

Bodies between Care and Custody



"Cartoonscape, October 13, 2012". *The Hindu*, 2020. shorturl.at/rHLST

Anveshi
RESEARCH CENTRE FOR WOMEN'S STUDIES

Bodies between Care and Custody

Report of the workshop on
Gender, Sexuality, and Custody: Issues at Stake

A. Suneetha

Rani Rohini Raman

Mithun Som

October 2021

Anveshi
RESEARCH CENTRE FOR WOMEN'S STUDIES

Contents

Conceptualisation

Introduction

Young Adult Sexuality: Family State and Battles over Custody

Shelter Homes and Ideas of Dangerous Sexuality

Big Cities, Residential Spaces and Control of the Unsupervised Bodies

Care and Custody: What the Workshop Highlighted ?

Conceptualisation

In India, the issue of custody arose in the context of custodial violence against women from marginalized sections such as Mathura, Rameeza Bee, and many others in the 1970s and 1980s. Women's movement raised it as a major issue during the protests for changes in rape law in the early 1980s. The State as a protector assumes expansive and invasive custody when women with mental health problems are taken into institutional custody. Several instances of the authorities getting the women sterilized came to light in the 1990s. Equally important is the protective custody for women fleeing violent homes or for those rescued from trafficking and housed in state-run custodial homes that regulate and control these women's mobility and sexuality. Young adults fleeing from forced marriages or seeking to contract self-arranged marriages end up here till their custody is decided by the court. The State often allows access to women from their parents, despite it not being in their best interest. In short, when the State assumes custodianship of adult women, its operations often replace or reinforce familial/ patriarchal control over women.

In the wake of increasing migration of young single women to cities for education and work, many universities increased their accommodation facilities for women while several private facilities for women students and working women have also increased. Even though the university (especially elite and well-funded central universities) hostels are relatively more liberal in their rules and regulations, compared to private residential establishments, they have begun to increase surveillance and restrictions on mobility, conduct, dressing and have new undertakings that the students need to sign. Private hostel management impose rules and regulations in which the residents do not have any say. They often involve parents too in order to keep the young women under control. The Residents' Welfare Associations (RWA) also impose restrictions on renting out premises to young unmarried men and women to maintain gender segregation before marriage in these apartments. Such arbitrary rules have been challenged by residents in the court too.

The family meanwhile continues to be the primary custodian of young adult women, where unmarried women of whatever age are considered the property of the parents and the family and their independent choices of partners are violently contested. Often, in the cases of elopement and marriage, the woman's family members file false cases against the man and the woman in order to get custody of the woman. The largest number of habeas corpus petitions are filed in these cases, to acquire custody over the daughter in order to force

her to dissolve her marriage. Families, police and the judicial system debate over who gets the custody over a woman without considering her agency over her choice and decisions. While the recent case of Hadiya in Kerala exemplifies this anxiety, the spate of 'honour' killings all over the country illustrate the violence that is deployed to retain the community and caste boundaries of endogamy.

A significant development in the management of adult women and children needing shelter is the outsourcing of state custody to private bodies/homes on the ground that the government-run bodies are mismanaged or open to the influence of outsiders. Such private shelter homes are deemed beyond the accountability framework that state institutions, themselves very opaque, are subject to.

It is in this background that we wanted to organize a one-day workshop on custody with a focus on short-stay homes, shelter homes and women's hostels. We invite activists, students and women's organizations to share their experiences and concerns about the institutions that have been set up to protect, shelter and care for women. The workshop was designed to deliberate on the following:

- The nature, fairness and functionality of regulations and controls that cut across institutions
- How do these regulations affect women who have to shuffle between the law enforcement agencies, government regulations and the familial pressures?
- How women's groups negotiate these regulations, either as managers or associations composed of inhabitants of these hostels

Introduction

The workshop was attended by 40 to 45 participants who included women's groups engaged in running homes for destitute women, children, sex workers' unions building care networks, transgender groups, counsellors, university students, women's activists managing one-stop crisis centres, managers of state-run shelter homes, officials from the women and child welfare department.

