Queer Activism, Resistance, Reform, and the Promise of Decoloniality in Bangladesh

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Submitted to Central European University
Department of Gender Studies

In partial fulfilment of the requirements for the degree of
Master of Arts in Critical Gender Studies

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Vienna, Austria
2024

ABSTRACT

In this thesis, I explore how queer and non-normative identities and positionalities are shaped in Bangladesh, in the midst of certain power dynamics that are created through the interactions of state authorities, legal frameworks, non-state actors such as NGOs and their foreign donors, and different queer communities with their specific interests regarding visibility and recognition, and individual stakes in politics of identity-making. I use decolonial theory, in particular de-linking through applying a queer of colour critique, to interrogate these dynamics and to see understand queer community members navigate their non-conforming identities as they engage with restrictive laws that retain colonial practices and sanctions; Western identity frameworks; and NGO-isation.

I highlight the limits of de-linking, and the obstacles in the project of decoloniality in the context of queer and non-conforming identities in Bangladesh, as coloniality is still very much existent and persistent in the contexts inhabited by queer Bangladeshis. I contend that NGO influence has been quite integral to queer identity-making and has shaped the aims of the current queer rights movement in Bangladesh, as various queer community groups are collaborating with NGOs and adapting to their specific understandings and categories of gender and/or sexual identities to have access to networks, funding, and resources for their respective communities. The colonial categorisation of gender is still central to demands for gender identity recognition, as the current picture of queer activism for inclusive recognition through legal reform suggests.

I discuss that decolonising is necessary, but not entirely possible in this context as every actor involved in advocacy, activism, and reform processes is implicated in the ongoing coloniality, perpetuated by legal mechanisms and state administrative systems that retain and function through colonial frameworks.

ACKNOWLEDGEMENTS

I am deeply indebted to my interlocutors in this research project, without whom this thesis would not have been possible. I am grateful for their stories, their candour, and their time. I will forever be in awe of their incredible queer strength. It is to each one of them that I dedicate this piece of work.

Dr. Q. – my supervisor, and my favourite teacher and mentor, I am immensely grateful for you. You helped me to hold onto faith, in myself and in my capacity to complete this project that I hold so dear. I have learnt so much from you. You have made this so easy, from day one, with your kindness, your empathy, your advice, and your support. You have my deepest admiration and respect.

Nadia, without your guidance and our compelling conversations on (de)coloniality, I would not have had the tools and resources to sharpen the urgency and profoundness of so many of my inquiries into words. Thank you, also, for being so patient and understanding with me as I muddled through my first year at CEU.

Ammu, I love you. You give me the room to grow. You keep everything else at bay, from so many miles away, so that I can make space in my mind to think about the things that matter to me the most. I put you at the top of this list. Thank you.

To my best friends – my dearests, we are finger-lengths apart on a map of the world, yet you have been my entire world in these past years. You have kept me sane, you have kept me laughing every day, you have kept me from losing myself to the cold, and to crushing despair. Thank you.

A little note of appreciation, also, for Brooklyn Nine-Nine, my fondest source of comfort on a screen. I am thankful for the endless delight and respite this show and all of its characters have continued to provide, even as I re-watch it for the umpteenth time.

And finally, Titir – thank you. What a journey this has been. Thank you, because you wanted this for yourself, and you put your mind to it, and I am proud of you.

AUTHOR'S DECLARATION

I, the undersigned, **Abdullah Titir**, candidate for the MA degree in Critical Gender Studies, declare herewith that the present thesis is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

I further declare that the following word count for this thesis are accurate:

Body of thesis (all chapters excluding footnotes, references, title page, author's declaration, abstract, acknowledgments, appendices, glossary of terms, etc.): 31,406

Entire manuscript: 36,931

Vienna, 31 May 2024

Signature: Abdullah Titir

Table of contents

LIST OF ABBREVIATIONS

AFAB   Assigned female at birth

AIDS   Acquired Immunodeficiency Syndrome

AMAB   Assigned male at birth

CBO   Community-based organisation

CSO   Civil society organisation

HIV   Human Immunodeficiency Virus

INGO   International non-governmental organisation

LGBTIQ+   Lesbian, gay, bisexual, transgender, intersex, queer and other non-normative gender identities and sexual orientations

MSM   Men who have sex with men

MSW   Ministry of Social Welfare

NGO   Non-governmental organisation

NGOAB   NGO Affairs Bureau

TRP   Transgender Persons' Rights and Protection Bill 2021 (Draft)

UPR   Universal Periodic Review

WANA   West Asia and North Africa

I.   INTRODUCTION

"You cannot just erase coloniality, because it is all over the place. You have to acknowledge it, and you have to address it. If you work with this consciousness, that you know what kind of colonial thinking is at work, and you also know how you can address it, that process is decolonising. The British have constructed a building, and now you will tear it apart – is that all that decolonising is?"[1]

I begin with the above quote from Togor,[2] a 28-year-old, queer-identified Bangladeshi and one of my interlocutors in this research project, because it speaks to what I have spent the past several months pondering, in various stages of bewilderment: What is decolonisation? And perhaps, more importantly, what is it not? When I first started to think about this project, I had just left behind five years of intense NGO work, focused on ensuring non-discrimination and access to justice for Hijra and transgender communities in Bangladesh. A significant part of my life had been taken up by law and policy-based advocacy on issues of gender and sexuality, and my mind was fixated on my country's broken legal system. I was also quite convinced that *decolonisation* could be the answer to its various quandaries. As a naïve researcher, then, I set out to inquire what singular role decolonisation could play in legal and policy reforms to ensure protections for queer and non-normative identities.

This thesis, however, has now come to represent a broader, more urgent conversation between various nuanced and complex positions. With the voices and experiences from Bangladeshi non-normative communities at its centre, it illuminates encounters between the colonial and the colonised, in a *post*-colonial state[3] that is part of a highly charged and changing geo-political landscape. In this thesis, I explore queer identity-making, resistance, and activism against a backdrop of ongoing coloniality, complicated by the interventions of transnational actors and processes. I use a decolonial lens to examine the dynamics that take shape within the

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[1] Interview with Togor, 06 August 2023.

[2] *Togor* is a **pseudonym**. The names of all interlocutors and references to any queer community-based organisations and non-governmental organisations have been anonymised in this thesis, to protect the privacy and confidentiality of the parties involved and/or mentioned. All **pronouns** used when referring to interlocutors in this work reflect individual preferences.

[3] 'Post' only in the sense that countries in the Indian subcontinent are no longer being actively colonised by external forces. Coloniality is an ongoing mechanism across the subcontinent, and in Bangladesh, it pervades legal, political, and administrative structures of the state, it infiltrates social attitudes, it interacts with processes like capitalism and neoliberalism to create specific power dynamics that impact identities, activism, politics, and movement-building. This thesis hopes to reveal these workings of coloniality as it takes its readers through each chapter.

communities as all of these factors intersect, and I observe how this impacts the processes of recognition and identification of non-normative gender and sexual identities.

In Chapter Two, I explore what it means to be 'queer' in Bangladesh, where local conceptualisations of non-normativity, such as the *Hijra* and *Koti* identities, tangle and clash with Western frameworks of identity-making, such as LGBTIQ+,[4] giving rise to unique positionalities and identity politics. I discuss that a decolonial approach to identity-making, while necessary, is not without its challenges and its nuances, as queer communities have to constantly negotiate their diverse non-conforming identities amidst regulatory legal frameworks, Western models of identity-making, and transnational processes of advocacy and activism.

In Chapter Three, I explore how queer identities and discourses on gender and sexuality are shaped in the aftermath of encounters between the global and the local, as the Bangladeshi queer rights movement interacts with NGO-based activism and engages with the interests and agendas of Western donor agencies. I argue that queer community groups are entangled in the power dynamics that are produced as a result of *NGO-isation*, and that by engaging with these actors and powers, these groups are also implicated in colonial practices.

In Chapter Four, I explore the tensions between the implementation of existing forms of gender identity recognition (through a 'Hijra gender' gazette) and ongoing reform processes to enact new legislation with new identity categories (a proposed Transgender Rights Protection law), and how these tensions show up in inter-community conflicts. I highlight the importance for queer groups to re-assess their current activism goals for legal and policy reform and advocate instead for the revision of existing discriminatory laws and policies.

Through these discussions, I show that it is not possible in these contexts to have a clean decolonial break, because coloniality is still so pervasive through all legal and administrative

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[4] When I use the '**LGBTIQ+**' or '**LGBT+**' abbreviations in this thesis, I refer to the collective global community of people identifying as lesbian, gay, bisexual, transgender, intersex, asexual, pansexual, non-binary, agender, or gender-fluid, as well as a host of other non-normative gender identities and/or sexual orientations that fit into this identity framework. These identity terms and their meanings carrying connotations of particular sexualities and gender non-conformities, were conceived of in European languages, including English, by communities based in the Global North, including particularly communities in the United States of America. The terms have since travelled globally, and have been adopted into non-normative identity-making frameworks of different regions, including in the Global South. The term 'queer' is also part of this *global* framework, but as I attempt to explain later in this chapter and in subsequent chapters, I consider 'queer' to employ a different sort of politics, one that can hold space for non-normative identities that neither fall within the LGBT+ framework nor fit neatly into local conceptualisations of identities like Hijra/Koti, which are grounded in socio-cultural practices and customs.

and most social structures in Bangladesh. In the following sections of this chapter, I offer a contextual background to the particular inquiries dealt with in this thesis. I discuss my research methods and introduce the theoretical frameworks I draw upon to make my inquiries and analyses. I follow this with an attempt to de-link and unpack 'queer' as an identity term for the non-normative community in Bangladesh and the challenges therein, before I turn to specific experiences of non-normative identity-making in the next chapter.

1.1 Background

Bangladesh emerged as an independent nation in 1971, in a post-colonial South Asian landscape that was still navigating the geopolitical fault lines etched in the wake of the Indian Partition of 1947, the concluding thrust of British colonial rule over the Indian subcontinent. As such, the foundations of its existing legal system are moored in colonial frameworks, and a number of crucial laws affecting the public and private lives of individuals, such as those governing criminal offences, marriage and family, and inheritance, for example, are direct legacies of colonial law-making. Non-normative gender and sexual expressions and identities have long been marginalised and criminalised (including homosexuality, in particular) across the Indian subcontinent, through laws such as the Indian Penal Code 1860 (prevailing in Pakistan after the Partition, and in Bangladesh after Liberation), and the Criminal Tribes Act 1871.

These laws imposed rigid constructions of gender, sexuality, and identity, by cementing heteronormative notions of masculinity and femininity and creating binary spaces of belonging and exclusion. However, non-Western and non-binary conceptualisations of masculinity and femininity had already existed in the subcontinent prior to colonial rule, as evidenced in the presence and practice of a range of gender non-conforming and sexually diverse identities across the region, such as Hijra, Koti, and the Khawaja Sira (Ahmed, 2019, 103), to name a few gender-variant identities whose experiences and traditions do not fit into binary frameworks of being (Shroff, 2020). These identities continue to be embraced by many local queer communities to this day.

A number of these colonial laws are still in effect in present-day Bangladesh. The Penal Code 1860 criminalises non-normative sexual acts between consenting adults as "carnal

intercourse against the order of nature";[5] and existing personal laws under different religions, including the Succession Act 1925 and the Muslim Family Laws Ordinance 1961, which govern marriages and inheritance, do not recognise the rights of gender non-conforming individuals to marriage and property. Colonial laws have also influenced newer legislation and policies that carry forward discriminatory restrictions and sanctions for women and non-normative bodies expressing their gender and sexuality. Examples include the Suppression of Violence against Women and Children Act 2000, which currently does not provide any measures for gender non-conforming individuals and people with other non-normative identities to seek justice for rape and other forms of sexual violence; and the Digital Security Act 2018, which, among a range of arbitrary restrictions, criminalises the online sharing or publishing of anything that can "hurt religious values or sentiment" and remains a potent threat to queer, LGBT+, and non-normative individuals exercising their freedom of expression in online spaces and social media platforms.

Discrimination on the basis of gender and sexuality is rampant, and individuals with non-normative identities are unable to enjoy a range of civil and fundamental rights. There is only very limited recognition by the government of gender identity since 2014 (through a gazette of the Ministry of Social Welfare), which is quite exclusionary in effect, as it only recognises a specific sub-group of individuals who are gender non-conforming, the 'Hijra' community, and excludes all other diverse gender identities from the purview of certain rights and benefits, including those who identify as transgender, intersex, or non-binary, and importantly, are not part of the Hijra community. Despite being considered a positive legal development, this recognition and associated identification practices are founded on misconceptions about gender, gender identity, sexuality, and the human anatomy, and continue to reinforce discrimination based on gender identity. There are ongoing legislative efforts to ensure a more inclusive recognition of gender non-conforming identities; however, these initiatives are perpetuating the categorisation of gender.

This project seeks to understand how people with non-normative identities positioned themselves, and continue to do so, in the onslaught of laws that consolidated the "colonial/modern gender system" (Lugones, 2007) in the subcontinent and more specifically, in Bangladesh; how they have conceptualised their gender and sexual identities beyond the intrusions of restrictive legal frameworks and NGO interventions with particular interests and agendas backed by Western organisations with specific templates of non-normativity; and what

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[5] Section 377, The Penal Code 1860.

possible meaning, scope, and effect can a queer and feminist decolonising exercise carry, with respect to these systems.

1.2 Methodological Considerations

I applied a mix of different qualitative methods in data collection for the purpose of this project, which involved making ethnographic notes and conducting semi-structured interviews lasting several hours. These methods allowed me to engage directly with the queer community, to reflect on and articulate local understandings and terminology, and to ground my research inquiries in the lived experiences of people with queer identities.

I had the opportunity to participate in one community consultation meeting in June 2023 as an observer. This meeting brought together queer community members, including members of Hijra and transgender-led community-based organisations (CBOs), from different parts of Bangladesh, to discuss and debate the use of terminology in legal policies for gender identity recognition. Although this was a singular event and not an extended form of participant observation through multiple sessions, I had previously participated in similar consultations with the same groups of people as part of my work, and I was able to closely observe the dynamics between certain groups as reflected in the concerns and/or support they expressed in relation to certain identity categories included in the proposed Transgender Rights Protection law, and in the specific recommendations they made. I have used ethnographic notes from this consultation to document the stories and insights shared by those that were present, which have supplemented the interviews I later conducted as part of the data collection process.

Between July to October 2023, I conducted interviews with eight individuals from the queer community in Bangladesh, who identify as gender and/or sexually non-conforming in various ways. My interlocutors are between the ages of 23-50 and have different academic and socio-economic backgrounds. While most of my interlocutors are based in Dhaka, which is the capital city of Bangladesh and its most urbanised metropolis (also where most of the funds and the activism around queer rights are concentrated and organised), two are based in less urban spaces, including a remote part of the country that is home to multiple indigenous peoples and ethnic groups. I had planned to include a few more interlocutors based out of Dhaka, but not

everyone I contacted was available to be interviewed during this period. All of my interlocutors are involved in queer activism in Bangladesh, with most having ties to queer CBOs and networks; one interlocutor is also a member of the Hijra community, while another is member of an indigenous community, which has enabled them to offer a layered perspective on issues researched. Seven interviews were conducted in person in Dhaka while the eighth interview was conducted online via Zoom. These interviews reflected, among other key issues, the need to work through definitions and understandings of decolonisation as it might apply to queer spaces in Bangladesh. They also revealed tensions between the fluidity of locally conceptualised queer identities such as 'Hijra' and 'Koti' and rigid categorisation of identities within the global/Western LGBTIQ+ discourse, and the ways in which different members of the queer community are navigating these tensions, either through personal experiences of identity-making, or through their work as activists.

The research inquiries and ethnographic observations that I explored in my engagement with queer community members related to experiences of gender, sexuality, and identity that were very intimate and sensitive, and potentially associated to traumatic personal circumstances (past, ongoing, or both) in the lives of some of those interviewed. In exercising the principles of care in ethical research (Boellstorff, Nardi, Pearce and Taylor, 2012, 130-31), I conducted pre-interviews with each of my interlocutors to mitigate any possibilities of creating retraumatising situations during the course of the interviews. I explained my research, discussed potential risks and threats to security that may be associated with participating in such a project (at the personal level, wider community level, and possibly institutional level for those who are part of different organisations), discussed the most effective ways to mitigate such risks, discussed potential emotional and/or traumatic triggers and how best to avoid these, discussed recordings of interviews, and maintaining confidentiality, anonymity, and consent (including the possibility of withdrawing consent at any stage of the research), discussed levels of participation and how interlocutors expected to be involved with this work in the future, and provided them with an accurate overview of the project design, in order for them to make an informed decision about whether or not they would like to be interviewed.

Throughout the interview process, I strived to be attentive to the language I used, both verbal and non-verbal, in approaching community members and seeking permission to interview and/or observe and make notes. All in-person interviews were conducted in spaces chosen by the interlocutors, prioritising locations and timing that would ensure the privacy and safety of those participating in conversations about non-normative gender and sexuality. These

spaces included CBO offices, the home of an interlocutor, and cafés and restaurants visited on early weekend mornings, or during peak evening hours when the crowd and noise provided a cover.

Multiple non-recorded conversations with queer friends (also community activists, and an NGO consultant) pointed me to important themes and questions relevant to my project. I chose to treat these interactions as pre-interviews because I got to talk about the scope of my research and have their inputs on the work I aimed to do. One of my interviews turned into a non-recorded conversation with a queer researcher and friend. I had gone to meet him with the understanding that it was to be a recorded interview focused on my research, but the conversation took different, not unwelcome directions, as my friend spoke about his current research experience working with Hijra and transgender communities and questioned me about my motivations with my own work, helped me to try and visualise where I saw things going, offered suggestions for academic resources I could look into, and also helped me to think through things I had previously done as part of my NGO work with queer communities that could be useful in connection to my research. I am deeply grateful for the knowledge and guidance relayed to me through these conversations.

1.2.1 Language

Interviews conducted for this project have involved the use of both Bangla, which is my own first language, and also that of seven of the eight interlocutors, and English. Some interlocutors, like myself, have bilingual proficiency and are accustomed to code-switching in these two languages while engaging in regular conversation. While most of the conversations that we have had were primarily in Bangla, some of my interlocutors often resorted to English to articulate specific thoughts and concepts, particularly around gender and sexuality. All quotes and insights offered by my interlocutors have been reproduced verbatim in this thesis, with my translations of all Bangla words and sentences (marked in italics) wherever required.

In doing so, I made a conscious choice to prioritise the Bangla words as spoken, and offer the translations in parentheses as secondary, even though this might be visually discordant. I made this choice because I do not want my language to be lost in translation, when the project is almost entirely in English, the coloniser's language, otherwise. Since the project explores the

parameters and possibilities of decoloniality, it was important for me to retain the meanings and nuances my interlocutors have ascribed to their individual experiences of gender, sexuality, and identity in the language that they felt most comfortable expressing themselves in.

Throughout the course of this project, I have struggled with the politics of translation, being confronted with the troubled decoloniality of producing this work in the coloniser's language, because the act of translation is an act of epistemic violence that reinforces modern/colonial oppression through transforming peoples, cultures, and meanings into controllable knowledge for those occupying positions of power (Mignolo, 2005, 144). It is also an act of erasure, the kind that queer existence is no stranger to. I have experienced some difficulty in communicating parts of this research with its interlocutors in Bangla, due to the lack of appropriate terms for concepts such as 'decolonisation' and ill-fitting translations for gender and sexuality terminology. There is an inaccessibility of certain relevant knowledge, information, terminology, and concepts in Bangla because of Western hegemony in knowledge production. This meant that interlocutors were often only able to give shape to their very own experiences of queer personhood in this borrowed tongue.

1.2.2   Ethical considerations and positionality

I encountered certain ethical concerns in the process of data collection, interpretation, and analysis for this research. My positionality as a researcher on this particular topic, in the particular context of queer communities in Bangladesh, is something that I have constantly reflected upon throughout the course of this project. The different facets to my positionality: the privilege of my socio-economic background, past and current academic backgrounds, previous professional background as an NGO worker and consequent past working relationships with the majority of my interlocutors, my position as an activist-ally to the queer community, and any perceived institutional and/or political affiliations on my part, have all potentially impacted my interactions with the research participants, and the research itself.

My very role as a researcher, representing a foreign, European university and conducting fieldwork in the *Global South*, presented the risks of perpetuating relations of domination and control, and exploitation and extraction of knowledge (Sultana, 2007, 375), which are characteristic of colonial knowledge production systems. Being mindful of this, I

paid close attention to histories of colonialism, development and globalisation as these pertain specifically to Bangladesh and the subcontinent, and the ground realities and local contexts in the course of this project. The fact that I am also a native of the country that is the field site of my research, and therefore, share a language and some socio-cultural commonalities with the participants of my research, only heightens the complexities of my position. I may have possessed the knowledge and perspectives of an 'insider' in some respects, but I was very much an 'outsider' in many others. I have tried my best to engage, assess, and address these ethical concerns throughout the entire process of the research, from its conceptualisation to its writing (Sultana, 2007), by putting my interlocutors at the forefront, being transparent in my analyses, and trying my best to support my arguments with my interlocutors' insights and scholarly considerations. I recognise the need to further reflect upon these concerns during possible dissemination of this work.

I have treated reflexivity as a situated act (Nencel, 2014) and reflected on power imbalances, both apparent and implied, and attempted to address these positionalities and power relations between researcher and participants that may have operated at multiple levels, not only during the course of the data collection period, but throughout the research as I made critical theoretical and analytical decisions. The positionalities of the research participants in society at large have also influenced research strategies and representational decisions (Nencel, 2014, 81), and I negotiated these considerations based on my understanding of what can and cannot be done within the context of social, cultural, institutional, and political realities in Bangladesh (Sultana, 2007, 376), and also, importantly, the dynamics within the queer communities in Bangladesh.

This has included ensuring complete anonymity for all interlocutors, even though several individuals had expressed their wish to be personally identified in the thesis. While I acknowledge and deeply respect the power and agency of my interlocutors, in the interest of preserving the confidentiality of those that opted to remain anonymous, and to avoid any biases that engaged the politics of queer visibility in Bangladesh, I have pseudonymised all interlocutors and limited the use of obvious descriptors. During the course of the interviews, I also became privy to information about certain queer activists and organisations that was not directly relevant to my topic but gave me useful insights into the emotional standpoints and motivations of some of my interlocutors. I also observed strong dissenting opinions put forward by certain interlocutors during their interviews. I made sure that my own conclusions as to their remarks did not colour the conversations that I had with any of them.

9

I tried to ensure that my own sense of self, my individual perspectives and queries, and my multi-layered positionality in this research, did not affect the interlocutors' responses around how they defined their queer identities and experiences and how they understood these against the backdrop of colonialism. According to Rooke, a researcher's capacity to be reflexive involves acknowledging their own subject position in the power relations of research, and to make their investigations a "discursive arrangement that holds together in tensions, the different lines of race, and sexuality that form and reform our senses of self" (Probyn, 1993 in Rooke, 2009, 157). With that in mind, I also opened myself to the possibility that my own experiences and positionalities might, in fact, have had an impact on my interactions with my interlocutors, which, in turn, might have introduced different perspectives and directions informing this project. I greatly value the existing rapport and connections I have with members of the community, and I have worked hard to centre their voices and experiences in the production of knowledge as part of this research, recognising the need for community members to define and articulate their own knowledge, and engaging with the intersections of various identities, circumstances, and positions held by my interlocutors.

