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The Legal Issues of Same-Sex Marriage

ANESHA V.¹

ABSTRACT

Same-sex marriage is also known as “gay marriage”. It is a relationship between two persons of the same sex, they live together as a family in society. It is considered to be a governmentally, socially, and religiously recognised marriage. Sex marriage is a marriage between two partners of the same sex for example; a marriage between two men or two women. It is the legal union between two individuals of the same gender, granting them the same legal rights and responsibilities as opposite-sex marriage is a significant step towards LGBTQ+ rights and equality. In this topic same-sex marriage we are going to see about the background of same-sex marriage, the psychology of children with same-sex marriage, religious support for same-sex marriage, issues and challenges of same-sex marriage, and attitudes on same-sex marriage. In 1971, Michael McConnell and Jack Baker were the first same-sex married pair in American history when they were officially married in Hennepin County, Minnesota. The ways in which marriage law has been applied equally to same-sex and opposite-sex couples have varied depending on the jurisdiction. Legislative changes, court decisions grounded in the constitutional guarantees of equality, recognition of the legality of same-sex marriages, and direct popular vote—through referendums and initiatives, for example—have all contributed to this. Three hundred years after the Sifra was composed, there is a mention of same-sex marriage. Same-sex marriage has two sides pros and cons, advantages and disadvantages, and merits and demerits, some people support same-sex marriage and some people are against same-sex marriage. This article explains the current situation of same-sex marriage, whether it is accepted or not..?

Keywords: Same sex marriage-LGBTQ-gay marriage-human rights.

I. INTRODUCTION

It took place in antiquity, "SAPPHO." SAPPHO was a well-known lyric poet in ancient Greece who was from the island of Lesbos. Her poetry explores themes of love and desire, especially with reference to women. The notion that Sappho had a same-sex relationship has been investigated by certain academics and researchers in more recent times, while others contend that modern labels or interpretations of Sappho's poetry are necessary to understand it in its historical and cultural context. THE NEXT EXAMPLE IS.. Lesbian couples were pioneered by the ladies of Llangollen. The "two most celebrated virgins in Europe" are the two Irish noble

¹ Author is a student in India.

women. Before it was decriminalized, become Ireland's first known LGBT couple. Sarah Ponsonby and Eleanor Butler, the women of Llangollen. Two wealthy woman From the Kilkenny caused social outrage and was forced to flee to Wales in 1778. The tale of the Ladies of Llangollen is proof of the strength of friendship and the bravery needed to follow one's own path in the face of social expectations. They are honored for their pioneering spirit in the 18th century and continue to be iconic individuals in history. THE NEXT SITUATION IS...Let's examine the birth of King Bhagiratha as a noteworthy tale in India. According to Hindu mythology, he was born into a widowed couple who were lesbians. We can deduce from the Kirthivarsha Ramayana that he was born into a lesbian marriage. with the Ganga River's assistance.

Lesbians are thought to have originated in that ancient period based on Hindu mythology.

- **LEGISLATION:** Same-sex marriage has been a major civil rights issue in many countries. Over the years, many countries have legalized same-sex marriage through legislation, court rulings or referendums.
- **EQUAL RIGHTS:** Proponents of same-sex marriage say it's about equal rights and social justice. They argue that barring marriage to same-sex couples is a form of discrimination.
- **PUBLIC OPINIONS:** Attitudes towards same-sex marriage have changed significantly in recent decades. Public opinion has shifted in favour of equal marriage in many countries, leading to changes in law and policy.
- **IMPACT:** Legalizing same-sex marriage gives same-sex couples the same rights and responsibilities as opposite-sex couples. This includes rights relating to inheritance, ownership, adoption and benefits.

II. SAME SEX MARRIAGE AROUND THE WORLD

In these 34 nations, same-sex marriage is both performed and recognized by law. A non-binding resolution asking EU institutions and member states to "[consider] the recognition of same-sex marriage as a matter of political, social, human and civil rights" was voted by the European Parliament on March 12, 2015. The US Court of Human Rights declared in 2018 that all signatory nations had to permit same-sex unions. Some nations have implemented preventive constitutional bans in reaction to the global proliferation of same-sex marriage; the most recent being Mali in 2023 and Russia in 2020. In addition to the Islamic constitution, the secular constitution forbids same-sex unions. Muslims forbid same-sex marriage because of women or

morality.

