not, however, see different sexualities in the context of this society as a range of equally weighted alternatives. Your sexuality is political precisely because it isn’t God given and can therefore be altered by choice and circumstance (I certainly thought I was heterosexual once). If I am a “danger” to heterosexist society in some small way by tendering transparent the political (i.e. contingent rather than inevitable) nature of sexuality, then I’m glad. To the charge of feminism I plead guilty: Lesbians may be a danger to the social order, but this “order” is a constant, actual and potential, danger to the female population. It rests upon the sexual and economic exploitation of women - in ways, moreover, that reinforce the racism and class inequalities which are also fundamental to this society. Cases of sexual violence perpetrated by men against women are innumerable and widespread, pervading our lives in detail and encouraged by pornography’s distortion of female sexuality. They cannot be divorced from aggressive heterosexuality. Male violence against women is not a homogenous phenomenon: Women of different “races” and classes experience it in different ways and with varying types of social response. But compared with the danger all women face,

particularly from men known to them, the danger we face from lesbianism looks thin indeed.

“Hence the danger” I posed for my unsuspecting acquaintance in the college bar was in the form of an invitation, not - as the two honourable gentlemen suggested - to get into bed with me, but rather - far more ambitious and subversive - to question and be most critical of those things we are brought up to take most for granted.” (R.A.)

Love Against All Odds

“One early winter afternoon I had come home with my friend Kuni. Mother was next door chatting as usual. The servant woman said that there was a pot of extra hot water on the stove if I wanted a bath. When she turned back to her cooking, I looked at Kuni.

Between us we lifted the brass pot off the fire and poured it into the tank of cold water in the bathroom.

“I slid the little bolt on the door and we took our clothes off. For a few minutes we stood fondling each other and then my friend poured some of the hot water still in the brass pot over the floor. We lay down and did what I now know was the number 69. It was fantastic. It was not the first time, but maybe the hundredth time, and every single time was different, good, positive, and exciting, both physically and mentally.

“We were still on the floor in that position when a terrible noise erupted as the door came crashing down and nearly smashed Kuni’s head. We both jumped and looked with horror and total fear at my elder brother. The servant woman appeared next to him and after a few minutes of his screaming, my mother came rushing in. He turned and bolted the door....

“My mother and the servant woman stood in total silence as my brother cursed and cursed. The words he used I hardly knew the meaning of. My friend handed me my clothes and I put on what I could. My brother then stepped forward and grabbed her by the arm and dragged her out of the bathroom, and opening the back door, shoved her outside. He then returned and grabbed me and like a wild animal beat me until I fell on the floor. My mother tried to stop him, as did the servant woman, but they only got shoved out of the way. He picked me up by the hair and beat me on the stomach, by the crotch, and the breasts. I fainted.” (P.Parivaraj, *Shakti Khabar*)

Well of Loneliness

The following letter was written in Bengali by a girl living in Siliguri, North Bengal to a columnist in a Bengali weekly. “For the last 3 years I’ve been in love with a girl. She also loves me a lot. When we first met, it appeared like a friendship, but one day things went wrong – she hugged me tight and a tingling sensation ran all over my body. I tried to keep a safe distance from her but she wouldn’t let me. She came closer and closer. When we spent nights together, she would lie on my breasts and I would be lost in ecstasy. We began to find each other irresistible and craved for more. Incidentally, I’d like to state that I had lesbian relationships with a lot of other girls before and all of them found me irresistible but for one reason or another I had to ditch them. Krishna is different from the others. When she comes to me, all my worldly worries end. She fills with me joy. The idea of separation pains a lot. We would like to settle down.... but the question is, how? Since we are both girls, society would look down on us as perverts. The thought drives me crazy, sometimes I think of suicide. Shall we pass the rest of our lives in such helpless agony? Our relatives don’t like the way we mix with each other...” (*Gay Scene*, Nov-Dec, 1980)

