

UNCLOSETING IN HINDI QUEER CINEMA: ONE LAW, TWO GAY MALE PROTAGONISTS

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The 2015 film Aligarh and the 2020 film Shubh Mangal Zyada Savdhan represent important cinematic interventions in the legal battle for the decriminalization of homosexuality through the reading down of §377 of the Indian Penal Code, 1860. Through the staging of gay male experiences in small-town India, the films are in dialogue with two landmark judgments on LGBT rights. Aligarh tells the real-life story of an Aligarh Muslim University professor, Siras, who was outed in the privacy of his bedroom by colleagues and media persons. The professor sued the University administration under the 2009 Delhi High Court Naz judgment that decriminalized same-sex relations. The 2018 Johar judgment that decriminalized homosexuality once and for all forms the backdrop of Shubh Mangal Zyada Savdhan, set in small-town Allahabad. The paper argues that the films represent two distinct gay male protagonists whose stories constitute opposing regimes of gay male visibility and identification in relation to the legal reform of homosexuality from 2009-2018. The out and proud lovers of Shubh Mangal Zyada Savdhan stand in stark contrast to the victimhood of Siras, whose legal empowerment leaves him visible and vulnerable. The paper demonstrates how gay-themed twenty-first century Hindi cinema mediates the relationship between law and society.

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I. INTRODUCTION

The final decriminalisation of homosexuality by the Indian Supreme Court in 2018¹ marked the culmination of the decades old struggle for the legal recognition of sexual minorities in India, specifically the gay, lesbian and bisexual

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¹ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1, ¶645.

groups.² This ruling followed three landmark rulings along which the fate of §377 of the Indian Penal Code (‘IPC’) vacillated for almost a decade. The 2009 Delhi High Court ruling in *Naz Foundation v. State (NCT of Delhi)* (‘Naz’)³ that decriminalized homosexuality was overturned by the 2013 verdict in *Suresh Kumar Koushal v. Naz Foundation* (‘Koushal’),⁴ which contended that the law applied to certain sexual acts “against the order of nature.”⁵ The case remained pending despite review and curative petitions filed by LGBT activists. It was not until the 2017 judgment in *K.S. Puttaswamy v. Union of India* (‘Puttaswamy’) delivered in the context of India’s biometric identity scheme,⁶ Aadhaar, that there emerged the possibility of the Supreme Court revisiting the much-reviled Koushal verdict. Puttaswamy’s declaration of privacy as a fundamental right in the Indian Constitution paved the way for the final reading down of §377 in *Navtej Singh Johar v. Union of India* (‘Johar’), decided in response to a petition filed in the Supreme Court by eminent dancer Navtej Singh Johar with other well-regarded professionals of the Indian society.⁷

The Indian LGBT battle against §377 of the IPC is not exclusively a courtroom battle of long-due legal change. The implications of legal reform have simultaneously played out in society, culture and public health that continue to have a critical nexus with the question of rights that protect LGBT personal identities, their expression and practices.⁸ Concurrent with the legal change, cinematic representations of same-sex desire and relationality in mainstream Hindi made significant strides reflecting these changes. Two films in particular, *Aligarh* (2015, dir. Hansal Mehta) and *Shubh Mangal Zyada Savdhan* (2020, dir. Hitesh Kewalya), told stories that directly invoked the legal change from 2009 onwards. Each film addresses legal change at critical junctures in the battle towards decriminalisation.

Aligarh is a retelling of the real-life experience of a university professor who is compelled to seek justice after a gross violation of the spatial privacy of his bedroom where he was filmed in his intimate moments by local media persons and university colleagues. Prof. Siras is subjected to the self-arrogated vigilantism

² Pratik Dixit, *Navtej Singh Johar v Union of India: Decriminalizing India’s sodomy law*, 24 THE INTERNATIONAL JOURNAL OF HUMAN RIGHTS 1012 (2020).

³ *Naz Foundation v. State (NCT of Delhi)*, 2009 SCC OnLine Del 1762, ¶132.

⁴ *Suresh Kumar Koushal v. Naz Foundation* (2014) 1 SCC 1, ¶80.

⁵ Shamnad Basheer et al., *Section 377 and the ‘Order of Nature’: Nurturing ‘Indeterminacy’ in the Law?*, 2(3) NUJS LAW REV, 433-444 (2009).

⁶ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1, ¶146.

⁷ Siddharth Narrain, *From Aadhaar to the Closet: Impact of Supreme Court’s Privacy Judgment on Section 377 Litigation*, THE WIRE, August 25, 2017, available at <https://thewire.in/gender/aadhaar-privacy-judgment-supreme-court-section-377> (Last visited on October 26, 2020); See *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1, ¶147; See also *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1, ¶498.

⁸ Sreya Basu, *Section 377: The End of a Struggle or the Beginning?*, THE ARMCHAIR JOURNAL, June 7, 2020, available at <https://armchairjournal.com/section-377-the-end-of-a-struggle-or-the-beginning/> (Last visited on October 26, 2020); Francis Kuriakose & Deepa Kylasam Iyer, *Rights through Resistance What Lies Beyond Legalism for the LGBT Movement?*, 55 (17) ECONOMIC AND POLITICAL WEEKLY (2020).

of ostensible social morality by representatives of the Aligarh Muslim University ('AMU') who violated his privacy despite the decriminalisation of homosexuality in 2009 in Naz. The Naz judgment ultimately helped Siras win his reinstatement in the university. However, before he could return, he was found dead under mysterious circumstances in his apartment. Siras represents the wronged gay protagonist who is forced to pursue legal action against the university administration, on the condition that he identify as gay in the court. No other grounds could be admissible to address the privacy violation, thus leaving Siras with no choice but to comply with the lawyers' suggested course of action. Thus, Naz makes justice possible for Siras but on the grounds of his exposed sexuality that had to be publicly admitted in the court of law for his injury to be legitimate.