IN 2015, Italy's parliament debated a bill to recognize same-sex civil unions and to allow gays and lesbians the option of adopting their partner's biological child, a process known as "step-child" adoption. Initially, the bill was welcomed as a first step towards recognizing the civil rights of gays and lesbians. It was expected that Italy would follow the lead of Spain, its "sister country", which in 2005 was one of the first countries to recognize gay marriage and to allow lesbian and gay couples have and adopt children.

The recent case of Abhay and Supriya, a same-sex couple in Hyderabad, has caused a stir in India due to the lack of legal recognition of same-sex marriages. The couple held an elaborate "wedding" ceremony one and a half years ago, yet the law still does not recognize them as legally married. The Delhi High Court in 2017 ruled that the fundamental right to marry was a fundamental right, and that the refusal to recognize same-sex marriages was a violation of those rights. This case has attracted public attention and has been the subject of several petitions, including those brought before the Supreme Court in the cases of Abhay, Supriya, Anr. And Union of India. The liberalisation of sexual laws in the UK, as well as in some other countries, has led to a shift in social attitudes and a decrease in the stigma associated with same-sex relationships. Campaigns for the rights of lesbian and gay individuals, particularly in the United States, have become increasingly extreme, advocating an end to any discrimination against homosexuality and even the legalization of same-sex marriages. This has been accompanied by accusations and counteraccusations against Spain, Belgium, the Netherlands, and Canada for allowing same-sex marriage.

The United States of America and several other countries have accepted the legal recognition of same-sex marriages since the Supreme Court of the United States ruled in June, 2015, in the landmark case of Obergefell vs. Hodges. This ruling ended the practice of denying marriage licenses and not recognizing same-sex partnerships. Despite this progress, the LGBT community continues to struggle for equality in many countries, where it is seen as a sign of shame to be anything other than heterosexual. In the US and some other countries, marriage has been recognized as a socially accepted form of marriage, with the primary purpose of legitimating parenthood and regulating sex life.

The Netherlands became the first nation in history to officially accept same-sex unions in 2001. Since then, marriage has been made legal in 13 other nations, including the US, South Africa, Canada, Denmark, and Spain. In 2004, Massachusetts was the first state to take this action. Twenty states—Maine, Massachusetts, Connecticut, Connecticut, Maryland, Massachusetts,

Maine, Maryland, Maine, Massachusetts, Oregon, Oregon, and Washington—have subsequently done the same. In addition, President Obama made US history in 2012 when he said that same-sex unions should be legal in the country. It is advised to join the Love It Forward campaign and solicit support from your friends and social media connections in order to further advance LGBTQ rights.

Television programs like "Roseanne" and "Friends" showed same-sex relationships in the early 2000s, even though it wasn't authorized until the late 2000s. The majority of the sixteen states in the union that forbid same-sex unions—some via constitutional amendments, some by laws—also grant unmarried partners in domestic partnerships some or all of the same rights. In 2014, the majority of Americans (55%) thought that same-sex unions ought to be allowed. The federal government recognized same-sex unions as lawful after the United States Supreme Court ruled in favor of DOMA in 2013, which defined marriage as the union of a man and a woman. In certain nations, like Saudi Arabia and Sudan, homosexual behavior may result in the death penalty.

III. THE PSYCHOLOGY OF CHILDREN WITH SAME-SEX PARENTS

Since the start of the twenty-first century, same-sex marriage has been legal in the majority of Western European and Scandinavian nations. Southern and Eastern European nations (except Spain), however, have taken a controversial stance against same-sex marriage legislation, most notably against allowing gay and lesbian couples to have biological children or adopt them. Italy has recently been at the centre of the storm among these nations. In 2015, Monica Cirinnà, a member of the left-leaning political party Partito Democratico, proposed a bill that would have recognized civil partnerships for same-sex couples and allowed gays and lesbians to adopt the biological child of their partner, known as "step-child adoption." Initially welcomed as Italy's long-awaited first step toward the recognition of gay and lesbian civil rights, the bill has since received mixed reviews. Therefore, Italy was anticipated to follow the example set by Spain, her "sister country," which in 2005 pioneered the acceptance of same-sex marriages and the freedom for gay and lesbian couples to conceive and adopt children, asserting its secularism despite its Catholic past.