Anamika

“Referring to your question in the editorial about why women who have some choice do not resist marriage. The answer is isolation and loneliness. Conditions in India being what they are, you feel you are fighting a battle in isolation. Any cause, whatever its worth, is not worth fighting in isolation. Many of us enter into relationships with women in hostels during student days. Once these break up, and most do for the obvious reason of marriage, then how are we to sustain ourselves? In fact nearing the forties, I no longer feel anything is worth the loneliness and isolation I have faced in the last twenty years. (M.A., letter to *Anamika*, June 1987)

Friendship Agreements - A Humane Solution

While the government, bureaucracy and citizens’ groups have yet to say anything in response to the above questions, two young village women from Baroda district have shown the way by entering into a “maitri karar” or friendship agreement. “The women, Aruna Sombhai Jaisinghbhai Gohil, 31, resident of Vadia village, of Savli Taluka and Sudha Amarsinh Mohansinh Ratanwadia, 29, of Varsada village in Naswadi taluka entered into the agreement before a notary public here.

“This is the second *maitri karar* in Gujarat between two women. In a signed statement at the city court, the two declared that they had known each other since 1978 when they were together at a teachers’ training school. Since then, they had been working as teachers in different parts of Baroda district, and were now based at Vadadhali village.

“During all these years, the two women had been living together. Since they did not wish to get married and wanted to continue living together, they decided to enter into this friendship contract, the statement signed by them said.” (Indian Express, May 6, 1987)

Not So Lucky

Unfortunately, not all women are as lucky as the two women from Gujarat in finding the social support or economic independence to resist marriage with men. For instance, in October 1988, two nurses of a local hospital in Meghraj (population: 10,000) in north Gujarat committed suicide. “The reason: unable to bear the pangs of impending separation, Gita Darji and her spinster friend, Kishori Shah, both 24, ended their lives by hanging themselves from a ceiling fan in the hospital’s staff quarters. It was the third lesbian relationship to surface in the state this year...

“When the police began their probe they found a diary containing suicides note signed by Kishori and Gita - in which they said they did not blame anybody for their action - and two sets of letters. Close friends since they did a nursing course together at the Ahmedabad Civil Hospital, the two stayed together at Meghraj though they were allotted separate flats. In a letter to Gita, Kishori writes: “I can’t live and sleep without you.” The letters also reveal that Gita’s husband Manoj - whom she married last February - abhorred the relationship between Gita and Kishori. Some months ago, he complained to her brother Dashrathbhai, who made Gita apply for a transfer out of Meghraj.” (*India Today*, October 15, 1988)

Together, Always

The following incident from Cochin was reported in *Gay Scene* (Nov-Dec 1980): “Mallika (20) and Lalitambika (20), both students of pre-degree course of Keralavarma College, were very much in love with each other. When the examination result came out, it was found that Mallika had failed and Lalita passed. This was too much for the girls to bear, for separation was inevitable. So they decided to commit suicide. On 29 June they tied themselves together and jumped into the strong currents of Cochin channel from a ferry but a sailor and a fisherman,

somehow, managed to reach them in time and were able to save them after a long fight in the surging waters.

“The police charged then with attempted suicide and found among other things a letter and a greeting card. The front of the double-fold greeting card had a silhouette of a kissing couple with the backdrop of a flaming sunset – inside it had a note from Mallika: “Lali, After all everybody knows about our love, so here’s a thousand kisses for you, in public...” Lalita scribbled back, “Come to me, I shall take you in my arms. I shall cover you with kisses. You shall sleep in my bosom and afterwards, maybe, we shall have a little quarrel.”

“The letter dated 27 June was meant for the parents. Lalita wrote: “I cannot part with Mallika ... now we are destined to go to different directions. I am not persuaded by Mallika to do this ... bury us together.” It is reported that relatives of the girls are still unable to grasp the implications of the relationship. Mallika’s elder brother is reported to have said that the girls have agreed to ‘try and forget each other.’”