As a process of researcher accountability, I clarified for my interlocutors precisely how the information and insights they provided would be used in my work, and what I sought to achieve through engaging with this topic. Letherby (2003) cautions researchers on the use of language in research that might suggest equality of participation to an extent that it is not so, by implying that the participants have more control over the research process than they do in practice. In doing so, one can inaccurately represent the asymmetrical relationship between a researcher and the participants of their research project. This is a feminist project, and I have strived to avoid making any such inaccurate representations to my participants, and in my thesis.

1.3 Theoretical Frameworks

I situate my inquiries in this thesis within two relevant analytical frameworks central to decolonial theorising, that of coloniality and power, and the coloniality of gender. The former, conceptualised by Aníbal Quijano, refers to hegemonic structures of power, control and exploitation that were created through the racialisation and classification of peoples and communities into social and political hierarchical orders imposed by European colonisers, that

have redefined culture, labour, senses of self and subjectivity and continue to permeate modern social relations and inform patterns of global power (Quijano, 2000). The latter, developed by María Lugones, expands upon Quijano's theory to take a deeper look at interactions between race and gender, and posits that the power structures founded upon racial classification led to the formation and imposition of the colonial/modern gender system, where gender emerges as an additional sorting tool with which to organise social identities, and European constructs of gender and sexuality replace and prevail over local understandings of the peoples, communities, and regions colonised (Lugones, 2007).

I use the above frameworks as analytical tools to map the power dynamics that frame and engage the politics of identifying as a queer, Hijra, LGBT+, or non-normative body in Bangladesh. Such politics is influenced by the interactions of multiple, heterogeneous, and unstable processes and relations of power, which are complicated by transnational narratives and discourses on gender and sexuality taken up by both state and non-state actors, and modes of advocacy and activism which often export and engage Western identity frameworks and encourage assimilationist processes. Queer and non-normative communities in Bangladesh have to negotiate with these dynamics while they contend with existing socio-legal perceptions around non-normative gender and sexuality, which are rooted in restrictive, colonial bearings that stigmatise (through criminalisation and/or lack of affirming identification processes), marginalise, and discriminate against, queer bodies and ways of being. My purpose in applying decolonial theory to these particular dynamics is to explore how identities might have been shaped, and can be shaped, without the influence of colonial laws.

However, this requires me to be mindful of the fact that existing, contemporary understandings of these identities and the associated queer vernacular, particularly in a subcontinent that continues to experience the impact of colonialism, are already the product of an entanglement of local linguistic and socio-cultural conceptualisations of identities, and terminology that was introduced and imposed by colonisers. As such, in post-colonial states (like Bangladesh, and across the wider subcontinent), efforts to conceptualise queer identities, particularly legislative efforts, are forced to be translated through frameworks that are already colonial, thus resulting in the construction of hybrid, distorted identities that have possibly become lost in translation.

To make sense of such identity-making, I use Walter D. Mignolo's work to expand my decolonial inquiries, and in particular, my attempts to de-link 'queer' as an identity for non-

normative communities in Bangladesh. I use it to interrogate and problematise what decoloniality and decolonial de-linking can mean, from a queer perspective, for the specific socio-legal and geopolitical contexts of my research. I have drawn upon queer of colour critique to interrogate the premise of de-linking in decolonial theory, and to that end, *The Global Trajectories of Queerness: Re-thinking Same-Sex Politics in the Global South* (Tellis and Bala, 2015) has provided key conceptual insights.

Adnan Hossain's ethnographic work with Hijra and Koti communities in Bangladesh has helped me to ground these theoretical understandings of colonial power relations in the lived experiences and positionalities of queer and non-normative communities. His work in *Beyond Emasculation* (2021) has provided important contextual insights for understanding Hijra kinship structures and exploring the ways in Hijra and other locally conceptualised positionalities have come to be shaped by NGO-isation.

Ibtisam Ahmed's (2019) insights around decolonisation and the conceptualisations of queerness and non-normative identity-making in Bangladesh has informed my research inquiries on centring local queer terminology, identities, and definitions into legal frameworks on protection of rights.

In discussing the implications of having 'transgender' as a recognised legal category of identity-making, and exploring the Hijra *vs.* transgender debates within the community, I have drawn from Aniruddha Dutta's work, where they critique the structural conditions and assumptions within which the universalising term "transgender" functions, as it fails to consider the diverse, local and regional understandings of gender-nonconformity and of identities as they are constituted through and embedded in multiscalar hierarchies of caste, class, race, ethnicity, and culture (Dutta, 2013; 2019).

1.3.1   Deconstructing 'Queer' in the Bangladesh context

In this thesis, I do not use the broader 'LGBT+' categories, beyond the 'transgender' identity. I focus on *queer* identities, because I want to make space for non-normative gender and sexual identities, bodies, and experiences within the Bangladeshi community that may not, or may not necessarily wish to, fit into the imprints made by the LGBT+ framework. For me, this space-making happens with the lived experiences of queer individuals and communities in

Bangladesh, with the terminology that they use to self-identify, to understand and make sense of their identities, and to negotiate their individual performances of gender and sexuality at the various intersections of a widely hetero-patriarchal socio-political and legal landscape.

As Ibtisam Ahmed notes, the conceptualisation of gender and sexuality is different for queer communities in Bangladesh, both in terms of the cultural and religious contexts in which these identities have been shaped, and the diversity of the language used by communities in claiming these identities Non-normative identity-making is complicated by differences in social class and economic conditions, geographical locations, exposure to other cultures, professions, and medium of instruction where education is accessible, among other issues (Ahmed, 2019, 101). It is also influenced by the *post*-colonial and post-Partition Bangladeshi legal framework that continues to retain colonial sanctions on non-normative expressions of gender and sexuality.

'Queer' is not a term that is part of the local languages in the country. There is no corresponding word that holds onto the 'queer' essence of the term in translation, into Bangla, into vernacular dialects, into indigenous language. It is a label of self-identification that is used only by selected groups of non-conforming individuals in Bangladesh who have access to the English language, have specific socio-economic and academic backgrounds, social and geographical positions, and subscribe to a particular politics of identity as a result, constituting the minority in terms of the country's wider non-normative population.[6] The term 'queer' itself is rooted in a Western understanding of sexuality, having been reclaimed as a form of resistance to heteronormativity by US activists of colour, including during the AIDS epidemic, and finding its way into theory through US American academia. It began its journey as a "hegemonic travelling formation" (Mikadashi and Puar, 2016, 215), being exported as a theory to non-US, non-White spaces in the Global South. So, why do I still use 'queer' in my work?

I offer here an attempt to unpack the 'queer' identity. As explained above, I formulate my considerations along the lines of decolonial inquiry and find it useful to consult Mignolo, drawing particularly upon his insights on the decolonial exercise of "delinking" and "epistemic disobedience" (Mignolo, 2011). Mignolo explains that delinking from the "universality" of

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[6] For example: a middle-income upbringing; being based primarily in Dhaka; having English as a medium of educational instruction; exposure to and consumption of Western media; immersion and participation in Western academia; being part of the Bangladeshi queer/LGBT+/non-normative diaspora; collaboration with Dhaka-based 'feminist networks' and NGO activism; and in case of many self-identified queer individuals, being members of the 'younger generation', especially those who grew up with easy and access to the internet.

Western knowledge, as well as practices, politics, and economies, "leads to decolonial epistemic shift and brings to the foreground other epistemologies, other principles of knowledge and understanding and, consequently, other economy, other politics, other ethics" (Mignolo, 2007, 453).

In opting to use and explore 'queer' as an identifier – although, perhaps not one that is entirely perfect – for local non-normative identities in the Bangladeshi community, I am making a choice to depart from 'LGBT+' terminology, and the hegemonic identity categories and labels that are often produced within this framework, which can have the effect of universalising experiences and conceptualisations of gender and sexuality, and non-normative subjectivities and identity-making processes.[7]

While 'queer' itself remains a term within the English language, and as such, is embedded in Western modern, imperialist and colonial lexicon, my use of the term in this context is informed by an "awareness of coloniality" (Mignolo, 2011, 276), and the understanding that I as researcher, my interlocutors in this research project, and the wider non-normative population in Bangladesh, are subjects living in, and speaking from, local histories and experiences of being colonised, marginalised, and labelled as 'other', even if coloniality may not necessarily occupy the foreground of our consciousnesses at the time of any dialogue. Even as I/we use this borrowed term from the coloniser's language to talk about non-normativity – even as I write this thesis presently – it is this awareness that enables me/us to de-link, and perform epistemic disobedience, as Mignolo suggests, when I/we write, and interrogate, and talk about our own experiences from our positions/perspectives as colonised subjects (Mignolo, 2011, 276).

However, it is important to be mindful of the potential risks of such epistemic 'de-linking', in practice. I recognise Mignolo's theory of de-linking as the problematic that it is, and not as a solution. The process of de-linking, which requires de-linking from Western "epistemes and paradigms" (Mignolo, 2011, 274), in essence, is about disengaging from existing historical contexts that produce and make certain knowledge available, and one's immersion within such knowledge in turn, shapes their subjectivities and their identities. It is

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[7] For example, the *whiteness* of 'coming out' as a member of the community, which is not a common or familiar practice in most non-White spaces, and in some contexts, particularly South Asian, carries the threat of grave danger to one's personal and political freedoms.

an epistemic restructuring, which, by nature, has the potential for reproducing, perhaps, the same colonial effects.

To step away from the complex histories and contexts in which these dominant, Western gender and sexual identity categories emerge and prevail, as well as travel, requires careful consideration. This thesis attempts de-linking in the very specific socio-legal landscape of frameworks regulating non-normative gender and sexuality in Bangladesh, which heavily restricts self-expression for people with non-normative identities in an increasingly hostile and shrinking civic space (including online platforms), prevents their exercise of fundamental rights and non-discriminatory access to the justice system as well as legal and administrative support, and offers little protection against discrimination and violence on the basis of gender identity and/or sexuality.

I am aware of the potential dangers, of choosing a term like 'queer' to refer to the diverse non-normativity of an entire population. I am wary of reifying binaries, between queer and LGBT+, and of folding local conceptualisations of certain identities (i.e. Hijra) into a collective 'queer' framework, and I try my best to be mindful of not contributing to these dangers in this thesis. My aim is to explore the possibility of deconstructing the term 'queer', by opening it up towards conversations with histories and knowledges of, and from, Bangladesh, as well as the wider Indian subcontinent, and adapting it for the diverse critical and political factors that impact the lives of queer subjects within the Global South (Ferguson, 2015, 54-55). It is to allow room for "encounter" and "invention" (Pereira, 2019, 44), and to see if queer, as it interacts with different local, native, and mother tongues and 'Other' perspectives, can be "affected and reconfigured", and can thereby dislocate universalising West-based theories of gender and sexuality, towards local histories, knowledges, and ways of being (Pereira, 44). It is also an attempt to see if there is any scope for some kind of "productive negotiation" (Tellis and Bala, 2015, 19) of the language of queerness in thinking and living through non-normative identities in Bangladesh.

I draw from queer of colour critique in my efforts to do the above. Queer of colour critique "dissects and unravels the universalizing tendencies of gay and lesbian as specific historical and cultural categories that are undergirded by privileges and advantages", and it recognizes "the messiness of marginalized lives that are always positioned askew, co-existing if not blending incompletely with what we call the normative" (Manalasan, 2018, 1288). I argue that LGBT+ as a category creates static universalising positions, and in exploring that argument,

I also recognise that, to a large extent, queer *theory* focuses on such universalising positions, or deals with sex and sexuality from a very narrow focus (rejecting heterosexualism as the norm, resisting heteronormativity), not looking into its overlap with factors such as race, gender, class, culture, politics, economy, and so many other ongoing, interlinked processes in today's globalised, capitalist world, which determine how people understand, embody and negotiate queerness and being non-normative. This universality and narrow focus are something that *queer of colour critique* can contend with. The point I seek to make, with my arguments, is that queer in Bangladesh means all of those things; it not as neat as simply being non-conforming. As Manalasan explains, "norm and queer are not easily indexed or separable but are constantly colliding, clashing, intersecting and reconstituting" (Manalasan, 2018, 1288).

My case for using 'queer', then, is not to invalidate other LGBT+ identities and their histories, but to recognise that these identities may not necessarily, or always, correspond to local non-normative experiences, which might require *de-linking* to better situate identity-making according to local community contexts and conceptualisations, in a bid to create inclusive legal and policy frameworks that actually guarantee fundamental rights and freedoms.

II. QUEER IDENTITIES, QUEER REFLECTIONS

In this chapter, I focus on identity-making and the framing and usage of different terminology in the context of non-normativity in Bangladesh. I explore the scope of 'queer' as an identifier for local, non-normative expressions of gender and sexual identities that may or may not fit into the global LGBT+ categories, by looking at the terms used by queer or non-conforming individuals in Bangladesh to self-identify, the terms encountered in exploring identity in in both queer and non-queer spaces, and the interlocutors' personal experiences and understandings of identify-making. I discuss local and regional identities like 'Hijra' and 'Koti', which write their own, fluid meanings of gender and sexual non-conformity, and cannot be separated from socio-economic and cultural positions that have bearings on gender and sexual expression. I seek to explore this entanglement of identities, to see what tensions and what similarities exist along their trajectories, and how this influences the politics of identities for non-normative bodies in Bangladesh. I try to interrogate the messiness of de-linking and deconstructing queer identity-making and seek to highlight why decolonial thinking remains an important exercise.

2.1 How is queer identity and terminology shaped in Bangladesh?

I use the term 'queer' in this thesis to refer, firstly, to my interlocutors, eight individuals who self-identify using identity terms such as 'queer', 'gender-queer', 'non-gender', 'agender', 'gender-fluid', 'gender-fluid, trans, non-binary', 'non-binary', 'transgender', 'trans woman', 'trans man', 'bisexual', 'homosexual', and 'Hijra'.[8] Some of the identity terms are used by my interlocutors in lieu of adequate, appropriate, and affirming terms in Bangla, the official state

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[8] These specific identity terms used by my interlocutors to describe their gender identities and/or sexual orientation are all expressed in English, except the Hijra identity. 'Hijra' is derived from Indic languages such as Hindi and Urdu and denotes a local conceptualisation of gender non-conformity that has no English/Western counterpart (both as a term and an identity), although it has been varyingly translated as 'eunuch' and 'hermaphrodite' in colonial writings, and is often translated as 'transgender' today. Some of these identities have corresponding terms in the Bangla language; for example, there are translations for terms like 'gay', 'lesbian', 'homosexual', and 'bisexual'. However, the Bangla translations of these terms are rarely used by queer community members. Existing Bangla translations for the term 'transgender' are debated as these emphasise the physical act of transitioning, which takes away from the experiences of trans people who cannot, or do not wish to, physically transition.

language, or in the ethnic Chakma language.[9] In other cases, these terms fittingly encompass the interlocutors' identity-making experiences, as my interviews with Mrinal, Togor, and Kajol indicate: finding a sense of fluidity, freedom, and comfort in 'queer' as an identity; or in the case of Hema, whose experience as a transgender rights activist is tied to her identity as a trans woman; or their specific ties to certain cultures and structures of kinship and livelihood, in the case of Rojoni, my Hijra interlocutor, which provide the basis for their identities.

Most of the identity terms used by my interlocutors seem to transcend fixed or stable categories, denoting the desire for spaces of flexibility, fluidity, and negotiations in their expressions of non-normativity. 'Queer', then, seems like a somewhat fitting collective, one that has the potential for expansion and inclusion without the rigidity of distinct categories and definitions and can hopefully accommodate the diverse array of identities that emerge from their non-Western histories and positionalities. These identities are, of course, heterogeneous and reflect various representations and performances of gender and/or sexuality. In many cases, there may not be a strict demarcation between 'gender identity' and 'sexual orientation' as such amongst these representations.

As Togor explains, "'Queer' is very anti-heteronormative, and anti-heterosexual. 'Queer' complements my whole *shotta* ('sense of being')."[10] With this understanding, I extend the use of 'queer' in this thesis to include members of the wider gender and/or sexually non-normative community in Bangladesh, who may also use the specific identity terms listed earlier, alongside many other terms, both 'local' and not, to express their gender and sexuality. Members of queer and/or non-normative communities in Bangladesh negotiate their 'labels', and their acceptance of these labels and the associated terminology, in different ways, and may be attempting different forms of de-linking of their own, as is reflected in the experiences of my interlocutors below.

Mrinal, a 23-year-old who identifies as 'queer', explains that their preference for queer as an identity label, for both their gender expression and their sexuality, stems from their desire not to be confined into boxes, especially not when "they have travelled out of a cis-het identity". "If I am doing that, only to fit myself into more boxes, then that's weird," they explain.

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[9] Chakma is the language of the Chakma indigenous community, the largest ethnic group of the Chittagong Hill Tracts region in south-eastern Bangladesh, with significant Chakma populations also residing across the borders in north-east Indian states. One of the interlocutors in this project is a member of the Chakma community and identifies as 'non-binary'.

[10] Interview with Togor, 06 August 2023.

"However," they continue, "if anyone asks and they insist, then I'd be like, okay, if you want specifics, if queer is too *vague* for you, then I am bisexual and gender-fluid, I suppose." They also share that they understand people's need to label themselves something so that they feel a sense of belonging, or community, but they are not fond of micro-labels and micro-identities. "These things ultimately create conflict within the community, over seemingly meaningless things like identity markers and identity labels."[11]

Mrinal also helps me to understand 'queerness' as an ideology, and one's identity as being very connected to their ideology. "Irreverence in my identity feeds into my ideology; irreverence in my ideology feeds into my identity," they tell me. Mrinal's 'queer' non-conformity is a product of irreverence, to authority and authoritative structures, which is reflected in their personal and outward gender expression. "The colour in my hair, my non-conforming clothes, are an open *fuck-you* to society", Mrinal remarks. 'Queer' gives them space – without having to categorise, and to adhere to what category dictates. According to Mrinal, LGBT+ identity categories do not offer the same space as 'queer' does, because these categories dictate that you have to embody certain identities in certain ways.[12]

On the other hand, Nitol, 40, who identifies as a "gender-fluid, trans, non-binary" individual, tells me that eschewing all labels is also a kind of label that one chooses for themselves.[13] They state that while they have no need for labels, they still use certain terms to express their gender identity, so as not to confuse others in the community as to their identity, and avoid being misidentified in the process.[14] Kajol, a 32-year-old 'gender-queer' individual, finds their identity to be as unpredictable as the course of nature. They explain:

> "*Ami nari ba purush kono* box *chai na. Dui bochhor boshe boshe figure out korsi je ami ki ashole Ami dekhlam je ami ashole non-binary-tinary asexual eshob ami bujhi na Ami bujhi je* I want to be nature. I am a product of nature, I am a part of nature. You can assume or predict a river's course - *nodi kotha diye probahito hote pare* but you can never be assured – *je ekta dik diyei probahito hobe.* Gender-queer *jinish ta re ami identify kori ebhabe je* I feel that I am like nature. *Ami prokriti'r moto ebong amare ami* predict *korte pari na – je ami kokhon kibhabe* feel *korbo. Ei je, nari holey eta korte hobe, purush holey eta korte hobe,* trans woman *holey eta korte hobe.* I don't feel like any of this. *Amar jokhon mon chabe ami shari porbo, amar jokhon jeta mon chaay.* I want to make myself happy. If I think of myself as a boat – *ekta nouka onek guli ghat*

CEU eTD Collection</image>

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[11] Interview with Mrinal, 18 August 2023.
[12] Ibid.
[13] 'Gender-fluid', 'trans' and 'non-binary' are distinct identity terms used to denote different forms of gender non-conformity. However, Nitol has used all three terms simultaneously while describing their identity to me during the interview.
[14] Interview with Nitol, 12 August 2023.

chhuye chuuye jaay. Ghat guli different identities, *nouka ta ami, ar nodi ta amar jibon.* Gender identity *erokomi* fluid.*"[15]*

('I don't want any boxes, either female or male. I spent two years trying to figure out what I actually am. I realised that I don't really understand things like 'non-binary', or 'asexual'. All I understood was that I want to be nature. I am a product of nature, a part of nature. You can assume or predict a river's course, which way the river might flow, but you can never be assured that it will flow in one specific direction. The way I identify 'gender-queer' is that I feel that I am like nature. I cannot predict myself, cannot predict how I will feel at a given time. You see, you have to do this if you're a woman, do that if you're a man, and do something else if you're a trans woman. I don't feel like any of this. I will wear a saree whenever I feel like it, I will do whatever I feel like doing. I want to make myself happy. If I think of myself as a boat, a boat docks upon many different ports as it travels. The *ports* are different gender identities, I am the boat, and my life is the river. This is how fluid gender identity is to me.')

Kajol also talks about political ideology, and "personal political movements" as being tied to identity-making. In this regard, Kajol shares their own experience of having publicly identified as a man (until mid-2022), while wearing *shakha-pola* and a *nath*, as part of their personal politics.[16] The message they had wanted to send was a political one – that gender is not defined by any ornaments or accessories that one might to choose wear. A man can be a man and still wear bangles. Kajol wanted to *de-gender* accessories and clothing.

Mrinal tells me that it took a pandemic for them to realise that their penchant for non-conformity when it came to sartorial choices, and how they liked to wear their hair, was not merely an outward expression of their tastes/personality; it was an "identity thing"[17]. They explain, "During the pandemic, I think I got hit with a lot of dysphoria. I was stuck with myself

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[15] Interview with Kajol, 17 July 2023.

[16] *Shankha-pola* are conch-shell and coral bangles usually worn by Bengali Hindu women, and the *nath* is a type of South Asian nose-ring.