1. Parents of the same gender can care for and protect their children just like any other parent.
2. Children raised in traditional heterosexual two-parent families do not experience more developmental issues than children raised by same-sex parents.
3. There is no proof that kids with same-sex parents grow up with a specific sexual orientation, like homosexuality.

IV. ABHAY DANG V SUPRIYO CHAKRABORTY

Abhay Dang and Supriyo Chakraborty are a gay couple located in Hyderabad, India's southernmost city, who last year and a half celebrated their union with a lavish "wedding" ceremony. However, the law still does not treat them as a married couple.

Supriya Chakraborty v. Union of India:

The Supreme Court of India is now hearing Supriyo and Supriya Chakraborty and Anr. v. Union of India as well as other applications that seek legal recognition for same-sex marriage in India. The matter has sparked anger among the populace as well as public attention.

(A) The definitions given by the author:

EDWARD WESTERMARKS SAYS, Marriage is a relationship between one or more men and one or more women that is acknowledged by custom or law and entails particular rights and duties for both the individuals joining the union and the individuals who become parents as a result.

HM. JOHNSON SAYS, Marriage is a secure relationship in which a man and a woman can bear children without suffering any social repercussions. L.REISS SAYS, "Marriage is a legally recognized relationship between two people who are playing the roles of husband and wife, with the primary goal of legalizing parenthood.

V. RELIGIOUS STANDING FOR SAME-SEX MARRIAGE: BUDDHISM

Buddhism's teachings are ambiguous towards homosexuality, there is no official position on same-sex marriage. But other prominent Buddhist figures, including the Dalai Lama, have voiced opinions. According to the Dalai Lama, homosexual relationships may be viewed as sexual misconduct in a Buddhist environment but may be acceptable and good in society. This is only one example of how the Dalai Lama makes a distinction between Buddhist principles and mainstream attitudes. Robert Aitken, a Zen Buddhist teacher, advocated for same-sex unions in 1995 by using the compassion-based teachings of Buddhism. He stated that granting basic marriage rights to gay and lesbian partnerships would rectify an injustice, increase acceptance of the LGBTQ+ population, and advance variety in society. He said that legalizing same-sex unions in Hawaii would be a moral and compassionate move. Since the middle of the 1990s, the Reform and Reconstructionist Jewish movements have backed homosexual and lesbian rights, including same-sex marriage. The Conservative Jewish movement approved a ceremony in June 2012 that allowed same-sex unions. All three organizations also give rabbis the option to decline to officiate at homosexual and lesbian weddings on an individual basis.

Same-sex unions are not permitted in Orthodox Judaism, and the religion's top legislative body, the Orthodox Union, has actively opposed homosexual marriage on a national and state level.

VI. RELIGIOUS AGAINST TO SAME-SEX MARRIAGE

The Christian perspective on homosexuality has been the subject of intense discussion. One sentence criticizes the concept in its entirety, while the other advocates accepting homosexuals to help them discover a greater purpose from God and make a change in their behaviour. The division in opinion has arisen with the legalization of homosexuality in contemporary Western countries. But historically, Christianity has opposed homosexuality.

On same-sex unions, faith leaders show rare unity:

