



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## India

India – IND37162 – Punjab – Homosexuals  
– Indian Penal Code Section 377 – Honour  
crimes – State protection – Internal  
relocation

24 August 2010

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### 1. What is the current situation with Section 377 of the Penal Code which effectively criminalises homosexuality?

Section 377 of the Indian Penal Code (IPC) currently penalises “voluntary carnal intercourse against the order of nature with any man, woman or animal”, effectively criminalising “all unnatural acts [including] consensual same-sex sexual activity between adults”.<sup>1</sup> Section 377 has been used in the past “to target, harass, and punish lesbian, gay, bisexual, and transgender persons”.<sup>2</sup> However, in July 2009 some provisions of Section 377 regarding homosexuality were overturned by the Delhi High Court. The court decriminalised consensual homosexual conduct between adults, declaring “that Section 377 IPC, insofar it criminalises consensual sexual acts of adults in private, is violative of Articles 21, 14 and 15 of the Constitution. The provisions of Section 377 IPC will continue to govern non-consensual penile non-vaginal sex and penile non-vaginal sex involving minors. By ‘adult’ we mean everyone who is 18 years of age and above”.<sup>3</sup>

The ruling was challenged in the Supreme Court by some conservative religious groups; however, the government decided not to oppose the Delhi High Court verdict, “allowing the Supreme Court to make a final decision”.<sup>4</sup> The Supreme Court hearing was scheduled for early December 2009; however, there were no further developments at the end of the year.<sup>5</sup> A July 2010 article by the Delhi Queer Pride Committee demands that “[t]he Supreme Court uphold the judgement of the Delhi High Court regarding Section 377 of the Indian Penal Code”, indicating that the Supreme Court has not yet made a decision on

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<sup>1</sup> UK Home Office 2009, *Country of Origin Information Report: India*, 12 May, p.72 – Attachment 1

<sup>2</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – India*, March, Section 6 – Attachment 2

<sup>3</sup> High Court of Delhi 2009, *WP(C) No.7455/2001*, District Courts of India website, 2 July <http://lobis.nic.in/dhc/APS/judgement/02-07-2009/APS02072009CW74552001.pdf> – Accessed 24 March 2010 – Attachment 3

<sup>4</sup> Human Rights Watch 2010, *World Report 2010: India*, January – Attachment 4; Biswas, R. 2009, ‘India’s Historic Gay Ruling’, *Inter Press Service*, 3 July <http://ipsnews.net/news.asp?idnews=47518> – Accessed 29 March 2010 – Attachment 5

<sup>5</sup> Human Rights Watch 2010, *World Report 2010: India*, January – Attachment 4; Biswas, R. 2009, ‘India’s Historic Gay Ruling’, *Inter Press Service*, 3 July <http://ipsnews.net/news.asp?idnews=47518> – Accessed 29 March 2010 – Attachment 5

this matter.<sup>6</sup> The High Court ruling is to remain in place until the laws governing homosexuality are amended.<sup>7</sup> India's Health Ministry, in particular, is supportive of an amendment, due to the implications of discrimination against homosexuals in combating HIV/AIDS.<sup>8</sup>

Some reports suggest that an amendment of Section 377 was recently proposed and is currently being considered by the government.<sup>9</sup> A March 2010 article states that the Ministry of Home Affairs (MHA) has asked the Ministry of Law and Justice "to prepare a draft of an amendment Bill to the Indian Penal Code (IPC), the most striking feature of which is that Section 377 would no longer deal with the offence involving voluntary 'carnal intercourse against the order of nature' between consenting adults of the same gender". The amended Section 377 would only refer to "carnal intercourse with animals", reading "[w]hoever voluntarily has carnal intercourse with animal shall be punished with imprisonment for life, or with imprisonment or either description for a term which may extend to 10 years and shall also be liable to fine". Although the MHA has neither denied nor confirmed these actions, the report states that "the MHA plans to circulate the proposed amendment among state governments for their comments but at the same time await the final decision of the Supreme Court in the matter".<sup>10</sup> A July 2010 article in *The Hindu* describes Section 377 as "now in-limbo".<sup>11</sup> Amnesty International similarly stated in June 2010 that "[a] formal repeal of the law remained pending".<sup>12</sup>

