



Same Sex marriages: a zillionth question

Legalizing same sex marriages in India may not be the best option considering the repercussions reported from most liberalized societies in the Western hemisphere. Humane approach to same sex unions should be embraced without hesitation. An open, flexible, countrywide debate on ramifications of legalizing same sex marriages is advisable.

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Background and Context

A five-judge Constitution Bench headed by Chief Justice DY Chandrachud comprising Justices SK Kaul, SR Bhat, Hima Kohli, and PS Narasimha, reserved its judgment on May 11, 2023. This followed a rigorous ten-day session during which senior advocates AM Singhvi, Raju Ramachandran, KV Viswanathan, Anand Grover, and Saurabh Kirpal presented their arguments on behalf of the petitioners. On the other side, Attorney General R Venkataramani, Solicitor General Tushar Mehta represented the Centre, and senior counsel Kapil Sibal appeared for Jamiat-Ulama-i-Hind.

India is widely recognised for its profound socio-religious diversity, which constitutes a mosaic of various belief systems. Marriage in India holds significant social and ritualistic importance, traditionally viewed as a union between a man and a woman. Serving as a crucial component of every individual's life, marriage has been instrumental in the propagation of future generations, making it a fundamental institution of human society throughout history.

The issue of same-sex marriage has elicited concerns from various organisations, emphasising the necessity for a cautious and prudent approach. Numerous socio-religious groups have expressed apprehensions, perceiving it as a social experiment engineered by a select few. The complexity of the matter is further exacerbated by the fact that it carries substantial social and moral implications that cannot be disregarded.

Globally, as of 2022, 68 countries have criminalised homosexuality, while 32 countries legally recognise same-sex marriages.

In 2018, a five-judge constitution bench of the Supreme Court, led by Chief Justice Dipak Misra and including Justices R.F. Nariman, A.M. Khanwilkar, D.Y. Chandrachud, and Indu Malhotra, unanimously decriminalised the 156-year-old colonial-era provisions of section 377 of the Indian Penal Code (IPC), which criminalised consensual unnatural sex. Justice Indu Malhotra, the sole female judge on the Constitution Bench, stated, "History owes an apology."

In India, every citizen, regardless of their sex, caste, creed, race, religion, or region, possesses rights enshrined in the constitution. India accepts and respects individuals from all walks of life, allowing them to live freely without inhibition, restrictions, or social boycotts. However, it is important to note that the institution of marriage, which holds a sacred place in Hindu philosophy and is deeply rooted in family and societal values, should not be infringed upon.

Institution of Marriage in India

In Indian culture, marriage is perceived as a union between two biological heterosexual individuals with the purpose of advancing the human race, rather than a mere contractual agreement between two individuals. Through the exchange of marriage vows, two individuals enter into a union that encompasses emotional, physical, mental, and spiritual dimensions. The religious texts of various world religions unanimously assert that marriage is a religious concept.

Hindu Concept of Marriage

Marriage holds significant cultural and historical value in India. Marriage is an institution as per Indian ethos and Hindu practice. Unlike in many Western countries, marriage is not a 'contract' for physical union alone. Instead, it's a socio-economic institution having huge implication for the 'families', 'society' and India as a 'nation'.

The Hindu scriptures expound upon an ordered sequence of life stages. The four stages of life in Hindu dharma are known as ashramas, namely Brahmacharya (the stage of a student), Gr̥hastha (the stage of a householder), Vanaprastha (the stage of a forest walker or forest dweller), and Sannyasa (the stage of a renunciate). The four ashramas are regarded as a significant life-cycle model framework.

The Gr̥hastha ashram pertains to the phase of an individual's life that involves marriage, and encompasses the responsibilities of managing a household, nurturing a family, providing education to one's children, and engaging in a social life that revolves around the family unit.

In Vishnu Puran it states that "When the scriptural studies appropriate to the student have been completed, and he has received blessings of his Guru, let him enter into the order of the Gr̥hastha (householder). Let him pursue and obtain, by ethical ways, home, wife, and wealth, discharge to the best of his ability the duties of his life's stage. He should satisfy the soul of his ancestors with funeral cakes; the gods with oblations; guests with hospitality; the sages with holy study; the progenitors of mankind with progeny; the spirits with reverence; and all the world with words of truth."¹

Hindu marriage is a unique kind of vow, oath, or commitment that acknowledges the interdependence of marriage, procreation, parenting, and the family unit. There is no evidence for any manifestation of the connection between marriage and sexual expression between the same-sexes in Hindu rituals.

Concept of Marriage as per Quran

The permissibility (halal) of the innate attraction between two individuals is contingent upon the institution of marriage. The Holy Qur'an acknowledges a special sacred bond that assures procreation, specifically between a male and a female, and the corresponding rights and responsibilities that stem from it.

According to the Quran, the primary purpose of a spouse is to safeguard against immoral desires. However, engaging in sexual activity outside of the context of marriage and without the intention of procreation renders such behaviour forbidden (haram).

The Hadith, which comprises several stories documenting the utterances and actions of Muhammad and his associates, holds comparable authority to the Qur'an. It is unequivocal in its denial of male homosexual activities. According to the Qur'an (4:16), men who engage in sexual misconduct together are subject to unspecified punishment unless they express remorse and repent.²

The Prophet is believed to have advised that both the male and female partners involved in Zina, which refers to illicit heterosexual intercourse, are to be punished equally with the penalty of execution by stoning.

Concept of Marriage as per Bible

The discourse surrounding the biblical principles and perspectives of Jesus about same-sex marriage has been a subject of extensive discussion. Numerous scholars and campaigners contend that the primary emphasis of the Bible is to enthusiastically embrace our contemporary society with a receptive mindset and compassionate spirit. According to this line of reasoning, it is impossible to refute the notion of an institution as presented in scripture.







Jesus establishes marriage as a union between a male and a female. This is believed to represent the notion that God created male and female individuals to collaborate to care for the entire creation. Based on this particular definition, the concept of same-sex marriage is deemed ineligible.³ Jesus did not explicitly address the topic of same-sex marriage, as his portrayal of marriage inherently precluded it.

The institution of marriage represents the collaborative efforts of two individuals in managing the diverse aspects of God's creation. The management of humanity is considered the pinnacle of design, as it is the context in which God calls upon individuals to exercise ethical stewardship. The creation of male and female by God is a complementary combination.

It appears that neither Jesus, Paul, nor God the Father, who is believed to have inspired scripture, acknowledged the concept of homosexual marriage.

The inclusion of a new category in marriage is contrary to the trajectory of marriage as outlined in every scripture.

Countries outlaws the same-sex marriage

Afghanistan 	Algeria 
TYPE OF LAW Outlaws same-sex relations	TYPE OF LAW Outlaws same-sex relations
NAME OF LAW: Articles 645, 647, 648, 649	NAME OF LAW: 1966 Penal Code, article 338.
CATEGORY OF OFFENSE: Homosexual acts	CATEGORY OF OFFENSE: Homosexual acts
LEGAL PROVISION(S): Livat (sodomy), musaheqeh (lesbian sex), tafkiz (thigh sex) Under the previous penal code, "pederasty," not further defined, was criminalized, as was all sex outside of marriage (zina).	LEGAL PROVISION(S): Homosexual acts Two months to 2 years in prison and a fine of between 500 and 2,000 Algerian dinars (US\$5 to \$20).
Bangladesh 	Brunei 
TYPE OF LAW Outlaws same-sex relations	TYPE OF LAW : Outlaws same-sex relations, Criminalizes forms of gender expression
NAME OF LAW: Penal Code 1860, section 377.	NAME OF LAW: Penal Code of 1951, Chapter 22 (Revised Edition 2001),
CATEGORY OF OFFENSE: Unnatural/indecent acts	CATEGORY OF OFFENSE: Unnatural/indecent acts; homosexual acts
LEGAL PROVISION(S): Carnal intercourse against the order of nature Ten years to life in prison.	LEGAL PROVISION(S): Carnal intercourse against the order of nature; liwat (sodomy); musahaqah (sex between women) Death penalty for anal sex; 40 lashes for sex between women
Burundi 	Cameroon 
TYPE OF LAW Outlaws same-sex relations	TYPE OF LAW Outlaws same-sex relations
NAME OF LAW: Law No. 1/05 of April 22, 2009, on the Revision of the Criminal Code, article 567.	NAME OF LAW: Cameroon Penal Code of 1967, article 347 bis.
CATEGORY OF OFFENSE: Homosexual acts	CATEGORY OF OFFENSE: Homosexual acts
LEGAL PROVISION(S): Sexual relations with someone of the same sex Three months to 2 years in prison and/or a fine of 50,000 to 100,000 francs (US\$30 to \$60).	LEGAL PROVISION(S): Sexual relations between persons of the same sex Six months to 5 years in prison and a fine of CFA 20,000 to 200,000 (US\$35 to \$350).

