



Rainbow Pride Walk: July 3, 2010: Bhubaneswar

Walk with Us for Social Change

Join Us to Remember Friends Lost to Social Oppression

Section 377, Indian Penal Code: Bidding Farewell?



It is that time of the year again! Time to celebrate all hues of human sexuality . . . to renew our pledge to change social norms that suppress people on grounds of gender, sex and sexuality! Unfortunately for Indian society, we still have amid us Section 377, IPC (drafted as long ago as 1860) that criminalizes all form of sexual relations other than peno-vaginal penetration. It suggests that the sole purpose of sexual contact is procreation. Thus oral and anal sex even among consenting adults are criminalized. But the issue is not just about sexual acts – it is about respecting human diversity, dignity and rights.

On July 2, 2009 the Hon'ble Delhi High Court declared that Section 377 insofar it criminalizes consensual sexual acts of adults in private, is **violative of fundamental rights** as per the Indian constitution. Most fundamentally, it encroaches upon a person's democratic rights and goes against the spirit of the Constitution. The Delhi High Court ruling said Section 377 very clearly violates Articles 14 (right to equality before law), Article 15 (prohibition of discrimination on grounds of religion, race, caste, sex or place of birth) and Article 21 (right to protection of life and personal liberty). But even after one year of Delhi High Court's landmark judgment, how much has the situation changed?

Reema (name changed), a male to female transgender person from Bhubaneswar, was working as a temporary employee in one of the departments of the Government of Orissa. When s/he disclosed her gender identity during a media interface after the Delhi High Court ruling last year, her colleagues started discriminating against her. As a result s/he was fired from her job and is now finding it difficult to earn her daily livelihood.

These are not isolated incidents. Lesbian, gay, bisexual, transgender and other sexual minorities have to live under constant pressure from society. They often speak about deep pain, loneliness, non-acceptance and guilt that they experience because of the rejection and violence they face at home and society at a large. Dealing with one's gender identity or sexual orientation and expressing it entails tremendous mental pressure, often violence, ostracism, blackmail and extortion under the threat of laws like Section 377, and poor health. Even NGOs providing sexual minorities life-saving health services function under the threat of social and legal sanction. This has cost many people their lives!

Though Section 377 applies as much to heterosexual couples as it does same-sex couples, it is the latter that bear the brunt of the law. This is symbolic of our sexual hypocrisy and much of it is a hangover of the British colonial legacy. Any form of sexual otherness is immediately stigmatized. Same-sex love is supposed to go against so called Indian social values, but this attitude is hypocritical. The beautifully sculpted temples at Konark and Khajuraho, and the "Kama Sutra" are world renowned examples of the celebration of sexual diversity in our heritage. Even medical institutions like World Health Organization de-listed homosexuality as a mental illness in 1990.

It is indeed time for all of us to rethink our values around gender, sex and sexuality – whatever our gender or sexuality, and whether we are political leaders, policy makers, doctors, lawyers, artists, media persons or ordinary citizens. And one key step that is necessary is to change laws that criminalize same-sex love . . .

Campaign against Section 377 IPC: An eight-year long court battle that sought a reading down of the law to decriminalize adult consensual same-sex relations achieved a key milestone with the Delhi High Court's decision on July 2, 2009. The ruling was made in the context of a public interest litigation filed by Naz Foundation India (Trust), New Delhi in 2001. The reading down was supported by civil society agencies, the Ministry of Health & Family Welfare and National AIDS Control Organization. Eminent personalities like Nobel Laureate Amartya Sen also constantly supported the campaign against Section 377.

But the battle is not over! The case against Section 377 is currently being heard in the Supreme Court, where several petitions against the Delhi High Court ruling have been filed. Petitions in support of the ruling have also been filed by individuals, mental health experts and parents of lesbian, gay, bisexual and transgender people. It is hoped that the Supreme Court will announce a judgment that is in keeping with India's stature as a progressive and democratic nation.

United Nations' stand: In December 2008, the United Nations General Assembly also supported a ground breaking statement confirming that international human rights protections include sexual orientation and gender identity. This was a powerful victory for the principles of the Universal Declaration of Human Rights, and India must also recognize the concerns of sexual minorities.



About the Rainbow Pride Walk: The "rainbow" stands for diversity in gender and sexual expressions, signified by the colours of the rainbow. Each of these is equally worthy of "pride". Many lesbian, gay, bisexual and transgender people worldwide have adopted the rainbow as a symbol of "equality and unity in diversity". The Rainbow Pride Walk each year looks back for inspiration to millennia of records of same-sex love in Indian history; to pioneering activists who struggled hard to bring sexual orientation, gender identity and associated sexual health issues into the larger human rights movement in India; and to flashpoint events like the Stonewall Riots in New York, USA in June 1969. The riots occurred as a mark of protest by sexual minorities in USA against police harassment that was a daily feature of their lives in those days and sparked off what can be said to be the modern worldwide movement for sexual minority rights.

The walk is an effort at fighting stigma and discrimination against sexual minorities. It has become an annual occasion of human rights activism in several parts of India that marks a coming together of individuals and agencies fighting against discrimination on gender and sexuality grounds. Similar events take place all over the globe this time of the year. The first ever Rainbow Pride Walk in India was organized in Kolkata in 1999.

This year, Bhubaneswar, the city of temples, is witnessing its second Rainbow Pride Walk. The first walk was organized on June 27, 2009. Lead by the Sampark coalition, the walk will mark the July 2, 2009 Delhi High Court ruling and attempt to attract the attention of the public to stigma and discrimination faced by sexual minorities in various social spheres.

We need your support to make our effort a success. We welcome you to join us in the Rainbow Pride Walk and be a part of a common voice. Together, we can make a difference!

About Sampark: Sampark is a coalition of 23 civil society agencies formed in March 2009. It seeks to build the capacity of sexual minorities and people living with HIV in Orissa to advance their health and rights. An initiative of SAATHII, an NGO working on issues of sexual and reproductive health, HIV and human rights, the coalition is supported by Interact Worldwide, London and DFID-Civil Society Challenge Fund, Glasgow. SAATHII, Bhubaneswar Office acts as the coalition secretariat. More details of the coalition can be found in its profile. Contact: 0674 255 2845 (SAATHII), saathii@yahoo.com

Schedule of Rainbow Pride Walk 2010 (July 3, 2010)

- **3.30 pm - 4.30 pm:** Walk begins at Master Canteen and ends at the Subham Market complex, via Sriya Square and Ram Mandir
- **4.30 pm - 5.00 pm:** Solidarity gathering; remembering Hrushikesh and others who fell martyr to social oppression and ostracism; street theatre performances: Subham Market complex
- **5.00 pm - 5.30 pm:** Candlelight vigil and closing note

For details, please contact: Dr. Mitali Mohanty (093372 72644); Biswa Bhusan Pattanayak (093380 47384)