

“THINGS CAN CHANGE”: NOTES FROM A THEATRICAL RESPONSE TO THE DECRIMINALIZATION OF QUEER INTIMACY IN INDIA

*Danish Sheikh**

In 2017, I wrote *Contempt*, a theatrical rendition of the Supreme Court hearings leading up to *Suresh Kumar Koushal v. Naz Foundation*.¹ Many queer Indians will remember it as the decision that referred to us as a “miniscule minority”, too little in number to merit “so-called rights”. I was a member of the litigation team in that round, and the play was an attempt to come to terms with loss and anger and shame.

A minor dissent, then.

On the 6th of September 2018, the Indian Supreme Court read down Section 377 of the Indian Penal Code to decriminalize consensual sex between adults. Effectively, the decision marked the end of the criminalization of the intimate lives of LGBTQ Indians.

How clear this “end” was, how definitive the line between the past and the future might be, what it meant to live with full sexual citizenship: these were some of the questions that I grappled with as a gay man who’d spent more than a decade living in the shadows of this law. They were also questions I traced in the different conversations taking place across civil society and academic spaces after the decision.

My follow-up play, *Pride*, is an attempt to think with these questions. It is also an attempt to come to terms with loss and anger and shame, even as the cause of these feelings is less clearly attributable to a court decision.

The full text of *Pride* will be published by Seagull Books as part of a larger volume called *Love and Reparation*; what follows immediately is a brief extract about midway through the play. The “interludes” are set in the space of a public discussion involving queer activists and lawyers, while the therapy scenes involve a conversation between A, a gay man, and his therapist.

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¹ (2014) 1 SCC 1.

Interlude – III

Person 3:

This case is about how things can change.

For me, it's a case about my parents.

I came out to them six years ago, the week before the hearings in *Suresh Kumar Koushal* began. They were angry, they were sad, they were confused, all of these things. When they took me to a psychiatrist, he told us all that my homosexuality was a mental disorder, possibly the result of a tumour in my hypothalamus, which he could cure with aggressive instant treatment. When I pointed out the World Health Organization's clear position on homosexuality not being a disease and threatened to file a complaint against him, he tried to convince my parents I was suffering from a form of schizophrenia.

I stormed out of the doctor's office. I almost stormed out of their lives. Something broke between us that day, and even on the few occasions we would speak, it was always by talking around the issue. My mother and I still made some progress, and Bollywood helped us; every time a movie released with a queer character, we could talk about that as some kind of proxy. My father on the other hand was consistent in his silence around this issue.

When the *Suresh Kumar Koushal* decision came out in 2013, I was studying in the US. It was a particularly snowy winter that year, they were calling it the year of the polar vortex. My father called that day, a few hours after the decision came out. He asked how I was dealing with the cold, he asked whether I was taking adequate precautions to keep myself warm. We spoke politely about the weather for two minutes. There was a pause in the conversation, maybe 3 seconds, it could have been the line dropping but I let myself think it was because he wanted to say one more thing and couldn't bring himself to. The conversation ended there, anyway.

And then something changed, and I don't know what journey he took to get there, but something changed. On the 9th of July 2018 the Supreme Court began to hear its final arguments in the *Navtej Johar* petition. I saw a missed call from him that morning on my phone, and then every morning for the next three days—I was too busy watching the hearings to take the call, but if I'm honest, I was also dreading what he would say, how I would respond.

The fourth morning he called, once again, and this time I answered. His voice shook—my father, the most confident, assertive man I know, this man who at one point managed a staff of hundreds, his voice shook, his voice shook as he asked me if I would like him and my mother to come to the court, if that would help, if I might need their support at this time?

“Things Can Change”

It took me a while to find my voice.

Things can change.

Therapy – IV

A: It's different this time. You can't script these things you know.

T: Don't you do that with your work?

A: I mean, you can't plan them in advance right? What are the chances? What are the odds that—here's the scene, I'm in the audience, watching a play, in London, the first play that I have written, and somehow it's made its way to London and next to me is this man, this stranger, he's cute, I've checked him out in the hallway outside, and he gets the seat next to me. And when the play starts they do a little shoutout to the playwright, like hey there's our guy, right there, and I wave, and this man this stranger he just leans in and he says—

Person 1: “Oh so now I'll have to say it's brilliant.”

A: and I say “well, only if you want me to kiss you afterwards”. And he says—

Person 1: “Depends on how well you write”.

A: And then for the next hour we're watching the play not acknowledging each other, and it finishes, and he turns towards me and says—

Person 1: “Well that was pretty fucking brilliant wasn't it?”

A: And I ask, “are you telling me this because you want to make out with me or because you were into the play”, to which he replies—

Person 1: “Why don't I give you the full review, while we're making out?”

A: BOOM. Just like that. I could not have scripted it better.

T: And you kissed?

A: Well we had this little Q and A thing afterwards, but then he caught me at the bar and we went out for a smoke, and then we kissed.

