

The Honourable Mr. Ranjit Rae
Ambassador of India
Embassy of India
Lainchaur, Kathmandu Nepal

Subject: Matter of disappointment and shame

Dear Honourable Ambassador,

We, the sexual and gender minority community of Nepal, including Nepal's former constituent assembly and parliament member Mr Sunil Babu Pant, strongly disapprove the recent Indian Supreme Court's verdict that holds same-gender consensual sex as a legal offense. In Nepal the sexual and gender minority communities are started enjoying allot of the human rights that are entitled to every citizens of Nepal, especially after Nepal's supreme court's decision in Dec 2007 which affirmed sexual and gender minority people are natural and deserve equal rights and opportunities, Where as in India, in a complete turn from the Delhi High Court's 2009 judgement, the verdict from the Indian Supreme Court, has pushed Indian sexual and gender minority people to the dinosaur era.

The Supreme Court bench of Justice G.S. Singhvi and Justice S.J. Mukhopadhyay, Wednesday setting aside the Delhi High Court verdict of 2009, said there was no constitutional room for change in the Section 377 of the Indian Penal Code (IPC).

Section 377 of the IPC holds that same-gender sexual relationship is against the order of the nature and is an offense. The apex court upheld the constitutional validity of the section.

We are disappointed with this judgement and rather feel ashamed to the fact that something like this would come out from the supreme court of the country which comes from the largest democracy in the world. The bench misled the people of India indicating that the Indian culture and people's mind-set may not be ready to accept homosexuality. In many ways Indian cultures are similar to Nepali culture and people are not much different either. Nepal as a country, Nepalese people and the Nepali culture are accepting sexual and gender minorities humbly, we believe Indian can be the same -- in fact, it's no different except few fundamentalist religious groups may have launched a strong opposition in India. But they oppose all other rights and identities and promote their patriarchal values aggressively, to the detriment of the country and the region.

If the "order of nature" supposed to be only "heterosexual sexual acts" why

not criminalize to those men who claim celibacy and spend their entire life without sex instead of all of this focus and energy put on criticizing homosexuality?

We strongly suggest that the honourable supreme court of India to review the judgement let every Indian sisters, brother and friends to enjoy freedom and equal rights regardless of their sexual orientation and gender identity.

We also like to request you to convey our request to the Indian parliament to make other laws, which will guarantee the dignity, respect and equal opportunities of sexual and gender minority people in India. The world is expecting Indian to take progressive leadership role to promote human rights internationally and this is not the way to go about it. As the world's largest democracy, many nations look to India to take a leadership role.

Thank you for your anticipated leadership.

Best Regards

Blue Diamond Society and All Nepalese Sexual and Gender Minority Communities