There is some disagreement over whether the Delhi High Court ruling applies across India or just to Delhi itself. *The New York Times* reports that the judgment "applies only in the territory of India's capital city".<sup>13</sup> However, *The Times of India* reports that "[a]lthough legal pundits are divided on this, the law laid down by a 2004 SC [Supreme Court] judgment implies that homosexuals across the country may rest assured that they too are entitled to the benefits of the historic Delhi high court decision on Section 377". In addition, since the Penal Code is applicable across India, aside from Jammu and Kashmir, the High Court ruling "will have effect far beyond the capital". Furthermore, since this is the first ruling regarding Section 377, there is no existing conflicting judgment.<sup>14</sup>

## 2. Are there any reports of homosexuals being seriously harmed in Punjab for reasons of their homosexuality?

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<sup>6</sup> Delhi Queer Pride Committee 2010, '377 Judgment, One Year On. Celebrations on July 2, 2010!', South Asia Citizens Web website, 1 July <http://www.sacw.net/article1502.html> – Accessed 20 August 2010 – Attachment 6

<sup>7</sup> Sheth, N. & Bellman, E. 2009, 'Indian Court Strikes Down Homosexuality Ban', *Wall Street Journal*, 3 July <http://online.wsj.com/article/SB124651666709884773.html> – Accessed 29 March 2010 – Attachment 7

<sup>8</sup> Biswas, R. 2009, 'India's Historic Gay Ruling', *Inter Press Service*, 3 July <http://ipsnews.net/news.asp?idnews=47518> – Accessed 29 March 2010 – Attachment 5

<sup>9</sup> 'Laws – India: Homosexuality, Sodomy' 2010, GayLawNet website <http://www.gaylawnet.com/laws/in.htm#sodomy> – Accessed 19 August 2010 – Attachment 8

<sup>10</sup> Chhibber, M. 2010, 'Govt sets ball rolling on repeal of gay sex law', *Indian Express*, 21 March <http://www.indianexpress.com/news/govt-sets-ball-rolling-on-repeal-of-gay-sex-law/593539/> – Accessed 29 March 2010 – Attachment 9

<sup>11</sup> Vijaykumar, C. 2010, 'Crime and punishment', *The Hindu*, 28 July <http://www.thehindu.com/life-and-style/society/article538345.ece> – Accessed 17 August 2010 – Attachment 10

<sup>12</sup> Amnesty International 2010, *Annual Report 2010: India*, June – Attachment 11

<sup>13</sup> Timmons, H. & Kumar, H. 2009, 'Indian Court Overturns Gay Sex Ban', *The New York Times*, 3 July [http://www.nytimes.com/2009/07/03/world/asia/03india.html?\\_r=2](http://www.nytimes.com/2009/07/03/world/asia/03india.html?_r=2) – Accessed 29 March 2010 – Attachment 12

<sup>14</sup> Mitta, M. 2009, 'Will Delhi HC gay order apply across India?', *The Times of India*, 3 July <http://timesofindia.indiatimes.com/news/india/Will-Delhi-HC-gay-order-apply-across-India/articleshow/4731089.cms> – Accessed 29 March 2010 – Attachment 13

There are limited reports of serious attacks on homosexuals in Punjab specifically. In 2006, the members of a self-help group for homosexual people in the village of Mauli Jagran in Chandigarh, the capital of Punjab, explained that they “resent the attitude of normal people” who treat them as “objects of ridicule”. They reported being “made fun of by all those who see us” and facing the danger of “[b]eing hunted and ‘raped’”. On one occasion three of them were cornered by a group of men who demanded sexual favours. Despite reporting the incident to the police, the three men argued that they were not taken seriously.<sup>15</sup> Nevertheless, since the High Court ruling three homosexual couples have reportedly married in Chandigarh. Although gay marriage has not been legalised in India, sources have suggested that more than two dozen same-sex couples from Chandigarh and Panchkula got married between May and July 2009.<sup>16</sup>

