

Open letter for the overturning of section 377 of the Indian Penal Code

Monday 18 September 2006, by [Collective / Multiple signers](#) (Date first published: 15 September 2006).

Open letter by Vikram Seth and others

To build a truly democratic and plural India, we must collectively fight against laws and policies that abuse human rights and limit fundamental freedoms.

This is why we, concerned Indian citizens, support the overturning of Section 377 of the Indian Penal Code, a colonial-era law dating to 1861, which punitively criminalizes romantic love and private, consensual sexual acts between adults of the same sex.

In independent India, as earlier, this archaic and brutal law has served no good purpose. It has been used to systematically persecute, blackmail, arrest and terrorize sexual minorities. It has spawned public intolerance and abuse, forcing tens of millions of gay and bisexual men and women to live in fear and secrecy, at tragic cost to themselves and their families. It is especially disgraceful that Section 377 has on several recent occasions been used by homophobic officials to suppress the work of legitimate HIV-prevention groups, leaving gay and bisexual men in India even more defenceless against HIV infection.

Such human rights abuses would be cause for shame anywhere in the modern world, but they are especially so in India, which was founded on a vision of fundamental rights applying equally to all, without discrimination on any grounds. By presumptively treating as criminals those who love people of the same sex, Section 377 violates fundamental human rights, particularly the rights to equality and privacy that are enshrined in our Constitution as well as in the binding international laws that we have embraced, including the International Covenant on Civil and Political Rights.

Let us always remember the indisputable truth expressed in the opening articles of the Universal Declaration of Human Rights that "All persons are born free and equal in dignity and rights—Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind."

We will move many steps closer to our goal of achieving a just, pluralistic and democratic society by the ending of Section 377, which is currently under challenge before the Delhi High Court. There should be no discrimination in India on the grounds of sexual orientation. In the name of humanity and of our Constitution, this cruel and discriminatory law should be struck down.

Sincerely,

Vikram Seth, author,
Swami Agnivesh,
Nitin Desai, former UN Under Secretary-General,
Aditi Desai, sociologist,

AND

Rukun Advani, Author/Publisher
MJ Akbar, Editor-in-Chief, Asian Age & Deccan Chronicle
Ashok Alexander
Kanti Bajpai, Headmaster, The Doon School
Kaushik Basu, Professor of Economics, Cornell University
Shyam Benegal, internationally-acclaimed film director and Member of Parliament, Rajya Sabha
Prashant Bhushan, advocate, Supreme Court, and civil rights activist
Urvashi Butalia, author, publisher and activist
Uma Chakravarty, Vedic scholar
Shoma Choudhury, Tehelka
Purnendu Chatterjee, Chairman, Chatterjee Group
Nandita Das, award-winning actress and activist
Mahesh Dattani, playwright, Sahitya Akademi Award 1998
Devika Daulet-Singh, photographer
John Dayal, Member, National Integration Council, Govt of India
Shobhaa De, best-selling author and columnist
Astad Deboo, choreographer & dancer
Darryl D'Monte, environmental journalist & author
Dilip D'Souza, author and journalist
JB D'Souza, former Maharashtra Chief Secretary and Bombay Municipal Commissioner (IAS retd)
Neela D'Souza, writer
Bharat Dube, Counsel, Richemont Group S.A.
Barkha Dutt, award-winning anchor and journalist, NDTV
Mallika Dutt, Breakthrough, National Citizen's Award 2001