[17] From my conversation with Mrinal, I understood that a big part of their identity is about not being boxed into a specific, or binary sort of space which they had fought to subvert, with the way they dress and carry themselves etc. They also mentioned that gender and/or sexual identity is not meant to be something that people should be able to express in just a few labels, it is something that can and does change over time, as you grow older in life, you can have many different ways you feel about it, which is also inclined toward fluidity. No boxes, and movement. Additionally, it seems to me that Mrinal also felt the same way about their body, and their sense of self as an individual – because they said they felt stuck, which is about not-moving and not-fluidity, and now, having come to terms with their queerness, they no longer feel 'stuck'. They treat their body as something that also *moves*, in terms of how it is seen. They do not want a singular perception about their body to stick, stay unmoving – which is what heteropatriarchal understandings of bodies generally make perceptions do. Their style is very androgynous, and it is related to their queer identity. So, I believe when they say that it is an identity thing, they mean fluidity, as well as the fluidity in 'queer' as an identity category.

for two and a half years, almost three. And I don't know what it was about that, I suppose it's just being stuck in your body, for that amount of time, that makes you realise."[18]

Babla, a 23-year-old trans man, who was assigned female at birth (AFAB) and had a very religious upbringing, realised that he had once preferred to wear the hijab and the burqa because of how he perceived his own body, and the disconnect he felt in doing so. "I never wanted anyone to see the shape of my body, that I have a feminine body," Babla shares. "*Amar mone hoto accha, ebhabei bhalo* ('I would think, okay, it is better this way'). Because I did not connect with that body." Babla further adds, "I realised my relationship with my body was very similar to gender dysphoria. I couldn't picture myself as a girl in a relationship. I wanted to be seen as someone's brother, someone's son, someone's boyfriend."[19]

When Babla went to college in 2019, he took off his hijab for the first time. "*Eta amar jonno onek ekta major emotional point chhilo* ('This was a very major, emotional turning point for me'). *Ami amar chul ta ekdom chotto kore kati* ('I cut my hair very short'), and at that time I felt very good. I am not saying *je chul chhoto rakha manei chhele* ('I am not saying that being a man means you have to have short hair') – but *thake naa, ayna te nijeke dekha, shirt-pant pora* (but you know, seeing yourself in the mirror like that, wearing a shirt and pants)– that is when I knew, it all made sense to me. *Ami kibhabe ki feel korsi, kore ashchhi* ('What I have felt, how I have felt all along'), all of that."[20]

Togor, a queer individual, who also identifies as non-binary in terms of gender expression but is most comfortable helming the 'queer' label, was not able to find a singular identity that *stuck* with them. "Growing up, I had a *meyeli shotta* ('feminine sense of being'). I was attracted to boys. But I couldn't define this, did not know *eta ke kon shobde ba terminology te aboddho korbo* ('did not know which words or terminology to wrap up my feelings in'). I was very confused. I did not want to use any derogatory terms, but the term I found most relevant to my experience of identity was *Hijra*."[21]

As a young person, Togor explored a variety of identity labels at different points in time, across the spectrums of both gender and sexuality. They tried each one on for size: Hijra; trans woman; woman ("There was one year when I felt like I was a woman"); and gay ["I was also

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[18] Interview with Mrinal, 18 August 2023.
[19] Interview with Babla, 28 October 2023.
[20] Ibid.
[21] Interview with Togor, 06 August 2023.

very confused about my sexuality…*ek porjaye nijeke* gay *dabi kora shuru kori* ('at one point, I started to identify as gay')], whichever identity felt the most relevant to their context and experience at the time.

> *"Shobshomoy nijer shathe ekta bojha porar bepar chhilo* ('I was caught up in this constant confrontation with myself'). I think I always felt like there was no one terminology that could define my identity. Even the words and identity terms that were accessible to me where not words/terms that I could find myself fitting in with. Even Koti shobdo tar shatheo fit in korte parchhilam na (I even found myself unable to fit in with the term 'Koti'). Ekta shomoye ('At one point') I got so pissed off about identities. Ami kicchu hishebei identify kortam na ('I did not identify as anything at all'). When I got introduced to the term queer, and also non-binary, I could easily fit in."*[22]

'Queer' and 'non-binary' were terms that, according to Togor, liberated them from the entrenched binaries within the 'homosexual' identity, which they had also explored as part of their journey, and found lacking. "I had a fake Facebook account back in 2011, I got to access a lot of things. I found mainly Indian queer people, discovered a Bangali queer community online, *shetar through* 'gay' *shobdo tar shathe porichoy hoy* (I got introduced to the term 'gay' through this community). *Tokhon shei* identity *ta ke ami dharon kori, but ami kokhono shetar shathe* fit in *korte partam na* ('So then I started to embody that identity, but I never found myself fitting in'). *Karon* homosexual ba gay, *ei jinish gulo khubi* binary ('Because being homosexual or gay is very binary'). You have to be very masculine, a man, *masc*, if you're gay. To be a lesbian, you have to be a woman, feminine. So I was always a bit confused. *Ashole ami kon ta te* belong *kori? Nijeke proshno kortam* ('To which identity do I actually belong? I would ask myself').

The Bangla translation for 'homosexual' is *shomo-kaam,* which can be literally understood as 'homo-lust', *kaam* being the Bangla term associated with 'lust'. Togor mentions that there were certain members of the gay community who wanted to dispel this connotation of lust from their sexuality, as same-sex sexuality was not solely about sex but also about love. They wanted to adopt the Bangla term 'shomo-prem' (*prem is* a Bangla word meaning 'love') instead, to denote homosexuality.[23] However, according to Togor, such

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[22] Ibid.
[23] Ibid.

linguistic explorations in queer terminology are exhausting in a country where the mere mention of sex and sexuality is taboo. "This word politics exhausts me," says Togor.[24]

Hema, 50, a trans woman, and a transgender rights activist leading a community-based organisation that works with gender diverse groups, charts the usage of gender non-conforming terminology in Bangladesh since the '90s, as she takes me through her personal journey with her trans identity.

> *"Nobboi doshok er shomoy 'transgender' bhasha ta Bangladesh e porichito chhilo na. Ami jokhon CARE er shathe kaj kortam, "transgender, TG" tader documents-e chhilo. Kintu oi shomoye baki NGO ra ei shobdo bebohar korto na. Shudhu professional purpose-e, report-writing, international fund er jonno apply korar shomoy tara 'transgender' use korto karon donor organisation ra to ekhan kar local shobdo gulo janto na ba bujhto na. Ar tader maximum kaj chhilo Hijra community'r shathe. Amra jokhon chhotobelay ba teenage boyoshe community'r shomomona manush der shathe mishtam, shekhane Koti[25] shobdo tai amader majhe beshi porichito chhilo. Amra eke opor ke Koti boltam."[26]*

> ('Back in the '90s, the term 'transgender' was not a familiar term in Bangladesh. When I worked with CARE (an INGO), they had transgender, 'TG', in their documents. But other NGOs working at that time would not use this term. Except perhaps for professional purposes such as report-writing, and when applying for funds from international organisations, they would use 'transgender', because donor organisations did not know or understand the local terms used here. And they mostly worked with the Hijra community. As teenagers, when we hung out with *like-minded*[27] people in the community, 'Koti' was the term that we were most familiar with. We would call each other Koti'.)

Exposure to the Western culture, through accessibility of language, and through the availability and accessibility of different Western media, has had varying degrees of impact on the (queer) identity-making and subjectivity-making processes experienced by my interlocutors. In Hema's case, while the term 'Koti' made her feel more seen in her immediate community, the term

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[24] Ibid.

[25] *Koti* is defined by Aniruddha Dutta (2012) as a category for socioeconomically marginalised gender variant or 'feminine' same-sex- desiring males that gained visibility in India within the emerging institutional movement for LGBT rights in the late 1990s. Adnan Hossain (2021), drawing upon the ethnographic work of Gayatri Reddy, adds that it serves as a generic all-encompassing identity within which several non-normatively oriented groups, including the Hijras, belong. Reddy (2005) contends that sexual receptivity is central to one's sense of their Koti identity. In the Bangladeshi community, 'Koti' is often used to refer to *effeminate* gay men, as well as younger, AMAB (assigned male at birth) gender-non-conforming individuals who may not identify as Hijra but exist under the *umbrella* of the Hijra community, and may be privy to their particular customs and languages, as shared by one of my interlocutors.

[26] Interview with Hema, 21 August 2023.

[27] It is my understanding that Hema used the term *'shomomona'* (like-minded) here to refer to others in the community who also had gender and/or sexually non-conforming identities.

'transgender' subsequently lent her identity a different meaning, a different positionality, as it began to make her legible to NGOs and foreign agencies as a member of a target community that they could engage in their inventions (I discuss such shifts in identity-making in further detail in Chapter III).

Mrinal shares, "For the large part – and I think this is cause for some sadness for me – I've had to define myself via a very Western terminology, for a lack of an understanding of what it means to be queer in this region. It's not that I've been forced into that. My understanding of queerness kind of came in from that framework, from the Western lens too, because of the media I consume, the exposure that I had, the access that I had. So when I was much younger and trying to find this stuff out, I didn't have access to a local community, or someone I could go to, to learn about these things. So all of that came mostly from America media, and other Western media. Like books, movies."

I reflect upon Mrinal's words, and in doing so, I want to tread cautiously with de-linking, so as not to de-legitmise these lived experiences of coming to terms with one's non-normativity, and finding words within the Western framework to put a name to one's identity. There is a lack of, and the need for, accessible, affirming knowledge in the community about gender and/or sexual non-normativity and about local histories of non-conforming identities, bodies, and experiences. Some interlocutors reported not finding any resources in the community that speaks to what their experience is. Some have talked about the bullying, name-calling, assault, harassment, and discrimination they faced growing up as a result of their non-normativity, often expressed through their clothing, or the way they walked, or their preferences and/or disregard for traditionally gendered accessories and activities, which compelled these interlocutors to hide their true selves from their wider community – an ongoing process of disconnect.

Queer experiences of exploring and coming to terms with gender and sexual identities can involve manifold negotiations at various stages of life, and these are not linear processes, or may necessarily culminate in identities that are concrete and unchangeable. The fluidity, non-linearity, and diversity of these experiences are not accounted for in existing socio-cultural and socio-legal frameworks that are insistent on categorising and defining. In the following sections, I expand upon the locally conceptualised *'Hijra'* identity, and explore how it interacts with the Western categories, through varying points of similarity as well as contrast, and what it means for community members, personally and politically, to identify as Hijra.

2.2 Hijra: the picture of South Asian non-normativity

Within the backdrop of Western discourses on identities denoting gender and sexual non-normativity, Hijra *emerges* as a 'local' way of doing gender-sexual non-conformity across the Indian subcontinent. However, it is an identity that has a historically continuous trajectory, predating colonial frameworks (Dutta, 2012, 826), and has been a "culturally recognised third gender category" in South Asia for a long time (Hossain, 2020, 416). 'Hijra' has been a part of local and transnational rubrics of non-normativity since before the globalising 'transgender' identity category entered contemporary discourse on gender and sexuality in the subcontinent, through health-based interventions and rights-based activism, and has operated as "a quintessential marker of Indic gender/sexual difference" (Dutta, 2021, 826), an iconic figure of non-normativity in South Asia (Hossain, 2017).

The dominant understanding of 'Hijra' in the Indian subcontinent is that of a male-bodied, feminine-identified person, who is traditionally understood to have sacrificed their male genitals in return for spiritual powers, to bless and curse newlyweds and new born children (Nanda 1999; Reddy 2005, in Hossain, 2017). In Bangladesh, there are both Hijra community members with a penis as well as those without one. While there are often conflicts over genital status internally within the Hijra community, Adnan Hossain contends that in Bangladesh, one's Hijra status stems largely from the ability to conduct *Hijragiri,* through their mastery of the arts and skills needed to perform this occupation, rather than one's genital status (Hossain, 2017, 1420). However, only male-bodied individuals, who desire masculine-identified men, qualify as trainees to be inducted into the Hijra tradition under the auspices of a Hijra senior, which is known as the *Gura-Chela* tradition (Hossain, 2017, 1420).[28]

Hijra is not just a singular identity, but an assemblage of identities that draws its strength from socio-cultural histories, traditions, customs, languages (expressed both verbally and through other non-verbal but physical ways), specific performances of gender, and structures of kinship and community. Hijra performativity is fluid and context-specific. As Hossain explains, members of the Hijra community navigate within, into and out of, femininity and masculinity, and various styles of gender presentation, based on different circumstances where

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[28] *Guru* translates to mentor and leader; *Chela* translates to 'disciple'. The *Guru-Chela* tradition is a part of the social and kinship structures of the Hijra community. The *Guru* is the elder/leader of the group and may also be conceived of as a parent (a maternal figure) or a spouse, while the *Chela* is regarded as a dependent. The *Guru* takes care of the *Chela'*s material needs, such as providing shelter and clothing and a sense of family and community and initiating the Chela into Hijra knowledge and customs, while the Chela is expected to respect, obey, and defer to the Guru's decisions and give the Guru all of their earnings from *Hijragiri*.

they need to be passing as different identities (Hossain, 2021, 26). There is a constant movement "across and between various gendered subject positions and practices" (Hossain, 2018, 330) in the embodiment and experience of the Hijra identity.

Culture is very much a part of the identity assemblage that makes a Hijra, and the practice and performativity of the Hijra identity itself may be considered as participating in a full-fledged culture. Many Hijra community members refer to *Hijragiri* as a "culture", and identify themselves as "belonging" to the Hijra culture. *Hijragiri* translates to the art of doing/being Hijra, and also means, more specifically, the act of engaging in any of the occupations taken by Hijra communities, such as *cholla manga* (the collection of money and foodstuff from marketplaces and on streets within the *birit,* or the ritual jurisdiction within which a particular Hijra group is allowed to operate), *badhai* (conferring blessings on newborns in exchange for gifts), mastering the *Ulti*,[29] the secret, coded language of Hijras (Hossain, 2017, 1420), and also sex work. Rojoni, my Hijra interlocutor, and other Hijra community members I have previously engaged with, have almost always chosen the English word 'belong' to express their membership into the community: "*Ami Hijra culture-e* belong *kori*" ('I belong to the Hijra culture').

Rojoni also explains how the *'Taali'* (a specific form of clapping performed by members of the Hijra community) is an integral part of identity-making for a Hijra-identified person, working hand-in-hand with *Ulti* as a language for the community, and as Rojoni would say, working as 'culture'. *"Taali dilei bujhte parbe Hijra kina* ('The moment one performs the Taali, you know they are a Hijra')," Rojoni tells me. It is a signal, she elaborates, that allows Hijra community members to identify their kin in a sea of strangers, and to locate fellow Hijras who may have been separated from the group when doing Cholla collection rounds. It is also used as tool to intimidate people, to portray a *"hingsro, bhoyonkor roop"* ('a wild, terrifying façade'), to ward off potential attackers, or to be used in the face of hostility and vitriol. The Taali also denotes joy and applause, offered generously by Gurus to their Chelas in praise of their performance. *"Prokash er bhasha Taali"* ('Taali is a language/medium of expression'),

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[29] The *Ulti* is the clandestine language of Hijra and Koti communities across the Indian subcontinent, which is derived from a mix of Hindi, Urdu, and Bangla, according to Hema, and has regional dialects. The Ulti has a complete vocabulary consisting of code words to discuss love, lust, erotics and desire, sexuality, bodies, cursing, trade, money, clothing. Mastering the *Ulti* is one of the rites of passage in Hijra induction, and the language is passed on to the Chela by her Guru. It allows Hijra community members to negotiate their non-normativity in heteronormative spaces by employing it as a shield against stigma, shame, and outsider persecution, while concealed exchanges can take place between kindred spirits, enabling spaces for solidarity and intimate and familial connections. Hossain (2021) adds that *Ulti* is a way of "asserting communitarian belonging".

Rojoni smiles. The physicality of the Taali, the non-verbal, bodily linguistics of it, are intrinsic to Hijra identity-making.

Culture and community, therefore, provide a strong basis for the Hijra identity. Rojoni, who is also the *Guru Maa* of her Hijra group[30] based in Dhaka, explains, "*Hijra* cultur*e amar shotta. Eta amar bhitore ami dharon kori, lalon kori, shob shomoy sroddha kori. Ei pesha ekta Shoti'r pesha, peshar moddhe addhatik onek kichhu ache*" ('the Hijra culture is a part of my very being. It is something I carry inside me, something I nurture, it is what I revere. This profession is the sacred way/vocation of the Sati,[31] there are many spiritual aspects attached to it'). *Amar Hijra porichoy, amar Hijra* culture*, Hijra ghorana amar* pride*. Buuk fulaye boli ami shob jaygay. Eta iye amar kono lojja-bodh nai* (My Hijra identity, my Hijra culture, and my Hijra *gharana* are a matter of pride and honour. I feel no shame in claiming my identity)."[32]

There is an intriguing juxtaposition between *honour and pride* and *giving up one's dignity*, which is reflected in Rongon's statements about their community's understanding of Hijras. Rongon explains that a gender-non-conforming Chakma person would never identify as 'Hijra', because they would consider joining the Hijra community as sacrificing their '*atto-shomman*', their dignity and self-respect.[33] These strong sentiments might be explained if one considers that the Chakma community is already a minority, a marginalised indigenous community whose own cultural values are encroached upon by the dominant settler cultures in Bangladesh. A queer and/or gender-non-conforming Chakma person would view being inducted into the Hijra tradition and customs as yet another form of assimilation into a culture that is not their own. I contend that this is why it becomes a matter of dignity, of honour, to be able to stick to one's own indigenous identity while expressing one's queer identity. I interpret this as yet another reproduction of colonial-assimilationist processes, as it relates to the Chakma community, and particularly the Chakma queer subjectivity. The resistance to this is then a form of personal/individual decolonisation.

There are different ways of deriving one's sense of belonging with the Hijra identity. Non-performance of the 'culture' does not necessarily mean that the identity is lost. As Rojoni

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[30] The Hijra *Guru Maa* (mother) is the leader and matriarch of a Hijra group, or Hijra *ghor/gharana* (house). Hijras are affiliated with their *Guru* for life, and known through the names of their *Guru* and the *ghor* to which they belong, as a symbolic marker of lineage (Hossain 2021).
[31] Sati is a Hindu goddess of power, fertility, and marital longevity. The term 'Sati' in Bangla also translates to 'virgin' and is associated with truth, purity, and virtue.
[32] Interview with Rojoni, 22 August 2023.
[33] Interview with Rongon, 30 July 2023.

argues, *"Ami amar porcihoy dichhi ami Hijra, ami Hijra culture e belong kori, etai shobche boro kotha. Ami maath porjaye Hijragiri kori na, kintu amar Guru Maa ache, amar shishsho ache, shob Hijra. Amio Hijra."* ('I am identifying myself as Hijra, I belong to the Hijra culture, that is what's most important. I may no longer be performing Hijragiri in the streets, but I still have my own Hijra Guru, I have my disciples, they are all Hijra. So am I.'). *"Hijra keno gender hobe na?* ('Why should 'Hijra' not be considered a gender identity/category?')", Rojoni questions. *"Bishal ekta jonoghosthi, tader nijoshsho bhasha, nijoshsho aain bebostha acche, tader ekta poribar ache"* ('They have such a large community of their own, and their own language and a legal system. They have a family.').

Kajol counters this understanding of 'Hijra' as its own category of gender with the argument that "Hijra is a gender-based social system, not a gender identity."[34] Despite Kajol's insistence that Hijra is not a gender in itself, I find it fascinating to note that they consider Hijras part of an integrated social system, which is also how Rojoni describes her own culture and community while asserting it as a gender category. This is an alternative arrangement of community and kinship, a kind of world-building that subverts mainstream societal structures and gender roles, and is different to the ways in which gender non-conforming identities are theorised within Western frameworks. Hijra, even if read as a "gender-based social system", makes space for non-conforming identities within the heterosexual binary understandings of gender imposed by colonial modernity (Lugones, 2007). I choose to read this a mark of decoloniality, of agentic Hijra resistance to heteronormativity.

Hossain's ethnographic work with Hijra communities in Bangladesh reflects that the "erotic desires and sexual relations" of Hijras also form a central part of their 'Hijra subjectivity' (Hossain and Nanda, 2020, 43). Most Hijras desire men who are normatively 'masculine', in terms of physical, social, and sexual dominance. They adopt a receptive role in sexual encounters, always choosing to be penetrated by their male partners. (Hossain, 2020, 412). The *Hijra* notion of gender associates penetration with masculinity (Hossain, 412). There appears to be a reproduction of heteronormative binaries in the understanding of gender roles, as well as desire, within the Hijra imagination. Rojoni elaborates:

> *"Purush mane ki? Tar purushango thaklei ki shey purush? Biporitmukhi manush er proti jodi amar chahida ee na thake? Ekta purush Allah Srishti korse ekta nari'r jonno, nari'r proti chahida thakbe jar. Ami jodi purush hoitam, tahole amar chahida to thakto meyer proti, amar keno purush er proti thakbe? Oboshshoi tahole ami nijeke nari*

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bhabtisi, amar bhitor ta nari, jar karone ami purush der proti akorshon bodh kortisi. Ami ekta shami chai, ekta bondhu chai, amar shob jolpona kolpona, chinta chetona jaake niye thakbe."

(What does it mean to be a 'man'? Is one a man just because he has a penis? What if I have no desire towards the opposite sex? God created men for women, as one who is attracted towards women. If I was a man, I would be attracted to women, why would I be attracted to men? Of course, this then means that I think of myself as a woman, I feel like a woman inside, which is why I am attracted to a man. I want a husband, a friend, who would be the centre of all my thoughts and my imaginings.)

Rojoni further emphasises the *nari shotta* (woman-hood; feminine sense of being) embodied by a Hijra-identified person, as she asks, *"Jodi shottikar er purush hoito, tahole shey keno nari theke duure thakbe? ...Keno shongshar-shontan fele shey Hijra der moddhe chole ashbe?"* ('If a Hijra was a real man, why would they stay away from women? Why would they abandon their families and their children[35] and find a place amongst Hijras?'). Rojoni's thoughts reaffirm Hossain's findings about Hijras desiring normative masculinity in their partners, and Hossain's (2012) and Reddy's (2010) arguments that performing "gendered work" and the act of being penetrated sexually form the central axes around which Hijras and Kotis (both in Bangladesh and India) configure their identities (Hossain and Nanda, 2020, 44), reflected in the understanding that being a man is to feel sexual attraction towards cisgender women, and the assertion that this sets Hijras apart from cisgender men, because they, as gender-non-conforming feminine bodies, are attracted to men.

2.3   The 'Hijra' identity and its tensions with 'transgender'

Rising global interest in sex/gender identities, ideologies, and activities, has resulted in an incorporated of the Hijra identity into the category of 'transgender', or 'transpeople' (Hossain and Nanda, 2020, 44). Hossain and Nanda define 'transgender' as a "transglobal umbrella term", assigned to gender-variant people whose expressions of their gender identities and/or behaviour are not associated with the sex they were assigned at birth (Towle and Morgan 2002,

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[35] Rojoni says this in reference to Hijra-identified individuals who were assigned male at birth (AMAB), and are sometimes in marital relationships with cisgender heterosexual women. This is a common reality for some members of the Hijra community who have not severed ties with their families, and consequently are forced into marriages by familiar and societal pressure, or do not want to risk being deprived of inheritance and property rights. Hijras in such circumstances often lead dual, separate lives and perform a negotiated existence, both as heteronormative male members of a heteronormative society, and as non-normative bodies.

in Hossain and Nanda, 2020, 44). Hossain highlights the difficulty of translating the Hijra into English as one that is not only linguistic but also conceptual (Hossain, 2020, 406). While a number of Western terms[36] have been used, in the media as well as in critical scholarship, to describe the Hijra, and the resultant difficulty in translation may indicate "a Hijra recalcitrance to the colonial classificatory and descriptive imperative" (Levin, 2000; Gannon, 2009 in Hossain, 2020), it also creates problematic conflations that have certain implications for queer community members that identify as Hijra and those who do not.