Contrast the wronged figure of *Aligarh* with the out and proud gay protagonists of *Shubh Mangal* who are unwittingly caught kissing by the family patriarch, setting the stage for the drama of social acceptance with legal change in motion in the backdrop. The gay protagonists of the film, confident of their relationship, arrive at the social setting of the small-town, joint family home where their love is tested against the social morality of traditional, middle-class, heteronormative cultural norms. The narrative arc of the film shows the negotiation and countering of these norms with an assertive articulation of rights-based vocabulary when the main protagonist calls out the homophobia of the patriarch. The denouement of the film invokes the Indian Supreme Court Johar verdict of 2018, providing a resolution of the conflict and demonstrating the rejection of social morality in favour of legal change. In their depiction of gay male protagonists who are legal subjects in radically opposing ways – one outed against his will and the other two openly professing their love to their conservative family – the films traffic in an unresolved tension between sexual acts and identities, a distinction that led to overturning of the Naz judgment by the Koushal Court in 2013. Aligarh's Siras is caught in the act in the privacy of his bedroom leading to his suspension for his so-called 'immoral conduct' by AMU. It is the conduct in question that leads to the legal recourse, rendering him visible as a gay man. His ambivalence towards being asked to openly identify as gay bothers him through the film even though the legal resolution in the Allahabad High Court draws on Naz, in effect, rendering Siras a violated *gay* man in the eyes of the law. A private sexual act establishes his identity. The lovers of *Shubh Mangal* on the other hand, are unequivocally open about their sexual identity, which is prematurely revealed, when they are caught kissing by the family patriarch. They continue to perform their gay identity as lovers who refuse to back down until the climax when the police arrive at the wedding scene to arrest them for being gay under §377. The narrative's insistence on gay male love and its defiance quickly resorts to the trope of sexual act when the police are asked to prove that the lovers are gay and whether they have been seen in any such sexual act.

This distinction between acts and identities remains central to the discursive field of visibility in which Siras and the gay lovers become visible as

two different kinds of gay protagonists emerging at the intersections of the law, society and media.

The paper argues that the two films represent two different kind of gay male subjects in relation to two different yet equally monumental verdicts affirming LGBT rights in India. The films represent the transformative work accomplished by these verdicts in three important ways that are analysed in the subsequent parts. In Part I, the paper examines the politics of LGBT visibility, or the ways in which the two films illuminate different modes of becoming legible to the law. In contrast to *Aligarh*'s Siras's tragic victimhood and the Naz judgment's reparative justice are *Shubh Mangal*'s out and proud lovers who embody the Johar judgment's affordance of freedom of choice and expression. Part II builds on this dynamic to elucidate the politics of identification in relation to the closet. Siras, viciously outed by the AMU administration in act of extra-legal moral policing is compelled to identify as gay to seek legal justice, a condition he unwillingly accepts. The lovers of *Shubh Mangal* undertake the journey to the parental home to announce their relationship to the family. The two films stage the protagonists' un-closeting in different registers of choice – Siras is outed against his will and becomes legally bound to identify himself as gay while the lovers openly identify themselves as gay and defy familial opposition. Part III examines the politics of location of the films, or the social milieu of Indian small towns of Aligarh and Allahabad, both in Uttar Pradesh. Drawing upon the critiques of the LGBT movement's class elitism and predominantly urban orientation⁹ and modalities of queer pride marches and urban cultures of congregation¹⁰ this section analyses how small-town narratives engage with progressive legal change to forge their own politics of social negotiation of gay identities.

This paper situates the two films in the broader context of the legal fight for the recognition of LGBT rights in India with respect to the court verdicts that punctuated decriminalisation over a period spanning almost a decade (2009-2018). Through a close reading of the films, the paper elucidates how the legal reform of homosexuality sets the stage for broader social change and acceptance of gay identities through cinematic representations in India. Such representations may organically emerge from the 'transformative constitutionalism' of legal judgments. This principle undergirds the Johar judgment embodied in the anti-colonial spirit in the reading down of a colonial-era law and the repudiation of social morality in favour of constitutional morality as the basis of decriminalisation.¹¹ The

⁹ Arvind Narrain, *The Articulation of Rights around Sexuality and Health: Subaltern Queer Cultures in India in the Era of Hindutva*, 7(2) HEALTH AND HUMAN RIGHTS 142-164 (2004); Ashley Tellis, *Disrupting the Dinner Table: Re-thinking the 'Queer' Movement in Contemporary India*, 4(1) JINDAL GLOBAL LAW REVIEW 142-156 (2012); Svati Shah, *Queering Critiques of Neoliberalism in India: Urbanism and Inequality in the Era of Transnational "LGBTQ" Rights*, 47(3) ANTIPODE 635-651 (2015).

¹⁰ Rohit K. Dasgupta, "KEEP IT CLASSY": *Grindr, Facebook and Enclaves of Queer Privilege in India* in ROUTLEDGE COMPANION TO MEDIA AND CLASS 90, 98 (2020).

¹¹ Sujit Choudhry, *Postcolonial Proportionality: Johar, Transformative Constitutionalism and Same Sex Rights in India*, in THE GLOBAL SOUTH AND COMPARATIVE CONSTITUTIONAL LAW (2019).

two films instantiate the workings of social or popular morality in important yet different ways that speak to the broader socio-legal context of the films. The paper draws upon media and cultural studies, queer theory and legal studies to unpack how contemporary Hindi film mediates the relationship between law and society. It contributes to a timely, ongoing conversation on the post-decriminalisation project of social acceptance of same-sex relations by Indian society. The subsequent sections of this paper offer an analysis of the films to substantiate the argument concerning visibility of gay representation, the politics of identification and location.

II. THE POLITICS OF VISIBILITY

For over two decades, from the early 1990s until 2018, the Indian LGBT activist movement had mobilized around the legal repeal of §377 of the IPC. The early years of activism were impelled by public health urgencies of HIV/AIDS outbreak in unsafe contexts such as prisons and other public places such as cruising grounds,¹² as well as the use of conversion therapies.¹³ A concurrent public conversation around social acceptance and awareness around homosexuality, gay and lesbian identities in India also emerged, especially after the 2009 Naz judgment.¹⁴ Naz was broadly understood to be the harbinger of great optimism around the LGBT cause, a national un-closeting of those afraid to self-identify as gay, lesbian or bisexual. But this optimism wasn't without backlash from conservative groups who filed a petition in the Supreme Court with the contention that the law would undermine the moral fabric of Indian society.¹⁵ Even before the Supreme Court could decide against Naz, already in February 2010, a professor of modern Indian languages at Aligarh Muslim University ('AMU') was exposed in the privacy of his bedroom of the on-campus housing by university staff and local journalists when he was in an intimate position with his male partner.¹⁶ The exposé went public and led to Prof. Siras' suspension from the AMU on grounds of his "immoral" conduct that was deemed against the university's values.¹⁷ With the help of LGBT activists and lawyers, the professor filed and won his appeal in

¹² NAZ FOUNDATION INTERNATIONAL, *MSM, HIV/AIDS and Uttar Pradesh in India*, (January 2004) available at <https://www.yumpu.com/en/document/read/26588791/msm-and-hiv-aids-naz-foundation-international> (Last visited on October 26, 2020); Arvind, *supra* note 10.