The same issue of *Gay Scene* reports another incident “on 30 November 1979, in Ahmedabad, unable to live in separation after their marriage less than a year ago, two childhood friends, Jyotsna and Jayashree ended their lives together jumping in front of a running train. The police recovered the mutilated bodies of the two women near the Gandhigram station. A joint letter by the two shows that they had entered into a joint suicide pact.”

How Many More?

How many more women coming from non-urban backgrounds have to die before Indian society acknowledges the existence of lesbianism in every social and economic strata and gives support to lesbian relationships as valid and healthy? Lesbian women often get married before they become aware of the true nature of their sexuality, some may marry in an effort to suppress it, and others marry for reasons unrelated to their sexual orientation – from economic necessity or for the social benefits brought by the appearance of married life. However, given that so many women (and some men) are driven to suicide at the prospect of marriage, and even after it, must we persist in peddling it as the only normal way imaginable to humans of living and loving?

Marriages - Made in Heaven?

Through a sex-change operation in 1987, Tarunlata (33) became, a man named Tarun Kumar, and married Lila Chanda (23) in December 1989. They were close friends for five years prior to this. Claiming it to be a lesbian relationship, Lila's father petitioned the Gujarat High Court praying that the marriage be annulled. (*India Today*, April 15, 1990)

The petitioner contended: "Tarun Kumar possesses neither the male organ nor any natural mechanism of cohabitation, sexual intercourse and procreation of children. Adoption of any unnatural mechanism does not create manhood and as such Tarun Kumar is not a male."

Oddly, section 377, IPC, was invoked for criminal action. It was argued that Tarun Kumar was not a Hindu male at the time of his birth. The High Court issued notice to the respondents including the doctor who conducted the surgery and the registrar of marriages. The same issue of 'India Today' quoted the courageous couple: "There is nothing unusual about our relationship as we live like any other married couple does. Even if the Court declares our marriage null and void we shall continue to live together because we are emotionally attached to each other."

Does Tarun Kumar's father in the above case have any locus standi (standing) to approach the court? Does the law permit a third party, other than the two spouses, to agitate the question of divorce or annulment? Could the Supreme Court entertain a petition if tomorrow ABVA asked for a Chief Minister's marriage to be annulled on the charge that he had a defective male member? Could it be that Tarun Kumar's father's real concern was that his daughter-turned-son did not fetch any dowry?

What would the courts say to the marriage of someone like Ramakrishna, born in 1836, and his wife Sarada: "His wife Sarada lived with Paramahansa Sri Ramakrishna and their relationship developed into one of the most peculiar spiritual romances of all times. Ramakrishna adopted an attitude towards her which was shorn of all carnality and lust. This sealed the strange conjugal relationship between them. When once the pact of living the life of purely spiritual companionship was solemnly made between them, they adhered to it. Their anatomical differences sank into insignificance and their natural powerful biological attraction was sublimated, into a rare relationship." (*Paramahansa Sri Ramakrishna*, by R.R. Diwakar, Bharatiya Vidya Bhawan, Bombay, 1956) It is also known that Sri Ramakrishna claimed to have achieved such total identification with the Mother that he actually started to grow breasts and claimed even to have lactated.

Can such a marriage also be challenged in a court of law? What constitutes a complete man or woman? Is procreation or even intercourse a must in marriage? What about couples who choose not to have, or are physically incapable of bearing offspring? Is emotional attachment not enough? These are questions for which answers must be searched honestly. Existing laws and judicial practice in this area are inconsistent and discriminatory.

Sex Transformation, Marriage and the Law

In her article “Legal Implications of Sex-Change surgery,” (*Journal of the Indian Law Institute*: 1983, Jan-Mar, vol.25, no.1), Kusum argues that “there should be nothing in law to prevent the doctor or the transsexual from going ahead with the surgery or other treatment. Once the operation is performed and the person enters into the new world of the other sex, it should be legally permissible to make consequential changes in documents relating to birth, nationality and identity. Consequences of sex change on marital life should be made clear. Where the change had been undergone before marriage, without concealment or misrepresentation of the material fact, the marriage should be regarded as valid.”

