

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**
[ISSN 2581-5369]

Volume 8 | Issue 2

2025

© 2025 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

From Navtej to Supriyo: Revisiting Constitutional Morality and the Supreme Court's Impact on LGBTQIA+ Rights and Same-Sex Marriage

DIVYA HARIHARAN¹

ABSTRACT

Seventy-five years of the Indian Supreme Court have seen the dynamic evolution of constitutional jurisprudence, particularly in civil liberties and equality. One of the most debated contemporary issues within this framework is the legal recognition of same-sex marriage. This paper examines the Supreme Court's approach to LGBTQIA+ rights by analysing two significant judgments: Navtej Singh Johar v. Union of India (2018) and Supriyo Chakraborty & Anr. v. Union of India (2023). While the Navtej Singh Johar judgment marked a constitutional breakthrough by decriminalizing homosexuality and affirming the dignity and autonomy of queer individuals, the Supriyo Chakraborty verdict, despite its empathetic tone, fell short of extending legal recognition to same-sex unions.

This paper argues that the Court's unwillingness to recognize same-sex marriage reflects a tension between constitutional morality and prevailing social and political norms. It critically examines how this hesitation prevents the full realization of equality and constitutional rights, particularly when such recognition challenges deeply rooted societal beliefs. The paper further explores the role of judicial activism in advancing LGBTQIA+ rights and the limits of judicial power in transforming social institutions such as marriage. The paper concludes that while the Supreme Court has played an instrumental role in advancing LGBTQIA+ rights, the inconsistency in its approach emphasizes the need for comprehensive legal reforms and effective coordination between the judiciary and legislature to uphold the transformative spirit of the Constitution.

Keywords: Supreme Court of India, LGBTQIA+ Rights, Constitutional Morality, Same-Sex Marriage, Judicial Activism.

I. INTRODUCTION

The legal recognition of LGBTQIA+ rights in India has been a long and challenging journey, marked by significant legal and social battles. Historically, same-sex relationships were

¹ Author is a LL.M. Student at Khwaja Moinuddin Chishti Language University, Lucknow, India.

criminalized under Section 377 of the Indian Penal Code (IPC), a law that dated back to colonial times. However, the struggle for equality has grown stronger in recent decades, leading to landmark legal decisions that challenged centuries-old prejudices and practices.

In 2018, the Supreme Court of India delivered a historic judgment in *Navtej Singh Johar v. Union of India*, striking down unconstitutional portions of Section 377 and decriminalizing consensual same-sex relationships. This decision marked a significant victory for the LGBTQIA+ community, recognizing the right to dignity, autonomy, and equality as fundamental human rights. This progressive ruling was seen as a turning point, reflecting a growing societal acceptance of LGBTQIA+ individuals and a shift in the judiciary's approach toward the evolving concept of constitutional morality.

Constitutional morality refers to the principles of justice, equality, and dignity that the Constitution enshrines, going beyond traditional societal norms. It calls for interpreting the Constitution in a manner that reflects its transformative purpose, adapting legal principles to contemporary needs. In the context of LGBTQIA+ rights, constitutional morality demands that the law protect individual freedoms, challenge discriminatory practices, and ensure equal treatment for all citizens, regardless of sexual orientation. As Justice DY Chandrachud aptly noted in *Navtej Singh Johar*, "The Constitution does not stand still; it evolves with the changing times. The purpose of the Constitution is not only to interpret the law but to apply it to the changing needs of the people." This quote highlights the evolving nature of constitutional interpretation, emphasizing the Court's responsibility to respond to the changing needs of society.

Despite this important progress, the recognition of same-sex marriage remains an unresolved issue in India. In *Supriyo Chakraborty v. Union of India* (2023), the Supreme Court delivered a split verdict, with the majority opinion leaving the decision to Parliament. This decision raised questions about the Court's willingness to take bold judicial action in matters of social change and its approach to constitutional morality in the context of same-sex marriage.

This paper seeks to explore the interpretation of constitutional morality in relation to LGBTQIA+ rights, focusing on the *Navtej Singh Johar* and *Supriyo Chakraborty* cases. It aims to examine the implications of these decisions for the legal recognition of same-sex marriage in India and consider how international legal trends might inform the country's future stance on this issue. Additionally, it investigates the role of the legislature in ensuring legal equality for LGBTQIA+ individuals and the potential for marriage equality in India.