Chad



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW:

Chad Penal Code 2017

CATEGORY OF OFFENSE:

Homosexual acts

LEGAL PROVISION(S): **Sexual relations with someone of the same sex**

Three months to 2 years in prison; fine of 50,000 to 500,000 FCFA (US \$87-\$870).

Comoros



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Penal Code of the Federal Islamic Republic of Comoros, 1995, article 318.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Impudent acts or acts against nature**

Two to 5 years in prison and a fine of 50,000 to 1,000,000 francs (US\$120 to \$2,320).

Cook Islands



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW:

Crimes Act 1969, sections 154, 155.

CATEGORY OF OFFENSE:

Sodomy

LEGAL PROVISION(S): **Sodomy; indecency between males**

Five to 7 years in prison.

Dominica



TYPE OF LAW : **Outlaws same-sex relations, Criminalizes forms of gender expression**

NAME OF LAW: **Sexual Offences Act 1998, article 16.**

CATEGORY OF OFFENSE:

Buggery; unnatural/indecent acts

LEGAL PROVISION(S): **Buggery; gross indecency** Four to 10 years in prison if committed by an adult, and admission to a psychiatric hospital, if ordered by a court. Five years in prison if committed by a minor.

Egypt



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Law 10/1961 on the Combating of Prostitution, article 9(c), article 1.**

CATEGORY OF OFFENSE:

Debauchery

LEGAL PROVISION(S): **Habitually engaging in fujur (debauchery); incitation to debauchery**

Three months to 3 years in prison. May be placed in "special reformatory" upon completion of prison sentence. Fine between 25 LE and 300 LE (US\$3 and \$40).

Eritrea



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Penal Code of 2015, article 310, 311.**

CATEGORY OF OFFENSE:

Homosexual acts

LEGAL PROVISION(S): **Homosexual conduct: an act corresponding to the sexual act, or any other indecent sexual act**

Five to 7 years in prison.

Eswatini



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW:

Common law offense.

CATEGORY OF OFFENSE:

Sodomy

LEGAL PROVISION(S): **Sodomy**

Unspecified.

Ethiopia



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No. 414/2004, articles 629 and 630.**

CATEGORY OF OFFENSE:

Homosexual acts

LEGAL PROVISION(S): **Homosexual and other indecent acts**

Up to 15 years in prison.

Gambia



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Gambia Criminal Code (Act No. 25 of 1933), amended 1965; Gambia Criminal Code (Amendment) Act, 2005; Gambia Criminal Code (Amendment) Act, 2014.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Unnatural acts; aggravated homosexuality**

Fourteen years to life in prison.

Ghana



TYPE OF LAW : **Criminal Code 1960 (amended 2003), section 104.**

NAME OF LAW: **Sexual Offences Act 1998, article 16.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Unnatural carnal knowledge**

Up to 3 years in prison

Grenada



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Criminal Code of 1987, article 431.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Grossly indecent act; unnatural connexion**

Ten years in prison.

Guinea



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Penal Code of the Republic of Guinea, 2016, article 274.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Indecent acts or acts against nature**

Six months to 3 years in prison.

Guyana



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Criminal Law (Offences) Act, 1998, articles 352, 354.**

CATEGORY OF OFFENSE:

Buggery; unnatural/indecent acts

LEGAL PROVISION(S): **Buggery; gross indecency**

Two years for "gross indecency" between men; life for "buggery."

Iran



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Islamic Penal Code of Iran, 2013, articles 233-41.**

CATEGORY OF OFFENSE:

Homosexual acts

LEGAL PROVISION(S): **Liwat (sodomy); tafkhiz (thigh sex); musaheqeh (lesbian intercourse)**

Sentences range from 31 lashes (for homosexual acts other than anal sex or thigh sex) to 100 lashes to death.

Jamaica



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Offences Against the Person Act, 1864, section 76.**

CATEGORY OF OFFENSE:

Buggery

LEGAL PROVISION(S): **Buggery**

Ten years in prison and hard labor.

Kenya



TYPE OF LAW : **Criminal Code 1960 (amended 2003), section 104.**

NAME OF LAW: **Penal Code of Kenya, Revised Edition 2012 [2010], section 162, 165.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Carnal knowledge against the order of nature; acts of gross indecency between males** Five years for "indecent practices between males," fourteen years for "carnal knowledge against the order of nature."

Kiribati



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Kiribati Penal Code, Revised Edition 1977, section 153, 155.**

CATEGORY OF OFFENSE:

Buggery; unnatural/indecent acts

LEGAL PROVISION(S): **Unnatural offences; buggery; indecency between males**

Fourteen years in prison.

Kuwait



TYPE OF LAW: **Outlaws same-sex relations, Criminalizes forms of gender expression**

NAME OF LAW: **Kuwait Penal Code (1960), Law No. 16, article 193.**

CATEGORY OF OFFENSE:

Homosexual acts

LEGAL PROVISION(S): **Consensual intercourse between adult men**

Up to 7 years in prison.

Lebanon



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Criminal Code of 1943, article 534.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Sexual relations contrary to the order of nature**

Up to 1 year in prison.

Liberia



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Penal Law - Title 26 - Liberian Code of Laws Revised, 1978, article 14.74.**

CATEGORY OF OFFENSE:

Sodomy; unnatural/indecent acts

LEGAL PROVISION(S): **Voluntary sodomy**

One year in prison.

Libya



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Libyan Penal Code of 1953, as amended by Law No. 70 (1973), articles 407-408.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Indecent acts**

Up to 5 years in prison.

Malawi



TYPE OF LAW : **Outlaws same-sex relations, Criminalizes forms of gender expression**

NAME OF LAW: **Penal Code of 1930 (amended 2010), sections 153, 137A.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Carnal knowledge against the order of nature; indecent practices between males; indecent practices between females** Sexual acts between men: up to 14 years in prison; sexual acts between women: 5 years in prison.

Malaysia



TYPE OF LAW: **Outlaws same-sex relations, Criminalizes forms of gender expression**

NAME OF LAW: **Malaysia Penal Code, 2006, section 377A, 377B, 377D. State Sharia (Islamic) laws also apply.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Carnal intercourse against the order of nature, outrages on decency.** Up to 20 years in prison, whipping, and fines (state Sharia laws).

Maldives



TYPE OF LAW: **Outlaws same-sex relation**

NAME OF LAW: **Maldives Penal Code, Section 410, 411, 412.**

CATEGORY OF OFFENSE:

Various offenses

LEGAL PROVISION(S): **Sexual intercourse with a person of the same sex; indecent acts with a person of the same sex; unlawful marriage** 6 months to 8 years in prison, up to 100 lashes for "unlawful sexual intercourse."

Mauritania



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Penal Code of 1983, articles 306, 308.**

CATEGORY OF OFFENSE:
Unnatural/indecent acts

LEGAL PROVISION(S): **Indecent acts between men; indecent acts between women** Indecent acts between men: death by stoning; indecent acts between women: up to 2 years in prison and a fine of up to MRO 60,000 (US\$210).

Morocco



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Penal Code of 1962, article 489.**

CATEGORY OF OFFENSE:
Unnatural/indecent acts

LEGAL PROVISION(S): **Lewd or unnatural acts with an individual of the same sex** Six months to 3 years in prison; fines of between 120 and 1,000 dirhams (US\$10 to \$110).

Namibia



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Common law offense.**

CATEGORY OF OFFENSE:
Sodomy; unnatural/indecent acts

LEGAL PROVISION(S): **Sodomy, "unnatural sexual offences" between men**

Unspecified.

Mauritius



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Mauritius Criminal Code of 1838, section 250.**

CATEGORY OF OFFENSE:
Sodomy

LEGAL PROVISION(S): **Sodomy**

Five years in prison.

