

Coalition for Sex-workers and Sexual Minorities Rights

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PRESS RELEASE

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It is with tremendous happiness that we are here today to welcome and celebrate the landmark Supreme Court judgment which has recognised and granted all forms of constitutional protection and citizenship to persons identifying as queer. While this judgment is a huge leap forward in recognising the rights of gender and sexuality minorities, it comes at a time when other forms of civil liberties and dissent are being cracked down on by the state. And while we celebrate this victory, we must be cognisant of the continuing struggles of Dalits, Adivasis, farmers, students, and other marginalised communities.

We must also acknowledge the decision today as a culmination of a long and difficult struggle against Section 377, IPC, which criminalised the everyday lives, relationships and loves of the LGBTQI community in the country. At this point, we have to remember many of our allies and friends from the community and beyond, who we lost along the way, but whose work has shaped the struggle into what it is. The verdict is the outcome of a prolonged and sustained movement built at the grassroots level, and on the streets across the country. It embodies a collective and cooperative effort on the part of several movements, individuals, lawyers, organisations, and health professionals, as well as families of LGBTQI persons.

The judgment is the reiteration of the Fundamental Rights guaranteed to all persons in the Constitution of India. It is a powerful reminder that individual autonomy, liberty and dignity are inherent in all persons, and cannot be held hostage to the whims and fancies of the majority. The dynamic, versatile and timeless nature of the Constitution of India has been demonstrated repeatedly by all 5 judges of the Supreme Court today. The dream of equality, egalitarianism, and anti-discrimination as envisioned by Dr. B.R. Ambedkar has come closer to reality. The judgment casts a positive obligation on the State to ensure that institutions such as the police and health facilities are regularly sensitised on issues and concerns of the LGBTQI persons. The media has been directed to give wide publicity to the judgment. In this sense, the struggle is far from over. Many other battles for acceptance and full citizenship lie before us, which have to be fought in various fora. An end to the legally backed institutional homophobia of the State, which was in many ways personified by Section 377, IPC, appears to be a good place to start.

As Justice Chandrachud has so eloquently said " In upholding constitutional morality, we affirm that the protection of LGBT individuals are not only about guaranteeing a minority their rightful place in the constitutional scheme, but that we equally speak of the vision of the kind of country we want to live in and of what it means for the majority"

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