It was reported in *The Age* in March 2010 that while police harassment of homosexual people in India generally has declined since the July 2009 Delhi High Court ruling, this “has coincided with a sharp rise in attacks on gay people, including a spate of brutal murders”. It is unclear where these attacks occurred.<sup>17</sup> The US Department of State argues that despite the Delhi High Court ruling, “societal discrimination continued on the basis of sexual orientation and identity throughout the country” in 2009. It is reported that homosexual people “faced discrimination in all areas of society, including family, work, and education. Activists reported that employers often fired gays and lesbians who did not hide their orientations. Gays and lesbians also faced physical attacks, rape, and blackmail. Police committed crimes against gays, lesbians, bisexuals, and transgender persons and used the threat of arrest to coerce victims not to report the incidents”.<sup>18</sup>

The negative societal attitude towards homosexuals is reportedly widespread across the country. Homosexuality is considered to be taboo and caused by mental illness. A number of religious groups and leaders strongly opposed the Delhi High Court decision, claiming that it would destroy Indian values and culture.<sup>19</sup> Punjabi religious leaders condemned the decision, stating that it was “a ‘black day’ for mankind”. The president of a top Sikh body in Punjab, Shiromani Gurdwara Prabandhak Committee (SGPC), stated that “[w]e are shocked on this decision of the court and directly reject its ruling. There is no need of

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<sup>15</sup> Sethi, C. K. 2006, ‘Where gays can live with gay abandon’, *The Tribune*, 28 June

<http://www.tribuneindia.com/2006/20060628/cth1.htm> – Accessed 20 August 2010 – Attachment 14

<sup>16</sup> ‘Gay Marriages get Punjab Push’ 2009, AIDS Support Group website, 21 July

<http://aidssupport.aarogya.com/news-and-events/458-gay-marriages-get-punjab-push.html> – Accessed 19 August 2010 – Attachment 15; Jhunjhunwala, A. 2009, ‘India takes a step out of the closet’, Open India website, 15 July

<http://www.opendemocracy.net/article/email/india-takes-a-step-out-of-the-closet> – Accessed 19 August 2010 – Attachment 16

<sup>17</sup> Wade, M. 2010, ‘India’s gays happy to remain in the closet’, *The Age*, 20 March

<http://www.theage.com.au/world/indias-gays-happy-to-remain-in-the-closet-20100319-qm69.html> – Accessed 19 August 2010 – Attachment 17

<sup>18</sup> US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – India*, March, Section 6 – Attachment 2

<sup>19</sup> Mohiuddin, Y. 2009, ‘India gay sex ruling – protection, not acceptance’, *The Age*, 11 July

<http://news.theage.com.au/breaking-news-world/india-gay-sex-ruling--protection-not-acceptance-20090711-dgjl.html> – Accessed 19 August 2010 – Attachment 18; ‘Legalising homosexual acts is illegal and unnatural: Muslim law board’ 2009, *The Times of India*, (source: *PTI*), 8 July

<http://timesofindia.indiatimes.com/NEWS/India/Legalising-homosexual-acts-is-illegal-and-unnatural-Muslim-law-board/articleshow/4753463.cms> – Accessed 29 March 2010 – Attachment 19; Biswas, R. 2009, ‘India’s Historic Gay Ruling’, *Inter Press Service*, 3 July <http://ipsnews.net/news.asp?idnews=47518> – Accessed 29 March 2010 – Attachment 5; Vyas, S. 2009, ‘Citizens oppose legalising gay sex’, *The Times of India*, 3 July

<http://timesofindia.indiatimes.com/NEWS/City/Nagpur/Citizens-oppose-legalising-gay-sex/articleshow/4731005.cms> – Accessed 29 March 2010 – Attachment 20

giving a second thought to it as no religion on this earth allows such kind of disgraceful thing to prevail.”<sup>20</sup>

The challenge of overcoming negative attitudes towards homosexuality has been widely reported. A 2009 opinion poll found that 73 percent of Indians believe that homosexuality should be illegal, 77 percent consider same-sex attraction to be unnatural, and 60 percent consider homosexuality to be a disease.<sup>21</sup> India’s homosexual community has been described in the *Wall Street Journal* as a “long-stigmatized part of...India’s traditionally conservative society” which faces a significant battle in changing social attitudes.<sup>22</sup> A July 2009 news report suggests that while homosexuals may no longer have to fear police harassment and abuse, they will still face a lack of acceptance by their family members. Very few families provide real freedom to homosexual family members, instead attempting to ‘treat’ them with medication or exorcism, forcing them into heterosexual marriages to at least appear to be ‘normal’ publicly, or threatening them with banishment.<sup>23</sup> The opinion poll referred to above reveals that only 11 percent of people stated they would accept a homosexual family member, while 18 percent claimed they would disown them.<sup>24</sup>