Seen in this context, the marriage of Tarun Kumar and Lila should be recognized as valid in law. The above author cautions: “It should not be forgotten that a person who has had a sex-change has already gone through and possibly is going through an emotionally traumatic experience in life. His/her assimilation into the new world should be facilitated by understanding, sympathy and societal acceptance. His/her looks and apparent sex should be the criteria for judging his/her sex for all practical purposes and there is no doubt that the legal recognition of the changed sex as the true sex of a person is the most important and essential factor in rehabilitating a transsexual emotionally, physically, socially and psychologically.”

The Marriage of Lila and Urmila: A Test Case

“In December, 1987, policewomen Lila Namdeo and Urmila Srivastava of the 23rd Battalion stationed in the outskirts of Bhopal, capped their year long friendship by marrying each other. The wedding consisted of a simple ritual of exchanging garlands, a *gandharva vivah*, conducted by a Brahmin in a Hindu temple at Sagar. Their parents, who had consented to the wedding, were also present at the ceremony.” (*Trikone*, Mar. 1988)

These constables became frontier women in the country's social landscape with their courageous unusual marriage. Their act provoked a sensational stir as the nation struggled to grasp the implications of a public lesbian marriage. The male psyche, with its belief about the power to penetrate and thus satisfy women, was dealt a hard blow. Activist organizations, including most women's groups, remained tightlipped. Yet, how could lesbianism in India still be denied? These women after all were not upper class, westernized women. They belonged to a small town in Madhya Pradesh and chose to solemnize their companionship. "*Joda bana liya* (they are now a couple)", said one of their colleagues. (*TOI*, Feb. 23, 1988)

Particularly shameful was the hypocritical silence of the intellectual class on the human rights of these women. Lila and Urmila were discharged without a show cause notice. "We were kept in isolation and not given food for 48 hours. We were coerced into signing papers which we had not read. We were given some cash and our company commander, R.L. Amravanshi, accompanied by three havaldars deposited us at the railway station in the dead of night. They warned us against returning to the barracks." (*TOI*, *ibid*)

As if these human rights violations were not enough, the two women were subjected to a medical examination by Dr. B.K. Mukherjee, the Director-General of Police (DGP), Madhya Pradesh. When questioned whether the women had "displayed any lesbian tendencies," the DGP responded: "No, this is absolutely false, we got them checked medically and found nothing." (*Illustrated Weekly*, Mar. 20, '88)

What exactly did Dr. Mukherjee hope to find? Do lesbian women grow something special to mark their identity? Further, can such demeaning check-ups, under police and medical authority, be considered ethical or legal?

The bureaucratic response to the lesbian marriage was a curious mixture of denial and hostility. R.L. Amravanshi, Commandant of the 23rd Battalion stated, "This sort of behaviour will not be tolerated by us." Narendra Virmani, Inspector General of Police (IGP), in charge of Special Armed Forces, Madhya Pradesh claimed, "Such women don't make good officers." Yet, he held, "that kind of physical relationship that could be between a man and a woman or even in a person with homosexual tendencies, that was absent here. There was not even touching, kissing, nothing." Once again, contradicting himself, the IGP said, "this has never happened before ... it is the first time..." (*Illustrated Weekly*, *ibid*)

Did they or did they not touch and kiss? How does the IGP know one way or another? Is it any of his business to pronounce on such a private matter? How does being

lesbian in any way affect a woman's performance as an officer of the Indian Armed Forces?

It is common knowledge that whatever happens between men and men, and women and women, emotionally and sexually, regularly happens between men and women also. Why then should gay marriages not be recognised as legally and socially valid? Marriage offers social prestige and substantial legal benefits to citizens allowed access to it. How then can some citizens but not others be allowed this privilege? Is there any reason why gay marriage should not be permitted that does not equally apply to a heterosexual couple that is physically incapable of having children?