¹³ Arvind Narrain & Vinay Chandran, 'It's not My Job to Tell you it's OK to be Gay' *Medicalisation of Homosexuality: A Queer Critique* in NOTHING TO FIX: MEDICALISATION OF SEXUAL ORIENTATION AND GENDER IDENTITY (2015).

¹⁴ Deepika Jain, *Impact of the Naz Foundation Judgment on the Gay, Bisexual and Transgender People in Delhi: An Empirical Investigation*, CENTRE FOR HEALTH LAW, ETHICS AND TECHNOLOGY (CHLET) (2012).

¹⁵ Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1.

¹⁶ MAIL TODAY (Saumya Pant), *Professors Hounded out for Being Gay*, available at <https://www.thefreelibrary.com/professors+hounded+out+for+being+gay.-a0230459111> (Last visited on October 26, 2020); TIMES NOW, *Aligarh Gay Professor Found Dead, may have Killed Self*, April 8, 2010, available at <https://timesofindia.indiatimes.com/india/Aligarh-gay-professor-found-dead-may-have-killed-self/articleshow/5771916.cms?> (Last visited on October 26, 2020).

¹⁷ OUTLOOK, 'In Mysterious Circumstances', April 7, 2010, available at <https://www.outlookindia.com/website/story/in-mysterious-circumstances/264986> (Last visited September 19, 2020).

the Allahabad High Court,¹⁸ which ordered his reinstatement in the university. The 2015 film *Aligarh* depicts the events leading up to his death.

The film opens with an invocation of §377 of the IPC and the 2009 Delhi High Court's Naz judgment. The next scene shows two people entering Siras' (Manoj Bajpai) bedroom. As a noisy commotion follows, the next scene set in a newspaper office shows the story of the exposé published in newspapers. The report catches the eye of a local journalist, Deepu (Rajkumar Rao) and he begins investigating the case. Siras's legal battle begins with a colleague exhorting him to apologize to the university administration with the admission of his shameful behaviour. After handing over the letter, Siras is forced out of university housing and suspended from the university. Subsequently in the narrative, a team of lawyers and activists meet Siras to discuss his case with him. The activists apprise Siras of the Naz judgment in which §377 was read down to decriminalize homosexuality and show him an online petition with 30,000 signatories supporting his case. An ambivalent Siras seeks a clarification of the legal process and the lawyer informs him that he would have to file a petition stating that he is gay, a pre-condition that he initially refuses. However, he eventually realizes the dearth of alternative methods of receiving a legal remedy and begrudgingly agrees. Subsequently, a scene set in the court stages the arguments by the two sides. The AMU lawyer makes a case for the university by arguing that the institution undertook these statutory actions of removing him from his position,¹⁹ to uphold their moral constitution and their rules of conduct. However, the lawyer representing Siras reminds the court of the violation of his constitutional rights under Article 21 that guarantees the right to life in the Indian Constitution. Siras is shown sitting behind the lawyers, non-plussed at the proceedings. Following the court hearing, the professor appears on a television news debate where the first question he is asked is whether the AMU suspended him because he is gay.

Contrast Siras's real-life and cinematic predicament with that of Kartik Singh (Ayushmann Khurrana) and Aman Tripathi (Jitendra Kumar) who play gay co-protagonists in a coming-out romantic comedy set in the non-metropolitan city of Allahabad. The film *Shubh Mangal* is premised on the idea of gay pride and coming out, a historically fraught and dangerous proposition.²⁰ Kartik and Aman decide to attend the latter's cousin's wedding in Aman's parental home in Allahabad. The two decide to announce their love to the family but their plans are foiled by Aman's father, Shankar Tripathi (Gajraj Rao) who catches them kissing on the train amidst pre-wedding celebrations. Shankar throws up and becomes

¹⁸ Dr. Shrinivas Ramchandra Siras v. The Aligarh Muslim University Civil Misc. Writ Petition No. 17549 of 2010.

¹⁹ Aligarh Muslim University Act, 1920, §§13, 36-B; Statute of the Aligarh Muslim University, §40; International Commission of Jurists, *SR Siras v Aligarh Muslim University, High Court at Allahabad, India*, April 1, 2020, available at <http://www.icj.org/sogicasebook/sr-siras-v-aligarh-muslim-university-high-court-at-allahabad-india-1-april-2010/> (Last visited on September 19, 2020).

²⁰ Eve K. Sedgwick, (1990); (2015).

suddenly unwell in reaction to his witnessing the kiss. He shows this discomfort at Aman's and Kartik's physical intimacy when they dance together and kiss at Goggle's wedding in the first half of the film. Shankar's visceral reactions show his homophobia at the entire image of two men in a sexual act. Here, the sexual act and identity co-constitute each other.

A showdown ensues at the wedding where the gay lovers proclaim their love but Shankar manages to send Kartik away to keep the lovers apart. Shankar attempts to persuade Aman of the 'unnatural' nature of his love for a man. Using the language of science - bodily chemical reactions to physical intimacy - Aman reasons with his mother, Sunaina Tripathi (Neena Gupta) who suggests that with proper treatment, he would be all right. A series of subplots unfold including a cancelled wedding and a proposal for a marriage of convenience between Aman and Kusum (Pankhuri Awasthy) who offers that she is in love with someone else and if she and Aman got married, they could each live their respective lives. Aman refuses, however, his parents decide to organize a religious ritual to hold a symbolic funeral and renaming for Aman in order to exorcise his gay self. The ceremony is interrupted by the entry of a bare-chested Kartik who stands on the roof of the house wearing a rainbow cape and holding a horn in his hand. He makes a public service announcement-style statement that Shankar Tripathi is incurably sick on account of his homophobia. He calls homophobia an ailment of thought, which does not kill but it makes those suffering kill others. In response, Shankar, beats up Kartik to the horror of the family but Kartik does not resist.

The politics of gay visibility in the film must be understood with respect to the 2018 Johar verdict of the Indian Supreme Court that recognized the freedom of expression to express one's sexual orientation without fear of persecution in the name of morality. Under Article 19(1)(a) of the Indian Constitution, the Court observed that consensual sexual activity is protected by the freedom to choose. Kartik and Aman exercise these freedoms in choosing to live without fear and put up a fight for their rights and acceptance from the middle-class family. Aman's mother Sunaina, picks up a note scribbled on a newspaper page in which Aman agrees to marry the girl of their choice provided the family lets Kartik go. Later in another scene, Sunaina refers to a story on the other side of the paper about the Indian Supreme Court's impending decision on §377 and apprises Shankar that he could be jailed for torturing Aman and Kartik if homosexuality is legalized.