T: I thought you don't smoke?

A: Yeah, no he does.

T: How do you feel about that?

A: I mean, it's not ideal.

T: Didn't you tell me once you felt smokers didn't respect their bodies?

A: I feel like I'm being cross-examined.

T: Just going back to what you've said in the past.

A: Literally how cross examination works.

T: Yes, and you said—

A: Okay so my ideal partner wouldn't smoke, but then can we get back to this story about this more than ideal partner?

T: He's your partner now?

A: Well you and I haven't had a session in two months.

T: When did you meet him?

A: (*mumbles*) Three weeks.

T: Sorry?

A: It's been three weeks alright! It moved quick.

T: Okay so you had the play and then you kissed and—

A: And we kissed again on the tube and we explored the city, we met his friends and they're great, it's little coterie of artists and—oh he's a music composer, I didn't mention that, and then we went for this concert, and we kissed in parks and then I'm at the airport just walking to the check in counter, and he texts just as I'm walking to the counter, again you can't script these things right, and he says

Person 1: That was just not enough time.

A: and I say “Yes, yes it wasn't enough time, would you like some more time?” And then he says—

Person 1: I would do anything for a time-turner.

A: Which is a Harry Potter reference so you know if I'm not already swooning and so I go to the ticketing counter and I ask for a rebooking 2 days later. And I call him and I say, “mischief managed”, which is—

T: A Harry Potter reference, yes—

A: —and I can tell he's just leapt out of the bed in excitement and so we got two more days of kissing and walking and doing sex things and it was amazing and now yes, we are together.

T: How are you feeling?

A: I feel like I'm high? I feel like I'm walking around with this cushion of warmth hugging me, I feel like this is right, just all of it, it's This is what I've been looking for.

T: What about the smoking?

A: What about it? That's a tiny detail, are you hearing this story?

T: You feel good.

A: I feel like something, is healing. Something inside me is whole, and fixed. That ball of anxiety that I carry around all the time. It's gone. So I guess I feel complete. This is it. I'm taking a break, spending the summer with him. And I just know ... it's going to be different this time.

Interlude – IV

Person 4:

Nothing's going to change. Anyway, 377 was never such a big issue for us no?

I remember they first punished me for wearing girls' clothes when I was 6, I was a very naughty child, and I would keep stealing clothes from my sister, and then when they caught me they would say you write in a book 500 times "I must not wear girls clothes", but even then I don't think I was doing it purposefully or anything but I wrote "I must wear girls clothes", they really got fed up with me you know? And then we first saw a hijra woman when I was with my mother shopping on the road, I was ten and I looked at her, and I wanted to go to her, and my mother suddenly grabbed my hand and said be careful of them, they will take you away. But I wanted them to take me away.

Soon I became good at attempting suicide. Don't look like that—obviously I'm here now and anyway, my point is I was good at attempting, bad at actually doing it. I was terrible okay, I had no sense. It was funny how bad I was.

The first time—I was a very well fed child okay, I must have been twelve and I had seen enough Bollywood films where they hang from the fan so then one day I decided okay enough time to try this, and I managed to reach the fan, picked a very nice yellow dupatta, obviously it had to look good, and then—*dhad!*—the fan only came down, it couldn't support my weight.

Then next time I thought okay let's try the other big Bollywood style—wrist cutting. But—you are supposed to cut your hand like this if you want to die, not like this, how did I know, I am not a science student—I only got enough marks to get into arts—so I made a bad cut, and it was not bleeding properly, just paining a lot, so then I just had to go to the hospital and get stitches for nothing.

Third time was the most embarrassing. I really like Juhu Chowpatty—I was born and brought up in Bombay, I thought *theek hai*, this is a good location to go. But then I started walking inside, and the sand gets really slippery no so you get scared and then there is all this plastic it's not very clean, and then that water is also so salty so when it

goes into your mouth, it's really yuck. I started screaming at this point and some men on the beach came out to save me. They thought they were saving a woman. I think they were disappointed when we got back to the beach. But they didn't abuse me so that was good.

And then I thought *challo*, three times it hasn't happened, try something else now, try to live. And then there was this law—377—there was some activism to do—*kaun sa kanoon sabse battar bol ke thak gaye*²—there were NGOs coming up—that was one way for me to be employed. I had to do little bit of sex work in the start but now we are getting more funding so it's fine for me.

Now this law is gone, *theek hai*, we'll do other work. Our NGO will still get money. All these other new issues coming up, and the old ones haven't gone anyway.

Person 3: So do you feel like nothing changed at all?

Person 4: I took an Uber to go to work the day after the decision. The route map was a rainbow. That was new. Then I got out of the Uber and the men on the road outside my office started calling me names, and I clapped my hands at them. Same thing they've done for the last three years, same thing I've done for the last three years. Supreme Court *kya ukhad legi?*

² Translation: Which law is the worst, tired of all the saying.