In her opening remarks, **A. Suneetha, (Coordinator of Anveshi)** situated this workshop in the context of the Anveshi study on women migrating to the city wherein it was found that “cities and its public spaces are not made with women in mind. The way cities are structured are constraining and restraining women from accessing full citizenship, in some sense.” At the heart of this lay the problem of “institutional spaces ... taking over the role of the family in guarding and protecting (unchaperoned) migrant women”, reflecting dominant social attitudes. This broad custodial attitude shapes migrant women's experience of urban citizenship, as “women have to tread very carefully to gain a modicum of autonomy, in mobility, in enjoying the city space, in networking—in several kinds of what we think of as citizenly space.” Arising from this study, the workshop intended to understand the problem of custody in its full sense. She stressed that one of the fundamental questions to address through the workshop is where women go to from the custody of the family, and “how one understands this phenomenon both historically and conceptually”. A dimension of this problem is also to understand the relationship between care and custody. Does a feminist understanding of care provide a ground to critique this problem of custody? It is equally important to understand the implications of feminist care in institutional spaces. “Feminists are occupying the custodian position; while we seek to retain feminism in our practices, we can't ignore that institutional locations are sources of power — what are the issues that arise when feminists occupy these institutional locations?” She hoped that the workshop would help in go towards what we understand as feminist care and identifying the resources we need to practice it.

“Young Adult Sexuality: Family, State and Battles over Custody”

In India, along with women of the house, children are also considered as property on whom parents have full rights. Parenting involves inculcating this understanding among the children that they must listen what the elders are telling them. In this background, when young adults want to establish relationships on their own, it hurts the core value systems of the families. This session discussed the issues related to the battle of custody over young adults who get stuck between the crossfire of families and state over their custody.

Rani Rohini Raman (Project Fellow, Anveshi) spoke about ‘choice’ marriages among young people in parts of north India that broke away from community hierarchies or socio-cultural taboos. She stressed that an important argument used in subsequent legal cases was the ‘guardianship’ and ‘custody’ of the woman, even when the woman was evidently an adult. Her primary focus was on such *cases of heterosexual relationships where even without any intention of running away and getting married, young adults were hounded and criminalised for their affection for each other*. She argued that the dominant understanding of any relationship or friendship between young men and women as necessarily leading to marriage and reproduction, has led to many of them committing suicide or going behind bars on false charges of rape. She presented three legal case studies of such false charges where the women and men end up staying in different custodial homes. Such *custodial homes are under equipped to provide the necessary guidance that these young people needed, either legal or non-legal*.

Satyavati Kondaveeti (Bhumika Resource Centre for Women, Hyderabad) shared her experience of running a one-stop crisis centre, where she comes across adolescent girls from severely disempowered and marginalized communities, trafficking victims who go on to get confined in Ujjwala homes¹ “for their own good”. Adolescent girls who are pregnant are brought to Sakhi centres² by the police. *The police have three solutions to the ‘problem’— these girls should be married off to the boys who impregnated them; that these boys should be booked under Protection of Children from Sexual Offences Act, regardless of whether the girls consented to sexual intercourse or not; or that the foetus should be aborted. There are no state or welfare mechanisms to address their predicament, nor counselling services where their view could be understood, and realistic and varied options could be provided to them*. Trafficked women are also brought to state homes for ‘rehabilitation’, and despite there

¹Ujjwala homes comes under a Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation

²Sakshi centres offer integrated services like medical, legal, psycho- social support and temporary shelter under one roof

being no law that permits this, they are locked up for three years to “cure” them of the “tendency to be trafficked”. She said that women arrested during sex work are brought by the police to shelter homes after they have been illegally detained for many days and have suffered third-degree torture. She discussed in detail about the complex case of women from the nomadic *Dommera* caste who have historically engaged in sex work and who were forcibly displaced. Women in all such contexts seem to be caught by the custodial impulse of state bodies and officials where there is no scope for such women to act in ways that they think are useful.

Sumitra (Ankuram Society for Women and Children) wished for a “stateless society, a shelter-less society” but reflected that *shelters are “a necessary evil, an inevitability” because “women and children do face immense violence in public and private spaces, in families and workspaces”* She gave a breakdown of the various laws under which the Ministry of Women and Child Welfare is mandated to provide “shelter” to helpless, destitute, abandoned women or victims of trafficking, etc. The Women and Children Licensing Act facilitates Ujjwala homes and Swadhar schemes; Domestic Violence Act led to the functioning of Sakhi centres; Juvenile Justice Act provides for Child Welfare Committee, Children’s Homes, Observation Homes and Special Homes. All such schemes or homes are implemented or run by NGOs. She pointed out that the Protection of Children from Sexual Offences Act (POCSO) is also a piece of legislation that impacts children’s homes. *The Act has increased in criminalisation of even consensual sexual activities between minors, making boys criminals and girls victims.* She also presented incidents where mentally ill patients are being abandoned by their families on the pretext of sending them to shelter homes. Having outlined what on paper defines the functioning of shelters, Sumitra pointed out some on-ground problems, like the delays in releasing funds by the government to the organisations running the homes, and harassment by the CWC and department members. She said that the people who run shelters are also vulnerable but have no protection and pointed to the lack of shelters for the mentally ill.