### **3. What is the attitude of the authorities in Punjab towards the mistreatment of or honour crimes against homosexuals?**

Limited information was found regarding the attitude of the authorities in Punjab towards the mistreatment of, or honour crimes against, homosexuals. As mentioned in response to question two, however, the three homosexual men who were harassed by a group of men in Chandigarh in 2006 claimed that that they were not taken seriously when they reported the incident to the police.<sup>25</sup>

Previous RRT country advice dated 1 April 2010 provides information on the general police attitude towards homosexuals in India. The advice cites sources which indicate that prior to the July 2009 Delhi High Court judgment, police used Section 377 to harass, abuse and extort money from homosexuals. There have been fewer reports of such treatment since the ruling, although negative attitudes of the police towards homosexual people may still be entrenched.<sup>26</sup> A report in *The Age* similarly suggests that the court ruling will have the most significant impact on homosexual people who regularly experienced harassment by the police. However, it is argued that “although the law now

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<sup>20</sup> Punjab Sikh Clerics Condemns Delhi High Court Decision on Gay’ 2009, *Mera Chandigarh*, 3 July [http://merachandigarh.in/punjab-news/delhi\\_high\\_court\\_decision\\_on\\_gay.html](http://merachandigarh.in/punjab-news/delhi_high_court_decision_on_gay.html) – Accessed 29 March 2010 – Attachment 21

<sup>21</sup> ‘Homosexuality illegal for most Indians’ 2009, *Thaindian News*, 18 August [http://www.thaindian.com/newsportal/lifestyle/homosexuality-illegal-for-most-indians\\_100234206.html](http://www.thaindian.com/newsportal/lifestyle/homosexuality-illegal-for-most-indians_100234206.html) – Accessed 29 March 2010 – Attachment 22

<sup>22</sup> Sheth, N. & Bellman, E. 2009, ‘Indian Court Strikes Down Homosexuality Ban’, *Wall Street Journal*, 3 July <http://online.wsj.com/article/SB124651666709884773.html> – Accessed 29 March 2010 – Attachment 7

<sup>23</sup> Soondas, A. 2009, ‘Law has freed gays, now society has to’, *The Times of India*, 2 July <http://blogs.timesofindia.indiatimes.com/onefortheroad/entry/law-has-freed-gays-now> – Accessed 29 March 2010 – Attachment 23

<sup>24</sup> ‘Homosexuality illegal for most Indians’ 2009, *Thaindian News*, 18 August [http://www.thaindian.com/newsportal/lifestyle/homosexuality-illegal-for-most-indians\\_100234206.html](http://www.thaindian.com/newsportal/lifestyle/homosexuality-illegal-for-most-indians_100234206.html) – Accessed 29 March 2010 – Attachment 22

<sup>25</sup> Sethi, C. K. 2006, ‘Where gays can live with gay abandon’, *The Tribune*, 28 June <http://www.tribuneindia.com/2006/20060628/cth1.htm> – Accessed 20 August 2010 – Attachment 14

<sup>26</sup> RRT Country Advice 2010, *Country Advice IND36389*, 1 April – Attachment 24

accepts [the gay community], society still does not”.<sup>27</sup> On the other hand, an article in *The Times of India* claims that despite the court ruling, “the scope for harassment by police will always be there”.<sup>28</sup>

Prior to the Delhi High Court judgment, the International Gay and Lesbian Human Rights Commission reported violence against homosexual people at the hands of police, “including sexual assault, custodial abuse and extortion...the use of police by parents and older siblings to detain and intimidate family members in gay and lesbian relationships; [and] the arrest of NGO workers doing HIV/AIDS prevention with men who have sex with men”. In addition, a 2004 report by the Immigration and Refugee Board of Canada states that “[w]ith respect to the government of India’s attitude towards homosexuality, the government has declared that homosexuality is ‘not tolerated in Indian society’; however, it also has ‘no objection to homosexuality if it is practised in private by consenting adults’”.<sup>29</sup> This attitude is also evident in the government’s decision not to oppose the July 2009 Delhi High Court verdict decriminalising homosexuality.<sup>30</sup>