In a current Supreme Court case, Muslim, Jain, Sikh, and Christian leaders, as well as the RSS, are fighting against same-sex marriage, claiming that it goes against social norms, religious texts, and the natural family structure. Religious leaders from several religions have banded together to oppose the Supreme Court's argument in favour of recognizing same-sex weddings. While some have written to the President requesting her help, others have applied with the Supreme Court opposing petitions in favour of same-sex weddings. Concerns have been expressed about a legal sanction for same-sex marriages by the Jamaat-e-Islami Hind, Jamiat Ulama-i-Hind, the Communion of Churches, the Akal Takht, as well as representatives of the Ajmer dargah and Jain gurus, claiming that it is against the natural family order in addition to being against their various scriptures. The idea that marriage is an institution for procreation, not enjoyment, was reinforced by several luminaries. Although it has acknowledged same-sex relationships, the RSS rejects same-sex marriage as well, siding with the Central government. Race, Religion, and Opposition to Same-sex Marriage: the debate over same-sex unions is a recent one that received a lot of attention from groups working for LGBTQ+ civil rights. Religious convictions frequently have an impact on the degree of support or resistance to same-sex marriage. Because they take religious texts literally, sectarian Protestant denominations like the Southern Baptist Convention frequently oppose same-sex unions strongly. Their opposition to LGBTQ+ civil rights is based on these convictions. Mainline Catholics and Protestant denominations usually support giving civil liberties to LGBTQ+ people, including same-sex marriage. Particularly Catholics have grown more tolerant over time, probably as a result of a decline in support for the Papal authority on moral matters. The most accepting of homosexuality are often Jews and individuals who do not identify with any religion. The fiercest resistance to same-sex marriage frequently comes from active churchgoers in traditional Protestant regions, although some religious organisations have backed it.

VII. RELIGIOUS ARGUMENT FOR SAME-SEX MARRIAGE

At the federal, state, and local levels, the topic of same-sex marriage has generated a lot of controversy. Conservatives pushed President Bush to propose a constitutional amendment stating that marriage is only valid between a man and a woman. He did this because he thought judges were making decisions that were at odds with how most Americans felt about same-sex unions. He believed that altering the Constitution was the only way to stop this. The Massachusetts Supreme Judicial Court's 2003 ruling permitting same-sex marriages was the catalyst for this. Following that, several states—including Ohio—passed laws known as the Defense of Marriage Acts (DOMA), which stipulate that marriage must only be between a man and a woman. Some of these rules also limited domestic partner benefits for homosexual and straight people. In 2004, the Massachusetts Court issued additional judgments that further exacerbated the situation. During the 2004 elections, all of this was very important. When same-sex weddings were permitted by the Massachusetts Supreme Judicial Court in 2003, problems arose. This resulted in laws known as the Defense of Marriage Acts (DOMA) being passed in some states, including Ohio, that state marriage can only occur between a man and a woman. Benefits for domestic partners, gay or straight, were similarly limited by this legislation. More rulings by the Massachusetts Court in 2004 added to the difficulty of the situation. During the 2004 elections, this became a significant topic. Religious perspectives play a significant role in the topic of same-sex marriage. There is disagreement within some Christian organizations, such as the Episcopal Church, about the ordination of Reverend Gene Robinson, an outspoken gay man. While some regard it as a sign of church unity, others see it as a source of division. Because of its views on reproduction and the common good, the Roman Catholic Church is adamantly opposed to same-sex relationships and contends that marriage should only be between a man and a woman. Even the Vatican disavowed the legal recognition of same-sex unions in a publication. They think it might cause issues for society. Additionally supporting a federal marriage amendment to the Constitution were the U.S. Catholic Bishops. However, even within the Catholic Church, there are dissenting viewpoints. Some people support government support for non-traditional relationships like civil unions while still being opposed to same-sex marriage. Because homosexuality is viewed as morally wrong and same-sex marriage is perceived as permitting something that is recognized as evil in society, these religious perspectives are filled with terror. Although there are many viewpoints on the nature of marriage and same-sex unions, these religious beliefs generally play a key role in the discussion. Throughout history and cultures, marriage has taken many varied forms. For instance, polygamy is still prevalent in several regions of Africa, and even in the Hebrew Bible, there

were different kinds of marriage. The early church placed more emphasis on the ceremonial features of marriage than its legal requirements. The church only began to exert control over marriages in Europe between the seventh and the twelfth centuries, mostly to address problems like covert weddings and divorce. Different religious perspectives on what marriage means are frequently brought up in the conversation around same-sex unions. All Christian faiths view marriage as sacred, yet only the Catholic tradition views it as a sacrament. A sacrament is a symbol of God's presence among us in Christianity. Some claim that same-sex couples' unions could be viewed as sacramental if they share the same love and dedication as heterosexual couples. This means that it represents a strong bond and dedication, much like a representation of God's love for us. According to some theologians, same-sex partnerships should be likened to God and Christ's relationships rather than only opposite-sex relationships. They contend that same-sex unions can also demonstrate sacramentally faith, hope, and charity. In conclusion, affirming same-sex marriage as a moral, legal, and religious reality would advance the idea that all couples, regardless of sexual orientation, should be entitled to get married. This could be advantageous to society, recognise these marriages' worth, and offer devoted couples support.