Discussion and Take Away Points

- Young adults are vulnerable. Prevailing social stigma around sexuality restricts consensual exploration. They lack safe spaces to explore their sexuality. School teachers and administration further scrutinise school kids on their behaviour and create a negative environment.
- Many regulations do not consider the entire needs of children. Children below 18 years need education, protection, and development. However, different shelter homes do not run-in coordination. The Juvenile Justice board only cares about protection but does not care about education; as a result, they run their shelter homes like jails”.
- Similarly, the Education department is unconcerned with their borders' health and safety, which is why schools often become “spaces of abuse”. The Women and Child Welfare department only cares about “orphaned children”, and so their homes have no facilities necessary for their growth.
- With no proper facilities for single mothers to stay in a shelter for longer period, it appeared that these shelters are functioning as under resourced prisons.
- Many organisations running shelter homes are contemplating on shutting it down due to lack of resources.

“Shelter Homes and the Ideology of Dangerous Sexuality”.

Shelter homes which were envisaged to play a supporting role for people in dire need have been playing a totally different role in practise. The ideas behind the establishment of shelter homes and the ground reality about the functioning of the shelter homes appear to be totally different. What are these differences which cause these functions to be totally different at the ground? This session helped to understand these basic realities.

Anita Rego (Independent Consultant, Hyderabad) opened this discussion. She began by looking at how shelters came into being. Internationally, the 1995 Beijing Declaration aimed to create a holistic response for those subjected to violence. She pointed out that *“ideally, it is supposed to be a safer space for women and children and provide them with the necessary services, promote recovery, and to help them regain and rebuild themselves,”* The imagination of these spaces was to provide both shelter and guidance, so that people who seek such spaces can gather their lives together. She emphasised that *“the shelters are not only for people who are in distress situations”*.

She hinted about the misuse of law vis a vis shelter homes. She described a case study of a young girl who was brought to a psychiatric hospital by her family who were trying to admit her. It then came to light that they were trying to furnish a certificate to the state to say she

was mentally ill because she ran away from home of her own free will to go live with her partner, a boy. They wanted to use the certificate to show that she was not of sound mind and therefore incapable of making a rational decision. *She highlighted that “there is a moralistic judgment made on the sexuality of youngsters, which becomes a way to house them, to take them away from certain contexts”.*

She shared experiences of studying Rainbow Homes where she saw cases of young girls who have had children “It ends up with the mother in one home, the boy who is the father in another, and the baby in another,” she said, “the state separates them and put them in custodial set-ups forcefully.” She explained that, often, when the adolescents age out of the system and become legal adults, they end up getting married to the same partners they were forcefully separated from. *She reflected that growing up in shelter homes can be a traumatising experience, especially because of “the sense of stigma” associated with it. “People treat them in a discrediting way without giving them basic dignity and respect,”* she said. “Most shelters don’t provide the value-free counselling they are supposed to,” she said. Even the counselling that the children do get is “directional and judgmental,” with the counsellor clearly stating that there are only some pre-approved options available to these residents. She questioned the notion of protection that is associated with shelters. “Using the jargon of protection, they rob the person of agency,” she said, “because protection is just someone in a power structure making decisions for you.” She described another situation in which custodial arrangements fail those who they are supposed to help.

She spoke of brothels, and how often mother and daughter, both sex workers, work in the same place to keep an eye on each other. When the police raid such places, a mother and daughter are often separated or one gets arrested and “rehabilitated” while the other gets left behind. This destroys the system of caretaking set in place and reduces the dual sources of income for that household. Shelters for women have dismal facilities and *“once women are placed in shelters; they are actively discouraged from knowing all of their options.”* Children’s homes run like “jails within jails”, with children who show negative behaviours in observation homes being put in ‘children’s jails. Critical of the existing reality of shelters, she said, “custody that is not well-thought of is disempowering people from making choices important for them.” She added, “Even the system that is supposed to fight for them, give them justice—does not see them.” She ended by asking everyone to consider, “What is the

humanistic angle of governing these homes, in favour of preserving women and children's agencies?"