Two sources describe the high incidence of honour killings in Punjab, although it is not evident whether the killings relate to homosexuality. A research paper prepared by Indian jurists states that the total number of honour killings in India could be over 1,000 per year, with at least 900 of these cases occurring in the states of Punjab, Haryana and Uttar Pradesh. It is argued that although “the National Crime Records Bureau does not collect separate data on “honour killings”, a number of such incidents are linked to “forced marriages”, which appear to be one of the major causes for this heinous crime”.<sup>31</sup> A June 2010 *BBC News* article cites police records which indicate that 34 honour killings have taken place in Punjab over the past two and a half years, equating to one per month. The police have reportedly admitted that many more cases may go unreported. It is argued that although “India has ignored ‘honour killings’ [and] denied that they have happened”, some reports suggest that a law against such killings is forthcoming.<sup>32</sup>

#### 4. Are there other places in India where homosexuals can appear publicly?

A July 2009 article in *The New York Times* states that “[a]cceptance of homosexuality has thawed somewhat in recent years in some urban areas”. Large gay pride parades have recently occurred in cities, while gay themes and characters have appeared in recent

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<sup>27</sup> Mohiuddin, Y. 2009, ‘India gay sex ruling – protection, not acceptance’, *The Age*, 11 July <http://news.theage.com.au/breaking-news-world/india-gay-sex-ruling--protection-not-acceptance-20090711-dgjl.html> – Accessed 19 August 2010 – Attachment 18

<sup>28</sup> ‘Will Delhi become gay capital’ 2009, *The Times of India*, 3 July <http://timesofindia.indiatimes.com/NEWS/India/Will-Delhi-become-gay-capital/articleshow/4730548.cms> – Accessed 31 August 2009 – Attachment 25

<sup>29</sup> UK Home Office 2009, *Country of Origin Information Report: India*, 12 May, p.72 – Attachment 1

<sup>30</sup> Human Rights Watch 2010, *World Report 2010: India*, January – Attachment 4; Biswas, R. 2009, ‘India’s Historic Gay Ruling’, *Inter Press Service*, 3 July <http://ipsnews.net/news.asp?idnews=47518> – Accessed 29 March 2010 – Attachment 5

<sup>31</sup> Negi, S. S. 2010, ‘India has over 1,000 honour killings a year’, 24 June <http://www.asianage.com/india/%E2%80%98india-has-over-1000-honour-killings-year%E2%80%99-859> – Accessed 20 August 2010 – Attachment 26

<sup>32</sup> Biswas, S. 2010, ‘Killing for ‘honour’’, *BBC News*, 23 June [http://www.bbc.co.uk/blogs/thereporters/soutikbiswas/2010/06/you\\_can\\_get\\_killed\\_for.html](http://www.bbc.co.uk/blogs/thereporters/soutikbiswas/2010/06/you_can_get_killed_for.html) – Accessed 20 August 2010 – Attachment 27

Bollywood movies.<sup>33</sup> *The Times of India* reports that gay-rights movements and HIV/AIDS awareness organisations are also emerging in smaller cities and states such as Jammu and Kashmir, Chhattisgarh, West Bengal and Gujarat.<sup>34</sup> However, one prominent gay figure in New Delhi identified stigma as the real problem faced by the homosexual community, particularly in rural areas.<sup>35</sup>