Rajiv Dutta, President, Skype
Rehaan Engineer, actor
Naresh Fernandes, Editor, Time Out Mumbai
Meenakshi Ganguly, Human Rights Watch
Amitav Ghosh, author, Sahitya Akademi Award 1990
Sagarika Ghosh, author, and CNN-IBN
Ramachandra Guha, Social Anthropologist, Historian
Ruchira Gupta, activist and Emmy-winning journalist
Syeda Hameed, Member of the Planning Commission
Yazad Jal, Praja Foundation and blogger
Ashok Jethanandani, editor, India Currents
Ruchir Joshi, writer
Sudhir Kakar, psychoanalyst and author
Mira Kamdar, author, Senior Fellow, World Policy Institute
Sanjay Kapoor, Vice President, Raytheon Integrated Defense Systems
Girish Karnad, Playright, Actor
Sujata Keshavan, Graphic Designer
Soha Ali Khan, actor
Sunil Khilnani, Director of South Asian Studies, Johns Hopkins
Amitava Kumar, writer, Professor of English, Vassar College
Radha Kumar, author and professor Jamia Millia Islamia
Jhumpa Lahiri, author, Pulitzer Prize 2000
Ruby Lal, Assistant Professor of South Asian Civilizations, Emory University
Rama Mani, Geneva Centre for Security Policy
Ajay K. Mehra, Director, Centre for Public Affairs
Suketu Mehta, author, Kiriya Prize 2005
Nivedita Menon, Department of Political Science, Delhi University
Shomit Mitter, author
Dinesh Mohan, professor, Indian Institute of Technology
Sophie Moolcha, businesswoman
Shubha Mudgal, vocalist, Padma Shree Award 2000
Ashish Nandy, political psychologist and sociologist
Mira Nair, internationally acclaimed film director
Derek O'Brien, author and television quiz master
Onir, film director, My Brother Nikhil
Pankaj Pachauri, Senior Editor, NDTV
Gopika Pant, Partner, DSK Legal
Gyanendra Pandey, Distinguished Professor of Arts and Sciences, Emory University
Kirit Parikh, Member, Planning Commission
Vibhuti Patel, journalist
Sanjay Pradhan, Director, Public Sector Governance, The World Bank
Rahul Ram, Indian Ocean band
Debraj Ray, Julius Silver Professor of Economics, New York University
Aruna Roy, Mazdoor Kisan Shakti Sangathan, Ramon Magsaysay Award 2000
Arundhati Roy, Activist and Author. Booker Prize 1997
Sandip Roy, Editor, New America Media and Trikone Magazine
Sanjoy Roy, managing director, Teamwork Films
Rajeev Sardesai, editor-in-chief CNN-IBN
Madhu Sarin, psychoanalyst
Sumit Sarkar, social historian

Tanika Sarkar, historian and Professor, Jawaharlal Nehru University
NC Saxena, former Secretary Planning Commission
and Rural Development, and Director, LBS National
Academy of Administration
Dayanita Singh, photographer
Sreenath Sreenivasan, Professor, Columbia Graduate School of Journalism
Vidya Subrahmaniam, Deputy Editor, The Hindu
Nandini Sundar, Professor, Delhi School of Economics
Tarun Tahiliani and Sal Tahiliani, designers
Tarun Tejpal, editor and founder of Tehelka
Dolly Thakore, theatre personality
Tilotamma Tharoor, Humanities Professor, New York University
Laila Tyabji, Chairperson, DASTKAR
Nilita Vachani, documentary-maker, President's Award 1992
Ruth Vanita, author and professor, U of Montana
Siddharth Varadarajan, Deputy Editor, The Hindu
Jafar Zaheer, Air Vice Marshal (retd, Param
Vishist Seva Medal), and Mrs Rafath Zaheer
Shama Zaidi, script writer and film maker
Soli Sorabjee,
Captain Lakshmi Sahgal,
Siddharth Dube,
Subashni Ali,
Satish Gujral,
Sudhir Kakar,
Saleem Kidwai,
Sonal Mansingh,
Kuldip Nayar,
Vir Sanghvi,
Mrinalini V Sarabhai,
Aparna Sen,
Admiral RH Tahiliani (retd),
BG Verghese

(Listing of institutional affiliations does not
imply that these organizations necessarily
endorse this statement)

P.S.

* Circulated by South Asia Citizens Wire | September 15, 2006 | Dispatch No. 2288.