

MENAKA GURUSWAMY & ARUNDHATI KATJU

INDIAN LGBTQ RIGHTS LAWYERS

Guruswamy: b. November 27, 1974

Katju: b. August 19, 1982

“How strongly must we love to withstand [these] terrible wrongs.”

They won a historic Indian Supreme Court case decriminalizing homosexuality.

Menaka Guruswamy and Arundhati Katju are Indian lawyers who won a historic 2018 Indian Supreme Court case decriminalizing homosexuality. For the pair, who came out as a couple in the international media afterward, the ruling represented a personal triumph as well as a watershed victory for LGBTQ people in India.

Guruswamy and Katju graduated from the National Law School of India University, Bangalore. Guruswamy studied law as a Rhodes Scholar at the University of Oxford, earning a doctorate degree in 2015. Katju practiced law for 11 years before receiving

an LLM in 2017 from Columbia University, where she was a Human Rights Fellow and a James Kent Scholar.

The two lawyers litigated many notable cases before the Indian Supreme Court prior to their 2018 victory. In 2015 they helped secure a judgment on behalf of a transgender man who was confined by his parents. They also played a prominent role in a multimillion-dollar corruption case.

In 2013 Guruswamy and Katju served as co-counsel in the Supreme Court case *Sureth Kumar Koushal v. Naz Foundation*, defending the 2009 Delhi High Court ruling that Section 377 of the British Penal Code, which criminalized gay sex, was unconstitutional. During the hearing, they realized they would lose the case because the judge had “no imagination of who was a gay Indian.” When Section 377 was upheld, Guruswamy and Katju decided “they would never let LGBT Indians be invisible in any courtroom.”

Emboldened to build a new legal strategy to win LGBT rights, Guruswamy and Katju employed an old technique: a writ petition. The device allows claimants to go directly before the court. During the 2013 case, the court never heard direct testimony from LGBT Indians. For the new approach, the lawyers sought participation from gay Indian public figures, such as the classical dancer Natvej Singh Johar and his journalist partner, Sunil Mehra.

In 2016 Guruswamy and Katju petitioned on behalf of Johar, Mehra and three other claimants, including the famous hotelier Keshav Suri, in the case of *Navtej Singh Johar v. Union of India*.

In 2018 the Supreme Court made its landmark decision, declaring Section 377 unconstitutional and ending the 155-year-old colonial law. The decision not only decriminalized homosexuality, but also accorded LGBTQ Indians the rights and protections of the country’s constitution. The ruling also set an important legal precedent for LGBTQ rights in other non-Western countries. In 2019 Botswana cited India’s decision in reversing its anti-gay law.

In 2019 Time magazine named Guruswamy and Katju to its list of the 100 most influential people.



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