

8 August 2001

The Chairman
National Human Rights Commission
Sansad Marg
New Delhi

Subject: Arrest and detention of AIDS awareness activists on false charges

Dear Sir,

Four activists from two organisations involved in AIDS awareness programmes in Lucknow were arrested by the Uttar Pradesh police on 7 July 2001 under section 377 of the Indian Penal Code. Their bail was rejected by the Sessions Court without giving specific grounds for the same. They continue to remain in jail.

The four activists comprise Mr. Parmeshwar Nair, Manager of the Bharosa Trust Program, Mr. Mohhammad Shahid, a worker of the same organization, Mr. Arif Jafar, Director of the Naz Foundation International and Sudhees Kumar, another office worker of the same organisation. The four persons were beaten with batons in police custody.

The two organisations work within the framework of the National Project Implementation Plan set out by the National AIDS Control Organisation (NACO), which identifies male homosexuals as a priority target for AIDS prevention. The Government of India has also acknowledged at the United Nations General Assembly Special Session on HIV/AIDS that lesbians and gay men constitute a marginalised community and that they are particularly vulnerable to HIV infection.

Bharosa Trust is also a registered body recognized by Uttar Pradesh State Aids Control Society, UPSACS. The work of these organizations appears to be completely in coherence with the positions taken by Government of India at national and international level.

Police later raided the offices of the two organisations and seized materials which the police considered pornographic. However the organisations have argued that the materials are essential for raising safer sex awareness. The raids were carried on without search warrants from the court. The lawyer defending the four arrested was threatened by the police during the search operation on the Bharosa Trust Program office on 9 July 2001.

Sir, you are aware of the wide ranging opposition in the country to the existence of S.377 on the statute books. This section, based on an illiberal, intolerant and out-dated views has no space in a democratic polity and society. It needs to be struck down at the earliest in order to protect homosexual persons from being continuously victimised by the police. This provision in the IPC has become a regular source of money-making for the law enforcing authorities.

We urge you to take up the matter urgently to secure release of the four activists. We also request you to organise discussion on S. 377 of the IPC, and to advise the government to amend the IPC to remove the aforesaid provision.

Yours faithfully

Deepika Tandon
Secretary, PUDR