Myanmar



TYPE OF LAW : **Criminalizes same-sex conduct**

NAME OF LAW: **Penal Code 1861, section 377**

CATEGORY OF OFFENSE:
"Unnatural offences"

LEGAL PROVISION(S): **"Carnal intercourse against the order of nature"**

Up to 20 years in prison, fine

Nigeria



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Kuwait Penal Code (1960), Law No. 16, article 193.**

CATEGORY OF OFFENSE:
Various offenses

LEGAL PROVISION(S): **Carnal intercourse against the order of nature; entering into a same-sex marriage contract or civil union; making public show of same-sex amorous relationship; registering, operating, or participating in gay clubs, societies, and organization** Up to 14 years in prison; death penalty (state Sharia laws). Nigeria falls into the "mixed sentences" category because it has various types of laws, under both criminal and Sharia law, which criminalize consensual same-sex conduct.

Gaza Strip



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **British Mandate Criminal Code Ordinance No. 74 of 1936, section 152(2).**

CATEGORY OF OFFENSE:
Unnatural/indecent acts

LEGAL PROVISION(S): **Carnal knowledge against the order of nature**

Up to 10 years in prison.

Oman



TYPE OF LAW: **Outlaws same-sex relations, Criminalizes forms of gender expression**

NAME OF LAW: **Omani Penal Code No. 7/1974, articles 33, 223.**

CATEGORY OF OFFENSE:
Homosexual acts

LEGAL PROVISION(S): **Homosexual and lesbian intercourses**

Six months to 3 years in prison.

Pakistan



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Pakistan Penal Code (XLV of 1860), section 377**

CATEGORY OF OFFENSE:
Unnatural/indecent acts

LEGAL PROVISION(S): **Carnal knowledge against the order of nature**

.Life in prison; or 2 to 10 years in prison and fine.

Papua New Guinea



TYPE OF LAW :

Outlaws same-sex relations

NAME OF LAW: **Criminal Code Act 1974, section 210, 212.**

CATEGORY OF OFFENSE:
Unnatural/indecent acts

LEGAL PROVISION(S): **Unnatural offences; indecent practices between males**

Up to 14 years in prison.

Qatar



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Penal Code, Law No. (II) of 2004, articles 296, 298. Sharia law also applies to Muslims.**

CATEGORY OF OFFENSE:
Sodomy

LEGAL PROVISION(S): **"Leading, instigating or seducing a male anyhow for sodomy or dissipation."**

One to 3 years in prison; flogging; death penalty (Sharia law).

Saint Lucia



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Criminal Code, No. 9 of 2004, sections 132, 133.**

CATEGORY OF OFFENSE:
Buggery

LEGAL PROVISION(S): **Acts of Gross Indecency; Buggery**

Five to 10 years in prison.

Saint Vincent and The Grenadines



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Criminal Code, 1990 Edition, sections 146, 148.**

CATEGORY OF OFFENSE:

Buggery

LEGAL PROVISION(S): **Acts of Gross Indecency; Buggery**

Five to 10 years in prison.

Samoa



TYPE OF LAW:

Outlaws same-sex relations

NAME OF LAW: **Crimes Act 2013, No. 10, section 67.**

CATEGORY OF OFFENSE:

Sodomy

LEGAL PROVISION(S): **Sodomy**

Up to 5 years in prison.

Saudi Arabia



TYPE OF LAW: **Outlaws same-sex relations, Criminalizes forms of gender expression**

NAME OF LAW: **There is no codified penal Law in Saudi Arabia. Sentences are derived from interpretations of Sharia law.**

CATEGORY OF OFFENSE: **Homosexual acts as interpreted based on sharia**

LEGAL PROVISION(S): **Undefined.**

According to some interpretations of Sharia, the death sentence may be handed down for certain homosexual acts. Other penalties may include 100 blows of the whip and banishment for 1 year.

Senegal



TYPE OF LAW :

Outlaws same-sex relations

NAME OF LAW: **Penal Code of 1965, article 319 (para. 3).**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Indecent acts; acts against nature with a person of the same sex**

One to 5 years in prison; fine of 100,000 to 1,500,000 CFA (US\$170 to \$2,600).

Sierra Leone



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Offences against the Person Act 1861, section 61.**

CATEGORY OF OFFENSE:

Buggery

LEGAL PROVISION(S): **Buggery**

Ten years to life in prison.

Solomon Islands



TYPE OF LAW:

Outlaws same-sex relations

NAME OF LAW: **Penal Code (Revised Edition 1996), sections 160-162.**

CATEGORY OF OFFENSE:

Buggery; unnatural/indecent acts

LEGAL PROVISION(S): **Buggery; indecent practices**

Up to 14 years in prison.

Somalia



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Penal Code, Legislative Decree No. 5/1962, articles 409, 410.**

CATEGORY OF OFFENSE:

Homosexual acts

LEGAL PROVISION(S): **Carnal intercourse or acts of lust with a person of the same sex**

Two months to 3 years in prison; security measures.

South Sudan



TYPE OF LAW: **Outlaws same-sex relations, Criminalizes forms of gender expression**

NAME OF LAW: **Penal Code Act 2008, section 248.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Carnal intercourse against the order of nature**

Up to 10 years in prison; fine.

Sri Lanka



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Penal Code (as amended by the Penal Code (Amendment) Act, No. 22 of 1995), articles 365, 365A.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Unnatural offenses; Acts of gross indecency between persons**

Up to 10 years in prison, fine.

Sudan



TYPE OF LAW :

Outlaws same-sex relations

NAME OF LAW: **Penal Code 1991 (Act No. 8 1991), sections 148, 151**

CATEGORY OF OFFENSE:

Sodomy, unnatural/indecent acts

LEGAL PROVISION(S): **Sodomy, gross indecency**

5 years in prison for first and second convictions; life in prison if convicted for the third time.

Syria



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Penal Code of 1949, article 520.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Unnatural sexual intercourse**

Up to 3 years in prison.

Tanzania



TYPE OF LAW:

Outlaws same-sex relations

NAME OF LAW: **Penal Code of 1945 (as amended by the Sexual Offences Special Provisions Act, 1998), section 138(a), 154.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Unnatural offenses, gross indecency**

Thirty years to life in prison.

Togo



TYPE OF LAW

Outlaws same-sex relations

NAME OF LAW: **Penal Code of 13 August 1980 (amended 2000), article 88.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Indecent acts or acts against nature**

One to 3 years in prison; fine between 100,000 and CFA 500,000 (US\$170 to \$870).

Tonga



TYPE OF LAW: **Outlaws same-sex relations, Criminalizes forms of gender expression**

NAME OF LAW: **Criminal Offences Act, 1988 Revised Edition, sections 136, 139, 142.**

CATEGORY OF OFFENSE:

Sodomy

LEGAL PROVISION(S): **Sodomy**

Up to 10 years in prison; whipping.

Tunisia



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Penal Code of 1913 (as modified), article 230.**

CATEGORY OF OFFENSE: **Sodomy; homosexual acts**

LEGAL PROVISION(S): **Liwat (sodomy); musaheqeh (sex between women).**

Three years in prison.

Turkmenistan



TYPE OF LAW :

Outlaws same-sex relations

NAME OF LAW: **Criminal Code of Turkmenistan No. 222-I of June 12, 1997 (as amended up to November 9, 2013), article 135.**

CATEGORY OF OFFENSE:

Sodomy

LEGAL PROVISION(S): **Sodomy: sexual acts between men**

Two years in prison, between 5-10 years in prison if repeated.

Tuvalu



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Penal Code, Revised Edition 2008, section 153-155.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Unnatural offenses; buggery; indecent practices between males**

Up to fourteen years in prison.

Uganda



TYPE OF LAW:

Outlaws same-sex relations

NAME OF LAW: **Penal Code Act of 1950 (Chapter 120), (as amended), section 145, 148.**

CATEGORY OF OFFENSE:

Unnatural/indecent acts

LEGAL PROVISION(S): **Carnal knowledge against the order of nature; gross indecency**

Life in prison.

United Arab Emirates



TYPE OF LAW: **Outlaws same-sex relations; Criminalizes forms of gender expression**

NAME OF LAW: **Penal Code Article 409**

CATEGORY OF OFFENSE:
Sodomy between adult men

LEGAL PROVISION(S): **Sodomy**

No less than six months imprisonment, and the offense can only be prosecuted on the basis of a complaint by a guardian, allowing judges' discretion to provide harsher sentences.

Uzbekistan



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Criminal Code of the Republic of Uzbekistan, 1994, article 120.**

CATEGORY OF OFFENSE:
Homosexual acts

LEGAL PROVISION(S): **Besoqolbozlik (consensual intercourse between men)**

Up to 3 years in prison.

