

W.P.No.7284 of 2021

N.ANAND VENKATESH, J.

Pursuant to the earlier orders passed by this Court on 29.03.2021, the matter has been placed before this Court as “specially ordered case”, after obtaining appropriate orders from the Hon’ble Chief Justice.

2.The petitioners as well as their respective parents were directed to attend counselling before Ms.Vidhya Dinakaran, Counselling Psychologist. On the request made by this Court, the Psychotherapist also readily accepted to counsel the parties.

3. A Report has been sent by Ms.Vidhya Dinakaran in a sealed cover. The report is set out under four heads. The first part of the report explains the falsified notions of sex, gender, sexual orientation and the report explains as to how those terms must be understood. The second part of the report deals with the mental status and the observations made after counselling the petitioners on 13.04.2021. The

third part of the report deals with the mental status and the observations made, while counselling the parents of the first petitioner on 14.04.2021. The fourth part of the report deals with the mental status and the observations made, while counselling the parents of the second petitioner on 16.04.2021.

4. Insofar as the petitioners are concerned, the psychologist has opined that both the petitioners perfectly understand the relationship they have entered into and there is absolutely no confusion in their minds about the same. It is also observed that they have lot of love and affection for their parents and their only fear is that they may be coerced into separation. According to the psychologist, such a scenario will cause a lot of mental trauma to the petitioners. It has also been observed that the petitioners wanted to continue their education and work simultaneously, to take care of themselves and they also wanted to be in touch with their family members. The petitioners are also willing to wait for their parents, whom they fervently hope will understand the relationship at some future point of time.

5.Insofar as the parents of the petitioners are concerned, it is observed that they are more concerned about the stigma attached to the relationship in the society and the consequences it may ensue on their family. They also apprehend that they will be looked down upon by the society and their own community. The parents are also very much concerned about the safety and security of their respective daughters. One more interesting observation that has been made in the report is that the parents would rather prefer their daughters to live a life of celibacy, which according to them will be more dignified than having a partner of the same sex. They also have serious confusions regarding the lineage, adoption and other normal consequences that follow a heterosexual relationship and as to how the same would apply in a case of same sex relationship.

6.The learned counsel appearing on either side submitted that the petitioners are continuously in touch with their parents and they are talking on a regular basis over phone. It was also brought to the notice of this court that the petitioners have the continued support of the NGO.

7.The learned counsel appearing on behalf of the petitioners submitted that pursuant to this Court taking cognizance of the Writ Petition, the petitioners are safely taken care by the NGO and they also continue to talk with their parents on a regular basis. That apart, there is no threat exerted by the police after this Court intervened in this matter. The learned counsel requested this Court to issue certain guidelines to deal with cases of similar nature, so that persons involved in same sex relationships are treated with dignity and their safety is also ensured.

8.In the considered view of this court, there has been an appreciable progress shown in this case, due to the co-operation extended by the petitioners and their respective parents. This Court must place on record its appreciation to Ms.Vidhya Dinakaran for having readily accepted the request made by this Court, to counsel the parties. It must be seen how far the earlier counselling has impacted the minds of the parents and how far they are able to understand the relationship between the petitioners. Obviously, the evolution cannot take place over night and it requires continuous effort to bring in a change. Therefore,

this Court deems it fit to direct the parents of the petitioners to undergo one more round of counselling with Ms.Vidhya Dinakaran, Counselling Psychologist.

9.This Court once again requests Ms.Vidhya Dinakaran to fix some date during the month of May 2021 and conduct one more counselling for the parents of the petitioners and submit a report before this Court. The learned counsel appearing on behalf of the parents shall co-ordinate and intimate a convenient date and considering the ongoing pandemic, the counselling can be held through video conferencing.

10.Insofar as the request made by the learned counsel for the petitioners for setting out guidelines in cases of this nature is concerned, I want to give myself some more time to churn. Ultimately in this case, the words must come from my heart and not from my head, and the same will not be possible if I am not fully “woke” on this aspect. For this purpose, I want to subject myself for psycho-education with Ms.Vidhya Dinakaran and I would request the psychologist to fix a convenient appointment for the same. I honestly feel that such a session with a

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professional will help me understand same-sex relationships better and will pave way for my evolution. If I write an order after undergoing psycho-education, I trust that the words will fall from my heart.

11.It is brought to the notice of this Court that despite the directions issued by this Court, the police are yet to close the First Information Report. The learned Government Advocate assured that the First Information Report will be closed immediately and reported before this Court.

12.Post this case for further hearing **on 07.06.2021 at 2.15pm.**

28.04.2021

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