VIII. BENEFITS OF LEGALISING SAME-SEX MARRIAGE

The case for same-sex marriage's legalization across the board is made for a variety of factors. First and foremost, they contend that marriage equality should be available to everyone, regardless of sexual orientation. The legal recognition of same-sex relationships should be comparable to that of opposite-sex relationships. The mental and emotional health of LGBT people, who have historically been disadvantaged and discriminated against in many nations, can also be improved by allowing same-sex weddings. One's humanity and dignity can be powerfully affirmed by being able to marry the person they love. Legalizing same-sex unions can also have a favourable impact on the economy. Married same-sex couples are more likely to have two sources of income, which can help the economy. Additionally, same-sex marriages can lead to the hiring of wedding planners, florists, and caterers, as well as other occupations in the wedding sector. In countries where same-sex marriage is permitted, legalizing it can also improve tourism and company revenue. Overall, allowing same-sex unions can be advantageous for both people and the economy.

(A) The drawbacks of legalising same-sex marriage:

There are various issues that opponents of same-sex marriage have. Some are concerned that it could result in the demise of conventional marriage and family values. They worry that it would challenge deeply ingrained religious values in numerous societies. Although recent studies

demonstrate these children perform equally well to those raised by opposite-sex couples, there is still concern about how it may affect children raised by LGBT couples. The possibility that same-sex marriage will upset morality and social order is another reason against it. Some think it goes against the way things are supposed to be and could upset societal conventions and gender roles. They are concerned that this would increase prostitution, infidelity, and other immoral activity. Last but not least, opponents assert that same-sex unions might affect the economy. They contend that it might raise healthcare expenditures since same-sex relationships may have higher rates of STDs. They assert that it might also result in a fall in birth rates, which might have an impact on the labour force and the economy as a whole.

(B) Why is same sex marriage is important?

The Equality Network is adamant that same-sex marriages should be legal and, more broadly, that all couples, regardless of their gender, should be able to get married. 85% of the 427 LGBT respondents in our 2009–2010 study agreed that this reform is necessary. Implementing this modification was ranked as a high priority by 53% of respondents and a priority by another 32%. We believe that, if anything, those numbers understate the percentage of LGBT people who feel that this change is necessary based on more informal qualitative consultation. All 150 attendees at the five same-sex marriage consultation meetings we held across the nation in November 2011 agreed that same-sex marriage should be legalized. We questioned respondents about their reasons for supporting same-sex marriage in our survey and at our consultation events. Numerous explanations were given, but the following themes were prevalent.

(C) Freedom of religion and belief:

Same-sex couples cannot have a humanist or religious celebrant formally bind their marriage. In our 2009–10 poll of 429 LGBT individuals, 22% indicated that they would contemplate a humanist marriage and 22% indicated that they would consider a religious marriage if such a possibility existed. The Humanist Society of Scotland's celebrants perform marriage ceremonies (by the law governing religious marriages) and they are very keen to perform same-sex unions. In addition to others, the Unitarians, Quakers, Metropolitan Community Church, Liberal Jewish community, and Pagan Federation of Scotland also solemnize marriages and support same-sex unions. Respecting the right of organizations to perform same-sex marriage ceremonies as well as the right of couples who want their religious same-sex union to be performed by those organizations is a key component of freedom of religion and belief. It also entails recognizing the right of religious organizations to refuse to conduct same-sex marriages if they disagree with them. Religious organizations that support same-sex marriage and those that oppose it both

lack the authority to force their respective positions on the other group. No religious body should have a veto over the conditions of marriage because marriage is not held by any religious body (and predates any present religious religion).