Here, legal recognition (impending in the second half of the film) purveys an empowering visibility that is not afforded to Siras, who is subjected to extra-legal surveillance and shamed for his intimate acts with another man. Consequently, he is persuaded by activists to seek legal representation - a predicament that brings greater visibility with the potential vulnerability of backlash from university colleagues and broader society. Even as Siras ultimately emerges an empowered subject of the legal justice made possible by Naz, he remains a victim

who, if given a choice, would possibly prefer to remain private about his sexuality over being subjected to moralizing shame.

Such choice, elusive for Siras becomes enabling for the gay lovers of *Shubh Mangal* who choose the visibility of pride, an affective affordance earned by decades of LGBT advocacy and activism in India. The legal recognition of LGBT claims to privacy and freedom of expression and choice warrant an examination of the politics of identification as gay or lesbian in Indian society. If sexual orientation is protected by freedom of choice²¹ to engage in consensual same-sex activity, disclosure of such a choice, too, ought to be a choice. To rephrase, it raises the question of the politics of identification and the implication of such identification in the Indian context.

III. THE POLITICS OF IDENTIFICATION

The Indian LGBT politics and advocacy in India has elucidated the fraught field of visibility within which certain non-normative, queer bodies become visible and subjected to institutional violence.²² The nexus of biomedical urgency impelled by the outbreak of HIV/AIDS with legal proscription of homosexual practices became the site of activist investment in the repeal of §377 of the Indian Penal Code.²³ The 2009 Naz judgment, a historic pronouncement of not mere decriminalisation of homosexuals acts, but a well-defined framework of human rights sublimated this visibility as a long and painful history of persecution, discrimination, violence and erasure culminated in a national un-closeting of those who had hitherto been seen but not heard.²⁴ The 2010 Siras episode, discussed above, sobered the Naz optimism yet the judgment also made justice possible for the wronged professor. The tragic end of Siras notwithstanding, we must critically think about the various negotiations undertaken by the late Siras in order

²¹ The word “choice” serves an important and contentious function in the etiological debates around homosexuality in India as elsewhere. In cultural and popular debates, homosexuality has been framed as being a natural variation of human sexuality by pro-LGBT groups, a view that is contested by the conservative rhetoric around homosexuality as a lifestyle choice, which can be changed. This debate played out in Indian courts where the lifestyle arguments was advanced by religious and conservative groups to argue that to be gay was a choice that could be altered. Scholars of sociology, cultural studies and anthropology have taken on this question slightly differently by considering homosexuality as essentialist - as a uniform, natural and universal condition existing across all times and cultures. Or as socially constructed, a view that considers social and cultural factors that shape sexual experiences and the articulation of an identity around those experiences. See Linda Nicholson & Steven Seidman, *SOCIAL POSTMODERNISM: BEYOND IDENTITY POLITICS* (1995); Tom Boellstorff, *A COINCIDENCE OF DESIRES: ANTHROPOLOGY, QUEER STUDIES, INDONESIA* (2007); Daniel R. Ortiz, *Creating Controversy: Essentialism and Constructivism and the Politics of Gay Identity*, 79(7) VIRGINIA LAW REV. 1833-1857 (1993).

²² Svati P. Shah, *Queering Critiques of Neoliberalism in India: Urbanism and Inequality in the Era of Transnational “LGBTQ” Rights*, 47(3) ANTIPODE 635 (2015).

²³ Arvind, *supra* note 10; Subir K. Koley, *Globalizing Queer? AIDS, Homophobia and the Politics of Sexual Identity in India*, GLOBALIZATION AND HEALTH (2007).

²⁴ Akshay Khanna, *Three Hundred and Seventy Seven Ways of Being – Sexualness of the Citizen in India*, 26(1) JOURNAL OF HISTORICAL SOCIOLOGY 120-141 (2013).

to regain his lost stature at AMU. The Naz judgment's formulation of privacy holds the key to the spectre of representation faced by Siras in real life, a predicament full of ambivalence captured in the film.

Siras's is the story of violated privacy, an affordance that Naz edited as the very right that decriminalized homosexuality in India for the first time. The Delhi High Court's construction of privacy remains key to unpacking the politics of identification in the Siras case. In making privacy the central plank of decriminalisation, the Naz Court unwittingly re-inscribed the implicit relationship between homosexuality and privacy as a generally negative protection, or a right to be left alone.²⁵ However, the Court went a step further in broadening the definition of privacy. By observing privacy as not merely a spatial construct, a matter of confinement within four walls of a bedroom, the Court elevated privacy to decisional autonomy.²⁶ Decisional autonomy of a subject is an empowering proposition enabling them to decide for themselves the limits and the extent of their own privacy, even in a public space. Or, privacy as decisional autonomy enables an LGBT subject to make decisions about their bodily and other fundamental choices about themselves.²⁷ Such a liberal conception of privacy attaches to persons, and not places. This elevated privacy's transcendence of its putatively narrower zonal counterpart, however, remains contingent upon an LGBT subject identifying as such. It is possible that Siras may have been hesitant about pursuing legal action but the film captures this reluctance when the team of lawyers and activist assure Siras of legal victory if he identifies as gay. A hesitant Siras ultimately agrees, however, Naz's decisional autonomy is twice attenuated. The intrusion into his bedroom space despite his protestations constitutes the first order of privacy violation, which is zonal/spatial as well as decisional in its consequences. Decisional autonomy also comes into the picture when Siras considers legal aid and is exhorted by the lawyers to go public, thus marking the second negation of decisional autonomy. What emerges from the Siras episode and the cinematic representation thus, is the idea that zonal/spatial privacy precedes decisional autonomy and hence cannot be relegated as such. In fact, the entire edifice on which Naz is argued concerns the privacy violation and persecution of non-normative bodies in public spaces. This is evidenced in the submissions by the group Voices against §377.²⁸ Siras's bedroom too represents a safe space until violated with disregard towards his pleas to be left alone. His decisional autonomy becomes relevant only once the sanctity of the spatial is compromised in the context of legal action that mandates his identification as gay, much against his preferences. In another scene in which Deepu and Siras take a boat ride, the former asks the professor about his family.