One such conflation is that of 'Hijra' with 'transgender', as the latter is increasingly being used interchangeably with Hijra in public discourse in Bangladesh, and various organisations are designing interventions targeting 'transgender groups'. This creates tensions between Hijra community members and transgender individuals, particularly in light of the Bangladesh government's initial recognition of Hijra as a 'gender category' in 2014 providing certain rights and benefits for the Hijra community only, and excluding all other gender-non-conforming identities, and current, ongoing efforts to enact legislation that seeks to recognises 'transgender' as the one category to cover various non-conforming gender identities (this is discussed in greater detail in Chapter IV).

Aniruddha Dutta writes about the subordination of Hijra and Koti categories as "local" or "vernacular". They explain that vernacularisation functions as a "contested process through which hegemonic transnational epistemologies of gender may be both established and undermined." Dutta further explains that identities such as Hijra or Koti are "subsumed as national or regional variants of the transnational transgender rubric", even as these identities, in many ways and across different expressions, might challenge, contradict, or not align with the dominant understandings of the 'transgender' category (Dutta, 2013). They argue that relegating and reifying gender/sexually variant identities such as Hijra, Koti, and Dhurani as 'local' variants of a global category (e.g. transgender) serves to create "identitarian distinctions" (such as the homosexual/transgender divide), which might enable certain political possibilities for these communities, but in effect, limit the capacities for many lived practices and subject positions that are fluid and contextually flexible, rendering such practices and positionalities "unintelligible" within the emerging "cartographies" of identity-making (Dutta, 2013, iii).

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[36] Such as transgender, transsexual, transvestite, intersex, homosexual, eunuch, asexual, and impotent (Hossain 2020).

Dutta raises a very crucial point regarding the vernacularisation of local identities. While such a process can also observed in the making of non-normative positionalities in Bangladesh now, I believe that it only elucidates the complex dynamics within which queer subjectivities occur. It would help to understand why local conceptualisations of gender and/or sexuality may be increasingly giving way to the 'emerging cartographies' of identity-making, and to then consider why de-linking 'queer' might be necessary.

When people adopt LGBT+ identities in Bangladesh, *sometimes* they are doing so from a specific political position. For example, being 'trans' can mean that one is part of a globally recognised community and category of gender-conformity; it can mean that they get to work and collaborate with different organisations and funding agencies at the international level because of their understanding/recognition of 'trans'. Being 'gay' can secure a specific 'queer' capital, providing a voice in terms of the global gay rights movement. If an individual is 'gay' and 'persecuted', and here I am by no means downplaying the urgency and gravity of the threats to LGBT+, queer, and non-normative lives in Bangladesh, it can mean that they are able to seek and receive asylum in a foreign country, because it means that their life and personal safety are at jeopardy because of criminalization under the Bangladesh Penal Code. Identifying as 'Koti' does not necessarily provide the same kind of queer capital, as dominant identity frameworks do not recognise the Koti identity, and other local variants of gender non-conformity. Identifying as Hijra is a whole other politics entirely. And therefore, identifying as queer is too.

When people choose to fit themselves into 'queer' instead of the existing LGBT+ categories and/or local identity categories, they are expressing a different kind of politics. They are basically read by society, including the queer society itself, in different ways based on the identity term and the choices they adopt. The current queer rights activism space, and its collaboration with local NGOs that are funded by, as Joseph Massad would say, 'the Gay International', but do not have government permission to carry out activities supporting LGBT+ identities, have to strategise in various ways in order to use those funds/interventions to support queer communities in Bangladesh. These contexts make it increasingly complicated, and within this matrix, identifying as LGBT+ does not just mean identifying with a particular category, there are many concerns attached to that identity. Most people in the Bangladeshi non-normative community are negotiating their queer positionalities with normativity in different ways - including in both their public and private lives.

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Choosing and trying to delink 'queer', instead of LGBT+, even though a lot of people in the non-normative community are using those categories as well, is an attempt to acknowledge the fact that there are marginalised bodies who are variously affected by all of these concerns and contexts, and using a non-static, and more giving, more fluid term like 'queer' helps to recognise that fact, and their histories and their experiences, of both fighting normativity and having to blend and co-exist as the situation requires. Concreteness of identity, like LGBT+, is not necessarily possible in a context where, for example, forced marriage is prevalent, discrimination on the basis of gender/sexuality in academia and workplaces is rampant, and gendered violence is pervasive.

2.4   Queer discomforts; decolonising identities and lexicon

Fear of being prosecuted and persecuted complicates one's understanding, exploring, and expression of their gender identity. Rongon, who is an indigenous, non-binary individual, tells me, *"Majhe majhe mone hoy, ami jodi kono Western country te thaktam, mone hoy puropuri meye hoye jetam surgery kore"* ('Sometimes I feel that if I was from a Western country, I would have probably gotten surgery to transition into a complete woman'). When I want to physically connect with someone, *amar mone hoy ami to puro ekta meye* (I feel like I am entirely a woman). I want to do surgery, have a vagina instead of my penis. Kintu e*i criminalisation er karone amar gender identity aaro beshi complex hoye jaay*" ('But I feel like the existing criminalisation of non-normativity in Bangladesh further complicates my gender identity'). Western country *te aain acche, sheba ache, tai oder shob chinta korte hoy na* ('In Western countries, there are laws, gender-affirming processes, so they don't have to think about these things'*). Bhoy er karone amader gender identity gulo… protidin amra proshner mukho mukhi hoi. Ami ke, ami ke?* ('Because of this fear, we have to confront questions about our gender identities every day. Who am I, who am I?')[37]

Rongon, as an indigenous Chakma person, is already extremely marginalised as a member of an ethnic minority in Bangladesh. This is compounded by the additional layer of marginalisation Rongon experiences as a member of the queer community. Rongon's

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[37] Interview with Rongon, 30 July 2023.

experience of their gender and their sexuality, navigating these discomforts, might have been very different if gender-affirming healthcare and information was available and accessible.This discomfort not only stems from not being able to have an affirming experience in exploring and pushing the boundaries of gender and/or sexual non-normativity, but there is also a 'queer' discomfort in critiquing the terminology used in identity-making.

Sighing into their coffee during our conversation, Togor tells me that it is *exhausting* to think about terminology, that is, gender-affirming, non-exclusionary terminology, while navigating the extremely complex socio-political and physical-geographical space that is Dhaka. It is a very exhausting city, and a very exhausting life. "*Atto occupied je amar sexuality'r bhasha niye chinta korar kono shomoy nai, kono laabh nai*" ('So occupied that there is no time for me to think about terminology related to sexuality, there is no use'). So, people become "lazy thinkers" instead, getting comfortable in their "borrowed identities and terminology".[38]

When exactly can de-linking occur, then, if one is exhausted, and resorting to the use of English, and translating from English, to name themselves? Is de-linking sometimes (just) translation, or is de-liking something where the process of translation needs to comes through? Is there an overlap, and/or a lack thereof? The role that the English language plays in these productions of identity-making is very complex, and this needs to be reflected upon in the context of non-normative identity terms, and the proposed Transgender Persons' Rights and Protection Bill, which seeks to introduce the recognition of 'transgender' as an umbrella rubric of identity, with the potential effect that gender-conforming identities such as Hijra, Koti, non-binary, and intersex, alongside trans identities, can all be collapsed into this one broad identity that is part of the global LGBT+ discourse.

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[38] Interview with Togor, 06 August 2023.

III. NGO-ISATION AND THE POLITICS OF QUEER VISIBILITY AND ACTIVISM IN BANGLADESH

In this chapter, I focus on queer activism in Bangladesh. I discuss queer movements and their intersections with other existing civil and political rights movements (e.g. feminist movements), and explore current issues of engagement for queer activists, and how queer CBOs work through and with local NGOs and other regional/international organisations on various agendas and transnational processes of rights-based advocacy. I also study different forms of queer resistance, action, and movement-building through a decolonial lens to see whether (and how) decolonial approaches are being adopted in these processes, and if any queer action is being recognised as decolonial within the community.

In doing the above, I argue that NGO-isation is central to the shaping of both non-normative identities in Bangladesh and the politics practiced by different non-normative groups, as well as the production of specific NGO-led discourse on non-normativity that separates issues of 'gender' and 'sexuality'. Queer identity-making in these contexts is communities based on negotiations with the state, legality, and society, and community members switch between different strategies and positionalities based on what safeguards their particular interests. These negotiations are influenced by constellations of power that take shape as community groups deal with legal repression on the one hand, and navigate NGO and donor agendas, on the other, to have access to funding and resources to support the community.

3.1   Queer visibility and movement-building

"Bangladesh is a society with strong traditional and cultural values. Same-sex activity is not an acceptable norm to any community in the country. Indeed, sexual orientation is not an issue in Bangladesh. There has been no concern expressed by any quarter in the country on this. Therefore, the recommendation is out of context."[39]

> - The Government of Bangladesh, Addendum to the Report of the Working Group on the Universal Periodic Review, 09 June 2009.

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[39] UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Addendum: Bangladesh,* A/HRC/11/18/Add.1, 9 June 2009.

Since the very First Cycle of its Universal Periodic Review (UPR) in 2009, Bangladesh has received numerous recommendations from fellow UN Member States to ensure and protect the rights of gender and sexual minorities, including through the amendment of discriminatory legal provisions, and particularly, repeal of section 377 of the Bangladesh Penal Code to decriminalise consensual same-sex relations between adults. In response, during each round of review, the Bangladesh government has quite categorically refused to accept these recommendations, including especially those pertaining to the decriminalisation of same-sex sexuality. The quote above, an excerpt from Bangladesh's response to recommendations received in the First Cycle, reflects the government's unwavering stance on this matter, which it has essentially continued to echo in response to similar recommendations in all subsequent cycles. In response to such recommendations made during its latest, fourth UPR cycle, conducted in November 2023, Bangladesh stated that while "the government is committed to ensure fulfilling the rights of all citizens, Bangladesh does not see it necessary to create a new set of rights which is (sic) not universally accepted as a right."[40]

The queer rights movement in Bangladesh has been no stranger to this constant, persistent erasure of non-normative identities, and denial of rights and recognition for most members of the community. Despite, of course, a great presence of queer and non-normative bodies all over the country, the movement in Bangladesh is largely underground, with limited spaces for visibility and movement-building and a perpetual lack of personal security for community members and activists, particularly in the wake of the 2016 murders of LGBTIQ+ activists Xulhaz Mannan and Mahbub Rabbi Tonoy, and the existing socio-legal and political contexts in the country, which criminalise non-normative expressions and practices of gender and/or sexuality and currently do not recognise any gender-non-conforming identities beyond the 'Hijra' identity. The government's recognition of the Hijra community in 2014 has allowed for Hijra and transgender rights movements to be more visible, as more Hijra and transgender-led community-based organisations (CBOs) and community activists are now undertaking advocacy with policymakers on inclusive legal recognition and non-discriminatory access to

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[40] UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Addendum: Bangladesh,* A/HRC/55/13/Add.1, 22 February 2024.

services.[41] However, the direct participation of other queer and non-normative groups, e.g. networks of transgender men, in these policy-making spaces remains low.

Queer visibility – in its different shades and forms – in Bangladesh has seen a series of interesting shifts over the past few decades, which has had various impacts on queer activism, organising, and movement-building. Some of my older interlocutors in this research have reported bearing witness to these shifts, while others, younger, have shared their experiences of being queer and navigating queerness in an already *changed* world, working now towards new modes or aims of activism, and engaging in new practices around visibility. For example, Nitol, who identifies as non-binary, recounts their days as a young adult in the early 2000s, when they would queue up for hours outside one of the only two cybercafés in their little town, waiting their turn at a computer so they could look up all these new terms that they were coming across, which described alternative experiences of gender and sexuality:

> *"Tokhon* Google *chhilo naa, Yahoo'r juug tokhon. Ami ekdin* 'gay' search *dilam.* Search *deyar shonge shonge onek* porn site *chole ashlo.* Homosexuality *search dilam, oi jatiyo chhobi ee ashlo. Okhane aaro onek* category *ashlo, jemon* lesbian*, aaro onek* category. *Amar* ekta interest *jaglo –* why not *ami* search *dei je eta Bangladesh-e ase ki na?* So I searched 'gay in bangladesh'. *Ekta* site *chole ashlo – tokhon kar din-e* message board *chhilo. Oi* message board *ashlo jetar naam ee* 'gayinbangladesh'. *Shubidha holo – elaka bhittik onek gula* board *chhilo, [name of their city], Dhaka, abar Dhaka'r moddhe bibhinno-elaka bhittik* boards, sub-groups. *Okhane dekhlam prochur lok boltese* I am gay, top, bottom, looking for friendship, phone number *dise. Amio okhane amar naam thikana shob diye dilam.* 2.5 months *pore ekjon amake* phone-*e* knock *korse – tar basha [name of city] te, dekha korte chaay. Ami khubi anondito hoye gelam – je arreh baba amar shohorei ekjon ase. Jokhon dekha korlam, o bollo, "Tumi jerokom mone korteso, je khub* uncommon *ba* rare*, erokom na. Aaro onek bondhu ra ase. Dhakay jaba, Dhakay aro manush ase." Ekta* sense of community *pelam. Aaste aaste barte shuru korlo. Or kachh thekei* first *shunlam* BoB – Boys of Bangladesh *ba* Boys Only Bangladesh – *je ase Bangladesh-e. Ei* explore journey *ta shohoj chhilo na amar jonno. Tothyo projukti'r* availability *akhon ase, oi shomoy chhilo na.* Community *atto shongothito chhilo na –* scattered *chhilo. Khub kom - amar shohore haate gona 4 jon chhilam, nijera ekotrito hotam, ekta jaygay-e adda ditam."[42]*

> ('We did not have Google back then, this was during the days of Yahoo!. One day, I searched for 'gay', and was immediately greeted by numerous pornographic websites. I searched for 'homosexuality' and found pornographic images. But then the results also

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[41] While sexual non-normativity is considered to be against "traditional and cultural values", the wider Bangladeshi society views Hijra non-normativity from a perspective of sympathy, even though Hijras are still heavily stigmatised and face discrimination and violence. The wider community views Hijras as sexually disabled, as having something wrong with their genitals, as being misfortunate. The government views Hijras through the same lens, as neglected sections of society, and as a specific category of people who have to be recognised as *marginalised*, so that they can be brought under the auspices of the social safety net programmes. This has the effect of rendering Hijra non-normativty 'acceptable' in some form.

[42] Interview with Nitol, 12 August 2023.

showed many other categories, such as 'lesbian'. So, I became interested – why not search and see if these things happened in Bangladesh as well? When I searched 'gay in Bangladesh', a website showed up – we had message boards back then. So, I found a message board called 'Gay in Bangladesh', and it was convenient because there were boards based on location, separate message boards for [name of their city], Dhaka etc. And there were also locale-based boards and sub-groups within a specific town or city. On these message boards, I saw so many men stating that they were gay, they were a top, a bottom, that they were looking for friendship, and giving out their phone numbers. I also shared my name, address, and contact details on the board, and about two and a half months later, I got a call from someone who also lived in Khulna and wanted to meet up. I was overjoyed – I had found someone like me in my own city! When I met him (in 2003), he told me, "You think this is rare, or uncommon, but it's really not. If you go to Dhaka, you will find many other friends there." I found a sense of community, one that gradually started to expand. I first heard of BoB – Boys of Bangladesh, or Boys Only Bangladesh – from him. This journey of exploring was not easy for me. Technology is available now but it was not so back then. The community was not as organised – it was scattered. There were very few people – we were just the four of us in my city, and we would hang out together.')

Nitol's words provide the backdrop for a vibrant queer, or rather, *gay* culture/scene in Bangladesh that had begun to grow and thrive in the guarded anonymity of online groups, message boards, and chatrooms since the late 1990s, but remained invisible to the offline, public eye. What Nitol had chanced upon in their quest to explore gender and sexuality online seems to be 'GayBangladesh', the country's very first 'e-group' for gay community members, founded in 1999, which was discontinued by 2004. Another group, Teen_Gay_Bangladesh, also amassed an online membership in the meantime, and Boys Only Bangladesh, the country's longest running network of gay men, was set up as a Yahoo! group in 2002.[43] The latter eventually went onto organise the first ever offline, public meet-up of gay men, with only three individuals in attendance. When in December 2002, both of these groups were deleted by Yahoo! administrators without prior notice, they regrouped under slightly different names, and Boys Only Bangladesh continued to hold discreet offline meet-ups and build a community online.

Notably, but perhaps unsurprisingly, these online platforms created a virtual community space that seemed welcome only to men, and only cis-gendered men at that. Women, in all their queer and non-normative diversities, and non-binary individuals were not present or included in most of these spaces, whether online or offline. This continues to be the case even in terms

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[43] Boys of Bangladesh, History of the E-Groups and BoB's Evolution.

of organising today. As Mrinal observes, there are "…very few women in the queer community who are connected to other women, or the larger queer community. Existing spaces for queer people are cis-male-dominated spaces, it's still a very AMAB (assigned male at birth) space. This scene has changed to an extent in Dhaka. Some organisations have many more AFAB (assigned female at birth) people in management, but this change in the community space is also exclusively a very Dhaka thing."[44] Nitol also shares, "My three friends and I in [name of city], we formed [name of organisation] in 2004, limited to just the four of us. It gradually began to grow as we found lesbians, trans women. In 2013, we changed the name to [new name of organisation], in order to include other queer identities, not just gay men."[45] Babla highlights the issue of (in)visibility for trans men in the wider queer rights movement in Bangladesh, citing patriarchal and heteronormative practices, such as women and girls being married off early,[46] as significant challenges in exposure and visibility for both trans men and queer women in the community.[47]

In 2005, BoB made its very first foray into the public sphere with a letter published in The Daily Star, the most widely circulated English daily in the country, on International Day Against Homophobia and Transphobia, drawing backlash. Four years later, BoB organised an offline workshop with the support of Norwegian donors, one of the first rights-focused public events within the non-normative community, that brought together MSM (men who have sex with men)-focused NGOs, lesbian groups, and Hijra organisations to talk about LGBT+ politics in Bangladesh and strategies for collective community action. However, Hossain points out, crucially, that while BoB, the gay group, adopted the framework of LGBT+ identity politics as a basis for the rights-based activism that they wanted to pursue, the terminology itself and the identity politics associated with it was "foreign and unintelligible" to the remaining non-normative groups in attendance (Hossain, 2021, 189).

While the gay scene continued to be discreet, visibility for the Hijra community played out in a different manner, which had various implications for Hijra positionality. Firstly, the Hijra community has largely been the most visible of all queer and non-normative identities, bodies, and existence in Bangladesh. Heavily stigmatised due to their gender non-conformity

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[44] Interview with Mrinal, 18 August 2023.
[45] Interview with Nitol, 12 August 2023.
[46] Child, early, and forced marriages are rampant in Bangladesh, with rates of child marriage currently being the fourth highest in the world. Although the Child Marriage Restraint Act 2017 criminalises the conducting of child marriages, it does not carry any additional safeguards for people with non-normative gender and/or sexuality, and personal laws on marriage are also silent on this matter.
[47] Interview with Babla, 28 October 2023.

and their lower-income, working-class positions, Hijras, in the popular imaginary, are not only gender transgressive but also class-specific gender 'deviants' (Hossain, 2021, 80). As non-conforming bodies, their visibility is rooted in and reflected through both their gendered, *feminine* appearances, and their gendered practices in the very public performance of Hijragiri. This was heightened in the late 1980s by the shift in the focus of NGOs towards health-based interventions targetting sex workers, particularly through HIV/AIDS prevention and condom distribution programmes, which ran parallel to the 1990s sex workers' campaign (discussed further in 3.2). Queer community members, particularly Hijra and Koti individuals who engaged in sex work,[48] began to be recruited by, or work with, 'MSM'-focused NGOs to implement their sexual health-based interventions. Hijra-led CBOs, lacking the social and cultural capital that fostered direct access to donors and funding, had to rely on the connections of MSM-based NGOs (Hossain, 2021, 189).

However, as the early 2000s approached, the NGOs began to re-strategise; their focus was now on rights and their target categories had shifted. They designed interventions highlighting Hijra community members as Hijras, not as MSM or sex workers. This spelled a shift in visibility for the community, as Hijras came to be viewed by both donor agencies and government authorities as this new category of under-represented and marginalised people whose social and economic rights needed to be protected. [49] Building and strengthening networks with NGOs and the government enabled the Hijra community to be more politically visible, and occupy a position as a non-normative actor in the wider social rights movements and discourse.

As Babla explains, "*Amader* community*'r kotha kaoke bolte gele ami eta diyei shuru korbo – je Hijra* community *koto ta* diverse*. It has been our root. Hijra* community*'r* visibility *jemon beshi, ei* visibility *use korei kintu onnyannyo* queer communities *agaye ashchhe, ei* visibility *ta ke ekta* anchor *hishebe niye. Amra bibhinno* organisations queer rights *niyei kaj kortisi,* on a greater scale, but publicly *amra* sexuality *niye bolte partisi na.* Gay, lesbian, bisexual *amra bolte partisi na. Amra bolte partisi Hijra ar* gender diverse*, ar majhe* majhe transgender. But *eita ke* anchor *hishebe* use *kortisi baki shobar* rights *er jonno*." ('In telling

[48] Not all Hijra and Koti community members engage in sex work. Most groups partake in the traditional occupations of Hijragiri, which involve the collection of funds. But some groups of Hijras, mainly *Dhurrani* (an Ulti term; *dhur* means 'to fuck') Hijras, engage exclusively in sex work to make a living. Other Hijra groups, *Sadrali* and *Gamchali,* often deride Hijras who are associated with sex work (Hossain 2021).

[49] Adnan Hossain notes in his ethnography that some Hijra community members who have worked with NGOs since the start have stated that NGOs were "selling the marginal status of the Hijras to the international community" for funds that were not equitably distributed, but enjoyed by specific organisations only (Hossain 2021).

someone about our community, I would always start by saying how diverse the Hijra community is, and how it always has been our root. Hijras have greater visibility, but this very visibility has been used by other queer identities in the community as an anchor, in moving forward. There are different organisations working on queer rights now on a greater scale, but we cannot talk about sexuality publicly. We cannot use 'gay', 'lesbian', 'bisexual'. We can only say 'Hijra' and 'gender diverse', and sometimes 'transgender'. But we are all using this as an anchor to speak for the rights of everyone else.')[50]

2014 was a year of "several queer public beginnings in Bangladesh" (Khan, 2020), with the MSW publishing a gazette in January, recognising members of the Hijra community as 'the Hijra gender', the launching of *Roopban* in April, Bangladesh's first LGBT+ magazine, which was, notably, printed in the Bangla language, followed by the country's first 'Rainbow Rally' organised by Xulhaz Mannan, a co-founder of *Roopban,* on Pohela Boishakh/14th April, the first day of the Bangla New Year, which was "a celebration of diversity and friendship" that saw many members of the queer community taking to the streets for the first time, dressed just as themselves, in vibrant colours and clothing and accessories expressing their non-conforming gender and sexuality.[51]

On the evening of 25 April 2016, Xulhaz Mannan and his friend Mahbub Rabbi Tonoy, both LGBT+ human rights activists based in Bangladesh, were hacked to death in Mannan's apartment in Dhaka by a group of Ansar Al-Islam militants disguised as couriers.[52] Prior to this, Mannan had received death threats when trying to organise the third annual Rainbow Rally, which was cancelled by the Dhaka Metropolitan Police. The brutal killing of Mannan and Tonoy sent shockwaves of terror and grief through the community, and as Khan (2020) writes, it forced the country's "nascent queer organising scene", which was taking shape in various forms and spaces, and gradually moving from the confines of secret online platforms to a more public existence, to retract/withdraw and go underground. In the months and years that followed, several activists took down their social media accounts and went into hiding, projects and activities around queer rights were shut down and taken off social media, and other members of the community left the country through educational and cultural fellowships and

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[50] Interview with Babla, 28 October 2023.

