

Human Rights and Same-Sex Marriage in India: A Legal and Ethical Perspective

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Abstract

The issue of same-sex marriage in India represents a complex nexus of human rights, legal frameworks, and ethical considerations. This paper delves into the current legal status of same-sex marriage in India, analyzing the various challenges faced by LGBTQ+ individuals in their pursuit of marriage equality. While the Supreme Court's landmark decision in *Navtej Singh Johar v. Union of India* decriminalized homosexuality, it left the issue of marriage rights for same-sex couples in a legal grey area. This gap in legal recognition continues to perpetuate social stigma and denies LGBTQ+ individuals their fundamental rights. Furthermore, the paper explores the ethical debates surrounding marriage equality, addressing both the cultural and religious objections commonly raised in opposition to same-sex marriage. By examining these arguments within the broader context of justice, fairness, and equality, the study underscores the ethical imperative for legal reforms that recognize same-sex marriages. The research also identifies significant socio-cultural barriers that continue to hinder progress, stressing the need for public awareness and advocacy to shift societal attitudes. Through a comprehensive analysis of legal, human rights, and ethical perspectives, this paper contributes to the ongoing discourse on marriage equality in India. It offers critical insights into the path forward, advocating for reforms that will ensure justice and equality for all, thereby moving India closer to fulfilling its constitutional promise of dignity and non-discrimination for every citizen.

I. Introduction

Evolution of concept of marriage traditionally seen as a union between two heterosexual individuals for procreation, social stability, and economic alliance, has undergone significant transformations throughout history. In ancient times, marriage was often arranged, primarily

servicing as a means to consolidate wealth, form political alliances, and ensure lineage continuity. For example, in many cultures, women were seen as property, and marriages were contractual agreements between families rather than romantic unions.¹

As societies evolved, so did the concept of marriage. The advent of individual rights and personal freedom during the enlightenment period began to shift the focus towards personal choice and mutual affection. In modern times, marriage is increasingly viewed as a partnership based on love, equality, and shared goals, rather than merely a social or economic contract. The recognition of same-sex marriages in various parts of the world exemplifies this shift towards inclusivity and the redefinition of marriage as a union between individuals, regardless of gender.

This evolution reflects broader changes in societal values, including greater emphasis on individual rights, gender equality, and the importance of emotional bonds in marital relationships. Despite these shifts, the institution of marriage continues to adapt to contemporary social and cultural dynamics, reflecting the ongoing negotiation between tradition and modernity.

Same-sex marriage has been a contentious issue globally, with varying degrees of acceptance and recognition across different countries. In India, the debate over same-sex marriage is particularly complex, involving legal, social, and ethical dimensions. Despite the decriminalization of homosexuality by the Supreme Court of India in the landmark *Navtej Singh Johar v. Union of India*²(2018) case, same-sex marriages remain unrecognized by Indian law. However, the judgment only decriminalized consensual same-sex relations, it did not address the issue of marriage equality, leaving same-sex couples without the legal recognition and protections afforded to heterosexual couples.

The term 'LGBTQ' encompasses a broad range of individuals who do not conform to the traditional heteronormative views of gender and sexuality. As there is no definitive definition of the term, the acronym is often accompanied by a '+' to indicate that the collective is not exhaustive. LGBTQ stands for lesbian, gay, bisexual, transgender, and queer, addressing both

¹ Allendorf K, Pandian RK, *The Decline of Arranged Marriage? Marital Change and Continuity in India*. *Popul Dev Rev.* 2016 Sep;42(3):435-464. doi: 10.1111/j.1728-4457.2016.00149.x. Epub 2016 Aug 6. PMID: 28344368; PMID: PMC5362258. (July. 15,2024, 10:20 AM), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5362258/#:~:text=Theories%20of%20family%20change%20suggest,little%20or%20even%20no%20change.>

