

For Immediate Release: Statement on the Indian Supreme Court's Decision to Reinstate Section 377

On Wednesday, December 11, 2013, the Indian Supreme Court rendered a decision to uphold Section 377 of the Indian Penal Code (IPC) to re-criminalize homosexuality in India.

In 2009 communities in India and around the world celebrated when Section 377 was declared 'unconstitutional' by the Delhi High Court after a seven-year legal battle led by the Naz Foundation. Nearly four years later, the Supreme Court's decision to reverse the 2009 landmark ruling is tremendously sad and disappointing. Their decision rolled back decades of work and legalizes discrimination based on sexual orientation with blatant disregard for human rights.

The ramifications of this decision are severe for LGBTQ communities in India and those in the diaspora. The communities of people that ASAAP (Alliance for South Asian AIDS Prevention) and SALCO (South Asian Legal Clinic of Ontario) work with face complex realities that are often shaped by discrimination and persecution.

When the decision to decriminalize came forward in 2009, it was a message to everyone who has ever had a connection to India or who once called it home. It said that gay, lesbian, bisexual, queer and trans people need to be recognized and respected. It was a message to countries in South Asia and around the world demonstrating India's stand on human rights. And now, in 2013, the Supreme Court of India, has regressively undone the hope and freedom that 2009 symbolized.

But the fight is not over. ASAAP and SALCO stand with people and organizations around the world who want to send a unified message that challenges the Supreme Court's ruling. We also want to recognize that the decision has been met with disdain and frustration from leaders in India and beyond. While it is easy to shame an entire country for the decisions of its court, we also want to recognize the blood, sweat and tears of the people in India on the frontlines of this fight who evoke not shame, but pride.

The Naz Foundation, which led legal advocacy efforts, has stated that they will be filing a petition to review the Supreme Court's decision. After the heartfelt sadness of the judgement on Wednesday, people are still mobilizing, protesting and standing up with immense strength.

We know that many people in our communities in Toronto are looking for ways to engage and support this fight. For those who want to talk or plan, a [meeting is being held](#) at the ASAAP office, 120 Carlton St, Party Rm, 3:00pm – 5:30pm, Friday, December 13.

This is a joint statement by [ASAAP](#) and [SALCO](#).

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