[51] Roopban (2017); Kyle Knight, senior researcher on health and LGBT rights at the Human Rights Watch had written of Xulhaz Mannan following his murder in 2016: 'He told me: *"Rainbow Rally is a celebration of diversity and friendship and should not be confused with gay pride. Yet, some vested quarters and extremist groups labeled it as such, and police bought into their claims."'* (Human Rights Watch, 02 May 2016).

[52] The Daily Star (2016), "Xulhaz-Tonoy murder: Ansar Al Islam claims responsibility", 27 April 2016.

exchange programmes offered in various countries in the West, eventually applying for asylum in these places. While very few of those who left back then have returned, many others had to stay back in Bangladesh, in a constant of fear for their personal safety and going to great lengths to conceal their true selves from the surrounding society. Mrinal, who was a teenager at the time, speaks about "the loss of community, and the loss of friendships to fundamentalism," and explains the utter loneliness of being a figure like that in the community, "of seeing people you grew up working with have been slaughtered or exiled".[53]

Following the 2016 murders, the Hijra community members remained an actively visible part of the non-normative community due to the public nature of their traditional professions, but the wider community had to re-assess various risks and security concerns, and had to re-think the politics around queer visibility. Rather than opting for collective, outright visibility to counter the violence and hostility, different groups within the community came up with different strategies to negotiate and balance their exposure and invisibility, which, Dutta considers, are ways of resistance that are missing from the politics of visibility (Dutta, 2018, 71).

One of these strategies, adopted mostly by queer-led organisations and CBOs based in urban spaces, has been to collaborate and partner with feminist and women's rights organisations, many of which also operate as non-governmental organisations (NGOs) working on issues of gender and sexuality and advocating for various civil, political, and social rights and freedoms. Many Hijra groups and Hijra-led CBOs had already been doing so since the late 1980s, and in recent years, other non-normative organisations (non-Hijra-led ones) have begun to seek and form these partnerships. While these intersections between Bangladeshi queer groups and feminist and/or women's rights groups have enabled the queer movement to connect with ongoing feminist movements, the collaboration with NGOs and their foreign donors have impacted queer politics and queer movement-building in several ways, giving rise to certain power dynamics, both between 'veteran' feminists and queer groups, and also within queer and non-normative groups themselves (e.g. between Hijra and non-Hijra groups. A significant part of this stems from the NGO-isation of the women's movement, which will be discussed in the following sections.

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[53] Interview with Mrinal, 18 August 2023.

3.2   Troubled intersections: queer and 'feminist' partnerships in Bangladesh

The women's movement in Bangladesh can be traced back to anti-colonial, nationalist struggles during the time of the Partition of the Indian subcontinent, and subsequently, Bangladesh's Liberation War, and since 1971, the movement has engaged with a range of issues impacting women's rights in private and in the public sphere, such as political empowerment and participation, economic equality, violence against women, legal reforms of various customary laws discriminating against women, and women's reproductive rights (Kabeer, 1988; Jahan, 1995 in Nazneen and Sultan, 2009, 195). There is now a wide variety of women's rights organisations operating in the country, ranging from grassroots and community-based groups to national-level, activist organisations focusing on different advocacy issues, and some of these organisations may also be labelled as 'feminist organisations' (Nazneen and Sultan, 2009, 195).

The 1980s ushered in an era of globalisation in a burgeoning neoliberal economy, and Bangladesh saw the expansion of its NGO and development sector, as foreign interest in funding 'women's development' continued to increase globally. This new shift led many of these women's rights organisations to adopt an NGO model for their legal and organisational structure (with newer organisations now increasingly joining the fray), and transnational forces began to gradually contour the Bangladeshi feminist movement, which began to be increasingly driven by UN agendas and the mandates of donor agencies (Sabur, 2013). Sabur notes further: "The 'NGOization' of the women's movement created new hierarchies amongst leaders, volunteers, and paid employees. They were further divided by their class, age/generations, ethnicity, and locale (urban/rural). As we entered the new millennium, we saw highly professional gender specialists, entering the field, catering to the need of donor agencies and NGOs. These added another level of complicacy in hierarchy." (Sabur, 2013).

Nazneen and Sultan (2009) have argued that NGO-isation has had a varied impact on across women's organisations in Bangladesh, depending on the availability of resources (money, time, members' expertise, and social networks), the level of operation of these organisations, and their motivations for adopting the NGO model/practices. For some organisations, particularly those at the local and grassroots levels, this has often resulted in a loss of control over their own agenda and autonomy, and reinforced accountability towards donor agencies. On a wider scale, NGO-isation has caused a blurring of the the boundaries

between the gender and development agenda and feminist discourses, having taken the *political edge* off some feminist issues as these were reformulated into detached development concerns under NGO projects (Nazneen and Sultan, 2009, 194; 198).

In recent years, as mentioned above, the queer rights movement has intersected with the existing women's movement on various occasions, and queer activists and different queer-led CBOs, including Hijra community members, have increasingly begun to collaborate with feminist networks and women's rights NGOs, particularly on campaigns against sexual and gender-based violence and demanding reforms in society and practice, and in law and policy to ensure justice and legal protection. One of the very first points of convergence between non-normative groups and feminists and/or women's activists in Bangladesh came about through the 1990s campaign for sex workers' rights, which "brought the body into public discourse", culminating in a landmark Supreme Court judgment in 2000 that recognised sex work as a legally accepted profession,[54] and initiated much-needed feminist dialogue on sexual and bodily rights. As Firdous Azim writes:

> "A very interesting offshoot of this campaign was the recognition of other sexual groups, such as transgender, bisexual, and homosexual groups, who had hitherto remained outside the scope of feminist activism. As sexual minorities became part of the greater campaign, concepts of gender—of the male-female binary—began to be questioned, and a very fundamental re-examination of gender categories started to be added to the feminist understanding. LGBTQ issues became part of the feminist agenda, as a result of campaigning and activism. Despite this, lesbian groups were not very visible, and the male gay movement carved out its own spaces. It was the transgender groups or hijras who became an intrinsic part of the movement, and the recognition of transgender as a category in formal documents, such as passports and national identity cards, or the special provisions instituted in government jobs, can be seen as successes of this campaign." (Azim, 2022, 11).

Azim's words are a broad – and I would contend, somewhat hopeful, particularly in regards to the matter of 'campaign successes' – summarisation of the ways in which LGBT+ issues have come to interact with the feminist agenda in Bangladesh over the past few decades. This interaction, as well as its presumed successes, need to be examined in all of their nuances. Mrinal offers some insights into this: "The feminist movement and queer movement in Bangladesh are very intertwined. The feminist movement, due to being very visible, has for a long time, been able to shelter the queer movement, and queer activities within feminist

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[54] *Society for the Enforcement of Human Rights (BSEHR) and Others* vs. *Government of Bangladesh and Others,* 53 DLR (2001) 1.

movements, creating spaces, connections, a very, very big help." However, as they add further, "Tokenism is a massive issue with *mainstream feminism* in Bangladesh. In big movements, the first people they call for optics are trans people, yet 'veteran feminists' can be, and have been, so transphobic.[55] The specific brand of transphobia from veteran feminists is that they are outwardly chummy with trans people, but inwardly saying/believing that trans women have more of an advantage than other queer women because they can just *change back into a man* in a run-in with the law. There is a fundamental lack of understanding of queer identities, trans identities amongst these feminists, but they want to tokenise queer identities for donor interests."[56]

Mrinal echoes Sabur in explaining that there is a hierarchy of privilege within the feminist movement, as feminist activism is becoming "corporatised or NGO-ised", with power, and consequently, access to funding, resources and advocacy spaces, being concentrated in certain organisations, circles, and/or individuals. The same is being replicated in queer spaces. "There are ongoing debates about this in the community", says Mrinal. "About hierarchy in queer organisations, and grassroots organisations, and how they should be structured, how they should operate. Queer organisations today often claim to have flatter structures and shared power amongst members, but in reality, founding members actually have a lot of invisible pockets of power."[57]

In the advent of NGO-isation, the same factors that seem to have "de-radicalised" the women's rights movement (Sabur, 2013) are creating tensions within the queer rights movement, as different groups fight to hold onto their positions and put forward their demands. This is most prominently reflected in the lack of consensus between Hijra community members and transgender and/or non-Hijra identified activists on the issue of terminology used in the legal reform process. It threatens to repeat colonial logics, as it seems to be a rehashing and reproducing of colonial power dynamics, as discourse on gender identity recognition continues

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[55] 'Veteran feminist' is a term I used in the conversation to refer to the 'older' generation of feminists, who have been part of this fight for the past four decades, and are founders and/or leaders and members of established, behemoth women's rights organisations that have occupied various spaces in advocacy and policy-making for many years, and as a result, have strengthened ties to many other NGOs, government bodies, as well as foreign donor agencies, and therefore enjoy positions of power in the NGO hierarchy. This was then picked up by Mrinal, who seemed to approve of it.
[56] Interview with Mrinal, 18 August 2023.
[57] Ibid.

to centre on categorising gender and classifying non-normative bodies in different ways, instead of exploring tools to dismantle such categories altogether.

Kajol seems to be of the opinion that queer communities partnering up with NGOs has introduced new, welcome perspectives to the wider gender/sexuality discourse. They share:

> *"Impact ta hochhe je LGBTIQ pura community ta re Bangladesh er moddhe sideline kore deya hoise. Ami moteo boltisi na je eta khub thanda mathay korse. Eta naa bujhei korse manush jon. Oi je boltisi queer politics. Ami apni amader batch ta jokhon ashlo NGO sector er moddhe, amra ekhane gender and sexuality niye widespread alaap shuru korsi. Amader shomoshomoyik shomoyei alaap ta shuru hoilo. Er aage kintu Hijra ee chhilo. 2018 theke aaste aaste eshe jiish gula change howa shuru hoilo."*

(The impact (of the Hijra gender recognition) has been that the entire LGBTIQ community has been sidelined in Bangladesh. I am not at all saying that this was well-thought-out. People did this without understanding the consequences. Like I said, it's queer politics. When *you* and I – when *our* batch entered the NGO sector, we started to bring in widespread discourse around gender and sexuality. It was all 'Hijra' before this. These things have begun to change since 2018.)

Kajol's words signal an increase in the visibility, or at least, a greater mobilising, of non-normative individuals beyond those identifying as Hijra. They add: "*Mane arekta* layer of people –youth blood *jokhon ashlo – tokhon eshe amra ei* discourse *ta shuru korlam.* Which also shows that youth leadership is very important for any kind of movement."('Another layer of people – when youth blood entered the fray – we came in and started this discourse. Which also shows that youth leadership is very important for any kind of movement'). The 'discourse' that Kajol speaks about here refers to discussions on gender and sexual diversity with a focus on gender-non-conforming and other non-normative identities beyond the Hijra identity, such as transgender, non-binary, and queer.

However, Kajol, echoing Mrinal's earlier words, also explains that activists and organisers who have been in the queer movement for a long time are reluctant to make room for new leadership, intent on holding onto power. "Youth *ra* sidelined *hoye jacche*. Gender and sexuality *niye jei alaap amra shuru korsi* - we are still shaping our conversations. *Amader NGOs, CBOs, eguli mandhatta amol er manush ra ekhane, tara eta kortese na. Kono notun alaap nai,* community te research *er kono balai nai, je khoti ta hochhe je* information *ashtese na , atkay jachhe,*" ('The youth are being sidelined. We are still shaping the conversations we started around gender and sexuality. Our NGOs and CBOs, however, are led by people with

45

archaic values who are not participating in these conversations. There is no new discourse, no new research being undertaken in the community. The community is losing out on access to information," Kajol states.[58]

Rojoni, a member of the Hijra community, has a different perspective to offer. She tells me, "*Shobkhane andolone rastay Hijra rai name, gola fatay hijra ra, amrai darai, amrai* focused *hoi*. Diversity-*ra kintu* hidden *thake, prokashshey ashe na. Abar tarao odhikar chaay. Tahole tara keno shamne ashe na? Odhikar chaile rastay namte hobe*, timeline-*e thakte hobe*, root level-*e kaj korte hobe*. But *koyjon ashtese*?"[59] ('Hijras are always the first to take to the streets in protests. It is us Hijras who raise their voices. The focus is always on us. People with other diverse identities stay hidden. But they also want rights. So why are they not visible? If you want rights, you have to be out on the streets, you have to be on the timeline, you have work at the root level. But how many of them are really coming forward?')

Kajol's earlier remarks, juxtaposed against Rojoni's questions above, reveal fault lines that run throughout the wider queer rights movement, manifesting in the form of tensions that exist between Hijra groups and other, non-Hijra identities over visibility and in the fight for rights, legal recognition, and access to resources. In the following section, I discuss how NGO-isation exacerbates these tensions, and complicates the queer movement and the associated politics in Bangladesh.

3.3   NGO-isation of queer movements, spaces and agendas

"Most of our funding is coming for women now – *aar* queer feminist networks *er jonno* funding *ashtese. Tai shobai* feminist *hoye jachhe*, *shobai* queer *hoye jachhe*. "*Arekta alaap… Kibhabe ei* donor organisation *gula amader* movement shape *kortese*. 10-11 years-*er* experience-*e ami dekhtisi eta. Bar bar ami dekhtisi* funding *gula* queer feminist network plus organisation *er jono jabe. So tokhon ami definitely* [name of their organisation]-*ke daar koraite chaile ei jaygay ekta* queer woman *niye ashbo. Ba ekta nari ke eney bolbo je tumi* queer *hishebe* claim *koro nijeke,* you don't have to have sex with anyone."[60]

('Most of our funding is coming for women now and queer feminist networks are also getting funding. This is why everyone is becoming a feminist, everyone is becoming

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[58] Interview with Kajol, 17 July 2023.
[59] Interview with Rojoni, 22 August 2023.
[60] Interview with Kajol, 17 July 2023.

46

queer. I also want to talk about how these donor organisations are shaping our movements. I have been observing this in my experience (of working as an activist) for the past 10-11 years. I keep seeing this every time, that all of the funding goes to queer feminist networks and organisations. So, then, if I wanted to establish [name of their organisation], I would definitely bring in a queer woman in a leadership position. Or I would bring in a woman and say to her, "Just claim that you're queer, you don't have to have sex with anyone'").

I turn to the insights above, shared by Kajol, as a starting point for interrogating the interactions/intersections between contemporary queer organising and interventions by NGOs in Bangladesh. I want to discuss, particularly, the *NGO-isation* of queer movements in the country. NGO-isation, a term originally coined by Sonia Alvarez when writing about the "Latin American feminist NGO boom" (Alvarez, 1999), refers to the systematic professionalisation, institutionalisation, and essentialisation of social justice struggles and movements by local, transnational, and international organisations that are embedded in the globalised, capitalist economic apparatuses. Jad (2004) explains that this process transforms issues of collective concern into isolated projects without consideration for economic, social and political contexts within which these issues arise. In the particular case of queer and/or LGBTI-led NGOs operating in non-Western and non-White spaces, many of these organisations often work to reproduce hegemonic Global North discourses around gender, sexuality, and identity-making, and are responsible for shaping knowledge on local queer contexts that gets translated and mainstreamed in ways that fit Western conceptualisations of sexualities in other regions (Abu-Assab, Nasser-Eddin and Seghaier, 2020, 8).

Many local NGOs involved in queer rights activism, as well as in contributing to building and ongoing discourse on gender and sexuality, in various regions of the Global South are aligned with the global LGBT+ framework, and are funded by or work closely with other INGOs and/or humanitarian organisations[61] that have specific, Western understandings of gender and sexual non-normativity, use specific terminologies and categories in their literature, and are driven by specific agendas around queer and/or LGBT+ rights movements. Joseph Massad argues that when such NGOs, particularly those affiliated with LGBT+ organisations, individuals, and networks based in the United States of America and across Western Europe, thus representing what he terms as the 'Gay International' (Massad, 2007), introduce 'LGBTI' identity categories and labels into local queer identity-making processes, this enables a

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[61] For example, the United Nations High Commissioner for Refugees (UNHCR).

suppression and erasure of local non-normative desires, practices, meanings, and identifications of gender and sexuality (Massad, 2007).

Massad, writing in the context of the West Asian and North African (WANA) regions of the *Global South*, considers the Gay International to be an imperialist project, which insists on the categorisation of pleasure, identities, and bodies, and reproduces colonial frameworks by importing Western sexual identities, such as 'gay' and 'lesbian', onto the queer Arab landscape, insisting on prescribing for Arab non-normative communities the right ways to channel same sex desire (Massad, 2007), thereby seeking to re-orient 'Oriental desires' towards the behaviours and practices of the 'more enlightened Occident' (Wockner, 1992, in Massad, 2007, 164). The Gay International then, through local NGO connections, constructs the West as a space for saviours and protectors of all LGBT+ people, and opens up that space for those who can fit within the exclusive identity categories and politics promoted by the West.

Paul Amar, who also writes in the context of WANA, however, suggests that while Western constructions of identity, gender, and sexuality, and their 'imports' into local contexts had certainly occurred, for decades now, local, transnational, and parastatal powers have been much more materially at work in carrying out state practices of securitising and policing non-normative identities, and have held greater influence over the construction of hypervisibilised sexual subjects in the region (Amar, 2013, 75). Both Massad's position and Amar's argument, I believe, require us to consider the significant role that local NGOs play in contributing to shaping different forms of queer politics, that of identity-making, of visibility, and of setting collective and/or group-based agendas in the movement.

In exploring Amar's position in relation to the particular context in Bangladesh, I have come to observe also as part of my own former experience as an NGO worker in this space, that the *construction* of hyper-sexualised subjects, by local and transnational actors, or NGOs, in this case, takes on a slightly different approach. Within the current socio-political scenario in Bangladesh, which is deeply insistent on policing all kinds of sexuality and denying any sort of dignity and recognition for most non-normative identities, and in particular, identities based on sexual orientation, any move to hyper-sexualise non-conforming identities would backfire for NGOs as they would simply not be allowed to operate legally. NGOs in Bangladesh are reluctant to touch upon the 'sexuality' part of the existing discourse because of the looming spectre of Section 377, and due to ongoing political restrictions on affirming diverse sexuality. In designing their interventions, they attempt to separate their activities from any work and

discourse on 'sexual identities' in particular, and as a result, do not work with orientation-based identities. Of course, working on issues of gender diversity will inevitably also mean that one works with diverse sexuality; this is, however, not publicised.

On the contrary, over the past few decades, NGOs in the country have contributed to hyper-visualising the *Hijra* identity, which was already visible, and visibly non-conforming, due to its own individual history of being part of a centuries-old traditional, socio-cultural identity group. The particular brand of NGO-ised hyper-visibility of Hijras began with pathologising them in the public as well as public health imaginary, with the emergence of the 'MSM' category, introduced through the HIV/AIDS prevention programmes that began to be taken up by some NGOs in the 1980s. Hossain has suggested that this was the first time Hijras, previously largely regarded as incapable of sex, and 'sexually disabled', were thought of as sexual beings, as they needed to be protected from sexually transmitted diseases and infections due to their occupation as sex workers. When Hijra- and MSM-focused NGOs took up these interventions, they began to reveal to the public the clandestine sexual life of Hijras (Hossain, 2021, 183-84), and through these public health interventions, Hijras began to be pathologised as carriers of sexual disease (Hossain, 2021, 187).

Three decades later, the NGOs had gradually shifted course into a more rights-based approach, and begun to work with the government and various Hijra-led CBOs to institutionalise the Hijra identity, through the 'Hijra gender recognition' in 2014 and subsequent government initiatives to bring Hijras into the scope of existing social welfare schemes and vocational and livelihood trainings for employment. This NGO-induced hyper-visibilisation of non-normativity can then be said to have happened largely with regard to only this specific gender category, while the focus on Hijra sexuality remains absent. In recent years, this focus on the Hijras has started to be extended to other non-conforming, 'gender'-based identities, as NGOs working on issues of gender (and sexuality) are now also involved in ongoing advocacy for gender-inclusive legal reform, which is currently exploring the scope identity categories such as 'transgender'. These shifts need to be studied against an emerging trend whereby NGOs, in connection with selective queer groups, are contributing to the introduction of new terms to define non-normative identities in the public as well as legal discourse, which may be more inclusive and gender-affirming in the case of certain identities, but have an exclusionary effect on others.

To that end, I would like to extend Massad's arguments regarding the 'Gay International' to Kajol's remarks about queer movements in Bangladesh. As Kajol shares further, *"Ora jebhabe* criteria *thik kore dichhe, shei* criteria *onushaare Bangladesh er movement aaste aaste* shape *hochhe.*" ('The movements in Bangladesh are gradually being shaped according to the criteria that is fixed by them').[62] When I ask Kajol about the wider implication this might have for the community, especially in terms of identity-making, they add: "*Etar* impact identity-making-*e hochhe je – onek manush nijederke* gay feel *korleo tara* non-binary *hishebe* identify *kortese* because acceptance *ta chaay.* So *manush jon ek prokar* pressure feel *kore* – to identify in a certain way." ('The impact that this has on identity-making is that a lot of people are identifying as 'non-binary' even though they feel that they are gay, because they want that acceptance. So people feel pressured to identify in a certain way.')[63]

Identifying with the term 'queer' then also reflects a newer kind of identity politics, the one of getting access to foreign resources on the basis of identity, which then is an entry-point into the global LGBT+ discourse, and can also be read as assimilationist, for all the ways in which 'queer' tries to resist normativity. Queer, as the travelling term that I have sought to de-link for the Bangladeshi non-normative community, then also has to be read in the way it travels through these NGO channels, and in how it is reclaimed/repurposed/applied by activists' groups, within and outside of the community, with specific goals and aims in mind. As Kajol points out, people feel that they must identify with a particular identity (e.g. queer; non-binary), and engage with a particular framework of rights-based advocacy, in order to occupy a favourable position within the wider community, which also is linked to their capacity to access resources and funding for their organisations or their particular community groups. The acceptance that Kajol talks about is acceptance not only from the queer community at large, but also particularly, the circle of queer groups that are collaborating with different NGOs on funded activities, which have their own donor-influenced agendas and target groups for funding.