² AIR 2018 SC 4321

sexual orientation and gender identity. Gay, lesbian, and bisexual refer to sexual preferences, whereas transgender denotes individuals who do not identify strictly as male or female. The term 'queer' broadly signifies the non-normative nature of the collective, which also includes terms like intersex and asexual among others. Understanding the LGBTQ community requires a nuanced comprehension of gender and sexuality beyond heteronormative standards. These collective challenges the default societal norms and seeks to define their own identities within the spectrum of gender and sexuality.³

Globally, the LGBTQ community has made significant strides in gaining social acceptance. In India, their journey has been arduous, with the judiciary playing a crucial role in their fight for rights. Historically, the Indian legal system, rooted in English law, oppressed sexual minorities through the now-repealed Section 377 of the Indian Penal Code. This section, which criminalized 'unnatural offences', targeted LGBTQ individuals, fostering an environment of fear, oppression, and violence perpetuated by both society and the police. The Supreme Court's decision to strike down Section 377 marked a pivotal step toward normalizing sexual minorities in India and laid a legal foundation for the community's rights. Transgender individuals have gained recognition as a third gender, though the legislation for their rights has faced criticism. Despite these advancements, sexual minorities have long been marginalized, often forced to live in anonymity. Discrimination is evident in various forms, such as the exclusion of transgender individuals from social organizations and the denial of employment opportunities. Furthermore, same-sex couples lack guaranteed rights regarding marriage, reproduction, and adoption or maintenance. Even after the decriminalization of homosexuality, social rights are still denied, with marriage rights for same-sex couples currently being contested in Indian courts. Achieving these rights is a crucial next step for the LGBTQ community to lead a normal life, but persistent governmental opposition poses significant challenges.

II. Historical Context and Legal Developments

- **Colonial Legacy and Section 377**

Colonial-era laws that criminalize homosexuality still persist in many former British territories, particularly in Africa, Oceania, and Asia. These laws, deeply rooted in Victorian

³ Saif Rasul Khan, *Legalisation of Same-sex Marriage: A Global Perspective*, Legalisation of Same-sex Marriage: A Global Perspective' Online Conference 7-8 December, 2021, (July. 13,2024, 10:40 AM), https://law.unimelb.edu.au/_data/assets/pdf_file/0010/3967444/Khan_Saif-Rasul.pdf

Christian puritanical views, were originally introduced by British rulers to "modernize" their colonies and protect British soldiers from what they perceived as the overly erotic and exotic cultures of Asia and the Middle East. A significant example of this is the Indian Penal Code (IPC), conceptualized by Lord Thomas Babington Macaulay and implemented in 1862. This code, particularly Section 377⁴, criminalized homosexual acts and has influenced legal systems in various Asian countries, including Pakistan, Singapore, Bangladesh, Malaysia, Brunei, Myanmar, and Sri Lanka, where similar laws still exist. The impact of these colonial laws was especially widespread in Asia, where, before India decriminalized homosexuality in 2018, over a billion people lived under anti-LGBTQ legislation.⁵

India's legal system currently does not recognize same-sex marriages, as the country's laws define marriage strictly as a union between a man and a woman. The Indian government's introduction of the Personal Data Protection Bill in 2020, which recognizes the right to privacy as a fundamental right, has led some legal experts to suggest that this could serve as a basis for arguing in favor of legalizing same-sex marriage, as it affirms individuals' rights to control their personal lives.⁶

- **Naz Foundation v. The Government of NCT of Delhi (2009)**

The case of *Naz Foundation v. Union of India* (2009) was a landmark decision by the Delhi High Court that significantly advanced the rights of same-sex couples in India. The Delhi High Court, in its judgment, struck down Section 377 of the Indian Penal Code (IPC) to the extent that it criminalized consensual sexual acts between adults in private. This section, a remnant of British colonial law, had been used to criminalize same-sex relationships and, by extension, had marginalized and oppressed LGBTQ+ individuals for over a century. The court declared that Section 377 violated fundamental rights under Articles 14, 15, and 21 of the Indian Constitution, which guarantee equality, prohibit discrimination, and ensure personal liberty, respectively.