Till Death Do Us Part

“We met nearly ten years ago. She was working as our acting hostel warden while I was training as a paramedic in a medical college hospital in Delhi. Initially, she was affectionate towards me and would often call me to her room after the day's work was over. I was about ten years her junior. I had heard that she was lesbian and had had a steady girlfriend who had since left her. She stood out from the others because of her “male” appearance – jeans, short haircut and mannerisms.

“I developed a liking for her and we eventually became good friends. At her suggestion I started to cook meals for both of us in her room itself. This ensured us the privacy we badly wanted as we did not now have to go to the hostel dining-room. She expected me to do the household work – room-making, cooking, cleaning, and washing clothes for her. She would insist that I keep things ready for her when she returned from her official work in the late evening hours. I readily complied because we developed mutual love. She would however always boss around like the men do in our society. I was over-worked because as a student I also had my studies to pursue.

“We had developed physical intimacy in the form of kissing, petting, hugging, breast-sucking, fingering, and cunnilingus. She would also attempt to have penetrative sex with her erect clitoris. Our lovemaking would continue till she got an orgasm. We would go out together for movies and dinner parties and make love in the night. Sometimes we would smoke and drink alcohol. She would however resent it if I as much as made attempts to be friendly to males in a healthy way. She was very possessive of me.

“After I graduated and started to look for a job, we decided to get married since we could not live apart any longer. But would our family members, friends and co-

workers accept our decision? Would our relationship get social and legal sanction? We were riddled with doubts and I lacked the confidence and courage to take such a step. Yet we felt we should declare to each other that we were married. One evening we went to a mandir and got the blessings of the deity. When we returned to the hostel, she applied 'sindhoor' on my 'mang'. It was the happiest day for us. We never informed anyone else about our mutual pact.

"Things went on well for a year. I got a job and became economically independent. One day, on my return from work, I found her in a compromising posture with a young girl in her room. She had been drinking liquor but was otherwise quite conscious. When I protested, she rebuked me and turned me out of her room.

"From then on, our relationship soured. I felt cheated. I even attempted suicide, leaving a note written in my own blood to the effect that I loved her and she had ditched me. I was unconscious for three days following the suicide attempt. But I revived. My parents had to bribe the police to get the medico-legal case "withdrawn." Luckily, the press did not come to know of this incident. I left my job to work in another set-up. My family members were very supportive and that provided me with the strength to go on. The pain and agony of it will always linger on in my memory.

"I must add that every year there are at least three to four lesbians who can be counted in the batch of freshers at my alma mater. I have suffered a great deal but still have no answers to some crucial questions:

Why can't two girls get married? Why does society not recognize, support and sanction lesbian relationships? A heterosexual relationship may also sour like ours did. But there at least society is aware of marriage and break-ups. In our case, the most traumatic thing is that the world is neither aware of our "marriage" or of the end. I had to face the pain more or less by myself. Many other women like me must have attempted suicide and even succumbed to such attempts. How many more must undergo this trauma silently? And why?"

(The writer adds: "I recently became aware of ABVA's activities and read its two documents "Women and AIDS" and "Blood of the Professionals". I could muster up the courage to write my experience because I know an ABVA member well and respect the member's involvement in voluntary work.)

CHARTER OF DEMANDS

ABVA urges the Indian Govt. to take cognizance of the following demands:

1. Institute an Inquiry into the Mamata - Monalisa case and bring the facts before the public through the National Commission for Women (NCW).
2. Provide best medical treatment to Mamata at State expense. She needs to be airlifted to AIIMS, New Delhi for Plastic Surgery/ Hand Surgery on her wounds around the hand and wrist.
3. Withdraw all cases against Mamata to put an end to her harassment at the hands of the police.
4. Have the Press Council of India issue guidelines for respectful and sensitive reporting in cases where relationship of 2 people of the same sex are involved.
5. Legally recognize and encourage friendship agreements between single people of the same sex as a valid way of organizing family life.
6. Alternatively, amend the Special Marriages Act to allow for marriages between people of the same sex (or between people who may be inter-sexed, or have undergone sex-change surgery, and any others). All consequential legal benefits of marriage should extend to gay marriages as well, including the right to adopt children, to execute a partner's will, to inherit, etc. Same-sex couples should also be entitled to the legal benefits that accrue to their heterosexual counterparts of common law marriages.