²⁵ Pritam Baruah, *Logic and Coherence in Naz Foundation: The Arguments of Non-Discrimination, Privacy, and Dignity*, 2(3) NUJS L. REV. 515-517 (2009).

²⁶ *Naz Foundation v. State*, (NCT of Delhi), 2009 SCC OnLine Del 1762, ¶57.

²⁷ Bhairav Acharya, *The Four Parts of Privacy in India*, 50(2) ECONOMIC & POLITICAL WEEKLY 32-38 (2015).

²⁸ VOICES AGAINST 377, *Rights for All: Ending Discrimination against Queer Desire under Section 377* (2004) available at https://www.upr-info.org/sites/default/files/document/india/session_1_-_april_2008/pldindadd6.pdf (Last visited on October 26, 2020).

When he learns that Siras was married, he asks whether the marriage broke up because of his sexual preference, the professor reveals that his wife got bored of his academic work and left him. When Deepu further probes him about Irfan, the rickshaw-puller with whom Siras was in his bedroom, Siras is vexed at the usage of the word lover, perhaps given that it implies a gay lover. This scene further clarifies Siras' reluctance to identify through a label, a stance he maintains throughout the film.

Where Siras hesitantly agrees to identify as gay to pursue justice, Kartik and Aman throughout the film's narrative remain unpersuaded by the family's appeals to break up. In one scene, Aman uses the language of chemical reactions in the body to describe to his parents how he feels about Kartik. Homosexuality in both films – as immoral conduct in Aligarh and a possibly curable illness in *Shubh Mangal* is sought to be disciplined or expunged. The crucial difference in their telling of a gay story pertains to the distinction between sexual acts and sexual identities, which ultimately became one of the rationales for overturning Naz by the Koushal Court, which opined that §377 criminalized certain sexual acts regardless of sexual orientation.²⁹

The analytical tension between acts and identities is instructive in understanding how Naz conflated a range of sexual behaviours and non-normative embodiments into the umbrella category of LGBT, which needed to be protected through rights. In their summary of the petitioners' position, the judges "for the sake of convenience" employed the terms "homosexual", "gay" and the "gay community" to refer to the behavioral category MSM, or men-who-have-sex- with-men.³⁰

Indian sociologist Zaid Al Baset bemoans the historical evacuation of specificity in the Naz court's usage of the terms "homosexual" and "gay" noting that these terms functioned in this specific context as universal signifiers of unnatural desire foreshadowing other terms such as "lesbian", 'kothi' (a regional term for a visibly effeminate man who identifies as a receptive partner in anal sex) and "hijra" (transgender/eunuch).³¹ The Johar Court, on the other hand, remained concerned with the dignity of sexual orientation. While acknowledging the prevalence of MSM practices in India, the Court chooses to focus on sexual orientation.³² The Court drew upon the Yogyakarta Principles and the American Psychological Association to define sexual orientation with the conclusion that "it has to be appreciated that homosexuality is something that is based on sense of identity" [92] and further that "it is as much ingrained, inherent and innate as heterosexuality."³³ The protagonist lovers of *Shubh Mangal* articulate such a position in defense of their love. Kartik's invocation of the patriarchy's homophobia further reifies the

²⁹ Suresh Kumar Koushal v. Naz Foundation, (2014) 1 SCC 1, ¶60.

³⁰ Naz Foundation v. State (NCT of Delhi), 2009 SCC OnLine Del 1762, ¶6.

³¹ Zaid Al Baset, *Section 377 and the Myth of Heterosexuality*, 4(1) JINDAL GLOBAL LAW REVIEW 89-109 (2012).

³² Navtej Singh Johar v. Union of India, (2018) 10 SCC 1, ¶¶151-152.

³³ *Id.*, ¶¶153-155.

assertion of a gay identity. In the first half of the film, Aman's uncle asks Kartik about the moment when he decided to "become" gay. An exasperated Kartik turns the question back to him, asking when the uncle decided to "not be" gay. The uncle promptly exclaims, "What's there to decide in this! This is by birth." The Johar judgment is not explicitly named in the film but it is invoked in the resolution of the film when the police arrive at the family's home to arrest Aman and Kartik on the charge of violating §377. References to § 377 are made through a newspaper story and then by the police in the climax when Aman's uncle, a failed lawyer, asks the police whether they've witnessed the lovers in a sexual act that is criminal (under the Koushal judgment, which is also not named). Where the first half unfolds inside the social setting of a homophobic/homo-ignorant home space, the second half makes the law the mode of narrative resolution.

Where Naz conflates acts and identities, a distinction at the very heart of debates in queer theory,³⁴ Johar goes a step further in sublimating Naz and setting aside the distinction in favour of the exalted values of dignity, constitutional morality and choice. Referencing the 2017 Puttaswamy judgment³⁵, the Johar court links individual autonomy or choice to sexual orientation, which is understood to be innate. Throughout the respective verdicts by the judges, the Court remains concerned with the deleterious effect of §377 on the lives of sexual identities that are understood to be historically invisible. In the court's reckoning, these identities must now be protected through rights to privacy, autonomy and freedom of expression. The film, *Shubh Mangal* orients its narrative resolution towards the anticipation of historic legal change that uplifts the LGBT individuals in India. The self-identified lovers embody Johar's constitutional protections of dignity, autonomy and freedom of expression. In this politics of identification, Johar opens up the space for defiant un-closeting while unwittingly suturing any internal conflicts a homosexual person may face in having to identify themselves openly through legal representation, the predicament Siras finds himself in, in *Aligarh*. Yet, in trying to resolve the gay male drama through the invocation of impending legal change by the Indian Supreme Court, *Shubh Mangal* reinscribes the act versus identity distinction in its own politics of un-closeting and identification. When the police arrive at Aman's botched wedding to Kusum - his parents' choice for his bride - to arrest Kartik and Aman for violating §377, Shankar's brother, Chaman (Manu Rishi Chadha), a failed lawyer, springs to the lovers' defense. He asks the police to prove that the two are gay, and whether they have seen them in any sort of act that would suggest so. He goes on to assert that what they do in the privacy of their bedroom should not concern society, the law or the state. The denouement of the film thus back-pedals its own position on gay identification and un-closeting albeit momentarily by defining gay identity through a sexual act. The

³⁴ Annamarie Jagose, *Queer Theory* (1996); David M. Halperin, *Forgetting Foucault: Acts, Identities, and the History of Sexuality*, 63 REPRESENTATIONS 94 (1998); Teemu Ruskola, *Gay Rights versus Queer Theory: What is left of Sodomy after Lawrence V. Texas?*, 23(3-4) SOCIAL TEXT 84-85 (2005).