The key objectives of this research include analysing the influence of constitutional morality on

judicial approaches to LGBTQIA+ rights, assessing the impact of the *Supriyo Chakraborty* case on same-sex marriage recognition, and comparing India's legal position with international practices. The paper also evaluates the legislature's role in promoting legal equality and explores potential future paths toward marriage equality in India, integrating judicial activism, legislative efforts, and public awareness.

By exploring these questions and objectives, this paper critically examines the balance between judicial activism and restraint, focusing on how constitutional morality contributes to achieving substantive equality for marginalized communities in India.

II. NAVTEJ SINGH JOHAR (2018): A TURNING POINT FOR LGBTQIA+ RIGHTS

The Navtej Singh Johar v. Union of India (2018) judgment marked a historic moment for LGBTQIA+ rights in India. In this case, the Court struck down parts of Section 377 of the Indian Penal Code, decriminalizing consensual same-sex relationships between adults. This judgment overturned the colonial-era law that had long been used to suppress the LGBTQIA+ community.

A key aspect of the judgment's impact was the Court's emphasis on constitutional morality, a concept that prioritizes the values enshrined in the Constitution over traditional societal norms and biases. The bench emphasized that dignity, privacy, and equality are not mere privileges, but fundamental rights guaranteed under Articles 14, 15, 19, and 21 of the Indian Constitution. Justice Indu Malhotra's statement emphasized the emotional and historical significance of the decision, recognizing the long history of discrimination and social exclusion faced by the LGBTQIA+ community and their families.

Rather than relying solely on legal precedent, the judges adopted a rights-based and empathetic approach. They recognized that individual autonomy, especially in matters of love, identity, and intimacy, is essential for a dignified life. This ruling was seen as a reaffirmation of the idea that the Constitution is a living document, capable of evolving to protect the rights of marginalized groups.

Although the verdict was widely celebrated as a victory for equality, it did not grant positive rights like legal recognition of marriage, adoption, or inheritance, leaving crucial issues unresolved. These gaps were later brought into focus in the *Supriyo Chakraborty* case.

III. SUPRIYO CHAKRABORTY & ANR. V. UNION OF INDIA (2023): CONSTITUTIONAL MORALITY DEFERRED?

In the 2023 case of *Supriyo Chakraborty & Anr. v. Union of India*, the Supreme Court addressed

the issue of same-sex marriage. However, this case represented a shift from the progress made in the *Navtej Singh Johar* judgment. Rather than advancing the recognition of same-sex marriages, the Court delivered a split verdict, with the majority opinion leaving the decision to Parliament.

The Court's reasoning in this case highlighted the complexities of constitutional morality in the context of social change. The Court's reasoning in this case highlighted the complexities of constitutional morality in relation to social change. While the petitioners sought the recognition of same-sex marriage under the Special Marriage Act, the Court emphasized that the role of Parliament was crucial in legislating on the matter. Rather than interpreting the Constitution to mandate such recognition, the Court hesitated to intervene, considering the issue more suitable for legislative action than judicial enforcement.

Interestingly, the dissenting opinion in this case took a more proactive approach, urging the Court to invalidate discriminatory laws and extend equal rights to same-sex couples. Justice Kaul, in his dissent, asserted, "There is no gainsaying that same-sex couples have the same capacity for love, commitment, and responsibility as heterosexual couples," highlighting the need for equality and acknowledging the inherent dignity of same-sex couples. The dissent aligned with the principles outlined in *Navtej Singh Johar*, emphasizing that the judiciary's role in safeguarding constitutional rights could not be overlooked, particularly when fundamental rights were at stake.

Despite the Court's emphasis on judicial restraint, the ruling has been seen by many as a missed opportunity to provide a clear constitutional mandate on same-sex marriage. While the decision acknowledged the constitutional guarantees of equality and dignity, it ultimately placed the responsibility on the legislature to act. This brings up an important question: Does the Court's approach in this judgment represent a step back from the principles upheld in *Navtej Singh Johar*, or does it highlight the difficulty of balancing constitutional morality with the prevailing social and political context of the time?