Yemen



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Penal Code 1994, articles 264, 268.**

CATEGORY OF OFFENSE: **Homosexual acts**

LEGAL PROVISION(S): **Penetration in the anus (men); sexual stimulation by rubbing (women)**

Homosexual acts between men: 100 lashes, 1 year in prison (unmarried men), death by stoning (married men); homosexual act between women: 100 lashes, up to 3 years in prison.

Zambia



TYPE OF LAW :
Outlaws same-sex relations

NAME OF LAW: **Penal Code Act (as amended by Act No. 15 of 2005), sections 155, 156.**

CATEGORY OF OFFENSE:
Unnatural/indecent acts

LEGAL PROVISION(S): **Carnal knowledge against the order of nature, gross indecency**

Seven years to life in prison.

Zimbabwe



TYPE OF LAW: **Outlaws same-sex relations**

NAME OF LAW: **Criminal Law (Codification and Reform) Act, (Effective 2006), section 73.**

CATEGORY OF OFFENSE:
Sodomy

LEGAL PROVISION(S): **Sodomy**


Up to 1 year in prison and/or fine.

Countries legalise the same-sex marriage

Andorra	
AVAILABLE INSTITUTION: Civil Union	
RECOGNIZED SINCE: 2014	
ROAD: Legislative	
JURISDICTION: Countrywide	


Argentina	
AVAILABLE INSTITUTION: Marriage	
RECOGNIZED SINCE: 2010	
ROAD: Legislative	
JURISDICTION: Countrywide	

Australia	
AVAILABLE INSTITUTION: Marriage	
RECOGNIZED SINCE: 2017	
ROAD: Referendum/Legislative	
JURISDICTION: Countrywide	

Austria	
AVAILABLE INSTITUTION: Marriage	
RECOGNIZED SINCE: 2019	
ROAD: Judicial	
JURISDICTION: Countrywide	

Belgium	
AVAILABLE INSTITUTION: Marriage	
RECOGNIZED SINCE: 2003	
ROAD: Legislative	
JURISDICTION: Countrywide	

Brazil	
AVAILABLE INSTITUTION: Marriage	
RECOGNIZED SINCE: 2013	
ROAD: Judicial	
JURISDICTION: Countrywide	


Canada 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2005**

ROAD: **Legislative/Judicial**

JURISDICTION: **Countrywide**

Argentina 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2021**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Colombia 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2016**

ROAD: **Judicial**

JURISDICTION: **Countrywide**

Costa Rica 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2020**

ROAD: **Judicial**

JURISDICTION: **Countrywide**


Croatia 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2003**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Cyprus 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2015**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Czech Republic 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2006**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Denmark 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2012**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Ecuador 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2019**

ROAD: **Judicial**

JURISDICTION: **Countrywide**

Estonia 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2016**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Finland 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2017**

ROAD: **Citizens' Initiative/ Legislative**

JURISDICTION: **Countrywide**

France 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2013**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Germany 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2017**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Greece 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2015**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Hungary 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2010**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Iceland 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2010**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Ireland 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2015**

ROAD: **Referendum/Legislative**

JURISDICTION: **Countrywide**

Israel 

AVAILABLE INSTITUTION: **Unregistered cohabitation**

RECOGNIZED SINCE: **2010**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Italy 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2016**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Liechtenstein 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2011**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Luxembourg 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2015**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Malta 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2017**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Mexico 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2015**

ROAD: **Legislative/Judicial**

JURISDICTION: **Partial**

Monaco 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2019**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Netherlands 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2001**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


New Zealand 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2013**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Norway 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2009**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Portugal 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2010**

ROAD: **Legislative/Judicial**

JURISDICTION: **Countrywide**

San Marino 

AVAILABLE INSTITUTION: **Civil Union**

RECOGNIZED SINCE: **2019**

ROAD: **Legislative**

JURISDICTION: **Countrywide**

Slovenia 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2022**

ROAD: **Legislative/Judicial**

JURISDICTION: **Countrywide**

South Africa 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2006**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Spain 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2005**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Sweden 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2009**

ROAD: **Legislative**

JURISDICTION: **Countrywide**


Switzerland 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2021**

ROAD: **Referendum/Legislative**

JURISDICTION: **Countrywide**


Taiwan 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2019**

ROAD: **Legislative/Judicial**

JURISDICTION: **Territory-wide**


United Kingdom 

AVAILABLE INSTITUTION: **Marriage and Civil Unions**

RECOGNIZED SINCE: **2005 and 2014**

ROAD: **Legislative**

JURISDICTION: **Marriage equality in England, Scotland, Wales. Civil Partnership only in Northern Ireland.**


United States of America 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2015**

ROAD: **Legislative/Judicial**

JURISDICTION: **Countrywide**

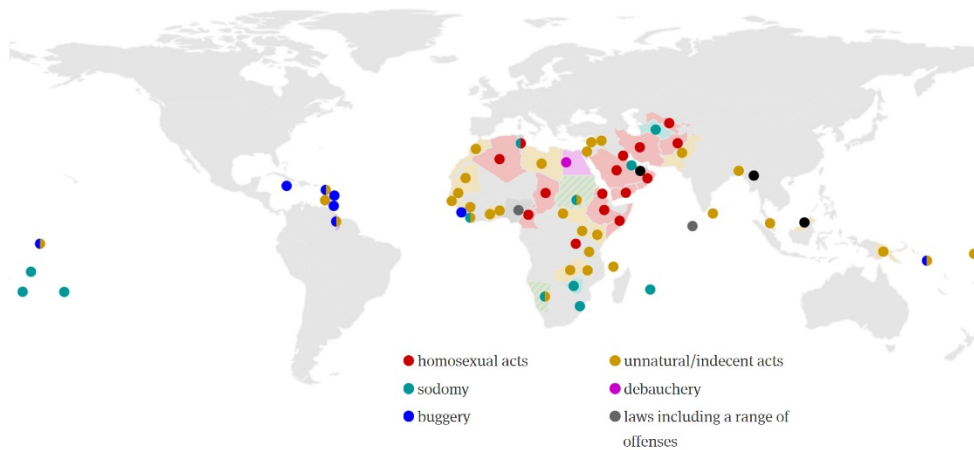
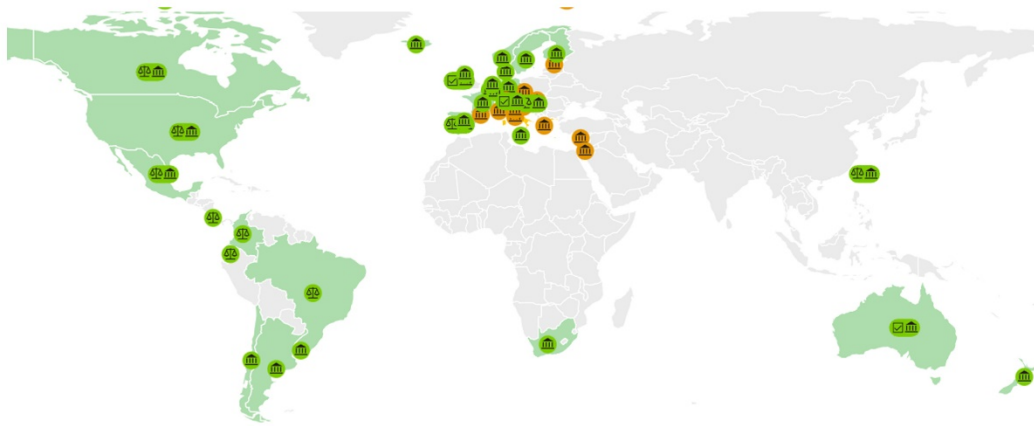
Uruguay 

AVAILABLE INSTITUTION: **Marriage**

RECOGNIZED SINCE: **2013**

ROAD: **Legislative**

JURISDICTION: **Countrywide**



The Decision-Making Dilemma: Should it be the Legislature or Judiciary?

India is renowned for its rich socio-religious diversity, which is a mosaic of various belief systems. In light of this, any matter that has the potential to disrupt the fundamental social structure or cause a significant impact on our socio-cultural and religious beliefs must be subjected to a legislative process. The legislative body, being the embodiment of the people's will, is best equipped to address such sensitive issues with the utmost care and prudence.

It is pertinent to note that the issue has evoked strong reactions from various quarters, highlighting the need for cautious and prudent handling. In particular, certain socio-religious groups have expressed their apprehensions over the matter, perceiving it to be a social experiment engineered by a select few. The complexity of the issue is compounded by the fact that it carries both social and moral implications that cannot be ignored.