M. Devi (General Secretary, National Network of Sex Workers, Hyderabad) spoke about her experiences of her work in this area. She stated that the organisation "Me and My World" did a study of shelter homes which are supposed to primarily rehabilitate trafficked women and arrested sex workers and concluded that nobody is interested in finding out what conditions make women get into sex work. She said that most sex workers are single women, mostly illiterate and do sex work voluntarily. Sex workers want sex work to be recognised as a dignified form of work and do not like the way it is treated presently and is completely demonised by the Women and Child Welfare departments. *According to her, rehabilitation homes are not doing anything to acclimatize and equip these women to face the world outside; instead, every attempt is made to keep them tied up in the home.* These women are considered disease prone because of the sex work. She mentioned that while prisons have humanistic rules for incarceration, shelter homes do not; shelter residents are cut off from the outside world and are separated from visitors and families as they are not allowed. Indian Trafficking Protection Act (ITPA) is hugely problematic as it seeks to erase sex work entirely by only victims of trafficking

She spoke of the efforts of their organization to care for the children of the women who get incarcerated either in prisons or in shelter homes. They have been educating several children left alone due to this process. She also spoke of the effort to provide legal support through lawyer fees for the women. The families of incarcerated women are taken care of by the organization that also strives to keep trafficking in check. Seeing themselves as a community, developing a sense of self-worth and networking with other rights-based organizations has helped them to articulate their needs and demands more effectively. The care that is provided for by their network is concrete, specific and communitarian.

Her presentation brought into focus the significance of considering women in sex work as agents in their own right, albeit under severe constraints, who are capable of addressing their own conditions rather than as victims who do not know what they need. Care, as imagined by them looked very different from that of the government institutions operating under the current regulation.

N. Mrudula (Sayodhya, Hyderabad) added to the discussion on distressed women in a particular situation. She spoke of the urgent need for transit homes for women in distress, that are neither short stay homes nor shelter homes. She and her friends started it when they realized that the city did not have any such arrangement. She spoke of the women whose rights are violated, who are in conflict with the law, are mentally unwell and need state custody and care, which is long-term and more sustained. But she said, *there is a need for transit homes where women needed a safe shelter for a single night during conflicts with the family, when they feel too vulnerable to stay with their families.* She pointed that a decent and understanding shelter home for women in that night of distress can bring about much change. She also spoke of the care and caution that they take. Each of the woman's details is submitted in the local police station with which they have arrived at an understanding. It was explained to the women that it was necessary for their safety and security.

A.V. Ambika (Rainbow Homes for Children and Women, Hyderabad) added to the discussion on young children and running shelter homes for them. Ambika spoke for an urgent need to open voluntary shelter homes that are not custodial homes. Presently, she said, there are 12 shelter homes in Hyderabad of which four are for women. There are 19 shelter homes for children and none for trans-people. Apart from the dismal numbers, the homes that do exist have to constantly deal with scant resources, coupled with state apathy and neighbourhood suspicion. Ambika also pointed out that *“Women become homeless for various reasons.”*

- Majority because of domestic violence.
- They are also abandoned, cheated on, thrown out of their families.
- She mentioned that several times “migrant women come to cities in search of jobs, can be cheated by brokers and left in helpless situations. Living on the streets can make them vulnerable to sexual violence and street sex work.”

She also focused on the fact that it is important to understand the difference between shelter homes and custodial homes. ***“Shelter homes are voluntary, and the gates are open to all to come and go as they please.”*** She argues that “the state doesn’t understand the nature of these homes. These aren’t custodial homes, but they impose women on these homes, women who need custodial care.” This can be dangerous especially because shelter homes’ caretakers are made liable for these women who may then choose to run away, go without information, etc. ***“Often these women are mentally ill, so when they come to state-run homes, they seek psychiatric help, but they have deplorable facilities,”*** she said, ***“and our homes are not equipped to provide these sorts of facilities.”*** “The government is supposed to provide counsellors for every home, but they don’t,” she said, but that is not surprising given the lack of a sufficient number of shelters, to begin with. ***“There is supposed to be one shelter home for one lakh population in urban spaces, but there are only twelve in Hyderabad, of which four are for women.”***