IV. SOCIO-POLITICAL AND CULTURAL IMPLICATIONS OF JUDICIAL RULINGS

The evolving legal landscape regarding LGBTQIA+ rights in India cannot be fully understood without considering the socio-political and cultural context within which the judiciary operates. While the Supreme Court in *Navtej Singh Johar* took a progressive stance by decriminalizing same-sex relationships, the response from the broader public and political sphere has been mixed. Despite the increasing visibility of queer individuals in media, activism, and urban spaces, societal acceptance remains limited in many parts of the country due to entrenched

cultural and religious beliefs.

Public opinion remains an important factor in influencing judicial perspectives. In *Supriyo Chakraborty v. Union of India*, the Court's inclination toward judicial restraint can be partly explained by the belief that society needs more time to adapt to such transformative changes. Courts often exercise caution, especially when the legislature is either silent on or resistant to reform, out of concern for potential backlash or the disruption of social order.

Therefore, although the judiciary may articulate the principles of constitutional morality, its interventions are frequently influenced by existing social norms, cultural conservatism, and political sensitivities. This reality helps explain why progressive legal changes can sometimes be delayed despite constitutional backing. As India navigates the complex interplay between legal reform and social acceptance, the judiciary's role remains limited by the broader socio-political context.

V. COMPARATIVE ANALYSIS: GLOBAL AND REGIONAL APPROACHES TO SAME-SEX MARRIAGE

Globally, the legal recognition of same-sex marriage varies significantly across different countries. Nepal, a neighbouring country, took a significant step toward LGBTQIA+ rights with the adoption of its 2015 Constitution, which ensures equality for LGBTQIA+ individuals.

The landmark case *Sunil Babu Pant and Others v. Nepal Government and Others* (2007) was pivotal, as it declared full fundamental human rights for all sexual and gender minorities, including lesbian, gay, bisexual, transgender, and intersex individuals. This judgment represented a significant turning point in Nepal's legal position on the rights of sexual minorities, paving the way for additional protections and reforms.

In Asia, Taiwan became the first country to legalize same-sex marriage in 2019. This decision followed the *Judicial Yuan's Interpretation No. 748* (2017), which ruled that the denial of same-sex marriage violated constitutional principles, prompting legislative reform. Taiwan's pioneering move not only set a precedent in Asia but also signaled a shift toward greater equality and recognition of LGBTQIA+ rights in the region.

In the West, countries such as Canada and the United States have long recognized same-sex marriage, with significant legal milestones such as *Obergefell v. Hodges* (2015) in the U.S. and Canada's legalization of same-sex marriage in 2005. These rulings reflect a broader global trend toward equality and non-discrimination, reinforcing the importance of constitutional and human rights protections for LGBTQIA+ individuals.

In contrast, India's judicial approach has been more cautious, as seen in the *Supriyo Chakraborty* case (2023). While significant progress has been made, especially with the *Navtej Singh Johar* (2018) ruling that decriminalized homosexuality, the issue of recognizing same-sex marriage remains unresolved. This highlights the tension between upholding constitutional morality and addressing deeply rooted social and political challenges. The global movement toward recognizing same-sex marriage indicates that it is a crucial next step in fulfilling India's constitutional commitments to equality and dignity. The experiences of countries like Nepal, Taiwan, and others emphasize the importance of both judicial intervention and legislative support in achieving full equality for LGBTQIA+ individuals.

VI. INTERNATIONAL LAW AND HUMAN RIGHTS FRAMEWORK

India's approach to LGBTQIA+ rights must also be examined within the context of international human rights law. Global instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Yogyakarta Principles explicitly affirm the rights of individuals irrespective of their sexual orientation or gender identity. These frameworks reinforce the principles of dignity, equality, and non-discrimination, values that align with India's constitutional commitments.

The Yogyakarta Principles, though not legally binding, provide authoritative guidance on how international human rights law should be applied to issues of sexual orientation and gender identity. They advocate for the recognition of same-sex relationships, protection from violence and discrimination, and equal access to healthcare, education, and legal protections. As a signatory to several international human rights conventions, India has a moral, if not legal, obligation to align its domestic laws with these evolving global norms.

By referencing these international frameworks, India enhances the legal foundation for marriage equality and places its efforts within the larger global movement for LGBTQIA+ rights. This highlights that the pursuit of equality is not just a national goal but a fundamental human right recognized worldwide.