In this context, the pendency of the same-sex marriage issue before the Supreme Court has raised concerns among responsible and prudent citizens regarding their children's future. The Bar Council of India, in its resolution on 23.04.2023, has explicitly stated that more than 99.9% of the country's populace opposes the concept of same-sex marriage.

It is essential to acknowledge that any proposed changes to the societal fabric must be evaluated with great deliberation and care, as it could potentially have far-reaching consequences. The Indian populace's deeply rooted socio-cultural and religious beliefs must be given due consideration in any decision-making process. As such, the legislature, as a body truly reflective of the will of the people, is well-suited to handle matters of such sensitivity and magnitude.

The issue of same-sex marriage requires a thorough and meticulous evaluation, considering its potential impact on the country's social structure and religious beliefs. The Bar Council of India's resolution and the views of the vast majority of the Indian populace underscore the need for any changes in societal norms to be appropriately addressed through a legislative process.

The conventions surrounding marriage have evolved over time, influenced by various socio-cultural and religious factors that have shaped the perception and understanding of the institution. However, the fundamental principle that marriage is a union between a biological male and female for the purpose of procreation and recreation has remained a constant, woven into the fabric of human societies throughout history.

India, as a nation of diverse religions, has a rich heritage of recognizing and honoring the institution of marriage as a sacred bond between a biological male and female, which has been upheld and celebrated for centuries. Marriage is not just a union between two individuals of the opposite sex, but a crucial element of the social fabric that serves the noble purpose of human procreation and advancement.

Marriage in India is not merely a contractual agreement between two individuals but rather an institution that binds two families together. It is celebrated with great pomp and ceremony, akin to a festival, underscoring its cultural significance in Indian society.

Given the deep cultural and historical importance of marriage in India, any attempt to alter the traditional understanding of marriage would have far-reaching consequences on the country's social fabric and cultural heritage.

Chief Justice of India's stance on Same-sex marriage

Chief Justice of India DY Chandrachud while hearing the batch of petitions seeking legal recognition for same-sex marriage in India, said, "The very notion of a biological man is absolute which is inherent", He added, "There is no absolute concept of a man or an absolute concept of a woman at all. It's not the question of what your genitals are. It's far more complex, that's the point. So even when Special Marriage Act says man and woman, the very notion of a man and a woman is not an absolute based on genitals."

Various Entities' Resolutions opposing Same-Sex Marriage

Bar Council of India	Annexure 1
All district Bar associations of Delhi	Annexure 2
Vishwa Hindu Parishad	Annexure 3
Hindu Dharma Acharya Sabha	Annexure 4
Rajasthan Brahman Mahasabha Yuva Prakoshth Jodhpur	Annexure 5

Hearing of the case in Supreme Court of India

Same-sex marriage has been a contentious subject globally for numerous years. The matter of same-sex marriage in India was brought to the forefront on November 25, 2022, when Supriyo Chakraborty and Abhay Dang, a

homosexual couple, submitted a petition to the Supreme Court of India requesting the acknowledgement of same-sex marriage within the framework of the special marriage act.

The case was presented before a bench consisting Chief Justice of India (CJI) DY Chandrachud and Justice Hima Kohli heard the matter before seeking the response of the Central government and its top law officer. The bench directed, "Issue notice returnable in 4 weeks. Liberty to serve the central agency. Notice shall be issued to the Attorney General."⁴

The Supreme Court issued a directive on January 6, 2023, that requires consolidating all pending applications for legal recognition of same-sex marriage from multiple high courts to the Apex court. The Supreme Court has notified on supplementary petitions filed on various dates, particularly January 30, February 10, February 20, and March 3, 2023, seeking comparable relief. These petitions have been consolidated with the primary case.

The Centre filed an affidavit on March 12, 2023, opposing same-sex marriage before the Supreme Court. The testimony contended that the concept of an Indian family is predicated on the presence of a biological male and female and that the court lacks the authority to alter the country's legal framework, which is deeply entrenched in cultural and religious traditions.

On March 13, the Supreme Court referred the matter to a Constitution Bench, considering the broader context of the petitions and the interconnectedness of the statutory system and constitutional rights.

The Jamiat Ulama-I- Hind expresses opposition to the rationale behind the legal recognition of same-sex marriages on April 1, 2023, contending that the Islamic faith's unequivocal and firmly established prohibition of homosexuality precludes such recognition.

On April 15, 2023, the Supreme Court declared the composition of a five-judge adjudicatory body that will deliberate on a group of petitions seeking lawful acknowledgement of same-sex marriage.

On April 17, 2023, the Centre presented a renewed petition to challenge the legitimacy of a set of arguments. The Solicitor General initiated the submission, and the Chief Justice of India directed it to be included in the docket alongside the principal matter.

As per the National Commission for Protection of Child Rights (NCPCR), on April 17, 2023, it has been suggested that "same-sex youngsters may not have had as much exposure to traditional gender role models, which may affect how they perceive gender roles and gender identity."

The legal recognition of same-sex marriage was the subject of a batch of petitions heard by a five-judges bench of the Supreme Court on April 18, 2023. The bench was headed by CJI DY Chandrachud and included Justices Sanjay Kishan Kaul, S Ravindra Bhat, PS Narasimha, and Hima Kohli. The petitioners are represented by advocates Mukul Rohatgi, Arundhati Katju, and Menaka Guruswamy, while Solicitor General Tushar Mehta represents the government of India.

On the first day of the hearing, the bench of judges said, "We are not going into the personal laws, and now you want us to get into it. Why? How can you ask us to decide it? We cannot be compelled to hear everything." The Chief Justice of India said, "We are taking a middle course. We don't have to decide everything to decide something."

During the second day of proceedings on April 19, 2023, Solicitor General Tushar Mehta, representing the Centre, submitted a new plea at the beginning of the hearing. The appeal sought to include all states and Union Territories as parties to the ongoing lawsuit.

Chief Justice of India DY Chandrachud observed, "When you say that homosexuality is an innate characteristic, it's also an argument in response to the contention that this is very elitist or urban or has a certain class bias. Something which is innate cannot have a class bias. It may be more urban in its manifestations because more people in urban areas are coming out of the closet. There is no data coming from the government that this is urban or something." Justice Ravindra Bhat said, "There are certain things which can be done straight away without entering other arenas. If there is no prohibition in parent enactment, it becomes that much easier."

On April 20, 2023, several legal arguments were presented before the apex court, including those related to the right to health, the status of marriage, the regulation of having only one child, the issue of harassment, and the legal recognition of heterosexual relationships. After the hearing, Chief Justice of India DY Chandrachud said, "Same-sex couples seek the same benefits of

marriage. There are a whole range of benefits that cohabitation and marriage provide."

Following a ten-day hearing on May 22, 2023, the highest court has reserved its verdict on same-sex marriage.

Way Forward

1. Debate on legalisation of same sex marriages is not new. This conversation across communities, people with diverse cultural backgrounds, religious faiths and practitioners has been there for decades.
2. Even in India, the debate relating to lesbians, gay, bisexuals, trans-genders, queer and several other forms of sexually oriented people has been there for over four decades.
3. Supreme Court of India decriminalised homosexuality on September 6, 2018 after having struck down Section 377 of Indian Penal Code (IPC).
4. Preceding this Supreme Court decision by a five judges Constitutional bench, a nationwide debate within and outside the Parliament helped build consensus across religious faiths and practices to deal with 'same sex' relationships from a humane angle.
5. After application of Section 377 of IPC was struck down, pre-colonial era act that was in force for over 157 years came to end thereby 'decriminalising' a different sexual orientation of Indian people.
6. The implication of such decriminalisation was to enable 'individuals' with sexual orientation of uniqueness to live at peace, be part of the society as graceful and equivalent citizens with rights and responsibilities as any other Indian.
7. Currently, the debate relating to Supreme Court hearing on legalising 'same sex marriages' moves into a different zone with serious socio-economic and cultural implications as a nation, society and race.
8. Bringing about a drastic structural change in Indian society cannot be limited to 'wisdom' and 'will' of the honourable judges.
9. As done earlier, an open country-wide debate on possibility of even considering 'legalisation' of same sex marriages will have to happen with stakeholders consultations at various levels.
10. Social scientists and population experts must be roped in along with representatives of political parties, religious heads and Dharmic gurus to

develop a framework for this debate.