³⁵ K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1, ¶323.

broadier contexts within which the stories of *Shubh Mangal*... and *Aligarh* unfold are primarily small towns located in the northern state of Uttar Pradesh. I now turn to examine why the small-town context of these stories is an important aspect to the overall politics of LGBT visibility and acceptance in India, especially in the context of the legal reform of homosexuality.

IV. THE POLITICS OF LOCATION

The film *Aligarh* is set in Aligarh at the Aligarh Muslim University, an Islamic institution with its own religious constitution. The university's suspension of Siras was rationalised on grounds of his 'immoral' conduct, which it regarded as being against its own religious constitution.³⁶ In the film, Siras finds little to no support aside from a colleague who admits to a journalist, Deepu (Rajkumar Rao), that he would offer his support without going against the university administration. Another university official justifies the violation of Siras's privacy to Deepu by stating that the relevant question remains the content of the exposé film, and not the act of unauthorised filming. Effigies of Siras are burnt at a protest in the city to decry his moral corruption inside the campus. Despite Deepu's support and friendship, Siras is portrayed as a lonely figure who drinks to melancholic old Hindi film songs. In another scene when Siras' lawyer commends his courage in pursuing legal action as gay, Siras mistakenly compliments him on his work as a lawyer who's gay. But the lawyer's colleague corrects Siras and the latter clarifies, "he is not a gay?". The colleague corrects him again with the appropriate utterance, "he is gay, not 'a' gay". This brief exchange between Siras and the colleague indexes another iteration of the metropolitan elitism of English language articulation of sexual identity – he is gay, not 'a' gay – a rectification that casts Siras as the small-town-gay-man lacking cultural capital.

The drama of gay lovers in *Shubh Mangal* plays out in a middle-class household in Allahabad. The attitudes of the family's members, particularly the father, who oppose and eventually accept the gay relationship represent the struggles of many same-sex desiring individuals to identify and live openly as gay and lesbian in their material contexts of small-town India. Parvez Sharma, an Indian filmmaker, describes his experience of growing up gay in the 1990s in Saharanpur, another small town in Uttar Pradesh in an online story in *The Guardian*.³⁷ He relates a media story published in the Hindi newspaper, *Amar Ujala*, about a sting on a gay party whose attendees' published photos show them hiding their face with shawls and scarves. The Hindi news story further went on to provide the attendees' first names and their professions while revealing the identity of the organiser and the venue, leaving him vulnerable to further persecution. Sharma further

³⁶ Pawan Singh, *Between Legal Recognition and Moral Policing: Mapping the Queer Subject in India*, 63(3) JOURNAL OF HOMOSEXUALITY 416-425 (2016).

³⁷ Parvez Sharma, *Gay Pride Only Goes So Far*, THE GUARDIAN, December 30, 2010, available at <https://www.theguardian.com/commentisfree/2010/dec/30/gay-pride-india-queer-delhi-western> (Last visited on October 25, 2020).

contrasts the exposé with the pictures from Delhi's pride parade where gay and lesbian men and women happily pose for the camera while holding up banners of gay pride. He questions the adoption of westernised modalities of emancipation in vastly different contexts, where same-sex desire remains subject to extra-legal modes of policing.

A long-standing critique of the Indian LGBT movement has been its elitist orientation in adopting western modalities of pride, closet and coming out. Scholars have critiqued the movement for its complicity with neoliberalism and the assimilationist quest for sexual citizenship.³⁸ The critique also extends to the metropolitan location of the LGBT movement and the articulation of rights in the mainstream registers of pride, closeting and coming out. The term 'metronormativity' coined by Judith Halberstam to describe the "conflation of 'urban' and 'visible' in many normalising narratives of gay/lesbian subjectivities" is useful here.³⁹ Halberstam is concerned with the linear gay/lesbian narrative of migration from a repressed countryside to a liberated space of the town in the American context, which tends to produce the urban as the proper site of liberation and equates the rural with repression. Halberstam's critique has relevance for the Indian context where the primarily metropolitan location of the LGBT movement, pride and culture unwittingly degrades the small town as regressive and unaccepting of non-normative gender and sexualities. We find some evidence in India of this divide. For instance, in July 2001, the police raided a park frequented by men-who-have-sex-with-men in the North Indian city of Lucknow upon a complaint of sexual assault filed by a man. The raid further led to the arrest of ten safe-sex outreach workers who were employees of two registered HIV/AIDS NGOs, the Naz Foundation International (NFI) and the Bharosa Trust. In denying their bail, the Chief Judicial Magistrate ruled that the men were polluting the entire society by encouraging young persons to commit the crime of sodomy.⁴⁰

However, it would be simplistic to suggest a neat binary of the oppressive small-town and the liberated metropolis. A 2011 television news channel sting operation on a gay dating service in the city of Hyderabad complicates this notion that small towns are exclusive sites of LGBT oppression. The TV9 sting operation on an online gay hook-up and dating website, PlanetRomeo in 2011 exposed the online profiles of men who used the service for various purposes. The TV9 report sensationalised the gay clubbing and hook-up culture in the city where well-educated, Information Technology professionals were allegedly falling prey to the 'outbreak of homosexuality'. Subsequent activist action in the

³⁸ Svati Shah, *Queering Critiques of Neoliberalism in India: Urbanism and Inequality in the Era of Transnational "LGBTQ" Rights*, 47(3) *ANTIPODE* 635-651 (2015); Oishik Sircar, *New Queer Politics in the New India: Notes on Failure and Stuckness in a Negative Moment*, 11(1) *UNBOUND: HARVARD JOURNAL OF THE LEGAL LEFT* (2017).

³⁹ Judith/Jack Halberstam, *IN A QUEER TIME AND PLACE: TRANSGENDER BODIES, SUBCULTURAL LIVES* (NYU Press, 2005).