She described the case of a woman who would occasionally seek shelter at an Aman Vedika home in the city. She was 23 years old and had already given birth to five children (of which only three survived). Her husband was physically abusive. When she was full-term pregnant, her husband beat her up violently; she left her house that night and came back to the home. He somehow got to know where she was and came there. He tried to break into the home by breaking the windows and trying to enter through the main door, threatening the administrative and security staff there. Eventually, the police were called. In front of the police, he promised to take care of his wife, so the police told the staff to hand the woman over. When they went back home, he abused her gruesomely and starved her. She eventually gave birth to a stillborn.

“There is an immense need for shelters in society,” she said, ***“Because people know there are safe places, which are constantly overcrowded.”*** “The home management is also under constant stress,” she said, not only because it is difficult to work from the perspective of the residents but because it has contextual complications.

She said that often the neighbours do not take kindly to this kind of thing, citing that they don’t want ‘these kinds of women’ in our neighbourhood. Despite the Supreme Court guidelines and awareness campaigning from NGOs, neighbours are always looking for ways to make sure these shelters are shut down. “Within shelter homes, sex is a dirty word that is criminalised,” she said, “what do they do with their bodies and their needs?” When same-sex

relationships happen within shelter homes, they are not understood by other members of shelter homes (residents and staff) and considered bad or sinful.

She pointed to the complete lack of homes for transgender people who are homeless or need shelter. *“Women find difficulty in finding rooms or spaces to stay because of stringent rules and conditions, especially those related to policing the sexuality of women.”*

She also talked about the kinds of experiences children have in shelter homes. *“Street children are forced to grow up very fast,”* she said, “they have seen everything and recognise that certain types of relationships are stigmatised.” They grow up with the notion that sex is a crime. But because of the “lack of avenues to express themselves” and the tussle of their own needs and curiosity, often older children abuse the younger ones. She described the case of a pair of siblings that were staying at their home. A relative of theirs had branded their genitals with an iron rod for imitating their parents from a memory they had from when they were still alive. There are 19 children’s homes in the city, with children “who have seen everything,” she said, *“with the trauma that stays with them, witnesses that require psychological support but don’t have access to it.”*

While the Rainbow Homes that provide open shelters are aware of the immense inequalities in the society, the regulatory framework that is modelled on a hard custody relationship finds it difficult to understand this relationship of care with the inmates. The extended network that these Homes build for children has very little space in the normative custody model which ignores the need for great many services that the distressed and traumatised children, young adults and women require. Despite being aware of the need for care services, lack of funds and resources is a huge constraint on these homes.

Discussion and TakeAway Points

- Lack of coordination between different departments in running shelter homes appeared as one of the biggest challenges.
- It was observed that if the process of registration and communication of shelter homes are done in digitalised way then the coordination might increase, and a protocol can be set up to have a dialogue while dealing specific cases.
- Lack of understanding on shelter homes and dearth of funds leads to a very lopsided functioning of these shelter homes.
- Nuances to understand the problems of trafficked women and women doing sex work voluntarily lacks in the understanding of the officials and this forces many women to get caught in a crossfire.

Big Cities, Residential Spaces and Control of the Unsupervised Bodies

Shelter homes or custodial homes are visualised as spaces for the people in distress. These distressed people are slowly labelled as dangerous people for society and shelter homes also become spaces of policing and custodial treatment. ‘Single’ women who come to big cities for study or work face discriminatory attitudes in their residential spaces. University administration, private hostels, landlords and others try to play the role of custodians of these women by regulating their lifestyle and movement. This workshop attempted to document these experiences of several young people who had negotiated these spaces in different cities.