VII. JUDICIAL MORALITY VS. JUDICIAL RESTRAINT: TENSIONS IN CONSTITUTIONAL INTERPRETATION

The legal discourse surrounding LGBTQIA+ rights in India has been deeply influenced by the evolving concept of constitutional morality. This principle has guided the Supreme Court in balancing progressive legal reforms with prevailing social conservatism. In the landmark *Navtej Singh Johar* case of 2018, the Court embraced constitutional morality to uphold equality and

justice, challenging regressive laws that had long marginalized sexual minorities. The decision highlighted the Court's willingness to interpret the Constitution in a progressive light, prioritizing individual dignity, autonomy, and equality over traditional societal norms.

However, this approach has not been consistently applied in subsequent cases, particularly in *Supriyo Chakraborty* (2023). In this ruling, the Court refrained from directly addressing the legal recognition of same-sex marriage, instead choosing judicial restraint by deferring the issue to the legislature. The majority opinion reflected the view that major legal and social changes should come from the legislature rather than the judiciary. Consequently, the Court seemed to sideline constitutional morality, choosing a cautious legal approach instead of assertive judicial action.

This shift reflects a key tension in the Court's evolving interpretation of constitutional morality and its role in safeguarding fundamental rights. While *Navtej Singh Johar* represented a high point in the judiciary's commitment to constitutional values, *Supriyo Chakraborty* raised important questions about the boundaries of judicial authority when addressing complex social issues. This apparent inconsistency suggests that, although the Court upholds constitutional morality in principle, it is hesitant to apply it fully when the issue touches on contentious and politically sensitive matters like same-sex marriage.

As Justice Krishna Iyer aptly stated, "The law must be interpreted in the light of the needs and aspirations of the people, to further justice, fairness, and equality." This emphasizes the Court's duty to uphold the Constitution and protect fundamental rights, even when addressing complex and socially sensitive issues.

While this section discusses the Court's hesitation in *Supriyo Chakraborty*, it is equally important to explore how the tension between constitutional morality and judicial restraint has played out in other significant rulings. Examining this broader pattern reveals how the Court balances constitutional interpretation with shifting societal values.

VIII. JUDICIAL ACTIVISM AND CONSTITUTIONAL MORALITY

Judicial activism refers to the proactive role of courts in interpreting the Constitution in a manner that expands individual rights and freedoms, particularly when faced with legislative inaction or resistance. The *Navtej Singh Johar* judgment of 2018, which decriminalized consensual same-sex relationships, is a prominent example of judicial activism driven by constitutional morality. This decision demonstrated how the judiciary can use constitutional principles to bring about social change, even when societal attitudes may not fully support progressive legal reforms.

Similarly, *Kesavananda Bharati v. State of Kerala* (1973) stands as one of the most significant examples of judicial activism in India. The case is best known for establishing the basic structure doctrine, which limits the power of Parliament to amend the Constitution in ways that would alter its core principles. The Court's ruling in this case was an act of judicial activism, as it reinterpreted the Constitution to safeguard its transformative nature, even in the face of legislative attempts to undermine its spirit. The basic structure doctrine reflects an understanding of constitutional morality that extends beyond the text of the Constitution, incorporating its broader values and principles to guide judicial decisions.

In *Maneka Gandhi v. Union of India* (1978), the Court expanded the scope of fundamental rights under Article 21, the right to life and personal liberty. This case is another key example of judicial activism, as the Court held that due process under Article 21 encompasses not just procedural rights but also the substantive right to personal freedoms. The judgment marked a significant shift from earlier interpretations, where individual rights were constrained by procedural formalities. It emphasized the need for a dynamic and evolving interpretation of the Constitution.

IX. JUDICIAL RESTRAINT: A DELICATE BALANCE

While judicial activism has played a significant role in advancing human rights in India, there are instances when the Court exercises judicial restraint, particularly in cases that require extensive legislative intervention or involve complex social and political considerations. Judicial restraint is a philosophy that advocates for courts to refrain from intervening in matters better suited for legislative action, particularly when the issue concerns policy decisions or deeply rooted societal norms.

In cases like *Supriyo Chakraborty v. Union of India* (2023), the Court demonstrated judicial restraint by leaving the issue of same-sex marriage to the legislature. The majority opinion in this case emphasized that such a matter, shaped by social norms and political realities, should be handled by Parliament, which could pass comprehensive legislation on the matter.