⁴⁰ HUMAN RIGHTS WATCH REPORT, *Epidemic of Abuse: Police Harassment of HIV/AIDS Outreach Workers in India*, 14(5) (2002).

case led to the news channel paying a fine and issuing an apology for the breach of PlanetRomeo user privacy and the norms of the News Broadcasters Standards Association ('NBSA'). However, none of the violated users came forward seeking legal recourse against the news channels. The 2009 Naz judgment made the activist action successful in taking the news channel to task. However, the violated subjects of online privacy remained silent throughout the aftermath of the sting operation, another way of exercising decisional autonomy to stay silent rather than seek legal recourse.⁴¹

The Indian scholarship on the gay and lesbian lives in a geographical context is still emergent. Scholars have addressed issues of class and race in online spaces pertaining to metropolitan geographical contexts such as Kolkata⁴² and offered ethnographic accounts of the exclusion of gender and sexuality-based at the intersections of class and caste by institutional modes of LGBT citizenship in West Bengal.⁴³ Popular accounts of gay life in India have privileged metropolitan cities like Mumbai,⁴⁴ addressed growing up gay in urban India from a psycho-social perspective⁴⁵ and more recently, focused on the stories of gay and lesbian employees who are part of Indian corporates such as Godrej, Tata Steel, IBM, Wipro and the Lalit Group of Hotels.⁴⁶ Jeremy Seabrook's ethnographic portrait of MSM and other same-sex desiring men who migrate to Delhi from small towns and villages and find spaces of sexual social possibility in Delhi's central park is a rare example of scholarship focusing on the experiences of lower-class, same-sex desiring individuals who may identify in terms other than gay and lesbian.⁴⁷ While gay pride marches have been organised in non-metropolitan centres such as Ahmedabad, Bhubaneswar, Guwahati, Cochin, Lucknow, Bhopal and Jamshedpur among others, the impact of the Johar judgment on the material lives of gay and lesbian individuals remains to be seen.

⁴¹ Pawan Singh, *The TV9 Sting Operation on Planet Romeo: Absent Subjects, Digital Privacy and LGBTQ Activism*, in *QUEERING DIGITAL INDIA: ACTIVISMS, IDENTITIES, SUBJECTIVITIES* 132-150 (Edinburgh University Press, Rohit K. Dasgupta & Debanuj Dasgupta eds., 2008).

⁴² Rohit K. Dasgupta, *Parties, Advocacy and Activism: Interrogating Community and Class in Digital Queer India*, in *QUEER YOUTH AND MEDIA CULTURES* 265-277 (London: Palgrave Macmillan, Christopher Pullen eds., 2014); Rohit K. Dasgupta, *Keep it Classy: Grindr, Facebook and Enclaves of Queer Privilege in India*, in *THE ROUTLEDGE COMPANION TO MEDIA AND CLASS* 90-98 (New York & Oxon: Routledge, Erika Polson, Lynn Schofield Clark & Radhika Gajjala eds., 2020).

⁴³ Aniruddha Datta, *Claiming Citizenship, Contesting Civility: The Institutional LGBT Movement and the Regulation of Gender/Sexual Dissidence in West Bengal, India*, 4(1) JINDAL GLOBAL LAW REVIEW 110-141 (2012).

⁴⁴ Parmesh Shahani, *GAY BOMBAY: GLOBALIZATION, LOVE AND (BE) LONGING IN CONTEMPORARY INDIA*, (SAGE Publishing, 2008); VIVEK TEJUJA, *NOW YOU KNOW: A MEMOIR OF GROWING UP GAY IN INDIA* (Harper India, 2019).

⁴⁵ KETKI RANADE, *GROWING UP GAY IN URBAN INDIA* (Springer Singapore, 2018).

⁴⁶ PARMESH SHAHANI, *QUEERISTAN: LGBT INCLUSION IN THE INDIAN WORKPLACE* (Westland, 2020).

⁴⁷ JEREMY SEABROOK, *LOVE IN A DIFFERENT CLIMATE: MEN WHO HAVE SEX WITH MEN IN INDIA* (Verso Books, 1999).

The films examined above are set in similarly fraught conservative geographical contexts that are hostile to the presence of gay and lesbian lives. Their stories unfold in gay- unfriendly geographies but with different outcomes. Aligarh emerges to be the site of a gay scandal in a small Islamic town, where backlash and outright hostility by AMU administration towards Siras drives him out of his campus home. Living in exile, he wins his case in the Allahabad High Court, which grants his appeal under the Naz judgment. The lovers of *Shubh Mangal* travel from Delhi to Allahabad to the ancestral home, a space that emerges as the stage for the enactment of gay romantic drama. The family's attitudes towards their relationship, their constant exhortations of their son to accept their wishes for a straight marriage, the religious ceremony to rename and give Aman a new identity and the physical violence inflicted on Kartik by Shankar capture the quintessential small-town, conservative sensibility. In a scene at the railway station after Shankar catches Aman and Kartik kissing, Kartik recounts to Aman how his blacksmith father beat him for his sexuality. But, Aman's father, Kartik suggests is an educated scientist who would surely understand. Kartik is proved wrong throughout the film as Aman's parents decide to get Aman married to Kusum (Pankhuri Awasthy). In one particular scene, Shankar assures his younger brother Chaman (Manu Rishi Chadha) that Aman's 'problem' is family's problem whose solution they all have to strive to find. In response, when Aman's cousin brother Keshav (Neeraj Singh) shows him that Google search says being gay is not a disease, Shankar admonishes and reminds him that he should be worried about the family. The Supreme Court's verdict on the decriminalisation of homosexuality in the film's climax has a profound impact on the family as they accept their son's gay relationship. Legal change becomes the basis for social acceptance of homosexuality in a geographical context with little discourse around gay rights, culture and relationality.

V. CONCLUSION

The two films, *Aligarh* and *Shubh Mangal Zyada Savdhan* are important cinematic interventions that mediate the relationship between the process of legal reform of homosexuality in India and the readiness of Indian society and culture to accept gay and lesbian love on its own terms. Releasing at temporally landmark junctures, the films function as cultural interlocutors in a conversation between legal change and social transformation. The film, *Aligarh*, is in direct dialogue with the 2009 Naz judgment and its liberatory potential for the Indian LGBT subject. The film, *Shubh Mangal* is a bold gesture towards Johar's elaboration of privacy as freedoms of choice and expression that has profound implications for gay male love and coming out to a middle-class family who overcome their prejudices and preconceived notions about homosexuality to accept their son's relationship with a man. Legal change shapes the experience of the gay male protagonists in both films but with starkly different consequences. Siras of *Aligarh* is a victim of lost privacy- both zonal and decisional. Aided by the Naz verdict, his case becomes a citational artefact of LGBT justice secured through legal change. In a