No presumption as to fitness or unfitness for custody of a child or visitation rights shall arise based on sexual orientation of either parent in such a situation.

ANNEXURE - I



FLAT NO. 10, RMIERA, 15TH ROAD, NORTH AVENUE,
SANTACRUZ (WEST), BOMBAY 400 054, INDIA TEL.: (022) 646 35 90


10/11/1998

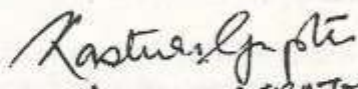
To,
ABVA
PO Box No. 5308
New Delhi 110 053

Dear friends,

We are in receipt of a letter from a friend residing in Orissa. The copy of the letter is enclosed for your perusal. On our part we flashed the message on the net. Lesbian groups from USA and other countries are willing to help. We also are in touch with lawyers collective, in case we can help Mamata get legal aid. Can you help in following up this case?

With regards,
Yours in solidarity,


Rajiv Dua
In-house Counsellor.


ADMINISTRATOR

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B
V
A

IDS
HEDBHAV
VIRODHI
ANDOLAN

एड्स भेदभाव विरोधी आन्दोलन

(Aids Anti - Discrimination Movement)

Post Box No. 5308 - Delhi 110053

NON-FUNDED, NON-PARTY
ORGANISATION
ESTABLISHED-1988

Date : 2nd February 1999

TO WHOM IT MAY CONCERN

The AIDS BHEDBHAV VIRODHI ANDOLAN has constituted a 2 - member **Fact Finding Team** - comprising of Mr. Jagdish Bhardwaje and Mr. Arun Bhandari - to enquire into the events and causes leading to the attempted suicide in 1998 of Mamata, 19 years and Monalisa, 24 years in Cuttack. Both of them were said to be in deep friendship for five years and had filed an affidavit before the court to live together. While Mamata was saved, Monalisa died on way to hospital.

The team is to attempt to meet a cross - section of the local people, affected family members, Police personnel, Lawyers, Doctors, officials in the state administration and representatives of social organisations. The role of media and People's representatives would also be ascertained.

A public appeal is being made to help the team arrive at the truth. The Team would leave for Cuttack on 3.2.99. Co-operation extended to this team would be duly acknowledged in the follow up Enquiry Report to be made public.

Sd/-

(Dr. P.S. Sahni)

on behalf of Aids Bhedbhav Virodhi Andolan.

MYTHS AND REALITY – LESBIANISM

After the screening of the film Fire, there has been a lot of debate and discussion around the issue of lesbianism. Some of us – groups and individuals – have been meeting to discuss our concerns and we would like to share our views with you.

Lesbianism (or “samyonikta” or “stree-samiaingikta” in Hindi) is a sexual relationship between two women. Sexuality has always been a difficult subject to discuss in our society, therefore, till very recently the discussions around lesbianism in India have consisted of speculative and sensational articles in the media. Moreover, because of fear and prejudice, lesbians themselves have not spoken of their own lives. This silence and secrecy has resulted in a lot of misrepresentation and perpetuation of myths around lesbians and lesbian lives.

Some of the common Myths are:

MYTH: Lesbianism is an import from the West.

REALITY: The invisibility of lesbians in India has led to the belief that lesbianism is a western phenomenon. During the last 35-40 years there have been numerous movements, studies, and research that has built up around Gay and Lesbian issues in a number of Western countries. Various colleges and universities offer courses in Gay and Lesbian Studies and the movement has been able to create a public space for discussion. Gay and Lesbian lifestyles are now very visible in the West because of a strong human rights movement. More and more countries have decriminalised homosexuality. For example, in South Africa the constitution has made discrimination against lesbian and gays illegal.