Aran a lesbian woman staying in Hyderabad started this session. She grew up in Allahabad and studied there till her undergraduate. First time she left her home alone was to go to EFLU³ for her Masters. She stayed in the hostels and said that “as such, she did not face any problems.” After EFLU, she went to Pune to work in a corporate space which was the first time she had to rent a flat. Her first two experiences once living with a roommate and once with her sister, were very pleasant, with non-invasive and non-judgmental landlords. The third time she looked for a place to live, she wanted to live alone. She was looking for a flat in a very conservative part of the city full of old *Puneris*⁴. While the landlord agreed to give her the flat, the Residents Welfare Association had issues as they wanted to rent it out to

³English and Foreign Languages University, Hyderabad

⁴Word mostly used to describe Pune residents.

families. She had to constantly reassure the people in the association that she was a “very nice” person that is, a good girl from a “good” family with “good values”. Even after she moved in, the neighbours and the RWA were very intrusive. *“The question of single-hood becomes more pressing with age,”* she said, “Landlords started asking me whether I planned to settle down, to get married, I’ve always answered that I’m married to my career.” She quit her job in Pune suddenly because of burnout and moved to Hyderabad with very little notice. She lived with a friend who owned the house he was living in, which is why nobody questioned why an unmarried man and woman were living together. She stayed with him for a period while she looked for a job. The first time that she was out as a queer woman to her landlord was in Hyderabad. She knew her landlord was comfortable with alternative sexualities, but he did not want transgender people in his house, which she only found out when he started making problematic statements such as “all trans people were sex workers” and that “they created a lot of problems”. She described an incident in which she accidentally outed her trans roommate to her landlord before she knew he was transphobic by using her roommate’s preferred pronouns. When she found out that the landlord was transphobic, she backtracked to protect him.

The same landlord was also severely discriminatory against mentally ill people, something she witnessed first-hand as her girlfriend at the time suffered from mental illness and was suicidal. It was part of the reason why she wanted to move, as she herself suffers from anxiety. She said that she does not want to be out to her future landlords. *“It is stifling but I will not come out until I know that the landlord has a record of renting to queer people”* and is also dependent on whether she has a partner that she would like to live with. *“Sexuality is performative but can also remain invisible,”* she said, *“and I can make the choice to reveal it.”* Being queer and in the closet can *“take a toll in a contractual relationship”* because *“things can easily be used against her as one party holds more power.”*

Aashi Dutta who was part of **Pinjra Tod, Delhi**, spoke next. She gave the background in which *“Pinjra Tod started spontaneously in 2015 when Jamia Millia Islamia University cancelled night-outs for women,”* she explained, as a result of which Delhi University students and alumni came together to talk about the *“unique phenomenon of curfews that women face across campuses in India.”* She asserted that *“although there is a formal curfew for men, it is never followed. Women’s curfews, however, are policed strictly,”* she

said, pointing to the securitisation of women's bodies. Pinjra Tod began by protesting the kinds of curfews women's hostels had, ranging from as early as 6 pm to 10 pm. They then expanded their mandate to the issue of hostel fees because it disproportionately affects women students. If the fees are too high, women drop out of college altogether, she explained that it was not just a question of affordability; families often consider the hostel as the only other safe place outside the custodial institution of the family especially in a city like Delhi. In her experience, hostels are a viable institution to protest because ***"In PGs and private hostels, there is no scope of accountability and it becomes impossible to collectivise."*** She pointed to the interesting connotation of the word 'curfew' which is used both by hostels but also by the state to describe the state-sponsored restriction of movement because of the perception of danger. ***"Curfews are usually levied by the state when there is the threat of impending death," she said, "and university institutions operate on the assumption that women need to be caged all the time because their bodies are always in danger."*** The logic of securitisation of women is motivated by two major factors: caste anxieties and the infantilization of women. When women leave the family home and have access to a demographically diverse world, they can break endogamous caste boundaries and exercise their agency, therefore, the freedom of movement gets correlated with destruction of family honour. She pointed to the rhetoric of familial relation that is constantly brought up by hostel authorities, the notion that ***"you are like my daughters; I want to protect you"***. Thus, every single person adopts the role of the patriarch that the student thought she left behind when she left her family. ***"Curfews reduce us to second-grade citizens and participants in the university,"*** she said. The constricted movement affects women's ability to participate in all the various aspects of student life, for example, student movement. The poor ratio of women students to male students in politics could be understood from the perspective of curfews. The restricted movement does not allow students to attend meetings, campaign and collectivise as effectively as male students. The notion of safety that curfew policies rests on has created the binary of 'good' and 'bad' women: good women are those who take all the right measures to be safe and bad women are those who *choose* to go out. This does not take into the account women who do not have the privilege to not occupy public spaces at 'unsafe' times.