television debate following a hearing, Siras is asked whether he was suspended on account of being gay. When he responds by saying that he feels disturbed by his university's actions, an institution he served for years, his voice is drowned out by other panelists in the debate who keep shouting moral platitudes. Towards the resolution of the narrative, the film references the Delhi gay pride parade by showing recorded footage of the event. When Deepu asks Siras about how one of the court hearing went, the latter describes it as boring, replete with legalese. In the final court hearing when Siras' lawyer reminds the Allahabad High Court of its obligation to the Delhi High Court's Naz judgment, Siras is shown napping in the background. Legal change and Siras' cause become bigger than his life. Even a TV story announcing Siras' legal victory shows footage of gay pride to reference Naz, thus, framing his case in liberatory terms of gay visibility. The story plays on a TV set in Deepu's office where he is congratulated by his boss for the 'good job on Siras' and further asked to do an exclusive story on the professor's life. Siras' life is reduced to a legal cause and an activist victory credited to the personal efforts of a journalist and a legal team. When Deepu congratulates him on his victory on the phone and asks him when he plans to rejoin the university, Siras tells him of his plans to move to the USA after his retirement, where people like him can live with dignity. Siras' tragic death marks not just the end of his life but also the profound loss of his privacy through, and following the legal process.

The lovers of *Shubh Mangal* win the battle against social discrimination, stigma and middle-class society's rejection of same-sex desire. Their fight against cultural prejudice is consummated by the 2018 Johar verdict that decriminalised homosexuality once and for all. Siras in relation to Naz is a subject of (violated) privacy, a legal right, which empowers him without restoring any meaningful privacy - spatial or decisional - to his remaining life. The lovers of *Shubh Mangal* are out and visible by choice and their freedom of expression in declaring their relationship to the family becomes a testament to Johar's affordance of such freedom under Article 21 of the Indian Constitution. Yet, these are opposing visibilities, one thrust upon a same-sex desiring subject by the interplay of extra-legal surveillance and legal representation and the other posing its lawful presence to the institutions of family and the police in anticipation of the legal change. Where Siras loses despite winning, the lovers prevail in the end over cultural prejudice and discrimination against gay love. The two films punctuate the social change following legal change between 2009 and 2018. These visibilities also shape the politics of identification in the films. Siras's ambivalence towards the precondition that he openly identify as gay to attain justice and his ultimate capitulation represents an inevitable undoing of the legal affordance of privacy as decisional autonomy itself. When the LGBT activists and lawyers take on his case, he is left with neither choice nor any meaningful autonomy to resist the urgent overtures of the activist team. The politics of identification becomes defiant in *Shubh Mangal* when the lovers stand up to the middle-class family scandalised by their physical intimacy in public. The freedom of expression as part of right to life and liberty under Article 21 exercised by the gay lovers remains insistent on the legitimacy of

their relationship as if anticipating the legal change that resolves the narrative conflict. Johar's decriminalisation of sexual acts between consenting adults in private transcends the distinction between acts and identities by edifying sexual orientation as a matter of dignity, autonomy and liberty. Both Naz and Johar accomplish this feat by reading down §377 of the IPC by framing the matter of gay and lesbian identities as being one of an innate core, an immutable foundation upon which rests the articulation of such an identity. Yet, both in *Aligarh* and *Shubh Mangal*, the relegated spectre of sexual act becomes the rallying point of establishing legality. In *Aligarh*, it is Siras's sexual act in private that becomes the cause for moral panic of a scandal in a conservative city. Even though he admits to being wronged as a gay man eventually, his sexual act takes precedence as the core of the privacy violation in the court. The climax of *Shubh Mangal* too, reverts to the missing evidence of sexual act as defining the lovers' gay identity in a scene when the uncle questions the police whether they had seen the two in a sexual act. Ultimately, the two films employ the same logic of identification in opposite ways. Siras must invoke his sexual identity as gay to establish the legitimacy of his sexual act in *Aligarh*. The police in *Shubh Mangal* must similarly provide evidence of a sexual act committed by the lovers in order to charge them with a violation for engaging in gay sex, considered to be a criminal offense under the Koushal judgment of 2013. The police cite criminality without invoking the Koushal verdict.

The politics of location in the two stories also raises the question of the extent to which legal change travels beyond the metropolitan sites of mainstream gay and lesbian visibility in India. The city of *Aligarh* serves as the cinematic setting of the eponymous film and its staging of the drama of scandal and law at an Islamic institution. The non-metropolitan, small-town setting of Allahabad in *Shubh Mangal* is substantiated by the protestations and prejudices of the middle-class family that comes around in the resolution of the narrative. The family patriarchy's visceral discomfort at the sight of gay male intimacy, the self-assuring suggestions of a scientific treatment for Aman's 'condition' and the shenanigans at the two botched weddings all flesh out the cultural setting of small-town norms and beliefs. The politics of location in both films represents a challenging litmus test for the impact of the legal change under Naz and Johar respectively. The question of social change following legal change is one that will be raised time and again to ask how the law has positively changed gay and lesbian lives in their material contexts. Such change is evident in the proliferation of gay pride marches, Bollywood's bolder portrayals in lesbian-themed love stories in a small town such as *Ek Ladki ko Dekha to Aisa Laga* (2019, dir. Shelly Chopra Dhar) and the Indian athlete Dutee Chand's coming out in 2019.⁴⁸ In no way does this suggest that the Indian non-metropolitan, small-town is exclusively repressive of gay and lesbian

⁴⁸ Arundhati Katju, *One year after freedom: How are LGBTs faring today, since Section 377 was struck down by the Supreme Court?*, THE TIMES OF INDIA, September 6, 2019, available at <https://timesofindia.indiatimes.com/blogs/toi-edit-page/one-year-after-freedom-how-are-lgbts-faring-today-since-section-377-was-struck-down-by-the-supreme-court/> (Last visited on October 25, 2020).

lives and desires. To essentialise the Indian small-town as a place untouched by law and legal rights would risk limiting our understanding of the intricate networks of surveillance constituted by social, cultural, institutional and economic interconnections within which gay and lesbian lives thrive everywhere in India. The small-town as the setting for gay stories, one based on real life and the other a fictional account of gay love, may be interpreted as a sobering contrast and counterpoint to the celebratory images of queer pride, sociality and visibility in metropolitan India where legal battles are fought and activism is staged. To borrow Johar's formulation of transformative constitutionalism - the purpose of the legal constitution as one for the betterment of society- both films embody this spirit to an extent in staging a narrative of empowerment of LGBT lives in India. The meaning of such empowerment cannot be consistent and singular, however, given the diversity of gay and lesbian subjectivities shaped by other identity experiences of class, caste, religion, bodily capacity and ability, gender and age in the postcolonial Indian context.