⁴ Indian Penal Code, 1860

⁵ Tessa Wong, *377: The British colonial law that left an anti-LGBTQ legacy in Asia*, BBC News 29 June 2021, (July. 16,2024, 2:20 PM), <https://www.bbc.com/news/world-asia-57606847>

⁶ Shruti Dhapola, *Personal Data Protection Bill 2018 draft submitted by Justice Srikrishna Committee: Here is what it says*, The Indian Express, Tuesday, Aug 13, 2024, (July. 16,2024, 2:20 PM), <https://indianexpress.com/article/technology/tech-news-technology/personal-data-protection-bill-2018-justice-srikrishna-data-protection-report-submitted-to-meity-5279972/>

By decriminalizing homosexual acts, the judgment removed the legal stigma associated with same-sex relationships, offering legal recognition and protection for the dignity and privacy of LGBTQ+ individuals. The judgment in *Naz Foundation* was a strong affirmation of human rights, emphasizing the need to protect the rights of all individuals, regardless of their sexual orientation. It was one of the first instances in Indian legal history where the judiciary recognized the inherent dignity and rights of LGBTQ+ individuals, which had been ignored or violated for decades.⁷

- **The Navtej Singh Johar Case and its Implications**

The Navtej Singh Johar case, formally known as *Navtej Singh Johar v. Union of India* (2018), was a landmark Supreme Court of India judgment that decriminalized consensual same-sex relationships. The Supreme Court struck down Section 377 of the Indian Penal Code, which had criminalized "carnal intercourse against the order of nature," including consensual same-sex relationships. This was a significant victory for LGBTQ+ rights in India. The judgment reinforced the constitutional right to equality and non-discrimination, emphasizing that sexual orientation is an intrinsic part of a person's identity and must be respected. By decriminalizing same-sex relationships, the case provided legal recognition to the LGBTQ+ community, allowing individuals to live with dignity and without fear of prosecution.

The ruling was a major step towards greater acceptance and visibility for LGBTQ+ individuals in India, encouraging a more open dialogue about LGBTQ+ rights and issues. Overall, the Johar case was a milestone in advancing LGBTQ+ rights and providing legal protection and recognition to same-sex couples in India.⁸

- **The Transgender Persons (Protection of Rights) Act, 2019**

Another important development was the enactment of the Transgender Persons (Protection of Rights) Act, 2019. While the Act was intended to safeguard the rights of transgender

⁷ Gautam Bhatia, *Equal Moral Membership: Naz Foundation and the Refashioning of Equality*, SSRN, (July. 18, 2024, 5:50 PM), SSRN, <https://ssrn.com/abstract=2980862>

⁸ Shraddha Chaudhary, *NAVTEJ JOHAR V. UNION OF INDIA: LOVE IN LEGAL REASONING*, NUJS Law Review, 3-4 (2019), (July. 18, 2024, 6:00 PM), <https://nujlawreview.org/wp-content/uploads/2020/01/12-3-4-Chaudhary.pdf>

individuals, it has been criticized for its lack of inclusivity and failure to address marriage rights for transgender persons. The Act does not explicitly recognize the right of transgender individuals to marry, leaving them in a legal grey area.⁹

III. Human Rights Perspective

• International Human Rights Standards

The Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) provide a robust framework for the protection of human rights, including the right to marry and form a family. Article 16 of the UDHR states that men and women of full age have the right to marry and found a family without any limitation due to race, nationality, or religion. The exclusion of same-sex couples from this right is a clear violation of international human rights norms.¹⁰