This decision suggests that, despite the principles of justice, dignity, and equality embedded in constitutional morality, the Court was hesitant to assume a leading role in transforming societal institutions like marriage without the support of legislative enactments.

X. STRIKING THE BALANCE: CONSTITUTIONAL MORALITY AND SOCIAL REALITIES

The tension between judicial activism and judicial restraint becomes particularly evident when courts are required to balance the ideals of constitutional morality with prevailing societal

norms. Constitutional morality upholds the values of justice, equality, and human dignity, but these principles sometimes conflict with deeply rooted societal views that resist progressive reforms, such as the recognition of same-sex marriage. In such contexts, judicial restraint is often seen as a pragmatic approach, especially when the matter calls for wider societal engagement and legislative action to ensure sustainable reform.

However, judicial restraint should not serve as an excuse to delay the realization of fundamental rights for marginalized communities. The *Navtej Singh Johar* judgment stands as a powerful example of the judiciary invoking constitutional morality to invalidate regressive laws and affirm the rights and dignity of individuals, despite societal opposition. In contrast, the *Supriyo Chakraborty* case highlights the difficulties in applying judicial morality to complex issues that touch upon deeply rooted social customs.

Looking ahead, the judiciary must continue to strike a balance between judicial activism and restraint. While judicial intervention in matters of constitutional morality is crucial to uphold individual rights, courts must also recognize the limits of their role and collaborate with legislative bodies to address larger issues of social reform. As societal acceptance of LGBTQIA+ rights grows, the judiciary's role in advancing equality and justice becomes more urgent, even if public attitudes are slow to evolve.

Ultimately, while judicial intervention remains essential in upholding constitutional morality, the Court must strike a delicate balance between its role as a protector of fundamental rights and the broader societal reforms that require legislative action. Only by doing so can the judiciary ensure that the rights of marginalized communities, including LGBTQIA+ individuals, are fully realized.

XI. WAY FORWARD: ADVANCING MARRIAGE EQUALITY AND LGBTQIA+ RIGHTS

1. Potential Legislative Roadblocks and Political Challenges

Despite some advancements in judicial rulings, the road to legislative reform on same-sex marriage is still fraught with obstacles. The Indian Parliament, which has the authority to pass laws recognizing same-sex marriage, currently reflects a political environment that remains cautious or undecided on the matter. Many political parties have not taken a definitive position, with certain leaders voicing clear opposition rooted in traditional cultural and religious views.

Moreover, any progressive bill introduced is at risk of being stalled, diluted, or defeated due to political polarization or public backlash. The lack of consensus among political parties, along with the influence of conservative voices in both Houses of Parliament, hampers constructive

debate. Even if the judiciary urges legislative action, the lack of public pressure and political will could delay meaningful change.

This political deadlock emphasizes the need for persistent advocacy, public awareness, and grassroots mobilization to shift the discourse. Legal reforms on contentious social issues often follow broader societal transformations. Therefore, securing marriage equality in India will likely require a multi-faceted approach, including judicial intervention, legislative efforts, and strong civil society involvement.

2. Proposals for Legal and Social Reform

The path to full legal recognition for LGBTQIA+ individuals in India is still ongoing. Judicial milestones such as the *Navtej Singh Johar* case (2018) decriminalized consensual same-sex relationships, but the absence of a legal framework for same-sex marriage and associated rights remains a critical obstacle. The *Supriyo Chakraborty* case (2023) further highlights this gap, as the Supreme Court chose to defer the issue to Parliament rather than taking steps to further the constitutional principles of equality and dignity. To move forward, the judiciary and legislature must collaborate to address these gaps and ensure constitutional morality is fully realized.

