

# India: Muslim progressive voices against criminalization of homosexuality

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## India: 'Section 377 must be scrapped' - Muslim progressive voices

December 16, 2013

URGENT: Press release

'Section 377 must be scrapped'

We, the undersigned, are shocked by the Supreme Court verdict which, instead of affirming the fundamental constitutional principle of non-discrimination between citizens, criminalises homosexuality. We stand with the national and global community of LGBT individuals and organisations, human rights and civil liberties groups, the United Nations High Commissioner for Human Rights and democratic governments in damning the regressive ruling which reduces India to a lesser, narrow-minded, intolerant democracy.

We demand immediate action from legislators across the political spectrum for scrapping the obnoxious Section 377 of the Indian Penal Code – a legacy of the colonial era – to decriminalise same sex relations between consenting adults. We applaud political leaders and parties which have spoken out against the apex court's ruling.

We condemn the shameful support of the latest verdict by leaders from the BJP (including its prime ministerial aspirant) and the Samajwadi Party, and silence on the issue by some other parties.

We call upon religious leaders from different faiths – who had spoken with one voice against the earlier progressive ruling of the Delhi High Court and who are now celebrating the judgment of the Supreme Court – to reflect upon the wise words of Pope Francis: "Who are we to judge?" In his paradigm-shifting interview in September, the Pope has bemoaned the fact the Catholic Church was "obsessed" with the issue of homosexuality. We urge the high priests of other religions too to exorcise themselves of the same obsession.

We would like to remind religious leaders that India is a secular democracy, not a theocracy.

While the clergy is entitled to its views on what does or does not constitute a sin, it must realise that in a democracy punishments are only prescribed for crimes, not for sins. So they should stop playing god. We emphatically assert that same sex relations between consenting adults is not a crime and those engaging in it are no less human than heterosexuals. They must be respected as equals. Leave alone their being treated as criminals, any kind of discrimination against them is entirely unacceptable.

*Issued on behalf of signatories by*

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(Muslims for Secular Democracy) (Muslim Women's Rights Network)

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\* Wednesday 18 December 2013, by siawi3:

<http://www.siawi.org/article6472.html>

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## **Muslim groups slam clerics, SC's verdict on Section 377**

MUMBAI: Echoing the sentiments of the LGBT community, some Muslim groups have opposed the Supreme Court's recent order which recriminalizes homosexuality. The groups have demanded scrapping of the draconian section 377.

In a statement signed by over 50 members, two NGOs—Muslims for Secular Democracy (MSD) and Muslim Women's Rights Network—have said that they are "shocked by the SC verdict which, instead of affirming the fundamental constitutional principle of non-discrimination between citizens, criminalises homosexuality." Muslim religious groups, including All India Muslim Personal Law Board (AIMPLB), had supported the SC verdict as they vehemently opposed to homosexuality which they see as "sinful." However, MSD argues that in a democracy every group has right to choose the kind of lifestyle it wants. "While the clergy is entitled to its views on what does or does not constitute a sin, it must realize that in a democracy punishments are only prescribed for crime, not for sins. So they should stop playing god," said MSD's general secretary Javed Anand. He added that same sex relations between consenting adults is not a crime and those engaging in it are no less human than heterosexuals. "Leave alone their being treated as criminals, any kind of discrimination against them is entirely unacceptable," he said.

Hasina Khan of Muslim Women's Rights Network said that homosexuals constituted a minority and Section 377 violated the rights of this minority group. She also opposed the religious groups' arguments that scrapping 377 would give impetus to obscenity. "They have problem with live-in relationships too. It is two consenting adults right to choose the kind of relationship they want to make. This draconian act will give the cops a tool to harass homosexuals and so this must go," said Khan.

**Mohammed Wajihuddin**, TNN Dec 17, 2013, 07.25AM IST

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[http://articles.timesofindia.indiatimes.com/2013-12-17/india/45294529\\_1\\_sc-verdict-lgbt-community-groups](http://articles.timesofindia.indiatimes.com/2013-12-17/india/45294529_1_sc-verdict-lgbt-community-groups)

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