An archaic law formulated by the government under Queen Victoria, which criminalised homosexuality in the British Empire, has now been scrapped in England whereas in India these laws are still in force. It is in fact the criminalisation of homosexuality that is a western import.

MYTH: Lesbianism is a psychological problem.

REALITY: Mental health professionals no longer consider lesbianism an illness or a problem. Most unfortunately, some ill-informed psychiatrists lead their clients to believe that sexual orientation can be “cured” and have experimented with aversion therapy etc. This is a dangerous trend and goes against human rights, and medical studies, ethics and opinion that clearly state the opposite.

MYTH: Women become lesbians because they have had bad experiences with men.

REALITY: If all women who have had bad experiences with men become lesbians, then there would be more lesbians than heterosexual women. Bad experiences with men do not “make” heterosexual women lesbians. In the same way, a lesbian’s bad experience with a woman does not “make” her heterosexual.

WHY IS THERE SO MUCH SHAME, GUILT AND SECRECY AROUND LESBIANISM?

- A discussion around sexuality, especially women’s sexuality, has always been difficult in our society. This has reinforced the silence and invisibility around lesbianism. When a woman feels “differently”, sexually and emotionally, she is questioning the norms of a society that views only heterosexuality as “normal”. The media and other institutions project only heterosexual lifestyles and role models. This “compulsory heterosexuality” makes it very painful for lesbians to accept their own sexuality. Is it any surprise that there is so much guilt and shame associated with something that so fundamentally challenges one’s social conditioning?
- Women are seen as the upholders of family and traditional values. When one identifies as a lesbian, one challenges patriarchal structures. Within families, lesbians come under tremendous pressure to conform and are often forced into marriages. Lesbians who have managed to opt out of marriages choose to keep silent about their relationships.
- Anyone who looks, behaves or lives “differently” from the norms laid down by a traditional patriarchal structure is made to feel shame.

*This note has been issued in the public interest by **The Campaign for Lesbian Rights** – a group of individuals and organisations who feel strongly that discrimination on the basis of sexual orientation/ preference is a violation of basic human rights. For further information you may contact us at: caleri@hotmail.com or at P.O. Box 3526; Lajpat Nagar, New Delhi - 110024 until March 31, 1999.*

LIST OF CONTRIBUTORS

ABVA circulated an appeal dated 2.2.99 for contributions for sending the Fact Finding Team to Cuttack, Orissa for this Report. A request was made to send the contribution to the ABVA's weekly (Wednesday) meeting held at Indian Coffee House, Mohan Singh Place, New Delhi to reach by first week of March '99. In response the following contributions were received.

Name	Amount (Rs.)
Shantaji	100.00
Yeswant	100.00
Shobha Aggarwal	300.00
Dr. Manjit Singh	50.00
Manoj Pande	100.00
Dr. Purit Bedi	100.00
Dr. Teena Bedi	100.00
Arjana Mehta	500.00
Urmil Misra	20.00
Beena Singh	30.00
Kanta	10.00
Urmil Sharma	25.00
Harjes	20.00
Moti	20.00
Kaewolif	20.00
Shashv Gupta	50.00
Naltesa	25.00
Rimny Tanaja	100.00
Praveen Talwar	200.00
Rajesh Talwar	100.00
Sunder Singh Jalal	50.00
Kamla Bhasin	200.00
J. John	100.00
Renuka Misra	50.00
Premila Lewis	50.00
Vani Subramaniam	100.00
Surojit Sarker	100.00
Pramada	50.00
Jaya Shrivastava	500.00
Ashwini Allawadi	100.00
Lalitha S.A.	200.00
Maharani	100.00
Gouri Choudhary	200.00
Joint Women's Programme	500.00
Dr. Vandana Prasad	200.00
Pushpa Rai	20.00
TOTAL	4490.00

The Fact-Finding Team's Orissa visit was financed through these contributions. The expenses for the visit were around Rs. 3400/- only.

A IDS
B HEDBHAV
V IRODHI
A NDOLAN

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