



Section 377 verdict is the beginning of a new journey for LGBTQ rights

The Humsafar Trust welcomes Supreme Court judgment

For immediate release

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Mumbai:

The Humsafar Trust Press Statement on Supreme Court's Section 377 judgment

"The Humsafar Trust welcomes the Supreme Court verdict on Section 377. We believe this is the beginning of a new journey for the LGBTQ community in India. This verdict comes after sustained advocacy for over 18 years on the issue. At long last, the law does not criminalize consensual sexual acts between adults, occurring in private. LGBTQ Indians can finally enjoy equality before the law, freedom of expression, personal autonomy and right to dignity as enshrined in Articles 14, 15, 19 and 21 of the Constitution of India. It is now time to gear up for our fight towards further rights including legal recognition, marriage rights, employment rights, anti-discrimination laws, adoption and other legal rights which have been historically denied to us."

Ashok Row Kavi, The Humsafar Trust founder Chairperson, Vivek Anand, CEO, Suhail Abbasi, trustee, and its staff members Yashwinder Singh and Gautam Yadav were petitioners before the Supreme Court.

Statements by the petitioners

"We waited 18 years for this but it was worth every minute to be finally free of Section 377. Azaadi finally in Azaad India!"

- Ashok Row Kavi, Founder Chairperson, The Humsafar Trust

"18 years of hard work has finally paid off but this is just the beginning of a long journey for equal rights in society. There is so much more to do, so many dreams have to come true, but today I look forward to a good night's sleep for I am no longer a criminal!"

- Vivek Raj Anand, CEO, The Humsafar Trust

"Honestly, I didn't expect to hear this verdict in my lifetime. It is a huge burden off our beings to live a decriminalised life. It's a spectacular victory for equal rights and for human rights!"

- Suhail Abbasi, Trustee, The Humsafar Trust

"Today is a historic day not only for the LGBTQ community, but for the whole nation. Section 377 of the Indian Penal Code criminalised an entire community and this decriminalisation of a colonial law was long time coming. This is the first step towards equal rights."

- Yashwinder Singh, Program Manager, The Humsafar Trust

"I am happy that once again I will be living without Section 377 as I was living previously from July 2009 to Dec 2013. The verdict against section 377 will be a huge support to deal with the crisis cases and the fight for the human rights of the LGBTQ community. All the people under the LGBTQ+ umbrella can live and ask legal assistance without the fear of being prosecuted under Section 377."

Background Information

Humsafar Trust's petition in the Supreme Court

The petition has claimed that section 377 of the Indian Penal Code deprived LGBTQ persons of equality before law, freedom of expression, personal autonomy and right to dignity in direct violation of Articles 14, 15, 19 and 21 of the Constitution of India. The petition had urged the apex court to restrain the authorities from enforcing section 377 with regard to consensual, sexual conduct between adults in private

Section 377 of IPC used to harass, extort and blackmail

* Between 2016–2018, HST's crisis response team has attended to 83 crises cases in Mumbai. Of these 83, 6 cases involved an adult, homosexual male being blackmailed by the police under the fear of Section 377, IPC. In 12 cases, adult, homosexual males were threatened of a false accusation under Section 377, IPC and victims of extortion by ordinary persons, sometimes upto Rs. 1,00,000/-.

* An online survey conducted by HST involving gay men and transgender persons revealed that around 57% had been subject to the fear and misuse of law under Section 377, IPC at least once in their lifetime in varying degrees, with 37% having experienced victimization within the last 12 months at the time of the survey.

* Crisis data reports by HST found 52 independent instances where LGBTQ persons have faced harassment and discrimination in workplace and healthcare settings because of their identity but none of these individuals sought or could seek legal recourse.

* In 2016, HST undertook a study titled "Understanding the Impact of the Supreme Court judgment on Section 377 on LGBTQ Communities". The results showed that 2 in 5 LGBTQ persons had faced blackmail or know someone who has been a victim of blackmail since the Supreme Court's decision to decriminalize homosexuality.

* In 2017 HST conducted a study with the Transgender community in three cities (Mumbai, Delhi and Bangalore) found study 59 percent of Transwomen experienced violence.

* Section 377 also affected lesbian women, bisexual women and transpersons (transmen in particular) as well. It is used to harass lesbian couples and as an impediment to lesbian relationships. There have been numerous reports of lesbian couples being harassed/ dissuaded from staying together using Section 377. Between 2017 and 2018, The Humsafar Trust, through its LBT support group Umang, handled 4 cases of lesbian couples facing harassment from police and their families for wanting be in a same sex relationship.

About The Humsafar Trust

The Humsafar Trust (HST) is a community-based organization (CBO) in Mumbai working since 1994 in the area of health and human rights of sexual minorities. HST currently reaches out to 7500 Men who have Sex with Men (MSM) and Transgender (TG) across Mumbai through 3 Targeted Interventions (TIs) and its 4 clinics funded by NACO–MDACS (National AIDS Control Organization and Mumbai District AIDS Control Society). HST firmly believes in collaborating with the public health care delivery systems and does not replicate what is available through the state resources. We are a model of public private partnership and have strongly networked with the machinery at the state and centre level in the country. In recent years, HST has become a pillar of the LGBTQ, MSM, and TG - Hijra communities in Mumbai and across India and plays a key role in the LGBTQ movement in India, supporting smaller CBOs with Seed fund grants, events such as theatre performances, festivals and pride marches across India.

HST has nurtured support groups “YAARIYAN” for young LGBT, “UMANG” for LBT persons and ‘SANJEEVANI” for persons living with HIV. HST also provides legal support, crisis management, mental health counselling and nutrition counselling to its communities. HST is the convener of the Integrated Network for Sexual Minorities (INFOSEM) which has 126 CBOs as its member organizations representing 19 states in the country.

While the HST’s involvement with activities have provided valuable forums for queer organizing, more work needs to be done to affect the kinds of cultural change necessary to reduce stigma and discrimination against Indian sexual minorities.

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