Delhi, in particular, appears to be emerging as “India’s gay capital”, not least due to the recent High Court ruling. An article in *The Times of India* cites ‘experts’ who claim that the court judgment “makes Delhi... a safe city to live in for homosexuals, without being in constant fear of being harassed, blackmailed or imprisoned by the police”. The ruling is believed to have eliminated the scope for police harassment of homosexuals in Delhi, and raised “the prospect of the Capital becoming the city of choice for homosexuals who may wish to lead lives free of fear”. It is argued that in other cities, although homosexuals can cite the ruling “to seek relief from criminal proceedings, the scope for harassment by police will always be there”.<sup>36</sup> Delhi also has an increasingly lively gay nightlife, with “four gay bars which hold a gay night every week”. A police officer reportedly stated in July 2009 that “Delhi has a progressive culture and Delhi police respects that”. A member of the homosexual community in Delhi similarly stated that “[t]here is no doubt that the recent gay parade in the city and the celebrations today at Jantar Mantar were supported by the top brass of Delhi police”. However, he also claimed that extortion was still common, and expressed concern that societal attitudes in the city have not changed.<sup>37</sup>

On the other hand, a report in *The Times of India* cited another homosexual living in Delhi who stated that “he is no longer fearful of cops harassing and extorting money”. However, the report also highlights social prejudices against homosexuals, which have led to feelings of isolation and mistrust of society. The report argues that the gay community acknowledges that societal attitudes must change before mistreatment ceases. Members of Delhi’s gay community have stated that “I do have the same insecurities while walking on the street. I only know that I won’t get caught by cops while having sex”... “Just because it’s decriminalized doesn’t mean my parents will be proud of me or accept me. It doesn’t mean people will stop making fun of me”. Nevertheless, the younger generation of homosexuals is counting “on young India’s increasingly liberal thought process to help their fight”.<sup>38</sup>

The social stigma surrounding homosexuality is still evident across the country, and continues to lead to incidents of male rape and family pressure. A recent article in *The*

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<sup>33</sup> Timmons, H. & Kumar, H. 2009, ‘Indian Court Overturns Gay Sex Ban’, *The New York Times*, 3 July [http://www.nytimes.com/2009/07/03/world/asia/03india.html?\\_r=2](http://www.nytimes.com/2009/07/03/world/asia/03india.html?_r=2) – Accessed 29 March 2010 – Attachment 12

<sup>34</sup> Sharma, S. 2009, ‘Gay movement no longer limited to metros, big cities’, *The Times of India*, 16 July <http://timesofindia.indiatimes.com/news/city/vadodara/Gay-movement-no-longer-limited-to-metros-big-cities/articleshow/4786788.cms> – Accessed 29 March 2010 – Attachment 28

<sup>35</sup> Timmons, H. & Kumar, H. 2009, ‘Indian Court Overturns Gay Sex Ban’, *The New York Times*, 3 July [http://www.nytimes.com/2009/07/03/world/asia/03india.html?\\_r=2](http://www.nytimes.com/2009/07/03/world/asia/03india.html?_r=2) – Accessed 29 March 2010 – Attachment 12

<sup>36</sup> ‘Will Delhi become gay capital’ 2009, *The Times of India*, 3 July <http://timesofindia.indiatimes.com/NEWS/India/Will-Delhi-become-gay-capital/articleshow/4730548.cms> – Accessed 31 August 2009 – Attachment 25

<sup>37</sup> ‘Party on as gay nightlife lights up’ 2009, *The Times of India*, 3 July <http://timesofindia.indiatimes.com/Cities/Delhi/Party-on-as-gay-nightlife-lights-up/articleshow/4730554.cms> – Accessed 29 March 2010 – Attachment 29

<sup>38</sup> ‘Young gays relish new freedom at home, in pubs’ 2009, *The Times of India*, 20 July <http://timesofindia.indiatimes.com/NEWS/City/Delhi/Young-gays-relish-new-freedom-at-home-in-pubs/articleshow/4795948.cms> – Accessed 29 March 2010 – Attachment 30

*Times of India* suggests that the Delhi court ruling has removed some of the stigma associated with homosexuality, although has not automatically encouraged a change in public attitudes. Despite a growing market in major cities such as New Delhi, Mumbai, Chennai and Bangalore for gay nightclubs, parades, festivals, events and products, communities in more conservative regional areas are still reluctant to accept homosexuality.<sup>39</sup> In October 2009, a homosexual couple who married in Uttar Pradesh's Bulandshahr district were ordered by the panchayat (assembly of village elders) to leave their village as punishment for their 'immoral behaviour'. Villagers were also threatened with fines of Rs 10,000 if they assisted the couple. The police claimed to have initiated an inquiry into the matter.<sup>40</sup> An April 2010 *Reuters* article argues that "the change in the law appears to have done little to alter society's dominant anti-gay views". These views are also evident in the taboo nature of homosexuality in films, which organisers of a gay-themed film festival in Mumbai are hoping to change.<sup>41</sup>