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[62] Interview with Kajol, 17 July 2003. The 'criteria' Kajol talks about refers to the factors that make organisations eligible to receive grants and funding from foreign NGOs and development organisations, such as working with a particular target group of people and/or communities, focusing on specific issues within specific sectors (e.g. development, education, healthcare, legal support, gender justice), etc. The development sector in Bangladesh generally sees the in-flow of a lot of foreign grants and funds on women's rights and gender issues, which are extended to women's rights groups, feminist networks (particularly youth-based), and organisations working with/on the rights of "gender diverse" communities. The latter is a term that is used by NGOs in Bangladesh to mean different queer and non-normative communities, including Hijra and LGBT+, owing to restrictions (not legally on paper, but in practice) from the NGO Affairs Bureau on the use of the LGBT+ categories.
[63] Ibid.

While 'non-binary' itself is not a very prominent or recognised category in the current development landscape, when compared to the existing 'LGBT+' terminology, what Kajol's words here indicate is a certain shift in identity-making and subject-formation among community members that appears to be slowly taking shape, as there is now a newer generation of activists who are preferring to identify as non-binary, as queer, as gender-fluid – choosing the more 'open' or 'fluid' or 'flexible' identities (all descriptors and expressions used by my interlocutors who identified as queer), ones that can travel across the spectrum, as opposed to strictly 'LGBT', which may be seen as more fixed identities. This is because 'queer' and 'feminist' networks are all the rage and get most of the funding, as Kajol also points out. As an increasing number of queer-led groups begin to partner up with 'traditional' NGOs, and rely on the latter's partnerships with foreign donors to have access to specific, project-based funds and resources, 'gender' concerns appear to be trumping over 'sexuality', in this newly emerging pattern in the funding and operational policies of the NGO and development sector in Bangladesh.

Additionally, it is also important to note that identifying with *gender* non-conformity as opposed to *sexual* non-conformity adds a layer of protection against the fear-mongering of Section 377, which has never reportedly been invoked by a Bangladeshi court to convict any individuals of a criminal offence, but is heavily associated with specifically stigmatising gay male sexuality.[64] This, when read in connection to the trend in NGO funding to prioritise 'gender' over 'sexuality', as discussed above, sheds light upon the unique circumstances within the current, quite frequently intersecting field of queer rights (a selective set) and development in Bangladesh, where non-normative gender and non-normative sexuality are being treated as separate kinds of identity, and separate spheres of discourse by NGOs as well as the government agencies that they engage with on policy advocacy.

'Queer', of course, is not the only term that is embroiled in this particular type of identity-based politics in the Bangladeshi context. It is important, here, to talk about the transformative processes that the 'local' Hijra identity has experienced, in grappling with this era of globalisation, and consequently, NGO-isation. Hossain argues, "NGO interventions have led to a simultaneous ossification and fluidification of identities", as NGOs introduce, and

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[64] The only reported case involving a charge under s. 377 of the Penal Code 1860 is *Nur Mohammed alias Bog Master* vs. *State, 1988,* 41 DLR (1989), 301, where the High Court overturned a conviction due to insufficient evidence of sodomy or carnal intercourse against the order of nature, upon the defendant's appeal against a wrongful conviction under s.377. However, the law is still used to threaten, extort, harass, and discriminate against, members of the non-normative community.

design their interventions along distinct categories and groups based on sexual-gender difference in order to have access to more funding and bring in more projects (Hossain, 2021, 194). The ossification refers to the categorisation of a specific identity – such as Hijra, MSM, or transgender, according to the particular agendas of the NGO and its funding partner – and its imposition on Hijra community members either employed by the NGOs, or supported by them as 'community beneficiaries' under various projects. The fluidification in such prescribed, categorical identity-making (or rather, identity imposition), as Hossain also explains, is reflected in the *practice* of identity – a Hijra-identified individual involved with an NGO is not *stuck* to just one identity. Their identity depends on, and changes according to, the context in which they work, the organisation they work with, and the projects they are involved in. While they work under that specific project, they identify with the particular identity term/category that the project supports through its activities, and receives funding for. Therein lies, also, the ossification.[65]

I turn to Kajol's words, again, to underscore what I believe is an important moment in terms of the social position of the Hijra community as well as a landmark transition in the history of queer activism in Bangladesh, which speaks to the transformation of the Hijra identity. Kajol tells me: *"TRP er upor Shomaj Sheba'r* law drafting team *er shathe kaj korte giye ora tokhon bollo je* they had organised consultations with the Hijra community, and the Hijra community said that 'we want recognition as 'Hijra', not transgender'."* ('While working with the Social Welfare Department's law drafting team on the TRP, I found out that they had organised consultations with the Hijra community – before issuing the gazette in 2014 – and the Hijra community had said, "We want recognition as 'Hijra', not transgender".')

This gazette recognition of the Hijra community, particularly the advocacy and lobbying for it, came about as a result of collaborations between certain Hijra leaders and prominent NGOs working with Hijras. While this meant that the Hijra leaders and their fellow community members had to adapt to the ways of the NGO sector in raising their demands with the government through the communication channels created by NGOs, I contend that the *Hijra*

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[65] In the examples outlined in his ethnographic work (2021), Hossain observes such a shifting of identities between individuals identifying varyingly as 'Hijra', 'transgender', and 'MSM'. His interlocutors do not express, or at least, disclose a shifting overlap between their gender identities and sexual orientations, and there are no examples of individuals identifying as 'Hijra' for one project while being 'gay' for another. This might also be because sexuality has never overtly been a focus of the NGOs working with gender-non-conforming communities, so these projects did require the involvement of people with diverse sexual orientations. This again points to the need to keep gender and sexuality separate, even though in the case of Hijra, transgender, and/or MSM groups, the two will often, inevitably, merge.

choice and decision to be recognised officially as the 'Hijra gender', as opposed to 'transgender' – the Western term/concept that had already been established in the NGO circles and within the queer community in 2014 – is to be read as an agentic act of Hijra resistance to the colonial imposition of a Western identity framework.

In applying such a reading to the 'Hijra' recognition, it is crucial to explore whether this is, in fact, resistance, or whether this too succumbs to the same colonial logics of a binary categorisation of gender and/or sexual identities, as Hijra community members seek to make space for themselves within the same laws that carry the underpinnings of coloniality. I argue that there is space, here, for both lines of thinking. The resistance to being subsumed by the Western, 'transgender' category is a decolonial move, and recognition as a separate gender category of its own has the effect of challenging the established gender binary. However, it may be argued that to seek recognition of one's identity as 'gender' category still means that one is seeking to be classified into a category, which does not correspond to challenging and dismantling the construct of gender altogether. This may be regarded as a post-colonial move playing on colonial logics, because it means fighting for state recognition and inclusion in the state system, the same mechanisms that are imbued with coloniality.

3.3.1   State role in regulating the politics of gender, sexuality, and identities

The NGO Affairs Bureau (NGOAB) in Bangladesh is the authority responsible for regulating the legal registration of all NGOs in the country, which they must obtain in order to receive funding from donor organisations based out of the country. The NGOAB is also responsible for the approval of projects and disbursement of funds received from foreign donor agencies, and closely monitoring various NGO activities and auditing their finances. There are a few other government authorities, such as the Ministries of Social Welfare and Youth and Sports, which also provide registrations to civil society organisations (CSOs) working on social issues and with young people.

In my previous experience as an NGO professional in Bangladesh, supporting and managing the implementation of several projects working specifically with Hijra and transgender communities, and both Hijra and queer-led CBOs, and also occasionally dealing with the NGOAB, I have observed how it has become increasingly challenging, in recent years,

for NGOs working on issues of 'gender diversity' to obtain various approvals for projects that support gender-non-conforming communities. These challenges range from months-long delays in approval of projects, backlogs in the processing of registration and extension applications, to delays in the release of funds to the NGO even after it has managed to get its project approved, thus severely interrupting planned project and budget cycles and collaborations with both the target communities and with donor agencies.

NGOs have to constantly liaise with NGOAB representatives to get their approvals fast-tracked, and organisations that are vocal about various social injustices, or question the lack of due process in the operation of various government mechanisms, for example, are sometimes 'blacklisted' by the Bureau, meaning that their approvals are extremely delayed. This is in line with the continuously shrinking civic space in Bangladesh, with the existence of laws like the (former) Digital Security Act 2018,[66] which has a chilling effect on free speech, as anything said on the internet can be regarded as falling within the broad, ambiguous concepts of "hurting religious values" and "tarnishing state image", which can particularly be troublesome for civil society activists speaking out against injustices and violations perpetrated by the state.

Within this landscape, it is almost entirely impossible for queer-led CBOs[67] that work on the rights and issues of different non-normative communities to get NGOAB registration, and bring in foreign funding to support any activities planned for members of their communities. Most gender-non-conforming CBO leaders, either from the Hijra community or transgender and other gender-non-conforming activists/individuals, are unable to have National IDs that affirm their gender identity, as these IDs conform to their sex assigned at birth, and it is an extremely difficult process to have the NID changed to reflect their gender expression. This lack of gender-affirming identification is an initial bureaucratic setback, which is further complicated by the absence of policies that allow the registration of organisations working with non-normative communities.

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[66] The Bangladesh government enacted the new Cybersecurity Act 2023 in September 2023, which repeals the Digital Security Act 2018, in a bid to "tone down its draconian" effects and combat misuse of provisions to arrest and detain civilians for simply exercising their right to free speech, which has particular repercussions for queer rights activists in a country where non-normative gender and sexuality is criminalised. However, from what I have learned in conversation with legal practitioners in Bangladesh, this new legislation is somewhat of an old wine in a newly dusted bottle, retaining the same arbitrary provisions.

[67] For the purpose of this thesis, 'queer-led' applies to organisations managed by people with a range of non-conforming identities, including Hijra leaders, transgender activists, intersex groups, as well as individuals identifying as lesbian, gay, bisexual, and/or queer.

Since most non-normative identities are not legally recognised, and the Bangladesh Penal Code criminalises such non-normativity, government agencies are disinclined to provide registration and approval for any organisations that want to support these communities. Most queer-led organisations in Bangladesh also lack conventional organisational structures and operate on a voluntary basis, with members having various socio-economic and academic backgrounds, and consequently, different levels of capacity and literacy. I note from my own experience again, that these organisations are mostly community-based, founded on the basis of solidarity, of people coming together out of a sense of shared identity and shared exclusion, and the need for a safe space to explore and express their non-normativity. They are not equipped with the kind of management capacity, and managerial and bureaucratic know-how, that is needed to apply for and receive both foreign and national grants, design and implement projects, manage financial accounts, do documentation and reporting, and liaise with various government and non-government actors.

This constitutes a major challenge particularly for Hijra-led CBOs, which are comprised mostly of individuals who have limited literacy due to being deprived of access to basic education from a very early age. Part of my previous work involved building and strengthening project management and reporting capacities for Hijra and transgender-led CBOs, and in my observations, it was challenging for everyone to be dealing with this specific form of governance, being subjected to these systematic and procedural frameworks of rules, regulations, reporting, and monitoring imposed by the "partner" NGOs, especially since this is not how such community-based groups function. This is not to disparage the strength, solidarity, defiance, and active, anti-normative resistance in queer organising, and queer existence, in any way. The Hijra community itself can be taken as a great example of a complex, alternative system of governance. I contend that there is a profound structural imbalance that queer activists and organisers face in the current rights-based development landscape in Bangladesh which is dominated by discourse led and produced by NGOs and CSOs. These specific governance rules that are prescribed by the NGOAB (and other state and administrative mechanisms), and thus embedded in the NGO and development sector, are being imposed on queer, community-based organising. Queer CBOs are left with little choice but to adapt to such bureaucracy if they want to claim space for community voices and ensure access to resources and funding.

To sum up, I offer the following statement by Babla, which reflects the challenges that come with NGO-isation:

"Amader jei NGO guli, tader o naa Hijra community'r proti approach ta onekta erokomi. Coloniser der moto. Je dekhso amra koto jani, tomra eta jano na ota jano na, tomader eta hote hobe, oirokom hote hobe. We are better than you*, akhon amader kotha shuno.* This should not be the way. When you want to help someone, you have to help them how they need to be helped. *Tumi tomar moto kore* help *korle hobe na. Tokhon* it made sense to me. *Hoot kore taderke ekta* life *theke ber kore arekta jinish e niye jawa, jetar shathe shey* familiar *naa –* government-*er* interventions *guli eirokom. Je Hijragiri chhere akhon chakri te dhuko.* But it does not address the intergenerational trauma of Hijra community members. They never had access to basic education – *akhon onno 10 ta manush er moto tara nishchoi chakri te tikey thakte parbe na.* This is not a responsive, or sensitive, approach."[68]

('The approach that NGOs in our country have towards the Hijra community is quite similar to that of the colonisers. "Look at us, we know so much. You don't know this, you don't know that. You have to be this, you have to be that. We are better than you, so now listen to us." This should not be the way. When you want to help someone, you have to help them how they need to be helped. You cannot offer help according to your own terms. That is when it made sense to me. Removing them from the only life they know and pushing them into a different avenue entirely, into something they are not familiar with – this is what government interventions have been like. "Leave Hijragiri now and get into a job." But it does not address the inter-generational trauma of Hijra community members. They never had access to basic education – you can't just expect them to hold onto their new jobs just like everyone else. This is not a responsive, or sensitive, approach.')

3.3.2 Community strategies against NGO-isation

Queer-led CBOs are trying to come up with different strategies to navigate these challenges. For example, a prominent transgender-led CBO based in Dhaka, which has been working with Hijra and transgender community members and other non-normative individuals, and engaging with social and political actors on advocacy issues for over a decade, has recently chosen to disentangle itself from its old name and identity, and rebrand itself as a different/new organisation that works on wider issues of gender and diversity, in order to apply for NGOAB registration. Another queer-led CBO has had to brand itself as an organisation that advocates for young people's rights and their participation in policy and decision-making processes in order to get registered with the Ministry of Youth and Sports. Many other CBOs, mostly Hijra-led, are entering into collaborations and partnerships with already-established NGOs and networks working on women's rights and engaging in project-based work, and depending on

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[68] Interview with Babla, October 2023.

funding from these NGOs to keep their own organisations afloat. This, again, implicates these CBOs in this *foreign* framework of NGO governance, as this particular structure of activism and development fronted by NGOs seeps into queer activism.

These factors create the perfect conditions for the brewing of a tug-of-war politics of leadership within the queer community. The ensuing race for access to funding, resources, and partnerships with different networks and donors, both in Bangladesh and abroad, impacts identity-making, decision-making, and queer organising, in various ways. For example, Babla, who is a trans man, talks about a "women cluster" in the queer community, which is working to amplify the voices of minoritised queer identities, recognising that every sub-group of non-normative bodies within the wider queer community has unique needs, and highlight the fact that queer women's struggles are different from that of other non-normative individuals.[69] Babla says:

> *"Goto koyek bochhore* women cluster *jeta – jara* AFAB, trans men, lesbians, bisexual women, queer women in general *– tara shocchar hoise from* their positions. Even though we are from the same comm*unity, ekta* gay man *ar ekta* lesbian woman *er kichhu* unique lived experiences *acche.* Gay men *jei* template-*e* rights *chacche,* it wouldn't work the same way for trans women, lesbian women. *Ei bepar ta akhon bhalo bhabe established hochhe."*

> ('In the last few years, the *women cluster* – which comprises individuals who were AFAB, trans men, lesbians, bisexual women, queer women in general – has started to be vocal about their rights from their own positions. Even though we are from the same community, a gay man and a lesbian woman have unique lived experiences. The template that a gay man uses to advocate for rights would not work the same way for trans women, lesbian women. This is something that is now being established properly').

Building on Babla's statement, I suggest that these individuals/organisations are coming together as a 'cluster' because it is important to break apart from a cis-gendered gay men dominated 'queer' rights space/movement in Bangladesh – "Gay men are on the front page of the queer movement"[70] – and prioritise the rights of AFAB queer individuals, trans women, trans men, non-cis-gendered gay men, lesbians, bisexuals, and non-cis-gendered male queer individuals. This clustering, then, is a strategy adopted for the purpose of the fight, of ensuring

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[69] Ibid.
[70] Ibid.

that the movement, and activist spaces, prioritise these minority identities as well, as opposed to only highlighting the concerns of cis-gendered gay men.

Kajol offers some very interesting insights into this ongoing politics of queer leadership, focusing on the position occupied by the Hijra community in the wider movement, and the spaces for gender-non-conforming identities. Kajol shares:

> "*Amar mone hoy, manush jokhon* fixed *jayga chay, tokhon tara* social validation *chaay,* social acceptance *chaay*. This is what our Hijra Apas[71] are doing – *tara shobshomoy* ensure *korte chaay je amra ekta* specific *jaygar moddhe asi, amra ekta khub* strong jaygar moddhe asi. Trans men, trans women *ra ashole* vulnerable – *tara je amader shathe* violence *korbe, oita korar shujog nai, karon tara nijera* victimised by the Hijra community. *Bangladesh er moddhe* community'r *moddhe shobche boro* mafia *hochhe Hijra ra. Ebong ei alaap ta korte hobe. Amader* academics, *ba boro boro pod ey jara ase, tara bole je erao ekta* vulnerable community, you shouldn't talk this way. But I want to talk this way, because I have been doing organising for the last five-six years here, what I am seeing is that I am facing the most backlash from the Hijra community here. They are always creating barriers, creating threats for us, *tara tader moto kore shob dhoron er* opportunity *niche, kintu amader* identity *tara remove kore dichhe. Ei je tara* concept *toiri kortese je ekta jayga-e asho, tumi jodi Hijra hou, tumi jodi* trans woman *hou, tomar shari-churi porte hobe.* Visible trans woman *hoitey lagbe.* If you are not a visible trans woman, then you are not a trans woman. Fixed *jayga gula chaay* society'r acceptance *er jonno*."[72]

> ('I think that when people want a fixed position, they are doing so because they seek social validation and acceptance. This is what our Hijra Apas are doing – they always want to ensure that they have a specific position, that they are in a strong position.') Trans men, trans women are actually vulnerable. They don't have the opportunity to be violent towards *us* – non-binary and/or gender-queer people – because they are themselves victimised by the Hijra community. Hijras are the biggest mafia within the non-normative community in Bangladesh. And we need to talk about this. Our academics, or others who occupy various high-level positions, say that Hijras are also a vulnerable community, and you shouldn't talk this way about them. But I want to talk this way, because I have been doing organising for the last five-six years here, what I am seeing is that I am facing the most backlash from the Hijra community here. They are always creating barriers, creating threats for us – they are availing every opportunity that is there, but removing our identities in the process. They are creating this concept, that you have to take a certain stand. If you are a Hijra, if you are a trans woman, you must wear a saree and bangles. You have to be visibly a trans woman. If you are not

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[71] *Apa* is Bangla for 'sister'. It is used as an honorific, in addressing an older sister, and commonly, any female who is older in age than, or has academic and/or professional seniority to, the person making the address. Interestingly, it is also a term that is used to refer to women working in the NGO sector (the male equivalent being '*bhai*', which is the Bangla word for 'brother'). 'Apa' and 'Bhai' are of the Bangladeshi NGO culture, and a mark of discarding the more official/bureaucratic, and intrinsically colonial, forms of address, such as 'Sir' and 'Madam', which continue to be used in all government and administrative institutions, as well as academic institutions.

[72] Interview with Kajol, 17 July 2023.

visibly trans, then you are not a trans woman. They want these fixed positions because of acceptance from the society.')

When I ask Kajol about visibility also being an element to queer identity politics in Bangladesh, they answer: *"Bhoyonkor bhabe. Dekhen, bideshe* trans *ra onek* violence face *kore.* Donor *ra ekhane eshe jokhon dekhe Bangladesh e* trans *niye onek kaj hochhe, tara bhabe,* Oh my god, they are so progressive, they accepting trans women. *But ekhan kar* scenario *okhan theke pura* 180-degree *ulta. Oikhane* gay *ra onek shubidhajonok obosthane ase, ekhane hochhe* gay *ra onek* challenging *obosthay ase.* Gay *bolte hochhe* queer community *pura ta ke bujhachhi."* ('Tremendously. See, trans people face a lot of violence in other countries. When donors come to Bangladesh and see that a lot of work is happening here around trans issues, they think, 'Oh my god, they are so progressive, they are accepting trans women'. The scenario here actually takes a 180-degree turn, compared to their countries. In the West, the gay community is in a very privileged position, but here the gays face very challenging circumstances. And by 'gay', I mean the entire queer community."

Hijras, however, are not considered a part of this 'entire queer community' by Kajol, who says: *"Na, Hijra der rakhtisi na. Kintu Bangladesh er moddhe Hijra ra onek privileged."* ('No, I am not keeping Hijras in this list. Because Hijras are very privilege in Bangladesh.') They add: *"Ebong dekhben je onara shob jayga te* prevail *kore – prottek ta jayga te. Amader* activism *theke shuru kore* fund *gulao Hijra* focused *hoye ashe, karon onara mone kore era onek* vulnerable community. *Kintu bastobota hochhe, amar juddho kono ongshe kom naa."* ('And you will see that they prevail everywhere – in every space. Starting from our activism, to the funds that come in, everything is Hijra-focused, because they (donors and NGOs) think that they are a very vulnerable community. But the reality is, my struggles are no less significant.')

Kajol's statements place the Hijra identity in a favourable position when it comes to what can be observed as inter-community tussles for occupying spaces of social acceptance and privilege. This divergence between Hijra and non-Hijra queer identities is a divergence that is based on levels of visibility, social positions, economic backgrounds, and also positions and networks within the NGO sector. Kajol's *exclusion* of the Hijras from the 'entire queer community' also needs to be studied in light of Babla's definition for the 'women cluster', discussed earlier, which does not include Hijra community members alongside the other feminine-identified individuals and AFAB individuals who make up the cluster.

59

The above insights indicate that different queer groups in Bangladesh are operating according to different forms of politics, often exclusionary, to prioritise their respective identities and seek representation in partnerships, activism, and advocacy on the basis of these distinct identities. The state, through its various regulatory frameworks, and NGOs, through their donor-funded interventions, are complicit in creating hierarchical power relations between different queer groups as they intrude into the domain of queer identity politics. As I discuss in the next chapter, queer community groups become implicated in colonial practices as they engage with law and policy-making processes and NGO-driven discourse.

IV. LEGAL REFORMS: RECOGNITION AND RESISTANCE

In this chapter, I focus on ongoing legal reform processes in Bangladesh on issues of non-normative gender and sexuality. I discuss, in particular, the 'Hijra gender recognition' gazette and other related policies and documents that make space for gender-non-conforming citizens, with varying degrees of inclusion/exclusion for different identities. I explore the tensions between this existing Hijra recognition and the proposed Transgender Persons' Rights and Protection Bill, highlighting ongoing debates in the community regarding the latter.