• The Right to Equality and Non-Discrimination

Article 14 of the Indian Constitution guarantees the right to equality before the law and equal protection of the laws. Denying same-sex couples the right to marry constitutes discrimination on the grounds of sexual orientation, violating this constitutional guarantee. Furthermore, the Supreme Court has repeatedly emphasized that the right to equality includes the right to live with dignity, which is undermined when LGBTQ+ individuals are denied the same legal recognition as heterosexual couples.¹¹

The Constitution does not expressly recognize a fundamental right to marry. Yet it cannot be gainsaid that many of our constitutional values, including the right to life and personal liberty may comprehend the values which a marital relationship entails. They may at the very least entail respect for the choice of a person whether and when to enter upon marriage and the right to choose a marital partner.¹²

• The Right to Privacy and Personal Liberty

⁹ The Transgender Persons (Protection of Rights) Act, 2019, (July. 19,2024, 11:00 AM), <https://www.indiacode.nic.in/handle/123456789/13091?locale=en>

¹⁰ Universal Declaration of Human Rights, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹¹ Satchit Bhogle, *THE MOMENTUM OF HISTORY – REALISING MARRIAGE EQUALITY IN INDIA*, NUJS Law Review 12 NUJS L. Rev. 3-4 (2019), (July. 19,2024, 11:00 AM), <https://nujlawreview.org/wp-content/uploads/2020/02/12-3-4-Satchit-Bhogle.pdf>

¹² *Supriyo @ Supriya Chakraborty & Anr. v Union of India** is Writ Petition (Civil) No. 1011 of 2022, para 185

In the landmark judgment of Justice K.S. Puttaswamy (Retd.) and Anr. vs Union of India and Ors.,¹³ the Supreme Court recognized the right to privacy as a fundamental right under Article 21 of the Constitution. This includes the right to make personal decisions about intimate relationships without interference from the state. The refusal to recognize same-sex marriages infringes upon this right, as it denies LGBTQ+ individuals the freedom to make fundamental life choices.

IV. International Perspective

Same-sex marriage is legally recognized in various countries around the world, with the Netherlands being the first to legalize it in 2001. Following this pioneering move, countries such as Belgium, Spain, Canada, South Africa, and the United States have also legalized same-sex marriage, with the U.S. doing so nationwide in 2015 after the Supreme Court's *Obergefell v. Hodges* decision¹⁴.

In Europe, several countries, including France, Germany, the United Kingdom, and Ireland, have embraced same-sex marriage, with Ireland notably becoming the first country to do so through a popular vote in 2015. In the Americas, Argentina, Brazil, Uruguay, and Chile are among the countries that have legalized same-sex marriage, reflecting a growing trend across the region.

However, many countries, particularly in the Middle East and Africa, do not recognize same-sex marriage, and in some cases, same-sex relationships are criminalized, with penalties ranging from imprisonment to the death penalty. In Asia, countries like China, India, and Japan do not legally recognize same-sex marriage, though advocacy for LGBTQ+ rights is increasing in some areas. As a compromise, some countries offer civil unions or domestic partnerships, granting legal rights to same-sex couples without recognizing full marriage. These arrangements, seen in countries like Italy, Greece, and several Eastern European nations, provide some rights and responsibilities similar to marriage, such as inheritance rights and tax benefits, but they do not offer the full legal recognition and protection of marriage.

¹³ SCC (2017) 10

¹⁴ 576 U.S. 644 (2015)

Taiwan was the first Asian country to legalise same-sex marriage in 2019. More recently, Nepal and Thailand also became the other Asian nation to formally recognise and register a same-sex marriage.¹⁵

V. Legal Reforms in India

Apart from the Naaz Foundation and Navtej Singh Johar judgement, the Supreme Court in the case of *Shakti Vahini v. Union of India*¹⁶, affirmed that an adult has the fundamental right to marry a person of their choice. The case, which focused on the issue of honor killings often committed by family members when someone marries outside their caste or religion led. The court ruled that "the choice of an individual is an inextricable part of dignity, for dignity cannot be thought of where there is erosion of choice." The court emphasized that while this choice is subject to constitutional limitations, in the absence of such limitations, no one should be allowed to interfere with this right. The court further stated that obstructing an individual's right to choose would undermine their dignity. At the time, LGBT activists believed that a combined interpretation of *Shakti Vahini* and *Navtej Singh Johar* could pave the way for the recognition of same-sex unions under the Special Marriage Act, 1954.