11. Will of the people on 'same sex relationships' must be reflected through a legislation / act / declaration of the Parliament and such debates can be held across State Legislatures, Councils and even community consultations.
12. A decision on 'same sex marriages' cannot be limited to precincts of Supreme Court. In a thriving democracy like India, people's consultation and legislation is the preferred way to bring about societal changes.
13. Experiences of global communities and countries that have either legalised, rejected, criminalised or otherwise should be studied before a call on legalising same sex marriages is even considered.
14. State of 'gender fluidity' that Chief Justice of India referred to has had devastating impact in most liberal societies and communities across Western world leading to complications in use of even public toilets, changing rooms, sports events, gender-specific schools, social gatherings to mental health issues in individuals with varied sexual orientations and their children.
15. Indian mind-space should be open, flexible and compassionate to accommodate same sex relationships as part of wider societal matrix rather than limiting it to rigidity of courts.
16. A decision on legalisation of same sex marriages cannot happen that may disconnect the entire Indian society from our socio-cultural and civilisational ethos.

Annexure-1



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

Press Release Dated 23.04.2023

Today, a joint meeting of all the State Bar Councils with Bar Council of India was held in the Auditorium of Bar Council of India.

Several issues were discussed and deliberated in the joint meeting, but, the two agendas (i) One relating to the serious disadvantages of concept of same sex marriage; and to make aware the Supreme Court with the opinion of the Bar of the country; AND (ii) Some law for protection and compensation of lawyers and their families were too the main issues to be considered and resolved.

The joint meeting was attended by the representatives of all the State Bar Councils of the country. On the issue relating to the "Same Sex Marriage" the following resolution has been passed by the Joint Meeting: -

"Resolution dated 23.04.2023: -

1. *The Joint Meeting of all the State Bar Councils with Bar Council of India has discussed and deliberated over this agenda. The ongoing proceedings before the Constitutional Bench of the Hon'ble Supreme Court in the matter titled as Supriyo @ Supriya Chakraborty versus Union of India [Writ Petition (Civil) No. 1011/2022] and other connected matters is a matter of great anxiety and serious concern for the Bar. The traditional and old aged marriage laws have been challenged by the petitioners of the writ case, on the grounds of being unconstitutional, as our laws do not recognize marriage between the same-sex couples.*
2. *India is one of the most socio-religiously diverse countries of the world consisting of a mosaic of beliefs. Hence, any matter which is likely to tinker with the fundamental social structure, a matter which has far reaching impact on our socio-cultural and religious beliefs should necessarily come through Legislative process only, the meeting unanimously opined. Any decision by the Apex Court in such sensitive matter may prove very harmful for the future generation of our country.*
3. *There is no gainsaying that the issue at hand is highly-sensitive, commented upon and criticized by various sections of society, including socio-religious groups, for being a social-experiment, engineered by a selected few. This, in addition to it, being socially and morally compunctive.*
4. *The responsibility of lawmaking has been entrusted to the legislature under our Constitution. Certainly the Laws made by the legislature are truly democratic as they are made after undergoing thorough consultative processes and reflect the views of all sections of the society. The legislature is accountable to the public.*
5. *The Joint meeting, thus, is of the unanimous opinion that in view of the sensitivity of the issue of same sex marriage, having a spectrum of stakeholders from diverse socio-religious background, it is advisable that this is dealt with after an elaborative consultation process involving different social, religious groups by the competent legislature.*

Law is essentially a codified societal norm that reflects the collective conscience of its people. Moreover, religion being intertwined with culture, greatly influences the codification of law and societal norms in any civilized society.

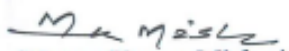
6. *As per documented history, ever since the inception of human civilization and culture, marriage has been typically accepted and categorized as a union of biological man and woman for the twin purpose of procreation and recreation. In such background, it would be catastrophic to overhaul something as fundamental as the conception of marriage by any Law Court, howsoever well-intentioned it may be.*
7. *Issues pertaining to social and religious connotations should typically be dealt by Courts through doctrine of deference. The legislature being truly reflective of the will of the people is best suited to deal with such sensitive issues. Every responsible and prudent citizen of the country is worried about the future of his/her children after coming to know about the pendency of this matter before the Hon'ble Supreme Court. More than 99.9% of people of the country are opposed to "the idea of same sex marriage" in our country. The vast majority believes that any decision of the Apex Court in petitioners' favour on this issue will be treated to be against the culture and socio religious structure of our country. The Bar is the mouthpiece of the common men and, therefore, this meeting is expressing their anxiety over this highly sensitive issue. The Joint Meeting is of clear opinion that if the Hon'ble Supreme Court shows any indulgence in this matter, it will result in destabilizing the social structure of our country in coming days. The Hon'ble Apex Court is requested and expected to appreciate and respect the sentiments and mandate of the mass of the country.*

Thus, this Joint Meeting of the State Bar Councils and the Bar Council of India while appreciate the step of the Hon'ble Supreme Court for having started this sensitive conversation, having long-term societal ramifications, resolves to request the Hon'ble Apex Court that the issue at hand be left for the legislative consideration, who after wide-ranging consultative process, may arrive at an appropriate decision, as per the societal conscience and mandate of the people of our country."

- (iii) Besides this, the meeting unanimously resolved to request the Union Government to frame effective law for the protection of lives, interests and privilege of the Advocates and their families and in case of any attack on them or in case of (any bodily harm) injury to them or their family, the meeting has demanded an effective law for appropriate payment of compensation in such cases.

These apart, the meeting has also discussed and taken resolutions with regard to (iv) the uniform rules for the enrolment fee, (v) approval of the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022 and (vi) the criteries/qualification and disqualifications for (a) being a voter in the elections of State Bar Councils; (b) criterias for being a Member of State Bar Council; and (c) criterias for being the Member of Bar Council of India and (d) the issue of resolution of strikes.

The meeting was presided over by Mr. Manan Kumar Mishra, Senior Advocate, Supreme Court of India, Chairman, Bar Council of India and ended with the vote of thanks given by Mr. S. Prabakaran, Senior Advocate, Vice-Chairman, Bar Council of India.


(Manan Kumar Mishra)
Chairman
Bar Council of India

Annexure-2

Email: ndba2012@gmail.com

Bar office: 011-20841262

Website: www.newdelhibarassociation.in

CO-ORDINATION COMMITTEE OF ALL DISTRICT COURTS BAR ASSOCIATIONS OF DELHI

OFFICE AT: PATIALA HOUSE COURTS, NEW DELHI-110001

CHAIRMAN

Dr. N.C. SHARMA
9810145572

VICE-CHAIRMAN

RAHUL SINGH
9717549549
GIRISH KAUSHIK
9599925926

CONVENER

JAGDEEP VATS
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SPOKESPERSON

VINOD SHARMA
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VIKRAM CHAUDHARY
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MANJU SEHRAWAT
9871773066
MANISH SHARMA
9999997579
KRISHAN CHAUDHARY
9999314090
SHILPESH CHAUDHARY
9873820622
DEEPAK KUMAR
9818296948

SECRETARY GENERAL

RAMAN SHARMA
9212000352

SECRETARY GENERAL-I

MANJEET MATHUR
9999906202

SECRETARY GENERAL-II

JITENDER SOLANKI
9999260020

CO-ORDINATORS

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9811675584
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9868243224

ADDL. SECRETARY GENERAL

GURENDER RANA
9212366467
PARDEEP KHATRI
9811981111
ARVIND VATS
9999137580
DHARMENDER BAISOYA
9899949904
KESHAV YADAV
9873712636
DEVNDRA DEDHA
9870249870
RAVINDRA BHATI
9718511248
SHWETA RANI
9958604236
VISHAL SHARMA
9811453186

RESOLUTION

The Coordination Committee of All District Court Bar Associations of Delhi has passed a resolution expressing its displeasure on the day-to-day proceedings going on before the Constitutional Bench of the Hon'ble Supreme Court in the matter titled as *Supriyo @ Supriya Chakraborty versus Union of India* [Writ Petition (Civil) No. 1011/2022] and other connected matters. The matters before the Hon'ble Supreme Court pertain to granting legal status and recognition to Homosexual marriages i.e. marriage of the same sex couples.

Although the highest court of the land plays a pivotal and crucial role in upholding the rule of law and thus maintaining harmony in the society, there are certain issues that are too complex and have far-reaching consequences that they cannot be left to the discretion of the Hon'ble Courts.