Over the past decade, the landscape for legal reforms in Bangladesh, particularly around the recognition of gender identity and non-discrimination on the basis of gender, has seen many queer activists and groups mobilising and organising to advocate for affirmative changes and equal rights. In recent years, the *Hijra* vs. *transgender* dichotomy has been one of the core debates in the queer, 'gender' scene. This debate raises specific questions: about language, about identity categories and their imposition, about local conceptualisations of identities, and identity-making through negotiation as well as the conditions/circumstances necessitating such negotiations, and about the potential for de-linking from colonial frameworks through (the possibility of) any new meaning-making. Members of the queer community are engaging with these considerations from various perspectives, against the overall backdrop of a legal and political system that has not managed to dismantle and/or break away from colonial underpinnings. I trace these perspectives and also inquire if the practice of introducing the decolonial and the exercise of de-linking, is necessary in this context.

I argue that the identity categories recognised as a result of the existing gazette (i.e. Hijra) and introduced as part of the proposed legislation (i.e. transgender) both operate within colonial logics and and reproduce colonial frameworks of identity-making. This is because both the gazette and the proposed law fail to de-categorise gender, even as they purport to be inclusive of non-normative gender identities. These legal instruments create spaces of exclusion and erasure, as they either focus on the recognition of a specific community, or the creation of a singular 'umbrella' identity which absorbs all other diverse forms of gender non-conformity. Since coloniality is deeply embedded in the existing legal structure, any processes for legal and policy reforms end up retaining colonial practices.

4.1   The "Hijra recognition" gazette, and policies for inclusion

In 2014, the Bangladesh Ministry'of Social Welfare (MSW) published a gazette notification which declared that the "Hijra community" would be recognised as the "Hijra gender".[73] Prior to the publishing of this gazette, MSW had introduced several welfare and livelihood development schemes for Hijras in 2013, under its Social Security Policy Support Programme, which included allocating small stipends for elderly Hijras, free education for 'Hijra children', and vocational or skill-building trainings, particularly in sewing/tailoring and embroidery, as well as computer skills. These initiatives were taken up as part of efforts to recognise Hijras as 'rights-bearing citizens' and integrate Hijra community members into 'mainstream' society (Hossain, 2021, 190-191), while in the same year, the Cabinet Division of the Bangladesh government also made the decision to expressly recognise the Hijra community through their inclusion in national identification documents and censuses (Titir, 2019, 1).

While the subsequent gazette recognition in 2014 was not legislation in itself, it was heralded/lauded as a step towards securing legal rights for the Hijra community, and it was understood that such a recognition might pave the way for certain reforms to follow, that would ensure legal and social recognition, inclusion, and access to rights, remedies, and services. Notably, such avenues of recognition, inclusion, and access would only be open to members of the Hijra community – individuals who identified as Hijra, were inducted into the traditions of the community, and engaged in Hijragiri. The gazette did not cover any other gender-non-conforming identities, a reflection of the public imaginary, which, at the time (and largely, to this date) did not recognise or understand that there are different forms of gender-non-conformity, beyond the familiar Hijra presence.

Was this gazette a progressive step in the government's agendas for social inclusion of the Hijra community? We can certainly deem it so. But how exactly did this classification of members of this particular gender-non-conforming community as an additional category of gender, beyond the 'male' and 'female' binary, work out? What understandings girded such a

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[73] Government of the People's Republic of Bangladesh, Ministry of Social Welfare (2014), Bangladesh Gazette, Circular No. MoSW/'Kormo'-'1-SHA'/Hijra-15/2013-40, 26 January 2014. (Available only in Bangla).

categorisation by MSW? The gazette publication itself is a one-liner declaration, silent as to any definitions for 'gender', the 'Hijra community', or 'Hijra gender'. It is important to explore the basis for the government's categorisation of the Hijras as the 'Hijra gender', because this is the idea upon which subsequent policies and initiatives for inclusion have been taken up. This categorisation is itself born of various misconceptions, rooted in a general lack of public knowledge about sex and gender, gender identity, sexuality, particularly in a country where non-normativity is heavily stigmatised and dialogue on these issues is taboo. Any subsequent steps undertaken by various government authorities to ensure basic rights and services for Hijra community members have mostly failed to ensure non-discrimination.

In the absence of any clear explanations or guidelines on gender non-conforming identity categories being set forth following the 2013 Cabinet decision and the 2014 gazette, different government institutions took the liberty to adopt different identification processes. Some institutions continued to labour under the widely-held misconception that Hijras are 'genitally and sexually handicapped', or that all Hijras are intersex individuals (Titir and Ibrahim, 2023, 36), and resorted to physical examinations of Hijra community members to determine whether or not they were 'authentic' Hijras. In 2015, almost a year after the gazette was published, twelve Hijras, who had applied for jobs in response to a government-issued circular aimed at recruiting Hijra community members for government employment, were forced to fully undress, in front of teams of hospital staff comprising both medical and non-medical practitioners (including hospital cleaners), and subjected to invasive and humiliating physical examinations in government hospitals, in accordance with a memorandum issued by the Ministry of Health requiring medical check-ups to be conducted in order to identify 'authentic Hijras'. This memorandum did not define 'Hijra' or provide any guidelines regarding procedures that would be conducted to determine who was an 'authentic Hijra', and medical examiners interpreted this order in ways that led to abuse, discrimination, and violation of the right to bodily integrity (Human Rights Watch, 2016). After the examinations, all twelve individuals were declared as 'fake Hijras' by the hospitals on the ground that they all had male genitals (Titir, 2019, 2) and their applications declined.[74] The medical examiners, believing that all Hijras were supposed to have ambiguous genitalia or possess both sets of 'male' and 'female' genitals, as is sometimes characteristic of intersex people, and lacking any understanding of

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[74] Human Rights Watch, '"I Want To Live With My Head Held High": Abuses in Bangladesh's Legal Recognition of Hijras', 23 December 2016.

gender identity, non-normative gender expression, and displaying utter disregard for another person's dignity and bodily integrity, decided that the Hijra community members they were examining were simply men pretending to be Hijras for employment opportunities.

"*Amader community'r bhitorei ashol-nokol niye ekta tolpar,*" *says* Rojoni, my interlocutor from the Hijra community. *"People who have undergone surgery are ashol, those who have not is nokol. Government o bujhtese na, dhore niche intersex manei hijra. Government ee to clear kore nai."* [75] (There is a disturbance within the community itself, regarding what is real and what is fake. Some say that people who have undergone surgery are 'real', and those who have not are 'fake'. The government also does not understand these things, as it has assumed that being Hijra means to be intersex. The government itself has not cleared up these issues.') Rojoni's words point to a very crucial problem: that there is a lack of clarity and understanding amongst the policy-makers who had set about recognising and classifying the 'Hijra gender', and also amongst the enforcing authorities who were in charge of implementing that recognition.

Hijras themselves have and continue to use different markers of authenticity within their own groups to express their identities. Hossain explains that despite the 'popular conflation of Hijras with missing or defective genitals', Hijra respectability in Bangladesh is tied to the occupation of Hijragiri, which entails the mastery of Hijra rites, rituals and ceremonies as well as the public performance of these skills and customs, both within and outside of the community, regardless of the status of one's genitals, be it *'chhibrano'* (having the penis and scrotum completely removed), 'intact', or intersex genitalia (Hossain, 2021, 27; 49). Some Hijra groups will still claim greater respectability and authenticity over other Hijra groups (e.g. *Sadrali* Hijras, who claim not to engage in sex work vs. *Dhurrani* Hijras, who do), but much like their identities, authenticity is also negotiated, or contested internally.

While these subject positions around authenticity harboured by different Hijra groups as well as Koti-identified individuals are already complex, the problem is created and compounded when policy-makers and government authorities add onto such positionalities by creating a narrative of authenticity that is devoid of any inputs from the actual community members, and instead, is based on a limited understanding both of the various reproductive or sexual anatomical presentations of intersex bodies and of 'Hijra' as an identity rooted in non-

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[75] Interview with Rojoni, 22 August 2023.

normativity, whether through presentations of gender, ways of living and being, practising culture and customs, or through taking up specific occupations.

Babla adds to this by asserting that the '*ashol Hijra-nokol Hijra*' (real Hijra-fake Hijra) conundrum is the government's doing.[76] "*Tomra to janoi na Hijra kara* (You don't even know who the Hijra are)", he argues. The welfare stipends for the Hijra community, which also cover stipends for small entrepreneurs, are not, in fact, available to many members of the community, because they are asked to provide medical reports as proof of their 'Hijra'-ness, reports that are expected to reflect that one is intersex. However, there are multiple ways in which an intersex person's biological variance may show up, and it is simply not 'mixed genitalia', as many people in Bangladesh believe this condition to be.[77] For example, Babla shares that one intersex person was able to receive the Hijra welfare stipend because their medical report showed that they were intersex, while another intersex individual was denied the same stipend and regarded as being *nokol* (fake), because "their intersex-ness did not present as outward genital difference".[78]

Mrinal also echoes Babla's assertion, saying that the "rhetoric (of authenticity) is also reinforced by the state to an extent," as the government conducts physical examinations of genital to determine who is a 'real' Hijra and allows newspapers to report on 'fake' Hijras. They express their frustration with verification and identification processes that are flawed from the start. "There is no gender-affirming surgery and healthcare, including sexual and reproductive healthcare, for trans people in Bangladesh. A lot of people are, therefore, not 'visibly' trans, including intersex people, they are not visibly gender-non-conforming. What do you expect people to look like?"[79]

> "The people who are touting these things, that only intersex people are real Hijra, and anyone else is fake Hijra, or that trans-ness is an import from the West –all of that is very much a misunderstanding, or a lack of understanding about who the Hijra people are and what their community is. I suppose it's just intentional ignorance, so that you can keep furthering your own agenda. Because it's not like we (the queer community) haven't tried to teach them, or tell them, or raise awareness, that we've talked to these people (Hijras), worked with to these communities, fought with them, this is who they are. And they're like: no. No, you are bringing in trans-ness, you are teaching it to them. So that's also like a claim, that you're the ones who are bringing all this weird and

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[76] Interview with Babla, 28 October 2023.
[77] Intersex individuals are born with ambiguous genitalia, or mixed chromosomes, which fall outside the biological chromosomal make-up and bodies of male and female sexes. Intersex people might or might not grow up to identify as transgender, and in the context of Bangladesh, some intersex individuals may join Hijra groups.
[78] Interview with Babla, 28 October 2023.
[79] Interview with Mrinal, 18 August 2023.

perverted knowledge to these innocent, innocent people who don't know any better. *Oderke* placard *diye dara koraye dichho tomader* movement-*er shamne*." ('You are handing placards to Hijras and making them be the face of your movement.')

Mrinal's assertions are similar to Massad's (2007) argument against the 'Gay International', which he accused of importing Western constructions of sexuality into Arab countries, and re-orienting Arab same-sex desires into Western homosexuality. In reading between Mrinal's words, there also seems to be a colonial/Oriental-esque view of the Hijra community as 'people who do not know any better', and have no decision-making and agency with regard to their own identities, when mulitple insights from both Hijra and non-Hijra-identified individuals shared throughout this thesis have reflected that this is far from the case.

There have been many other instances of such medical examinations being carried out on Hijra community members throughout the country over the years, despite the issuance of a subsequent Health Ministry circular prohibiting such examinations to determine Hijra authenticity. Identification has also been a challenge for gender-non-conforming individuals in Bangladesh, both Hijra-identified and not, when it comes to the process of obtaining official identification, such as the National Identity Document (NID). In 2018, the Election Commission (which was then responsible for regulating NIDs) updated existing NID application forms to include 'Hijra' as gender category alongside 'male' and 'female' (Titir, 2019, 5),[80] enabling Hijra community members to carry NIDs where they can identify as 'Hijra'. However, the process of amending one's existing NID to reflect their gender identity, which is also currently a limited choice given that 'Hijra' is the only gender-non-conforming identity that is recognised on paper, is a very difficult process which is compounded by the lack of coordination and uniformity in existing administrative procedures and approaches to incorporating gender identity in official IDs, as there is currently no clear and effective policy enabling changes to be made to one's sex assigned at birth on their registered birth certificate (Titir and Ibrahim, 2023, 37). As Mrinal states, "The bureaucracy in Bangladesh makes it difficult for gender-affirming processes to take place. You have to get through so many government institutions to get your gender identity changed, if that is even possible."[81]

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[80] By amending the Voter List Act 2009 and the Voter List Regulations 2012.
[81] Interview with Mrinal, 18 August 2023.

To provide a more recent example, the Population and Housing Census 2022, which was conducted across Bangladesh in June 2022, included Hijra communities in the count for the first time by adding 'Hijra' as a gender category in addition to 'male' and 'female' in the relevant census forms. While this could be lauded as an effort on the part of the government to be more inclusive of gender diverse communities, it still remained exclusionary in its approach, much like the recognition of the 'Hijra gender' in 2014, as the census did not take into account the identities of gender-non-conforming individuals who are not part of the Hijra community and are not willing to be recognised as 'Hijra'. It also made no provision for intersex people to be included in the count. Further, ahead of the census, the government had stated that all gender diverse identities, including transgender women, transgender men, and non-binary individuals, could check off the 'Hijra' box during the count, which has only contributed to further erasure of diverse gender identities currently lacking representation, and added to the already existing misconceptions around Hijra, transgender, and other gender-non-conforming identities.

"The population census in Bangladesh is in no way accurate," states Babla. "They recorded about 12,000 Hijra community members in all of the country, when this is probably the total population count for Hijras in Dhaka city alone… I feel like this is a process of systemic oppression (the inaccuracy reflected in the census)."[82] Many Hijra community members at the time of the census had shared that the data collection enumerators (the majority of whom were not from the community) had little understanding of Hijra and transgender and other gender-non-conforming identities, and had left out many Hijra community members as well as other gender-non-conforming individuals from the count.[83] Since the census collapses different types of gender non-conforming identities into the singular Hijra identity, the above makes such a nation-wide count even more inaccurate and defeats the purpose of inclusion.

Rojoni makes an interesting observation about the census and its role in complicating the wider Hijra-transgender debate. She inquires: "*Jokhon jonoshumari holo, tokhon* form-*e Hijra'r ghore* bracket-*er moddhe* trans woman *ar* trans man *chhilo. Hijra tai tokhon* umbrella*'r moto. Akhon hoise ulta – akhon* trans *er bhitore Hijra. Tokhon tahole* transgender *tai ashlo na keno?''* ('When the national census took place, the forms put the 'trans woman' and 'trans man'

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[82] Interview with Babla, 28 October 2023; The preliminary census report published online by the Bangladesh Bureau of Statistics in late July records 12,629 Hijras across the country (The Business Standard, 27 July 2022), which is a little over the disputed count of "around 10,000 'third gender people' put forward by the Ministry of Social Welfare in 2016 (bdnews24.com, 28 February 2016).
[83] This researcher has this information from her past work with members of Hijra and transgender CBOs who had taken part in the data collection for the census as enumerators.

identities under the Hijra option, in the brackets. So here, Hijra was the umbrella, of sorts. Now (referring to TRP) it is the reverse – now Hijra is under 'trans'. So why did they not just use transgender then?) *"[84]*

The 2014 Hijra recognition had inevitably given rise to inter-community tensions, between Hijras and non-Hijras, as many gender-non-conforming individuals who are not part of the Hijra community think that Hijras are occupying a greater position in social, political, and economic spheres due to the recognition. Most gender-non-conforming individuals getting access to government programmes and welfare schemes, receiving vocational trainings, and finding government jobs, are from the Hijra community. Hijras, therefore, may also have greater say and greater sway over socio-political and legal matters pertaining to the community, holding a different social capital than that held by other gender-non-conforming groups, such as transgender, non-binary, gender-fluid, and/or queer-identified individuals.

On this point, Nitol, who identifies as non-binary and gender-fluid, shares: "*Hijra ra nijeder ke* LGBT community'r *baire bhabe ebong nijederke* superior *bhabe.* Because they have a certain amount of power. They have the recognition. *Shorkar tader shikriti dey, amader to dey na. Amader to* s.377 *er bhoy ase, tader shei bhoy ta nai.* Certain amount of power and privilege *ase tader, shei jayga theke tara amaderke domaye rakhte chaay shobshomoy.*"[85] (Hijras consider themselves outside the LGBT community, and superior to the community. Because they have a certain amount of power. They have the recognition. The government has recognised them, but not us. We have to live in fear of s. 377, they don't. Since they have a certain amount of power and privilege, they always want to keep us suppressed.')

Nitol's words also allude to the uneven power dynamics created between the Hijra community and other, non-Hijra queer and/or LGBT+ communities due to the gazette on the one hand, recognising the 'Hijra gender', and the Penal Code on the other, criminalising all non-normative expressions of sexuality. Both the gazette and the Penal Code are legally enforceable. The government's choice to recognise the Hijra community while categorically denying the rights of non-Hijra, queer communities, as reflected in its UPR engagements and overall governance of sexuality, indicates how the state is also a major actor in these inter-

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[84] Interview with Rojoni, 22 August 2023.
[85] Interview with Nitol, 12 August 2023.

community conflicts, influencing community decisions and politics around identity, visibility, and also activism.

4.2   The Transgender Persons' Rights and Protection Bill: debates on terminology

In the July 2021 draft of the proposed Transgender Persons' Rights and Protection Bill (TRP),[86] circulated amongst certain community activists and NGOs for consultations as a 'zero draft', the term 'transgender' is defined as any individual "whose chosen gender is different from the gender assigned to them at birth", and who "places emphasis on their psycho-social condition to choose their own gender identity". Crucially, this definition further states that other gender-non-conforming identities, such as "Hijra, Koti, transgender man, transgender woman, and intersex", can be considered to be included under the category of 'transgender' (Titir and Ibrahim, 2023).[87]

This therefore expands 'transgender', an identity term borrowed from the 'LGBT+' framework, a Western, categorical framework of non-normative gender and sexual identities, to cover certain local and/or regional identities embodied and expressed in ways that may not necessarily correspond to the established understandings of gender and/or sexual non-conformity that travel with the Western framework. For example, the Hijra subjectivity is informed by the socio-cultural and economic positions occupied by Hijra community members and their various negotiations with heteronormativity, not only their gender non-conformity. In the wider queer community in Bangladesh, this has increasingly become a point of contention, particularly between members of the community who identify as Hijra, and members who do not, including those who may identify as transgender or choose to identify with any other form of gender non-conformity. 'Transgender' is not (yet) a legally/officially recognised category in Bangladesh, although it sometimes used interchangeably with 'Hijra' as a translation. This is problematic, because such translation takes a locally conceptualised term and casts it through a Western lens, disrupting its own meaning and histories in the process.

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[86] This draft law is also alternatively referred to as the *'Transgender Rights Protection'* Bill.
[87] Section 2, subsection 1(d), Zero Draft of the Transgender Persons' Rights and Protection Bill 2021 (translated from Bangla). This draft was reviewed by the authors in *Towards Equality & Inclusion* (2023); an unpublished copy of the draft is in the collection of this researcher, but as this is an unpublished draft Bill, it is not publicly available, and there may have been further revised drafts since the aforementioned version.

I now turn to Hema, who has been involved in Hijra and transgender rights advocacy for decades, and has participated in community consultations that MSW has held on the TRP. Hema offers, "*Amar jayga theke ami boltisi je – prottekta manush er ongshogrohon dorkar. TRP bill toiri kora hochhe – shekhane kintu (committee te) shudhu ekjon trans woman ar ekjon Hijra community'r manush ee ase. Ar keu nai. Ekjon Trans man, intersex person, ekjon non-binary manush thaka dorkar – jar jar opinion shey bolbe.*"[88] ('From my position, I would like to say that the participation of each and every person is necessary in the drafting of this law. The TRP drafting committee only has one trans woman and one Hijra individual, and no one else.[89] The committee needs to include a trans man, an intersex person, a non-binary individual – so everyone can share their own opinions.')

Hema also tells me that community members who are part of the drafting committee have clarified the Social Welfare authorities' previous misconceptions regarding Hijra, transgender, and other gender-non-conforming identities. "Trans man, trans woman, Hijra, intersex, non-binary – we broke down each of these identities for them. They are creating Rules to supplement the main law. The proposed law talks about these identities broadly, but the Rules will go into greater detail about definitions, about access to healthcare for transgender individuals, including gender-affirming healthcare, such as sex reassignment surgery, and other necessary health services."[90] Hema's remarks suggest that the lack of clarity, that MSW had previously displayed in issuing the 'Hijra gender' recognition, has not travelled to the drafting table of the TRP Bill, and the government's current stance seems to be inclusion-friendly. However, introducing an '*inclusive*' transgender classification may not resolve existing challenges regarding the recognition of non-normative gender identities, as it simply serves as yet another gender category that groups different, diverse identities together without respecting their nuances and histories or ensuring one's right to self-identify.

Babla highlights the importance of a legal recognition that truly works: "*Ami* bolbo legal recognition *onek* important, irrespective of a person's gender identity. *Ami* exist *jebhabe korte chai, ekta iyer shamne (in front of society, community, the state etc.), amar joto* basic human rights *ache oitar shathe eta* related. Oneke acche transition er por they would prefer to just

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[88] Interview with Hema, 21 August 2023.

[89] An individual identifying as non-binary is also a member of the same drafting committee. Perhaps in saying 'no one else', Hema is referring to the participation of Hijra and transgender individuals being limited to one person representing each identity group, and the consultations not being open to a wider cohort of Hijra and transgender groups and activists.

[90] Interview with Hema, 21 August 2023.

check the 'male/man' box, or a trans woman might prefer to just check the 'woman' box. And again, many people might prefer trans men and trans women identities. *Legal recognition* ta pele jeta hoy, sheta hochhe, amar *state acknowledge* kortese je *I exist*."[91] (I will say that legal recognition is very important, irrespective of a person's gender identity, because it is related to how I want to exist, in front of society, community, the state. It is related to all of my basic human rights. There are many individuals who would prefer to just check the 'male/man' box after transitioning, or a trans woman might prefer to just check the 'woman' box. And again, many people might prefer 'trans men' and 'trans women' identities. What happens with legal recognition is that my state acknowledges that I exist.')

Hema, however, is of the opinion that using 'transgender' as an umbrella term can sufficiently encompass every gender-non-conforming identity category, because it is a "*flexible* position".[92] She tells me:

> "Community*'r bhitore shob chaite boro bishoy hochhe protteke protteker jayga ta te ek hote pare na.* Hijra community*'r manush der chawa pawa shey Hijra hishebe protishthito hobe. Ami* trans woman*, ami to chaibo* trans woman *er jayga ta sposhto thakuk. Rashthrey'r jayga theke ami* trans woman *hishebe jei shubidha guli pabo, sheguli jeno amar hoy. Amader kotha chhilo ekta* flexible *jayga e ashbo jeta diye shobaike cover kora jabe – kintu shobai shei jayga tar bhitore ashte chaay na. Hijra ra chaay na* transgender woman *er aaotaay jete.* Transgender *er aaotaay Hijra,* trans men, intersex *o ana hoyechhe ekhane,* but *onara ashte chaay na… * Transgender *ke* jodi umbrella *shobdo hishebe dekhte pai, sheta te kintu shobaike* cover *korte parbe.*"

> (The biggest issue right now in the community, regarding gender identity recognition law, is that no one is able to come to a consensus from their individual stands. Hijra community members want to be established as Hijras. I am a trans woman, I want trans women's position to be clear. I want access to all of the benefits from the state that I am accorded as a trans woman. *Our* point was to come to a flexible identity/position, which would cover everyone, but not everyone is willing to come towards that identity. Hijras do not want to be classified as/under the scope of 'transgender woman'. In the Bill, 'transgender' covers Hijras, trans men, and even intersex, but the intersex community does not want to be a part of this. However, if we use 'transgender' as an umbrella term, that can actually cover everyone.')