To achieve marriage equality in India, comprehensive legal reforms are necessary. These include amending the Special Marriage Act, 1954, and other relevant legislation to include same-sex couples. Additionally, the judiciary must continue to play an active role in interpreting the Constitution in a manner that upholds the rights of all individuals, regardless of their sexual orientation.

Supriyo @ Supriya Chakraborty v. Union of India¹⁷ is a significant case that deals with the issue of same-sex marriage in India. Petitioners Supriyo @ Supriya Chakraborty and Abhay Dang, along with other same-sex couples, filed a petition before the Supreme Court of India seeking legal recognition of same-sex marriages in India. The petitioners argued that the right to marry a person of one's choice is a fundamental right under the Indian Constitution and that denying same-sex couples the right to marry violates their rights to equality, non-discrimination, and personal liberty.

¹⁵ Nandita Banerji, *Thailand poised to become first Southeast Asian country to legalise same-sex marriage*, Down to Earth (July. 21,2024, 10:30 AM), <https://www.downtoearth.org.in/governance/thailand-poised-to-become-first-southeast-asian-country-to-legalise-same-sex-marriage-95258#:~:text=Taiwan%20was%20the%20first%20Asian,Press%20Trust%20of%20India%20reported>

¹⁶ (2018) 7 SCC 192.

¹⁷ Writ Petition (Civil) No. 1011 of 2022

The petitioners contended that the Special Marriage Act, 1954, which provides for civil marriages in India, should be interpreted in a gender-neutral manner to include same-sex couples. They argued that the exclusion of same-sex couples from the ambit of this law is discriminatory and unconstitutional. The petitioners also emphasized the importance of marriage in providing social, legal, and economic benefits and protections, which are currently denied to same-sex couples due to the lack of legal recognition of their relationships.

Government's Response:

- The Union of India opposed the petition, arguing that marriage in India has traditionally been recognized as a union between a man and a woman and that same-sex marriage is not part of the cultural and societal norms of the country.
- The government also contended that issues related to marriage fall under the domain of the legislature, and it is not within the jurisdiction of the judiciary to redefine marriage.

Court's Observations:

- The Supreme Court has taken cognizance of the petition and acknowledged the need to address the legal vacuum concerning the rights of same-sex couples in India.
- The Court has also noted the evolving jurisprudence on LGBTQ+ rights, especially in light of its previous judgments, including the decriminalization of homosexuality in *Navtej Singh Johar v. Union of India* (2018).

As of now, the case is pending before the Supreme Court of India. The outcome of this case could have far-reaching implications for the recognition of same-sex marriages and the broader LGBTQ+ rights movement in India. *Supriyo @ Supriya Chakraborty v. Union of India* is a pivotal case that seeks to secure legal recognition for same-sex marriages in India, challenging the traditional definition of marriage and advocating for equal rights for LGBTQ+ individuals. The case was seen as ray of hope by many LGBTQ+ community members.

VI. Ethical Considerations

- **The Moral Debate on Marriage Equality**

The ethical debate surrounding same-sex marriage often centers on questions of morality, tradition, and societal values. Opponents of marriage equality argue that marriage has historically been a union between a man and a woman, rooted in religious and cultural traditions. However, ethical principles of justice and fairness demand that these traditions be re-examined in light of evolving societal norms and the need to protect the rights of all individuals.¹⁸

- **The Ethical Obligation to Protect Vulnerable Populations**

LGBTQ+ individuals in India face significant social stigma, discrimination, and violence. Denying them the right to marry only exacerbates their marginalization. From an ethical standpoint, there is an obligation to protect vulnerable populations and ensure that they enjoy the same rights and freedoms as the rest of society. Legal recognition of same-sex marriage is a crucial step towards fulfilling this ethical obligation.