Mounika Kanga Taruba, A PhD Scholar from HCU followed, sharing her experiences with hostels in various educational institutions as a Naga woman. She said that people who have the authority to decide, bend rules for different people, often based on likability,

discrimination, etc. She had stayed in a nun run hostel in Chennai, where three North East women became victim of theft. She stated that *“the warden decided not to take NE girls because they create trouble”*. She felt that sexual and cultural stereotypes were even propagated by professors in the central university she taught at. She stated that *“even in the academic spaces, the NE are looked at as alcoholics, snake eaters, etc.”* While sharing her experiences of her hostel time, she gave a statement that *“the best way to take a woman down is to render her homeless, to leave her with no place to go”* She also felt that *“For every woman who stands up for other women, there is one who wants to stand on other women’s backs to seek the approval of men”*.

Meera Sanghamitra of NAPM was the next speaker and she shared her experiences of staying in the city as a transgender. She felt that it is an interesting moment in the contemporary political climate, with the country shouting for *azadi* while we are talking about custody. Meera pointed out that, women choose not to go to places that were designed to keep them safe because they perhaps in varying degrees replicate the patriarchy. Children who are seen as deviant for their gender expression are subject to a different level of surveillance and correction is an issue of custody — a broader sense, of policing and surveillance of a lived experience, which entails abuse, alienation, conversion therapy, and discrimination. She pointed out that trans adolescents often run away from home, ending up in unsafe situations or state-run institutions or juvenile homes which are completely insensitive to the needs of trans children. The repeating patriarchal violence across and through institutions is something which needs to be countered. Young trans folks move to Hijra havelis, which are homes in the truest sense and find community, support, acceptance, understanding, security (state, family, goondas) but havelis can also be spaces of abuse, especially when one wants to leave that space. The structure of the gharana can be constricting, *‘the house supported you for x years, so now it's your turn to do the same’* she raised the question that how do we see it in relation to custody? Those who assert themselves face certain sanctions — if you talk to the media, if you have an independent partner, etc. Even to this day, the state (which claims to be the custodian of all citizens) does not have the understanding to see the complexity of the situation of trans people and respond to their needs. Transgender Bill (2018) states that a trans minor has only two options, either biological natal family or a rehabilitation home. In present context, no agency is left to trans people to assert their identity and be themselves free of institutions. Virtual non-existence of dignified safe spaces for trans people. And when we end up in these institutions (police

custody, jail, marriage, family, etc.), our experiences in them. The presumption is that trans lives are delinquent and therefore in need of rehabilitation, here the state needs to take substantive measures.

Renu Singh, PhD scholar at **AUD-CWDS, Delhi** talked about her ongoing doctoral work on migrated women in Allahabad city. She said that families are investing in women's education because of the uncertainty of the future. She observed that post-liberalisation there has been deep inequality otherwise, but almost gender parity in higher education spaces can be observed as more women are coming out to study. Her field site was Allahabad university and residential spaces where she was studying first generation college students, who had moved away from home for the first time, etc. The women's hostel compound had five buildings, with each individual building having an entrance which is segregated from the others to ascertain degree. The main gate shuts at 8 pm, individual gates shut at 9 pm so you cannot take a walk or visit each other's hostels. She observed that living arrangements in the city are of few types: women can stay with parents or those who are new to the city can stay in private hostels, PGs, lodges or with relatives. She also observed that in many cases, families migrate with the students. There are several codes of conduct when these women are in college/university. She was told that sitting without purpose in the college is discouraged, student's ID card are regularly checked. Twelve CCTV cameras are installed in the college and police takes round of the college every day. She observed that women submit more easily to these surveillances. Masculinization of college spaces is very visible, but women (particularly day scholars) think of college as a window of freedom where they can form bonds and hang out with peers. Self-policing and self-disciplining even in places that do not have strict rules can be observed among few women who also justify curfew rules as *"done for our own good"*. She observed the increase in use of neo-technologies for surveillance and to control women post-liberalisation. Going out is considered a *"waste of time"* and distracting from studying. At the same time, female friendship creates a parallel world in which they socialise and create new bonds (watching movies, cooking, taking care of each other). They are in favour of the curfews and CCTVs and shared that they do not even want to go out in the night because most spaces are not accessible to them even in the day. Instead, they want better institutional structures like drinking water, functional mess facility.

