



**Dr KK Aggarwal**  
Padma Shri Awardee  
President, Heart Care Foundation of India  
Group Editor-in-Chief, IJCP Group

## Supreme Court Decriminalizes Section 377: Heart Care Foundation of India Welcomes this Historic Judgment

*"Section 377 is irrational, arbitrary and incomprehensible", says Supreme Court.*

In a historic and unanimous judgment, the Supreme Court of India has decriminalized Section 377 of the Indian Penal Code (IPC), as per which homosexuality is a punishable offence. The five-judge constitutional bench was unanimous in its decision.

The medical community has always considered homosexuality as a normal and natural phenomenon and not a disease or crime.

It becomes important now for a medical doctor to know if the person is a Lesbian, Gay, Bisexual and Transgender (LGBT). Till now, many of them did not come forward and disclose their orientation, fearing the law.

The job of a doctor or the judiciary is to change with the changing times and broaden, delete or re-interpret the laws as per the changing needs of the society.

It is indeed heartening to note that the Court is now coming to the rescue of people, which will help reduce the mental and social disorders in the society.

Following are some key observations of the Supreme Court (TOI).

*"Progressive and pragmatic view should be taken by the court to come to the rescue of the oppressed section of society. The law must be interpreted as per the requirement of changing times", says Supreme Court.*

*"The court must try to protect the dignity of every individual of the society, including people from LGBT community. Sexual orientation is natural and people have no control on it."*

*"Consensual sex between adults in private space, which is not harmful to women or children, cannot be denied as it is a matter of individual choice."*

*"It amounts to a retrograde step if we accept the verdict on criminalizing gay sex."*

*"Section 377 of the IPC was a weapon to harass members of the LGBT community, resulting in discrimination."*

*"Any kind of sexual activity with animals shall remain penal offence under Section 377 of the IPC."*

SC terms "sexual orientation as biological phenomenon, says any discrimination on this grounds is violative of fundamental rights."

*"Constitution nurtures dissent as safety valve of society, we can't change history but can pass way for better future."*

**Chief Justice Dipak Misra:** *"Sustenance of identity is the pyramid of life. Right to privacy as part of right to life applies fully to LGBT community. Suresh Koushal judgment of SC in 2013 is retrograde."*

**Justice RF Nariman:** *"Homosexuality is not a mental disorder, which has been also recognized by Parliament. Center must give wide periodic publicity to the SC judgment to eliminate stigma attached to LGBT community."*

**Justice Chandrachud:** "State has no business to get into controlling the private lives of LGBT community members or for that matter, any citizen... Decriminalising gay sex is only the first step to bury the Colonial Ghost, adding that time has come to move forward and give the LGBT community the other constitutional rights...Denial of right to sexual orientation is akin to denial of right to privacy."

**Justice Indu Malhotra:** "History owes an apology to members of LGBT community and their families for

ostracisation and persecution they faced because of society's ignorance that homosexuality is a natural trait; its penal suppression infringes a host of fundamental rights."

#### Related links

1. <http://kkaggarwal.com/Editorial/homosexuality-is-not-a-medical-disorder/>.
2. <http://kkaggarwal.com/Editorial/court-has-a-duty-to-strike-down-law-if-it-violates-fundamental-right-sc/>.



# Make sure

## DURING MEDICAL PRACTICE

**SITUATION:** A patient with uncontrolled type 2 diabetes was also found to have early morning BP surge during hospitalization.



© IJCP GROUP

**LESSON:** Make sure to remember that morning BP surge is an independent predictor of cardiovascular events. In a study, poor glycemic control and insulin resistance were independently associated with the occurrence of morning BP surge in patients with type 2 diabetes, which might be significantly associated with endothelial dysfunction.

*Diabetes Care. 2014;37(3):644-50.*