

IIT students and alumni petition in SC against Section 377 of IPC

This petition is being filed by 20 of us - current and past students of the Indian Institutes of Technology on behalf of 350+ LGBT alumni, students, staff and faculty from the IITs who are a part of an informal pan-IIT LGBT group - Pravritti, which has been a safe space for us to interact, connect and network. We are ordinary citizens of this country, and most of us have never been involved in activism. We come together today to file this writ petition in front of the Supreme Court of India challenging the constitutionality of Section 377 of the Indian Penal Code on several grounds. We are extremely proud of all our petitioners who have come out to take this stand and tell our country and the court - how this regressive law has violated their fundamental rights, prevented them from living a life of dignity and how it has had first, second and nth order effects in the lives of LGBT individuals. In all humility, despite having worked and studied with the best minds of this country and studying in arguably the best scientific institutions of this country the law has had a very deep impact in our lives; one can only imagine the amount of suffering and pain that S377 has caused and continues to cause in the lives of LGBT individuals across the country.

We, the petitioners, come from diverse backgrounds in terms of religion, age, sex, gender identity. We belong to different parts of India - from Kakinada in Andhra Pradesh to Sambalpur in Odisha to Korba in Chhattisgarh and across the metropolitan cities of Mumbai, Delhi, Bangalore to name a few. We are scientists, entrepreneurs, teachers, researchers, business owners and employees in companies. We are children of farmers, teachers, homemakers and government servants. Our youngest petitioner is 19 years old, 90% of us petitioners are below the age group of 30; most of us are recent alumni from various IITs. There are 2 female petitioners and one trans woman.

Section 377 legitimizes the stigma associated to the sexual orientation and its expression - something which is essential, fundamental, intrinsic and innate to an individual. The existence of this law which relegates some of us to second-class citizenship has subjected many of us to mental trauma and illnesses such as clinical depression and anxiety to name a few. The stigma, silence and violence that S377 brings in its wake has led to some of us dealing with suicidal tendencies and some others have attempted suicide in the past. The silence of our legislative wing and its ineffectiveness to even consider debating the need for the existence of this law is shameful to say the least. S377 has also further contributed to the brain drain of several LGBT individuals including some of the petitioners from the IITs across industries. Within India, LGBT alumni including some amongst the petitioners have chosen sectors or companies with progressive policies over those that might have provided better career trajectories or in STEM fields which are instrumental in building a modern and strong India. One of the petitioners was very keen on becoming an IAS officer and never pursued it due to the fear of being discriminated against as a civil servant and the fear of losing the job due to the criminalization of a core part of their identity.

THIS PETITION

The Petitioners have approached this Hon'ble Court by way of this writ petition under Article 32 of the Constitution, *inter alia* seeking:

- (a) a declaration of their right to equality before the law and non-discrimination on account of their sexual orientation, and
- (b) for a declaration that Section 377 of the IPC violates Articles 14, 15, 16, 19 and 21 of the Constitution of India.

The Petitioners' life experiences have demonstrated the impact of Section 377 on their lives, and the infringement of their fundamental rights, as follows:

i. The criminalisation of sexual orientation and the very identity of Petitioners have resulted in a sense of shame, loss of self-esteem and self-worth, and stigma. As a result, several of the petitioners have had to grapple with depression, self-harm, and other mental health issues, including even suicidal thoughts and attempts, all of which have had a very deleterious effect on their academic and career prospects.

ii. Lack of access to information on various sexual identities in their formative years and the culture of taboo and shame built around discussions of LGBT identities, in large part because of Section 377, have deprived several of the Petitioners of timely knowledge resulting in a lack of awareness, questioning of their own self-worth and rejection of their innate identity.

iii. Unlike heterosexual persons, the petitioners have been deprived of opportunities to freely seek love and companionship with partners of their choice, thereby denying them an essential and immutable aspect of their right to life.

iv. The petitioners have also been denied equal access to the state machinery in instances where they have been victims of crime.

v. Several of the petitioners have had to forego better paying employment prospects, including employment under the State and instead choose employers who would be more accepting and accommodating of their identities.

vi. Many of the petitioners are contemplating settling abroad or have done so, leaving behind their residence of choice at home, only because of the sense of vulnerability and inability to lead a free existence, solely on account of their identity as LGBT.

We are extremely thankful to Naz Foundation, Voices against 377, Navtej Singh Johar & ors., Akkai Padmasali, Keshav Suri, Arif Jafar, Ashok Row Kavi & ors., and all the other NGOs and individuals who have come forward and have been fighting for the repeal of 377. We, by the way of this petition, would like to submit that this is our humble contribution to the community and building of a progressive, strong and tolerant India. We are hopeful that the court would consider the unbearable wrongness of Koushal (2013 judgement) and thereby reaffirm all the rights conferred to every individual of our country.

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Please email if you want to reach out for comments from our spokespersons

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