This presentation had brought a new dimension to the discussion on women in new cities and their access to the city. In a city like Allahabad, where the migrated women must have been

from the nearby small towns and villages. For these women, the promise of the big city is not only limited to freedom to wear different clothes or have friendships but also the promise to climb the social ladder by scoring a decent job. Although they do enjoy the small joys of living alone or doing certain things by their own will, they claim to be focused on achieving a decent job for themselves.

This workshop also focused to understand the lived experiences of the hostel residents or young house renters from the city. What have been their experiences in their educational spaces or city at large. Two discussants shared their experiences.

Roshanara, who is a student in the English and Foreign Languages University, Hyderabad shared her experience of staying in different hostels over the past twelve years. She reflected that her experience of staying in the hostel spaces also involved her experience of staying in hostel as a person with depression and anxiety issues. She raised that although hostel boarders are kept as people in custody, no body raises the concerns of disability justice in these spaces. She talked about how she was raised in a single parent household where her mother owned the house which granted her certain privileges, including a sense of freedom. From her perspective of privilege, she was able to question the issues many others face who lack any form of support from families and communities.

Aditya shared his experiences of having an own rented space after he came out as a gay man to his family and friends. After coming out to his family, he wanted a safe space in form of a home for himself and hence decided to move. He talked about the first time he had a room to himself and decorated it nicely according to his sexuality. He shared the house with two straight men. Among them, one person was both very curious and cautious of him. He was queer but had internalised homophobia. He had asked Aditya not to tell his visiting family that he is queer. He also asked to have the door shut if any other queer person had come to the house. Aditya realised that he had moved away from home into a slightly bigger closet as the house did not seem like a home, where he could be himself.

“We only have faith in our chosen families, but existing societal structures are so restrictive that we could only live with them if we become property owners.”

Discussion and Take Away Points

- It was observed that all over India, educational spaces regulate the movements of the students and mostly female students through hostel spaces and other regulations.
- Aspirations and concerns of the students do vary as per their social and regional location, but now here students like to feel suffocated by the rules to control them.
- Racial and regional profiling further adds to the discrimination being faced by women in new cities.
- Private residential spaces like hostels, PG and rented accommodation do not have any regulatory mechanism and hence becomes spaces for all kinds of discriminatory practices against migrants.
- Till now cities does not appears ready for single women, queer bodies and anyone who appears to be non-confirmative to the existing social rule books.

Care and custody: What the workshop highlighted.

- Custodial interventions are practiced in the mode of possession of the bodies with scant respect to the consent of the young adults concerned. Families and the state fight over the bodies of young adult women where the women's age is being used as a tool to curb her freedom to choose her partner. Several young adults end up in several shelter homes and their sexuality is criminalised in the court. Care, either in terms of emotional support through counselling or advice for support for future, while mandated through rules, is seldom found in practice. While able bodied young adults are sought to be possessed through battles in the courts, several families abandon their mentally ill women to these shelter homes and never think about their wellbeing.
- Visualized originally as spaces that should be available for all women, they have now been confined to women in distress, that too available only through referral of other government agencies. Shelter homes that are publicly run are mired in so many rules that the moment the women's bodies are taken, they are denied the ability to think or act autonomously. In practice, shelter homes are only used to contain unregulated sexualities. Those run by women's groups are often under funded and suffer from serious lack of resources while being subject to all the regulations of the government. Only a few have brought out the critical steps to make sure that they are distinct from the public short stay homes – making sure that the shelters are open to those who stay

inside; that the families have access to the inmates and that they are supported through a care network. A few have come up with one-night shelters, as even one night of shelter can reduce stress and anxiety and give the space for women to think. The networks formed by stigmatized communities such as sex workers also came up with alternate models of care such as legal support, childcare and educational support.

- In residential spaces those who do not conform to the 'monogamous heterosexual normative' family are often denied accommodation unless the house owners make exceptional efforts to do so. When they do get in, they are charged extra rent, for their difference, and are under constant surveillance. Flat owners or university administrations also try to become the custodians of these 'unregulated' sexualities – single men, women of varied sexualities and genders.
- At a historical juncture where the State seems to want to push all non-normative citizen-subjects into normative boxes and define care in the name of security and custody, the small oasis of care models developed by community organizations and women's groups need to be put more into circulation. It could be the care work of the sex workers' unions or the idea of open homes developed by Rainbow homes.



Anveshi
RESEARCH CENTRE FOR WOMEN'S STUDIES