

## **Forum: Section 377A: An unsatisfactory middle way**

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One of the conclusions in the Institute of Policy Studies survey that caught my attention was that pertaining to LGBT (lesbian, gay, bisexual and transgender) issues (Majority now aware of race, religious issues, but study flags new fault lines, Oct 30).

The results show that 18.1 per cent of those surveyed indicated that there should be less government involvement to fix fault lines in this area, while 39.1 per cent felt otherwise. The remaining 42.9 per cent feel there is sufficient government involvement.

That such a high number deem that greater intervention by the Government is needed on LGBT matters is interesting.

Perhaps the issue left hanging and unresolved, causing rifts in public perception, is how the Government is handling Section 377A of the Penal Code in such an ambivalent and ambiguous manner.

The official policy of leaving the Act to stand, yet publicly stating that private consensual intercourse between same sex couples will not be prosecuted, is an unsatisfactory and wishy-washy middle way.

Former chief justice Chan Sek Keong - described by Law Minister K. Shanmugam as one of our greatest jurists and legal minds - noted in a 72-page article published in the Singapore Academy of Law journal that the purpose of this law in 1938 was no longer valid in 2007 when Parliament reviewed and decided not to repeal it (Ex-CJ: 377A's original aim outdated, so reading of law may have to change, Oct 17).

While there are challenges to the constitutionality of S377A before the courts such that official comments are presently inappropriate, Singaporeans on either side of the religious and sexuality divides are keenly awaiting the studied approach that our august judges and Government will take on the matter.