The social ramifications of the ongoing proceedings before the Hon'ble Court are colossal and have the potential to have an unintended impact on the fabric of the society. There are certain issues that are deeply entrenched in societal norms, values, and beliefs. These issues require careful consideration and public debate, as any decision or action taken without societal acceptance may have far-reaching consequences. Such issues require a broad-based consensus that can only be achieved through public debate and discussion. Therefore, it is important that issues that have the potential to affect society at large are discussed and debated in Parliament, where elected representatives can take into account the views and concerns of their constituents.

**CO-ORDINATION COMMITTEE OF
ALL DISTRICT COURTS BAR ASSOCIATIONS OF DELHI
OFFICE AT: PATIALA HOUSE COURTS, NEW DELHI-110001**

CHAIRMANDr. N.C. SHARMA
9810145572**VICE-CHAIRMAN**RAHUL SINGH
9717549549
GIRISH KAUSHIK
9599925926**CONVENER**JAGDEEP VATS
9810046303**SPOKESPERSON**VINOD SHARMA
9212024139**VICE-CONVENER**VIKRAM CHAUDHARY
9811160034
MANJU SEHRAWAT
9871773066

MANISH SHARMA

9999997579

KRISHAN CHAUDHARY

9999314090

SHILPESH CHAUDHARY

9873820622

DEEPAK KUMAR

9818296948

SECRETARY GENERAL

RAMAN SHARMA

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SECRETARY GENERAL-I

MANJEET MATHUR

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Decisions made in isolation, without the benefit of the view of the society, are likely to be ineffective and may even be counterproductive. Such drastic change in law or policy must be made while keeping in mind the interest of the society as a whole, and this can only be achieved when there is broad-based societal acceptance. Therefore, it is important that such issues are debated in a democratic way in the Parliament, where elected representatives can take into account the views and concerns of their constituents.

Thus, the regulation and legalization of marriage can only be determined by the legislature through due legislative process, which involves consultation with all relevant stakeholders as the legislative body reflect the collective wisdom and conscience of the nation and take into account cultural values, social standards, and other factors that define acceptable human behavior when making decisions about regulating, permitting, or prohibiting human relationships. It is reiterated that only a competent legislative body possesses the legislative wisdom to enact laws that govern human relationships in a manner that aligns with societal values and national acceptability.

The issue at hand cannot be adjudged by means of Judicial interpretations because it requires a more extensive consultation process. The issues before the Hon'ble Court require extensive consultation with various stakeholders and affected parties. This process cannot be condensed into a single court case, as it requires ongoing dialogue and collaboration. Therefore, this issue should be referred to parliament, where a more extensive consultation process can take place.

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OFFICE AT: PATIALA HOUSE COURTS, NEW DELHI-110001**

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Marriage and its incidental issues are blended with the social structure in a manner that it touches each and every individual on many levels including cultural, religious, emotional etc. The issue at hand requires wide consultative process and hence cannot be encompassed within the limited judicial adjudicatory precincts, therefore judicial intervention in the said matter is not advisable on the basis of equity and fairness as well.

There is no gainsaying that the Legislature, while drafting the various laws pertaining to marriage, never envisaged the issue of marriage between same sexes. Hence, any judicial endeavour to interpret the "legislative intent", when none existed, would be rendered nugatory. It would thus be advisable that any expansion in the contours of provision related to marriage should come through legislative law-making.

In a democratic setup, the duty of law-making is typically delegated by the electorate to its elected representatives. Thus, the legislature would be best suited to foray into the new arenas of law-making, as per the evolving needs of the society. The issue of same sex marriage and its societal, psychological and medical impacts are at its nascent and experimentative stage and thus should be treated with utmost caution and wide consultation and discussions.



Dr. N.C. Sharma
Advocate
Chairman
Co-ordination Committee



Raman Sharma
Advocate
Secretary General
Coordination Committee

Annexure-3



विश्व हिंदू परिषद ॐ VISHVA HINDU PARISHAD

Registered Under Societies Registration Act 1860 No. S-3106 of 1966-67 with Registrar of Societies, Delhi

संकट मोचन हनुमान मंदिर आश्रम, आरकेपुरम सेक्टर 6, नई दिल्ली -110022, भारत

Sankat Mochan Hanuman Mandir Ashram, R.K. Puram Sector 6, New Delhi -110022, Bharat (India)

RESOLUTION

(UNANIMOUSLY PASSED IN 2ND NATIONAL CONVENTION OF VISHWA HINDU PARISHAD VIDHI PRAKOSH'THA HELD IN AYODHYA ON 22-23 APRIL 2023)

The Legal Cell of Vishwa Hindu Parishad is highly disturbed by the tearing hurry with which the Hon'ble Supreme Court of India has taken up upon itself to decide the issue of recognition of right of marriage of same sex persons, transgenders, queers, etc.

We believe that there is no grave urgency to decide and determine the case related to same sex marriage, when the country is still facing several other important issues in the socio-economic sphere. While issues of eradication of poverty, implementation of basic and free education to all citizens, right to Pollution free environment, problem of population control are affecting the entire Country, there is no urgency shown nor judicial activism seen on the part of Hon'ble Supreme Court of India.

India is a country of divergent religions, castes, sub-castes which for centuries together have recognised only marriage amongst biological male and female. The institution of marriage is not only a union of two heterosexuals but also the advancement of the human race. The term marriage as defined in various scripts and writing and also enactments, across religions, only refer to marriage of two persons of opposite sex. The society has evolved and grown in India considering marriage as a sacrosanct union of two heterosexuals and not a contract or agreement between the parties as per the popular belief in western countries.

Further in India the marriage is not merely a union of two individuals but also it is a union of two families and the reputation of the families is being tested on the basis of marriages in their respective families. Marriages in India is celebrated like festivals from time immemorial, which will not be possible in the cases if same sex marriage is allowed.

We should not forget that India is being governed by the Constitution and there is a clear separation of powers given in the Constitution, per which the legislative function is entrusted to the Parliament and State Legislatures and not to the Supreme Court or High Courts but the present case is clearly an effort to encroach into the sovereign powers of Parliament with the intention to direct Parliament to legislate in favour of same sex marriages. Recently in another matter related to reservation to Dalits who converted into Christianity or Islam, the Supreme Court is also compelling Parliament to accept recommendations of a particular report which has been dumped by the Parliament sixteen years back by the same Government who appointed that particular Commission.

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विश्व हिंदू परिषद ॐ VISHVA HINDU PARISHAD

Registered Under Societies Registration Act 1860 No. S-3106 of 1966-67 with Registrar of Societies, Delhi

संकट मोचन हनुमान मंदिर आश्रम, आरकेपुरम सेक्टर 6, नई दिल्ली -110022, भारत

Sankat Mochan Hanuman Mandir Ashram, R.K. Puram Sector 6, New Delhi -110022, Bharat (India)

It is important to note that, the community is seeking to create a right within the Special Marriage Act, 1954 when the said Act applies only to biological male and female and therefore, any attempt to read down/strike down any provision of the Act and to newly define a particular provision under the Act will clearly amount to rewriting the Act and taking over the power to legislate from the Parliament.

The marriage is a socio-legal institution which can be created, recognized, conferred with legal sanctity and regulated only by the competent legislature in exercise of its power under Article 246 of the Constitution of India. The recognition of human relations like that of a “marriage” is essentially a legislative function and the courts cannot either create or recognize any institution called “marriage” either by way of a judicial interpretation or striking down / reading down the existing legislative framework for the marriages.

The marriage in India has a civilizational importance and any attempt at weakening a great and time-tested institution should be opposed vociferously by the society. Indian cultural civilization has constantly been attacked for centuries but survived against all odds. Now in independent India it is facing attacks on its cultural roots by the superimposition of western thoughts, philosophies and practices which are not viable for this nation.

In light of the aforesaid, we express our deepest anguish on the hastiness shown by the Hon’ble Supreme Court on this issue. Instead of catering to the pending backlog of cases and undertaking crucial reforms to ensure access to justice and to resolve issues affecting the credibility of Judiciary, critical judicial time and infrastructure is being spent on such fanciful issues which is totally unwarranted.