- **Parliamentary Action:** Parliament must enact comprehensive family law reforms to address the legal recognition of same-sex marriages explicitly. The Special Marriage Act, which currently only recognizes heterosexual unions, must be amended to reflect a broader, inclusive definition of marriage. These reforms should guarantee that same-sex couples enjoy equal rights concerning inheritance, adoption, maintenance, and other civil benefits. Such legislative changes would align India's legal system with its constitutional promises of equality and non-discrimination.
- **Judicial Vigilance:** The judiciary must continue to uphold constitutional principles, particularly when legislative processes are slow or unwilling to act. The Supreme Court, in its role as the protector of fundamental rights, can further expand the scope of constitutional morality by interpreting the Constitution in ways that support the legal recognition of same-sex unions. The judiciary's role in advancing rights-based reforms should not be underestimated. Courts must continue to interpret Articles 14, 15, and 21 in ways that reflect an evolving understanding of human rights.
- **Public Awareness and Institutional Reform:** Legal reforms alone are insufficient without broad societal acceptance. Public attitudes toward LGBTQIA+ rights must evolve to reflect the transformative values of constitutional morality. Educational campaigns aimed at the public and legal professionals are crucial to challenging prevailing

stereotypes and biases. In addition, institutional reforms, especially within law schools and the judiciary, are essential to ensure that legal professionals address LGBTQIA+ issues with inclusivity and empathy.

- **Expanding Constitutional Morality:** To build a truly inclusive society, constitutional morality must be broadened to encompass a more expansive view of what constitutes “family” and “marriage.” Legislative and judicial bodies must work together to recognize diverse family structures beyond the traditional heterosexual model, ensuring that legal rights and protections afforded to families are available to all, regardless of sexual orientation or gender identity.

As Dr. B.R. Ambedkar wisely stated, “Constitutional morality is not a natural sentiment. It has to be cultivated.” To make the ideals of equality, dignity, and justice a lived reality for LGBTQIA+ individuals, India must move beyond symbolic gestures and enact substantive legal and societal reforms. This will require a holistic approach, with proactive legal action, public awareness campaigns, and institutional changes working together.

XII. CONCLUSION

The legal recognition of same-sex marriage in India remains unresolved despite judicial progress in *Navtej Singh Johar* (2018) and *Supriyo Chakraborty* (2023). While *Navtej Singh Johar* decriminalized homosexuality, it highlighted that full equality, especially in marriage, adoption, and inheritance, is still lacking. *Supriyo Chakraborty* reflected the tension between judicial restraint and the need for progressive action.

These cases stress the need for a coordinated effort between the judiciary and Parliament. The judiciary must uphold constitutional principles, while Parliament must legislate for the rights of same-sex couples. Additionally, societal change through awareness is key to combating biases and fostering acceptance. Legal reforms must be supported by public understanding and institutional reform, particularly within the legal system.

The advancement of LGBTQIA+ rights in India depends on the collaborative efforts of the judiciary, legislature, and civil society. India must not only uphold the law but also live by its constitutional values, making them a reality for all individuals, regardless of their sexual orientation or gender identity. Only then can India truly embody its vision as an inclusive constitutional democracy, where the rights and dignity of every person are respected and upheld.

XIII. REFERENCES

- Arvind Datar, *Decriminalization of Homosexuality: The Navtej Singh Johar Case and the Role of Constitutional Morality*, 60 J. Indian L. Inst. 123, 130 (2018).
- R.G. Singh, *Judicial Activism and LGBT Rights in India: An Analysis of Navtej Singh Johar and Supriyo Chakraborty*, 14 Indian Const. L. Rev. 67, 73 (2023).
- Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225 (India).
- Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India).
- Navtej Singh Johar v. Union of India, (2018) 10 SCC 1 (India).
- Obergefell v. Hodges, 576 U.S. 644 (2015).
- Sunil Babu Pant v. Nepal Government, Writ No. 917 of 2007, Supreme Court of Nepal, Dec. 21, 2007, translated in 2 NJA L.J. 261 (2008).
- Supriyo Chakraborty v. Union of India, AIR 2023 SC 5283 (India).
- *Universal Declaration of Human Rights*, art. 1, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).
- *Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity* (Mar. 2007), available at <https://yogyakartaprinciples.org/> (last visited Apr. 17, 2025).
- *Judicial Yuan, Interpretation No. 748, Constitutional Court of Taiwan* (May 24, 2017), available at <https://cons.judicial.gov.tw/en/docdata.aspx?fid=100&id=310929> (last visited Apr. 17, 2025).
- Civil Marriage Act, S.C. 2005, c. 33 (Can.), available at <https://laws-lois.justice.gc.ca/eng/acts/c-31.5/page-1.html> (last visited Apr. 17, 2025).