(D) Public opinion:

The 2010 Scottish Social Attitudes Survey asked, "Do you agree or disagree that gay and lesbian couples should be allowed to marry?" Only 19% of people disagreed, whereas 61% did. Because survey participants were asked about their religion, the data can be broken down by denomination. Same-sex marriage was supported by 50% of Presbyterians and 21% of Catholics, with 21% disagreeing. Within the nonreligious group, 72% supported same-sex unions while 12% opposed them. Younger people are especially supportive of same-sex unions; in 2006, 77% of those under 25 supported it, which is 24% higher than the general population. For young people, the legalization of same-sex unions has a special resonance because they perceive it as Scotland moving forward as a contemporary nation in the twenty-first century. Given popular sentiment, it is not unexpected that same-sex marriage is supported strongly by all political parties. In their 2011 Holyrood manifestos, the Scottish Liberal Democrats and Scottish Green Party both vowed to legalize same-sex unions. The SNP and Labour Party pledged to have consultations on the matter.

a. Under Hindu Marriage Act:

The Hindu Marriage Act regulates marriages between any two people who practice the Hindu religion as well as related issues including divorce and other matters. It is relevant to everyone else who resides in India and practices Jainism, Buddhism, or Sikhism. According to the Act, marriage is regarded as having a divine origin and is a sacred union of two people to carry out religious duties. Recognizing same-sex marriages under personal laws would be the most practical course of action in the current situation. The Hindu Marriage Act stipulates that at the time of marriage, the bridegroom must be twenty-one years old and the bride must be eighteen. A similar provision is found in the Christian Marriage Act, which refers to men and women respectively. In India, almost all personal laws define marriage as the union of two heterosexual people. Nonetheless, same-sex partnerships are not expressly prohibited by the Hindu Marriage Act. They can be recognized under personal laws in a number of ways, such as the following:

1. It is possible to interpret current legislation to permit same-sex unions.
2. The term LGBT (lesbian, gay, bisexual, and transgender) refers to a distinct community whose traditions allow same-sex unions.

3. The Act should be interpreted in a way that permits same-sex marriage; otherwise, it would be against the law.

IX. INTERPRETING THE FEW TERMS OF THE HINDU MARRIAGE ACT

Union of Spirits- The Act avoids using gender-specific terminology like man or woman. Therefore, gays can easily be integrated into it. A marriage can be formally performed "between any two Hindus," as stated in the Act. There is no explicit prohibition in the Act that marriages can only be solemnized between people who are the opposite gender. Section 2 of the Act outlines who is eligible to marry under it. Customary rites and Ceremonies: According to Section 7, marriages can be solemnized by either party's customary rituals. If the rites are not carried out correctly, the marriage is void. For a marriage to be considered valid under the Act, these ceremonies must be documented. Bride and bridegroom: The terms "bride and bridegroom" are only used in sections 5(ii) and 7(2). The remaining sections only use unbiased terminology like "person" or "party." The terms "bride" and "bridegroom" can be understood as roles that various partners in a relationship may want. Thus, other than utilizing the terms bride and bridegroom in these two parts, the Act is neutral. Therefore, if one performs the part of the bride and another plays the bridegroom, we can logically argue that same-sex couples can solemnize their marriage.

(A) Under special marriage act:

The Special Marriage Act of 1954 permits a particular kind of union between those who, regardless of their faith or religion, do not wish to be subject to their laws. Altering the Special Marriage Act to permit same-sex unions is a substitute that shouldn't incite animosity from religious groups. In contrast to marriages under the Hindu Marriage Act, marriages under this Act do not require the performance of religious rites and practices. However, the Act's current format only applies to heterosexual couples because it refers to the age requirements as "male" and "female" when describing them. It is necessary to change section 4(c) of the Act to explicitly include homosexual weddings, or a new clause may be added. While the amendment is still the preferable choice, the current BJP government may make it challenging. Decriminalization was mentioned in the manifestos of the Congress and CPI(M) for the Lok Sabha elections, but the BJP was unambiguous in its support for the ruling, with a party leader declaring that it is unacceptable to tolerate homosexuality as an unnatural act. Same-sex unions are now legally recognized in many countries. The Netherlands was the first nation to legalize same-sex unions in 2001. However, several laws were opposed to same-sex relationships. The constitutional court in South Africa ruled that same-sex weddings are against the law there. The state may not