VII. Religious views on Same-sex Marriage

- **Hinduism:**

It is diverse in its beliefs and practices, and there is no single, universally accepted position on same-sex marriage. However, traditional Hindu texts, such as the Manusmriti and the Dharmashastras, generally endorse heterosexual unions as the norm, with marriage seen as a sacred duty aimed at procreation. While there is no explicit condemnation of same-sex relationships in many Hindu scriptures, such unions are not traditionally recognized as marriages.

Cultural Influence: Hindu society has historically been more flexible, with certain regions and communities exhibiting tolerance toward non-heteronormative relationships. Nonetheless, mainstream Hindu religious leaders and organizations typically do not support same-sex marriage.¹⁹

¹⁸ Chai R. Feldblum, *Gay Is Good: The Moral Case for Marriage Equality and More Gay Is Good: The Moral Case for Marriage Equality and More*, Georgetown Public Law and Legal Theory Research Paper No. 12-148, (July. 26,2024, 3:00 PM), https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?params=/context/facpub/article/2098/&path_info=17YaleJLFeminism139.pdf

¹⁹ Vanita, R. (2005). *Love's Rite: Same-Sex Marriage in India and the West*. Palgrave Macmillan.

- **Islam**

Islam explicitly prohibits same-sex relationships, viewing them as sinful. The Quran and Hadith strongly emphasize that marriage is a union between a man and a woman, intended for procreation and the continuation of the family line. Islamic jurisprudence across various schools of thought generally maintains that same-sex marriage is not permissible. Muslim-majority countries and communities typically adhere to these religious precepts, with same-sex relationships often subject to legal penalties and social ostracization.²⁰

- **Christianity**

Christianity is divided on the issue of same-sex marriage, with significant differences between denominations. The Roman Catholic Church, Eastern Orthodox Church, and many Protestant denominations traditionally oppose same-sex marriage, citing biblical texts that define marriage as a covenant between a man and a woman. These denominations often view homosexual acts as sinful and against God's design. The Christian opposition to same-sex marriage is grounded in biblical interpretations, particularly passages from Leviticus and Paul's letters in the New Testament. However, some progressive Christian groups and denominations, such as the Episcopal Church and the United Church of Christ, support same-sex marriage, arguing that love and justice are core Christian values that should be extended to all people.²¹

- **Zoroastrianism (Parsi)**

Zoroastrianism, the ancient religion of Persia, has little explicit commentary on same-sex relationships or marriage in its sacred texts, such as the Avesta. However, traditional Zoroastrian teachings emphasize the importance of family and procreation within a heterosexual marriage. The Parsi community, which follows Zoroastrianism in India, generally adheres to conservative views on marriage, considering it a religious duty to marry within the community and to procreate. The Parsi

²⁰ Rahemtulla, S. (2011). Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims by Scott Siraj al-Haqq Kugle (Oxford: Oneworld, 2010. pbk 335 pages). *American Journal of Islam and Society*, 28(1), 141–143, (July. 30,2024, 5:00 PM), <https://doi.org/10.35632/ajis.v28i1.1275>,

²¹ Justin R. Cannon, *The Bible, Christianity, and Homosexuality*, (Aug. 02,2024, 11:00 AM), https://web.archive.org/web/20090923075213/http://www.gaychurch.org/gay_and_christian_yes/the_bible_christianity_and_homosexuality_justin_cannon.htm

community's emphasis on maintaining cultural and religious purity, especially in the diaspora, reinforces a preference for traditional heterosexual marriage. As a result, same-sex marriage is not recognized or supported by Parsi religious leaders.²²

Religious views on same-sex marriage across Hinduism, Islam, Christianity, and Zoroastrianism are largely conservative, with most traditions emphasizing heterosexual marriage as the norm. However, there are differences in interpretation and practice within each religion, particularly with the rise of progressive movements that seek to reconcile religious teachings with contemporary understandings of human rights and equality.

