

## CHENNAI PRESS MEET AND CANDLELIGHT VIGIL: FOR IMMEDIATE RELEASE

**Date:** Sunday, 31 January 2016 | **Time:** 3 pm | **Location:** Chennai Press Club, Chepauk

### **Contacts:**

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Facebook: <https://www.facebook.com/events/935278479842262/>

Tamil Nadu Rainbow Coalition, an informal network of groups and individuals in the state working for the welfare of alternate gender and sexuality people, invites you for a Press Meet to discuss our concerns in the context of the Supreme Court of India taking up the curative petition on Section 377 next week. The meeting will be followed by a Candlelight Vigil.

Section 377 of the Indian Penal Code, which criminalizes non penile-vaginal intercourse, was introduced by the British in 1861 based on the then prevailing notions of popular morality. Although the law interferes with the fundamental rights guaranteed by the constitution of India, including the right to dignity, liberty, and equality, it was retained in our law books even after our independence. It continues to be used to harass and extort homosexual persons, transgender persons, and other individuals with alternative sexuality.

In July 2009, the Delhi High Court in its judgment on Naz Foundation versus Union of India, read down Section 377 so that it did not apply to consenting adults. The judgement has resulted in a change in the attitudes of society toward alternate gender and sexuality people, helping us live our lives with dignity. However, this freedom was short-lived. On December 11, 2013, the Honorable Supreme Court of India, in its *Koushal* verdict, set aside the Delhi High Court judgment, ruling that only “a minuscule fraction” was affected by Section 377 till date, that no judicial intervention is required, and the parliament is free to amend the section. Following this Shashi Tharoor, a Member of Parliament, tried to introduce a private member's bill to amend Section 377 in December 2015, but the parliament refused to even take it up for debate, let alone pass the legislation.

Soon after Supreme Court delivered its judgment on Section 377, the then Government of India filed a review petition requesting the judgment to be reconsidered. However, the Honorable Court dismissed the appeal. Following that, a curative petition was filed, and was admitted by the Court. It is listed for hearing before the bench of judges from the Supreme Court on Tuesday, February 2, 2016.

Several senior politicians, human rights experts, parents of LGBT persons, mental health professionals, academicians, filmmakers, and lay persons from all walks of life have spoken against Section 377. A subsequent ruling of Supreme Court (*NALSA* 2014) also has ruled the discrimination based on sexual orientation and gender identity is unconstitutional. Now we urge you to ask that the *Koushal* judgment, which denies us our right to liberty, dignity and equality, be corrected.

*More background on Section 377 is available at <http://377.orinam.net>*