unfairly discriminate directly or indirectly against anyone on one or more grounds .section 9(3) of the constitution from that country Article 15 of the Constitution, which forbids discrimination based on caste, race, sex, religion, and place of birth, was emphasized in the Naz Foundation's ruling The court pointed out that Article 15's definition of "sex" included sexual orientation.The propositions in this case were supported by several foreign rulings. If laws and other policies barred homosexual couples because of their sexual orientation, it would be discriminatory and a violation of Article 15 to do so.It follows that if same-sex marriages had been made legal by the Special Marriage Act, a case would have undoubtedly been made. However, based on the Suresh Kumar Koushal v. Naz Foundation decision, it may be claimed that the Special Marriage Act is constitutional because it was passed after the constitution went into effect. Since the Supreme Court decriminalized section 377 of the Indian Penal Code, there have been multiple instances of homosexuals coming out to assert their legal status.Therefore, aside from a lack of understanding of the requirements of same-sex couples and blind prejudice, there is not a single reason why same-sex marriages should not be permitted Because it has not passed any additional legislation to address these issues and is unable to make the necessary changes to the current laws, the government has made a grave mistake.

(B) Related case:

1. Margaret Paella v Savitri play
2. Minister of Home Affairs v Fourie
3. National Legal Services Authority v Union of India and ors
4. Sakthi Vahini v Union of India
5. State of Bombay v Narasu appa malai
6. Vishnu Prakash v Sheela Devi

(C) Constitution:

- a. Constitution of the republic of south Africa,1996
- b. The Indian constitution ,1950

(D) Legislations and codes:

1. Christian Marriage Act ,1872
2. Hindu Marriage (Tamil Nadu amendment,)Act , 1967
3. Hindu Marriage Act,1955
4. Indian Penal Code,1860

5. The Special Marriage Act, 1954

X. THE SITUATION OF SAME SEX MARRIAGE IN INDIA

Same sex marriage can't be accepted central explains to supreme court has provided New Delhi: It was mentioned under Section 377 of the Indian Penal Code that same-sex relations are illegal and such sexual relations are against the law. A case was filed in the Supreme Court to remove this law. The Supreme Court heard this case last year in 2018 and ruled that homosexuality is not a crime. Also, Article 377 was abolished. This legalized homosexuality across the country. The verdict was widely welcomed by the sexual minorities. Accordingly, same-sex couples were also married. Following this, petitions were filed in the High Courts in various states seeking legal recognition of same-sex marriages. The Supreme Court announced that it would itself hear these petitions. Accordingly, these petitions will be heard tomorrow (March 12) before a bench comprising Chief Justice Chandrachud, Justices Narasimha and Parthiwala. In this case, the central government has filed an affidavit in the Supreme Court. It states, "There are many types of relationships in society. Same-sex couples may not be recognized by the respective states, but they are not illegal. It is not currently a crime for same-sex couples to live together as husband and wife. But compare it to a family consisting of a husband, wife, and children. Can not. Same-sex marriage cannot be accepted as an ethical and social moral of the country. Also the Hindu Marriage Act 1955, the Christian Marriage Act 1872, the Parsi Marriage and Affairs Act 1936, the Special Marriage Act 1954 and the Foreign Marriage Act 1969 Laws say that marriage is between a man and a woman. Registering a same-sex marriage is against the law. Legal recognition should not be given to such marriages beyond existing family systems in India. Therefore, petitions seeking legal recognition of same-sex marriages should not be entertained," it said.

XI. CONCLUSION

The same sex marriage is acceptable but it is not accepted in many countries according to the Fourteenth Amendment's Due Process Clause ensures the right to marry as one of the fundamental liberties it safeguards, and the same analysis holds true for opposite-sex couples as it does for same-sex ones. Marriage is a component of the right to life, as stated in Article 21 of the Indian Constitution. The right to wed the person of one's choosing is guaranteed by Article 21 of the Constitution.

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