VIII. Challenges and Issues: the way forward

- **Societal Perceptions and Stigma**

Same-sex couples in India continue to face significant social challenges, including stigma, discrimination, and exclusion. Deep-seated societal prejudices against homosexuality persist, often fueled by cultural and religious beliefs. This social stigma manifests in various forms, from family rejection to workplace discrimination, and can have severe psychological impacts on same-sex couples.

- **Cultural and Religious Opposition**

Cultural and religious opposition to same-sex relationships is a significant barrier to achieving gender justice. Many traditional and religious communities view homosexuality as morally unacceptable, and this belief influences public opinion and policy decisions. Efforts to change societal attitudes must address these deeply ingrained cultural and religious beliefs.

- **Impact on Mental Health**

The social challenges faced by same-sex couples can have profound effects on their mental health. Discrimination, social exclusion, and the fear of rejection can lead to anxiety, depression, and other mental health issues. Providing support and mental health services to same-sex couples is essential to address these challenges and promote well-being.

²² Ervad Marzban J. Hathiram, *Zoroastrianism, homosexuality & LGBT issues – a lecture recording*, Frashogard, (Aug. 02,2024, 2:30 PM), <https://www.frashogard.com/zoroastrianism-homosexuality-lgbt-issues-a-lecture-recording/>

- **Economic Challenges**

Same-sex couples in India also face economic challenges, including job discrimination and lack of financial benefits. The absence of legal recognition for same-sex marriages means that couples cannot access spousal benefits, such as health insurance and social security, which can create economic disparities. Additionally, discrimination in the workplace can limit career opportunities and earning potential for LGBTQ+ individuals.

- **Public Awareness and Education**

Changing societal attitudes towards same-sex relationships requires sustained public awareness and education campaigns. These campaigns should focus on promoting understanding, acceptance, and equality. Engaging with cultural and religious leaders to foster dialogue and build support for LGBTQ+ rights is also crucial.

- **Advocacy and Activism**

Advocacy and activism play a vital role in driving legal and social change. LGBTQ+ organizations and allies must continue to advocate for marriage equality and broader civil rights protections. Building coalitions, engaging with policymakers, and raising public awareness are essential strategies to achieve gender justice for same-sex couples.

IX. Conclusion

Achieving marriage equality and broader civil rights for same-sex couples requires comprehensive legal reforms. Legal recognition of same-sex marriages is essential to provide couples with the same rights and protections as heterosexual couples. Additionally, anti-discrimination laws must be strengthened to protect LGBTQ+ individuals from discrimination in all areas of life.

Same-sex couples in India face considerable legal, social, and economic obstacles despite the decriminalization of homosexuality. The lack of legal recognition for same-sex marriages perpetuates inequality and discrimination. Recently, the Supreme Court ruled that the right to marry or form civil unions does not currently apply to same-sex couples under Indian law, leaving the responsibility for legal reforms to the Parliament.

The refusal to recognize same-sex marriage is viewed as discriminatory, undermining the dignity and rights of LGBTQIA+ individuals. Opponents argue that same-sex marriage conflicts with Indian cultural traditions and reflects Western influence. The ethical challenge lies in balancing equal rights and individual freedom with cultural preservation.

The recognition of same-sex marriage is not merely a legal issue but a matter of human rights and ethical responsibility. To address these challenges, comprehensive legal reforms, public awareness campaigns, and sustained advocacy are essential. Ensuring equality, dignity, and justice for all individuals, regardless of sexual orientation, is crucial as India progresses towards a more just and fair society.

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