

## **Protesting the Supreme Court Verdict Which Criminalises Sexual Minorities**

### **!!! Repeal Section 377 of the IPC !!!**

We are hurt. We are angry. We have been betrayed. And we are not going to accept this.

On 11<sup>th</sup> Dec 2013, the Supreme Court of India ruled that Section 377 of the Indian Penal Code is valid and constitutional. The Supreme Court treated with contempt and disdain the years of brave and patient struggle by the sexuality minorities like lesbian, gay, bisexual, transgender, hijra, kothi, jogappa, shivashakti, transmen, transwomen, aravanis and other citizens of India – to build up self-confidence in the face of society's disapproval, as well as organising and mobilising against violence from all quarters. The judgement proclaimed that Indians who have a sexual orientation or a gender identity different from what is deemed to be natural or normal do not deserve to enjoy fundamental rights; the right to live freely, to love, to express who they are, and to be free from discrimination.

To criminalise a set of people for simply being who they are, to make their very existence illegal, and to force them to live a lie should be unthinkable in any country, let alone the worlds largest democracy. To do so because these people are but a 'minuscule minority' is abhorrent to Dr. Ambedkar's principles of constitutional morality. None of us can accept that rights of any minority group, even if it consists of just one single person, can be held hostage to the prejudices and bigotry of the majority. In the recent years we have seen an increasingly uncaring state, intolerant of any dissent. That is a very dangerous path for any country to go down.

India can boast of an incredible diversity of people, which includes a diversity of sexual orientations and gender identities, existing since centuries. The British came up with Section 377 in 1860, in an attempt to impose their victorian morality on an entire nation. The Delhi High Court gave a landmark judgement in 2009, ruling that sec 377 was against the Indian constitution. The Supreme Court took a giant step back in invalidating this High Court judgement. It is heartening that most of the political parties and representatives of the government have decried the judgement. Now it is time for them to match their words with action that is supportive of the rights of sexual minorities.

We are here today to tell the people, the courts, the government, and the entire world that we will not be beaten. We will not be forced into a life of shame and hiding, but will fight against this unjust verdict, in public and for however long it takes, to take back the rights that were always ours to take. We have come a long way in the last few years, in spite of setbacks like the recently passed draconian section 36A of the Karnataka Police Act which subjects every aspect of the life of a Hijra to surveillance.

Join us in this struggle ! This is your struggle too, this is the struggle of everyone who wishes to see a more democratic and inclusive India, a country where people who dare to think, live or feel differently can do so freely, a country where not a single person belonging to any minority is forced to lead their lives subject to narrow hate-filled views of others, to enjoy rights they have simply because they are human. What kind of a society do *you* want to live in ? Join us in our fight to turn our society into one that we can all be proud of.

**Educate ! Agitate ! Organize !**

**For further information, contact :**

Campaign for Sexual Minorities and Sex Workers Rights (CSMR), Bengaluru  
[ksmforum@gmail.com](mailto:ksmforum@gmail.com); 74064-82772; 98867-88203, Please give a missed call!