## Attachments

1. UK Home Office 2009, *Country of Origin Information Report: India*, 12 May.
2. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – India*, March.
3. High Court of Delhi 2009, *WP(C) No.7455/2001*, District Courts of India website, 2 July <http://lobis.nic.in/dhc/APS/judgement/02-07-2009/APS02072009CW74552001.pdf> – Accessed 24 March 2010.
4. Human Rights Watch 2010, *World Report 2010: India*, January.
5. Biswas, R. 2009, 'India's Historic Gay Ruling', *Inter Press Service*, 3 July <http://ipsnews.net/news.asp?idnews=47518> – Accessed 29 March 2010.
6. Delhi Queer Pride Committee 2010, '377 Judgment, One Year On. Celebrations on July 2, 2010!', South Asia Citizens Web website, 1 July <http://www.sacw.net/article1502.html> – Accessed 20 August 2010.
7. Sheth, N. & Bellman, E. 2009, 'Indian Court Strikes Down Homosexuality Ban', *Wall Street Journal*, 3 July <http://online.wsj.com/article/SB124651666709884773.html> – Accessed 29 March 2010.
8. 'Laws – India: Homosexuality, Sodomy' 2010, GayLawNet website <http://www.gaylawnet.com/laws/in.htm#sodomy> – Accessed 19 August 2010.

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<sup>39</sup> Foy, H. 2010, 'India's wealthy gays keep niche market in the pink', *Reuters*, 10 August <http://www.reuters.com/article/idUSTRE67911L20100810> – Accessed 19 August 2010 – Attachment 31; Rebello Fernandes, J. 2010, 'Pink India tiptoes out of the closet', *The Times of India*, 3 July <http://timesofindia.indiatimes.com/india/Pink-India-tiptoes-out-of-the-closet/articleshow/6123358.cms> – Accessed 25 August 2010 – Attachment 32

<sup>40</sup> 'Couple forced to leave village after same-sex marriage' 2009, *Indo-Asian News Service*, 26 October – Attachment 33

<sup>41</sup> Jamkhandikar, S. 2010, 'India gay film fest eyes homosexuality debate', *Reuters*, 22 April <http://www.reuters.com/article/idUSTRE63L0O620100422> – Accessed 19 August 2010 – Attachment 34

9. Chhibber, M. 2010, 'Govt sets ball rolling on repeal of gay sex law', *Indian Express*, 21 March <http://www.indianexpress.com/news/govt-sets-ball-rolling-on-repeal-of-gay-sex-law/593539/> – Accessed 29 March 2010.
10. Vijaykumar, C. 2010, 'Crime and punishment', *The Hindu*, 28 July <http://www.thehindu.com/life-and-style/society/article538345.ece> – Accessed 17 August 2010.
11. Amnesty International 2010, *Annual Report 2010: India*, June.
12. Timmons, H. & Kumar, H. 2009, 'Indian Court Overturns Gay Sex Ban', *The New York Times*, 3 July [http://www.nytimes.com/2009/07/03/world/asia/03india.html?\\_r=2](http://www.nytimes.com/2009/07/03/world/asia/03india.html?_r=2) – Accessed 29 March 2010.
13. Mitta, M. 2009, 'Will Delhi HC gay order apply across India?', *The Times of India*, 3 July <http://timesofindia.indiatimes.com/news/india/Will-Delhi-HC-gay-order-apply-across-India/articleshow/4731089.cms> – Accessed 29 March 2010.
14. Sethi, C. K. 2006, 'Where gays can live with gay abandon', *The Tribune*, 28 June <http://www.tribuneindia.com/2006/20060628/cthl1.htm> – Accessed 20 August 2010.
15. 'Gay Marriages get Punjab Push' 2009, AIDS Support Group website, 21 July <http://aidssupport.aarogya.com/news-and-events/458-gay-marriages-get-punjab-push.html> – Accessed 19 August 2010.
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