Hema's insights here illuminate a tension within specific pockets of the non-normative community in Bangladesh, as to the way in which a legal recognition of gender identity should come about. This is a tension that has really been brewing since the publishing of the 2014

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[91] Interview with Babla, 28 October 2023.
[92] Interview with Hema, 21 August 2023.

gazette. Hijra community members, who, through the gazette, had received a recognition (of sorts) of their identity, a position in society after years of advocacy for rights and years of engaging with various government and non-government agendas that presented the Hijra community in different ways, do not want their own, centuries-old identity and culture to be erased. The intersex community, already a minority within the wider population, invisibilised in any ongoing gender, sexuality, and/or rights discourses, and often subjected to invasive 'corrective' medical procedures that violate consent, autonomy and bodily integrity, do not want to be further sidelined. Transgender individuals want their own identities and rights to finally be recognised, having been subjected to policies and politics of exclusion for years.

However, Hema seems to recognise that in the current legal and political landscape, the matter of inclusion for all different identities, even under an *umbrella* such as 'transgender', remains a big challenge. She explains: "Bill *hochhe, kintu ei* bill t*a adou 5 bochhore pass hobe ki na shetao ekta bishoy. Ei je* intersex community *chaay na* TRP *hok. Ora boltese amader jonno aain alada howa dorkar. Government tokhon jiggesh kore* - how many people in Bangladesh are actually intersex? *Jehetu intersex manush er shonkkha beshi na, tahole tader jonno alada aain toiri korar mane nai.* Community *oboshshoi* fight *korte pare, ekjon* intersex *thakleo ekjon er jonoi aain howa dorkar, shurokkha nitimala howa dorkar.*"[93] (The bill is being drafted, but it remains to be seen if it will even be passed in the next five years. Intersex groups do not want to go forward with the TRP. But then, the government asks, how many people in Bangladesh are actually intersex? Since there are very few intersex individuals, it makes no sense to enact a separate law for them. The community can of course fight this. Even if there is one intersex person, there should still be a separate law for them, there should be rules that protect their rights.')

She also shares a word of caution about social perceptions tied in with the enactment of such a law. Hema states, "*Shadharon manush er moddhe* transgender *niye bitorko acxhe.* Transgender *der ke* negatively *jane, dekhe. Hijra der ke akhono bhabe* intersex. *Jedin jante parbe je (Hijra community'r) shobai hochhe* male-to-female, *tokhon bolbe eta* LGBT-*er ekta* par*t. Ami bolsilam, je kichhu kichhu* bill *thake jaake ekdom dhak-dhol pitaye pash na korle* policy level *theke* change *aana jaay. Dhak dhol pitanor ki dorkar – dhak dhol pitaile jhamela ashbe*". ('Transgender is a contested issue amongst regular/normal people. They know and view transgender people negatively. They still think that Hijras are intersex. When they come to

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[93] Ibid.

72

know that everyone in the Hijra community is male-to-female, they will say that this is a part of the LGBT+ framework. I have said this, there are some laws that do not need to be enacted with fanfare, changes can be made at the policy level without publicising these things. What use is beating the drum – it only attracts trouble.')

There is much to think about Hema's words and the future of a gender-affirming legislation such as the proposed TRP, particularly in light of the current social atmosphere in Bangladesh, which has seen a recent increase in anti-trans and anti-LGBT rhetoric, overwhelmingly so on Facebook, which is the most widely-used social media platform in the country. This increasingly intolerant rhetoric is being picked up by religious groups, who are conflating the 'transgender' identity with homosexuality and bringing up questions of religion, making assertions about the 'brainwashing' of children in schools, and also bringing up questions of legality in relation to Section 377 of the Penal Code, which effectively criminalises same-sex sexuality.

The proposed TRP seeks to recognise 'transgender' as a *collective* identity category for various non-conforming identities, including Hijra. While some Hijra community members do identify as 'transgender', this mostly includes those who are involved with various NGOs and rights groups working on issues of gender diversity, and participating in the wider Hijra and transgender rights activism, primarily in Dhaka, which gives them a degree of exposure to Western identity-making frameworks.[94] Their proximity to urban, rights-based discourse on gender and sexuality, which is to a great extent shaped by NGOs, sets their particular kind of politics apart from the politics of identity that is practiced by other Hijra community members and activists who are not engaging with this discourse, or not involved in these partnerships with local and foreign actors.

Many Hijras from across the country do not wish to be identified as 'transgender', because they have their own Hijra tradition, its customs, language (the *Ulti*), a hierarchical culture of kinship, and specific forms of occupation (Hijragiri). Transgender individuals do not identify as Hijra because they are not part of this specific Hijra tradition. Some Hijras are afraid that the enactment of the TRP would result in a cultural erasure for the Hijra community, Hijra histories, and the Hijra identity, as it would be subsumed by the 'transgender' category, and this

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[94] Rojoni has also explained that there are trans women who are part of the Hijra tradition, have a *Guru Maa*, and their own *Chela* and *birit*, but they do not directly take part in Hijragiri themselves and identify as trans women.

would also put an end to the specific occupations historically performed by members of the community, in a bid to be *mainstreamed* into the conventionally heteronormative society. On the other hand, the existing 'Hijra gender recognition', discussed earlier, applies solely to members of the Hijra community, and excludes all other non-Hijra, gender-variant bodies and identities, including transgender people, from the purview of access to rights, remedies, and resources.

There are specific challenges, therefore, in conflating these identities together, as the collapsing of different identities into a singular category creates erasure and invisibilisation of individuals and communities. This reproduces certain binaries in identity politics and is reminiscent of colonial practices of imposition, classifications, and categorisations. While the TRP's proposed recognition of 'transgender' as an umbrella category purports to be *inclusive* of Hijra and other gender-non-conforming identities, it threatens erasure of all those identities defined in the relevant provision of the proposed law, not only of 'Hijra' alone, while only going forward with a 'Hijra gender' recognition constitutes a singular category of exclusion that leads to the erasure of all other gender-non-conforming identities. The result, for both ways of *recognition*, is similar.

It may be said that those advocating for the TRP, in its current formation, with 'transgender' to be legally recognised as an over-arching gender category that encompasses a variety of gender-non-conforming identities, including local conceptualisations like Hijra and Koti, are rooting for a *vessel* that would set inclusive policy-making into motion, as it would be officially recognising a number of previously un-acknowledged identities, and hopefully paving the way for other gender-inclusive reforms to happen in the same vein, acting as a catalyst for future inclusion. The support and activism behind this legal reform seems to be to make sure that there is one legislation in place that brings everyone together under the same category, or 'umbrella', as Hema has stated, so that it becomes easier to create and enact more inclusive laws and policies afterwards.

Sara Shroff has argued that 'trans' is defining, disrupting, re/appropriating, and expanding gender variance in Pakistan, which enacted its transgender rights protection law in 2018. The 'transgender' category requires "rethinking indigeneity as fluid and relational" (Shroff, 2020, 274). Such a position may support Hema's advocacy for 'transgender' as the inclusive umbrella that makes space for fluid identities on the spectrum of gender non-conformity which the indigenous 'Hijra' identity, with its moorings in culture, tradition, and

74

context-specific gender performances and expressions of gender/sexuality, may also not necessarily embrace. However, the problem is, again, the existing legal system itself and the frameworks through which law-making takes place.

In the case of this particular Bill, the identity category that is being proposed as a legally recognised category of gender, and the associated definition serving as a blanket for several other, distinct identities, is going through the same colonial motions, reflected in the creating and imposition of categories on individuals and communities, and lumping several different identities under a single label. The coloniality of such a process needs to be acknowledged and challenged. Such a law and/or policy does not allow individuals the grace of self-identification, even though the proposed TRP provides that "transgender individuals will have the right to be recognised according to their preferred gender identity"[95] and the "right to change their name, photograph, and gender identity and amend their birth certificates to reflect their preferred gender identity".[96] The challenge in implementing such seemingly gender-affirming provisions in a truly inclusive manner is the essence of the proposed law itself, which seeks to recognise all gender-non-conforming individuals as 'transgender' regardless of how they self-identify. Additionally, the whole process of drafting, enacting, and implementing legislation is extremely time-consuming in Bangladesh, and also heavily motivated by political will/influence.

Rojoni urges those working on the TRP to consider advocating for a "Hijra *and* Transgender Protection" law. "*Dui tai thaka dorkar*" ('Both identities should be part of the title'), says Rojoni. *"Onek itihash er moddhe ase, shei Mughal amol theke, tarpor British ra taderke ki banaise. Tader atto din er jibon jatra eibhabe chole ashchhe. Ei manush gula shob mitthey hoye jaabe? Ei manush gulo keno transgender porichoy e jabe?"*[97] ('The Hijra identity is deeply rooted in the history of the subcontinent, dating back to the periods of Mughal rule, and then the British came made them into something else. Theirs is a way of life that has been going on for many, many years. Are all of these lives a lie? Why should these people assume the transgender identity?')

Rojoni further states that while she wants protection for the Hijra community because she is a part of the community herself, this does not mean that she does not want the rights of transgender individuals to be legally protected. She argues that focusing on 'transgender' rights

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[95] Section 6(1), Zero Draft of the Transgender Rights Protection Bill 2021 (translated from Bangla).
[96] Section 6(4), Zero Draft of the Transgender Rights Protection Bill 2021 (translated from Bangla).
[97] Interview with Rojoni, 22 August 2023.

75

protection also leaves out intersex people who do not wish to identify as trans. She notes that the shift towards a narrative of classification and categorisation of gender is something that has been gradually brought about through NGO influence, as NGOs are also now participating in the consultation processes for gender identity recognition. *"Akhon kichhu* NGO *ei* Social Welfare *ke onno bhabe bujhaye* transgender *term ta antese"* (*'*The term 'transgender' is now being brought in by a few NGOs who are lobbying the Social Welfare department about this'), Rojoni explains. *"Ei kaj ta* gazette *er shomoy o* NGO *rai* Social Welfare *ke bujhaye 'Hijra'* recognition *ansilo. Akhon jodi aain ta pash hoye jaay, eta ke ki poroborti te abar bodlano shombhob?"*[98] ('They did the same thing during the gazette recognition, the same NGOs worked with Social Welfare to have 'Hijra' recognised. If the law gets enacted now, will it be possible to change it subsequently?')

Rojoni is also concerned about the conflicts and the cultural erasure that will take place if such a law is enacted. She shares that most *Guru Maas* (Hijra leaders) were not consulted regarding the Bill, despite assurances from the National Human Rights Commission that the draft Bill would be shared with the Hijra community for inputs. The few Hijras, including herself, who were present during an NGO consultation regarding the Bill left the discussion extremely angered, as they did not want their identity and culture, and all the violence their community had suffered for so many years to live their identity, to simply be erased by the 'transgender' category.[99]

> *"Trans Bill pass hole Hijra ra, jara culture e ase, ei manush guli jodi na mane, tahole kader right protect korbe? Eta niye trans women activist ar Hijra activist der moddhe anto-donddo. E eder dekhte pare na, e eder dekhte pare na. e eder bodnam kore, e eder bodnam kore. Hijra ra mone kortese je* transgender *kotha ta jodi protishthito hoye jaay, tahole jonogon ba shorkar janbe je hijra bolte kichhu nai. Tader je* culture, *ei* culture *tader beche thakar jonno* income *er o* source, *eta hole shei income ar livelihood o bondho hoye jabe. Boyoshko shikkhar alo nei jader, shei manush guli ki korbe?"*[100]

> (If the Trans Bill is passed and this is not accepted by Hijras, who are still participating in the culture, whose rights will the law actually protect? Trans women activists and Hijra activists are locked in an internal conflict on this issue. No one can see eye to eye, one will badmouth the other. Hijras fear that the public, or the state, will think that Hijras don't exist, if the 'transgender' identity term takes hold. If this happens, it will destroy the livelihoods of the people for whom this culture is a source of income, they rely on this Hijra culture to make a living. There are community members who are elderly, who are illiterate. How will they survive?')

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[98] Ibid.
[99] Ibid.
[100] Ibid.

According to Rojoni, any legal reform should aim to ensure that the younger generation of gender non-conforming people are able to have access to education and employment and be part of the mainstream, that they do not have to perform Hijragiri. "*But jei Hijra ra Hijra culture kortese, Hijra pesha kortese, tara thakbe*" ('But the ones who are engaged in Hijragiri should be allowed to continue'), says Rojoni. "*Diversity is beautiful, ei culture-o diversity-r ongsho, kintu niyom shrinkkholar moddhe thakbe sheta. Shorkar er niyom niti maintain korei amra cholbo, kintu amader culture bondho hobe keno, amar culture mitthe hoye jabe keno* ? ('Diversity is beautiful, this culture is part of diversity too, but there are rules to everything. If the government sets policies in place, we will comply with them, but why should we put an end to our culture? Why will my culture become invalid?)

4.3 Reproducing colonial frameworks? Or decolonising the law?

Mrinal is of the opinion that is it "difficult to fit queer bodies into the law, without a complete overhaul of existing structures, including legal and institutional". They point out also that "assimilation is a big thing in the government's ongoing 'trans integration' processes, as the government is not changing the institutions, not sensitising the environment, just forcing them (gender-non-conforming individuals) into the existing structures. Fitting into very closed structures that don't incorporate non-conforming people."[101]

These approaches, which are reflected in the government's use of terms and ideas such as 'mainstreaming' and 'integration' in different welfare policies, in a bid to be gender inclusive, are not very reflective of processes that are decolonial, not that the state has ever claimed to be decolonial in its governance. Such approaches reproduce colonial assimilationist attitudes, and there are also transgender and Hijra groups who support and engage in these integration and/or mainstreaming process themselves. Many are working with local government across various processes to ensure that fellow Hijras and transgender community members get various trainings and can secure employment and are part of various government welfare schemes. Community members are prioritising the securing of fundamental rights when they

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[101] Interview with Mrinal, 18 August 2023.

choose to engage with such processes, and for many, this takes precedence even at the cost of the freedom and flexibility of not being confined to an imposed 'category'.

Mrinal further states that they feel like existing laws and policies in Bangladesh reflect a lot of the institutions in the country, and how they are run, explaining that the laws mirror an adherence towards categorisation, which does not account for all forms of queerness. They also suggest that such categorising frameworks and policies, both legal and institutional, breed a contentious atmosphere of division within the wider community:

> *"I think, with our institutions, they're based on very hetero-patriarchal, very capitalist structures, that kind of demand labels from you. Because with capitalism's focus on the individual and individualism, it becomes a big thing where you are supposed to be your own person while still being a categorisable person. Because the idea is that you have to be severed enough from your community to be an individual, while at the same time, for your employers, for the state, you have to be a category, so they can quantify who you are, and the kind of person you are. The law essentially comes from the other institutions that run our lives and societies. Capitalism is a big thing, cis-hetero-patriarchal frameworks are a big thing in our society. I think all of that kind of leads to – promotes micro-labels and micro-identities. And it's not necessarily a bad thing that people want to find categories to put themselves in. It becomes the worst thing when you start fighting over it, fighting over definitions – fighting over exact precise definitions. That kind of takes away from the rest of the movement. Again, not everyone has to fight the big fight. But it takes away from the movement in that you're too busy squabbling with each other over very minuscule difference in your identity."[102]*

I argue that it is important for queer groups to re-assess their current activism goals for legal and policy reform, in order to mitigate such inter-community tensions that detract from the wider movement, which is the fight for non-discriminatory recognition of all kinds of queer existence. Reform does not only mean enacting new legislation; it can also mean amending existing ones to rid them completely of colonial hang-ups like classes, binaries, and categories. Instead of holding on to a solely Hijra-focused recognition, or calling for an 'umbrella' transgender law as its replacement, queer rights-based advocacy could focus on the revision of current laws that discriminate on the basis of gender and sexuality. The government could make space for non-discriminatory and gender-affirming inclusion through amending laws that already exist, and recognise only the gender binary. This would involve amending existing sexual violence laws to make them gender-neutral; making laws regulating marriage (both registration and dissolution), property, and inheritance gender-neutral; amending the

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[102] Ibid.

Constitution to ensure equal rights for all citizens, irrespective of their gender identity or sexual orientation; ensuring non-discriminatory access to education for all; repealing s.377 of the Penal Code and strengthening rape and sexual assault laws instead for all survivors of such violence, regardless of their gender; and putting sentencing guidelines in place, among a host of other, necessary changes.

The enactment of an anti-discrimination law, which has been pending for decades, could be the new legislation process that the government can initiate to ensure that such possible amendments to make existing laws non-discriminatory actually hold up. In 2022, a draft Anti-Discrimination Bill 2022 was placed before the Parliamentary Standing Committee of the Ministry of Law, Justice and Parliamentary Affairs for review.[103] This draft legislation currently includes provisions to prevent discrimination against the "third gender", a term which would create further confusion as well as conflict if legalised, given that there is an already-existing 'Hijra gender' recognition and there is ongoing dialogue on the legal recognition of a 'transgender' category through the TRP.

Queer groups activists could take up advocacy for this particular law to be passed, and for the amendment of its current draft to bring uniformity in the recognition of non-normative gender identity as a ground for discrimination. The governmet could then create new administrative policies under various ministries/departments to outline the rules and processes of obtaining gender affirming identification, changing existing documents to reflect gender identity, accessing welfare packages, participating in skill-building trainings, education, among a host of other citizens' rights that could be accorded to non-normative communities if the laws could be changed to remove their discriminatory effects. Such a move would ensure that future laws and policies do not encounter the same problems because of non-responsive and faulty administrative systems and justice mechanisms.

I do acknowledge that this sort of holistic, integral, and substantive legal and policy reform seems improbable, and such musings utterly utopian, therefore, in the context of a country like Bangladesh where personal laws are not uniform and there is increasing religious and political conservatism, and the state, legislature, and society are jointly invested in de-legitimising non-normative identities and experiences. These reforms may be sound in theory, but in practice, they will be extremely challenging to execute. However, I would conclude by

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[103] Star Digital Report (2022), *'Ensuring equal rights: Anti-Discrimination Bill 2022 placed in Parliament'*, The Daily Star, 05 April 2022.

suggesting that working collectively towards advocating for reforms that address the discrimination inherent in existing structures and mechanisms, is a strategy that can further the aims of queer organising and activism in Bangladesh.

V. CONCLUSION

In this thesis, I set out to explore queer identity-making in the context of Bangladesh, and sought to understand, particularly, how members of different queer and non-normative communities, including the Hijra community, conceptualise, experience, and perform their gender and/or sexual identities, take part in activism for the recognition and protection of their rights, and resist heteronormative legal frameworks that retain colonial practices and sanctions on non-normativity. Through my analyses in the above chapters, I have shown that queer identity-making in Bangladesh takes place in a very dynamic context, one that is informed by an intricate matrix of power relations which are acted upon by the state, the legal system, and NGOs and CSOs funded by US and European donors with their specific agenda-driven templates and categories for non-normative gender and sexuality, and of course, queer communities with their own agentic representations and modes of politics. I have discussed that the dynamics produced as a result of the interactions between these actors and systems have a significant influence on queer identity-making and movement-building. Community members engage in negotiations with the state, society, and legality to express their gender and sexual non-conformity and hold various positionalities as a result. Different actors within the wider queer movement have their own politics around the rights and recognition for which they want to advocate, and the ways in which they want to be visible.

I have argued that NGO-isation is central to this politics of identity-making amongst queer communities in Bangladesh, as CBOs subscribe to the identity categories and models prescribed by NGOs in order to have access to funding, resources, and networks for their respective communities. Rights-based advocacy and legal reform processes are also influenced by NGOs, so queer community groups seeking recognition and legal protection of their fundamental rights must also engage with NGOs to advocate for these rights. This also means that current reform proposals seeking to legally recognise non-normative gender identities are influenced by agenda-driven NGO discourse, and the voices of selected queer groups and activists who are collaborating with these NGOs have greater representation in this process. The power dynamics created as a result of such NGO-ised identity-making creates tensions between certain non-normative groups, such as Hijra community members and other non-Hijra-identified members of the wider queer community, as they debate the recognition of different

identity categories, the local 'Hijra' gender category, and the 'transgender' category that is part of the Western LGBT+ framework.

I have argued that the ongoing coloniality embedded in the legal and socio-political context of Bangladesh implicates all actors engaging in these interactions of power, including queer communities, in colonial processes. I have applied decolonial theory to understand and break down these dynamics, and I have attempted to chart the potential impact of such a decolonial approach on ongoing processes of recognition and identification of non-normative gender identities. This journey has led me to the unsurprising realisation that a decolonial break is improbable, as every actor and every mechanism involved in these processes is entangled in a web of coloniality.

Laws and policies cannot simply be decolonised through new legislation. There is no decolonisation in non-normative identity-making if gender categories continue to exist and persist; if new categories are introduced to replace older ones, and a range of diverse identities and ways of being are collapsed into a singular category. There can also be no decolonisation without a complete overhaul of the legal infrastructure, of law and policy-making processes, of state administration, of law enforcement, and of justice mechanisms, because these systems continues to function according to residual/leftover colonial logics. To decolonise queer rights (and any kind of rights) in Bangladesh, we must first commit to ridding the legal and administrative systems of this pervasive coloniality. I have suggested that one of the steps towards doing so might be through amending existing laws that discriminate on the basis of gender and sexuality, by making such laws gender-neutral and ensuring that they protect the fundamental rights of all citizens regardless of their gender identity and/or sexual orientation. There is little merit in legislating only to create further divisive categories that would operate within the same restrictive frameworks.

I must acknowledge the limitations of my capacities as a researcher. I have attempted to provide an honest representation of my interlocutors' stories and experiences of navigating queerness in Bangladesh, but this work is far from concluded, or complete. There are a myriad other avenues and inquiries that could be explored with regard to the subject matter of this thesis, which is merely a fraction of the work and engagement that is needed. Decoloniality itself is a vast area of studies, and it is currently very under-researched in Bangladeshi academia. There is also very little representation of queer people in knowledge production in Bangladesh. Increasing engagement in these areas would be one of the first, necessary steps.

The linguistics of queerness have always fascinated me, and I believe the linguistic scope of decolonisation is something that should be taken up for research with a specific focus on Bangladeshi queer communities. I must note, however, that I do not wish to encourage the epistemic violence of researching, extracting, and reproducing for a normative audience the secret knowledge of non-normative communities, e.g. the Hijra *Ulti*. All I ask is that in working towards telling queer stories and experiences, or to use the example of my own work, the recognition of gender and other legal protections, any terminology that is used is grounded in the voices, needs, and meaning-making of the queer community, and avoids rehashing frameworks that impose foreign knowledge and confining categories.

I hope that the findings herein will support ongoing and future research, advocacy, and storytelling led by queer Bangladeshis.

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