X-----X

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Annexure-4



Hindu Dharma Acharya Sabha®

The Voice of Collective Consciousness

H.H. Swami Avdhesanand Giri
President

Swami Parmatmanand Saraswati
General Secretary

To
Hon'ble Chief Justice of India
Supreme Court of India, New Delhi

Date- 27th April 2023

Subject- A Memorandum on behalf of Hindu Dharma Acharya Sabha regarding the Plea for Right to Same-sex marriage in the matter Titled as Supriya Chakraborty & Other V Union of India bearing Writ Petition (Civil) 1011 of 2022, pending before the Constitutional Bench of the Hon'ble Supreme Court of India.

On behalf of the Hindu Dharma Acharya Sabha, we wish to bring our concern to you for your kind reference and indulgence on the aforementioned matter, in interest of justice for the public at large on the followings basis:-

1. The Hindu Dharma Acharya Sabha is an apex federation of eminent Hindu Sampradayas or institutes that is more than 200 years old and are represented by the chief of the Sampradaya, various institutes, mathas, and ashrams spread not just within the territory of India, but are being followed across the globe. The organization is being represented and guided by more than 140 heads of the religious traditions (Sampradayas and Mathas) to spread the values, tradition and culture of the religion in the right spirit. Because of their reverence amongst the followers of Sanatan Dharma and its belief in the society, Our Acharyas and Mandaleshwars have accumulative following. This encompasses all sections of Hindu society across India and abroad. We are perhaps well adverse with the undercurrents prevailing in our society being the direct recipients of the consequences of the such actions. Needless to add that, many organizations today mislead the society by misrepresenting themselves as the protector of the rights of the society but to the

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contrary are only there to please their selfish motives. Hence in view of the same, we would like to submit the most concerning facts, perspectives and critical points which are of utmost importance to protect the interest of the public at large.

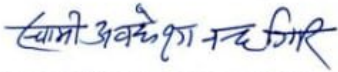
2. To protect India's ancient Vedic Sanatan culture, tradition, and sensibilities, no possible substitution should be done with the sacred marriage ceremony that integrates men and women; which would result in a direct attack to destroy India's sacred primitive marriage rituals.
3. Marriage in India is a sacred and an essential ritual and not just a social recognition, title or ceremony that is performed for social appearances. Marriage has a religious, cultural, traditional, and spiritual concern that must work uninterruptedly for the continuous social development of society. Therefore, recognizing Same-Sex marriage would be an attempt to damage India's social development and push the country's future into darkness.
4. Recognizing same-sex marriage, for the coming generation, will create misleading perspective in the mindset of future of India, which shall result in destruction of the entire ecosystem of family values, social responsibilities, and even constitutional validities.
5. The children of such relationship will be unmindful about the real essence of the sacred relationship between mother and father, which will create serious concern in the mindset of growing children and their inability to understand the importance of family values in the relationship arising out of a husband and wife. Needless to add, that the children will grow up with serious social stigmas and non-acceptance in their peer, due their unparalleled parenthood, to which they will only be a subject for satisfying one's selfish desire without taking into the consequence that shall follow. Further, this may also give rise to crimes against children and adolescents, such as human trafficking, child sexual abuse, exploitation, etc.
6. Although being homosexual may be a biological trait, however forcing or promoting the same would never be fair. Humans have a diverse range of biological characteristics, and there have always been significant efforts to empower them. However, the structure and social order founded on cultural values have never allowed such irrational demands, but have only kept the customary laws in their highest regards.
7. We are in all encouragement in providing rights and freedom to people of LGBTQ communities. This Hon'ble Apex Court has always been an epitome of protecting the

made for your kind perusal and consideration. We hope and pray that our grievance will be considered by the court to assist us in protecting our ancient Vedic culture, tradition, and Hindu civilization for the greater public interest of Indians. It will be our privilege to discuss our concern with you in person, if necessary, without prejudicing to your personal and professional obligations.

In light of the facts mentioned above and the perspectives of the public at large, we would like to convey that most Indians feel a deep sense of unease at the prospect of legalizing same-sex marriage, which shall also be dealt with similar gravity. **Hence we once again, would like to request to you to kindly examine our view while dealing with subject-matter along application of judicial mind on the constitutional rights and duties of the Judiciary as well as that of the Parliament.**

It is a humbly requested to the Hon'ble Supreme Court of India to consider our submission while rendering your decision.

With Regards



**Swami Avdheshanand Giri
President
Hindu Dharma Acharya Sabha**

Annexure-5

पं. सं. 37174/75

राजस्थान ब्राह्मण महासभा युवा प्रकोष्ठ जोधपुर

ऑल इण्डिया, ब्राह्मण फाउण्डेशन
8, उम्मेद स्टेडियम पुलिस चौकी के पास जोधपुर

जगदीश गौड
जिला अध्यक्ष

नथमल पालीवाल
कार्यकारी अध्यक्ष

श्रीकांत पारीक
जिला अध्यक्ष (युवा प्रकोष्ठ)

क्रमांक :-

दिनांक:-

सेवा में,
महामहिम राष्ट्रपति महोदय,
राष्ट्रपति भवन, दिल्ली।

विषय:- माननीय सर्वोच्च न्यायालय द्वारा शीघ्रता एवं आतुरता में, समलैंगिक व्यक्तियों के विवाह को, विधि मान्यता न देने बाबत, अनुरोध पत्र।

आदरणीय महोदय, भारत के माननीय सर्वोच्च न्यायालय ने, समलैंगिक एवं विपरीत लिंगी (Transgender) आदि व्यक्तियों के विवाह के अधिकार को, विधि मान्यता देने का निर्णय लेने की, तत्परता बताई है उक्त तत्परता/आतुरता से विचलित होकर, अद्योहस्ताक्षरकर्तागण ने, निम्नलिखित महत्वपूर्ण बिन्दुओं पर, यह अभ्यावेदन प्रस्तुत किया है:-

1. भारत देश, आज सामाजिक, आर्थिक क्षेत्रों की अनेक चुनौतियों का, सामना कर रहा है, तब विषयांतर्गत विषय को माननीय सर्वोच्च न्यायालय द्वारा सुनने एवं निर्णीत करने की कोई गंभीर आवश्यकता नहीं है। देश के नागरिकों की बुनियादी समस्याओं जैसे गरीबी उन्मूलन, निःशुल्क शिक्षा का क्रियान्वयन, प्रदूषण मुक्त पर्यावरण का अधिकार, जनसंख्या नियंत्रण की समस्या, देश की पूरी आबादी को प्रभावित कर रही है, उक्त गंभीर समस्याओं के संबंध में भारत के सर्वोच्च न्यायालय द्वारा न तो कोई तत्परता दिखाई गयी है ना ही कोई न्यायिक सक्रियता दिखाई है।
2. भारत विभिन्न धर्मों, जातियों एवं उपजातियों का देश है। इसमें शताब्दियों से केवल जैविक पुरुष एवं जैविक महिला के मध्य, विवाह को मान्यता दी है। विवाह की संस्था न केवल दो विषम लैंगिकों का मिलन है, बल्कि मानव जाति की उन्नति भी है। शब्द "विवाह" को विभिन्न नियमों, अधिनियमों, लेखों एवं लिपियों में परिभाषित किया गया है। सभी धर्मों में, केवल विपरीत लिंग के दो व्यक्तियों के विवाह को, दो अलग लैंगिकों के पवित्र मिलन के रूप

में, मान्यता देते हुये, भारत का समाज, विकसित हुआ है, पाश्चात्य देशों में लोकप्रिय, दो पक्षों के मध्य, अनुबंध या सहमति को मान्यता नहीं दी है।

3. भारत के सर्वोच्च न्यायालय द्वारा नालसा (2014), नवतेज जौहर (2018) के मामलों में समलैंगिकों एवं विपरीत लिंगी (Transgender) के अधिकारों को पूर्व से ही संरक्षित किया है। जिससे यह समुदाय, पूरी तरह से, उत्पीडित या असमान नहीं है, जैसा कि उनके द्वारा बताया जा रहा है। इसके विपरीत भारत की अन्य पिछड़ी जातियां, आज भी जातिगत आधार पर, शोषित एवं वंचित हो रही है, जो आज भी अपने अधिकारों के लिये, माननीय सर्वोच्च न्यायालय के निर्णय को, अपने पक्ष में निर्णित होने का इंतजार कर रही है। ऐसी स्थिति में, समान लैंगिकों के विवाह को विधि मान्यता दिये जाने की मांग, उनका मौलिक अधिकार न होकर, वैधानिक अधिकार हो सकता है, जो केवल भारत की संसद द्वारा कानून बनाकर ही संरक्षित किया जा सकता है।
4. विधायिका ने पहले ही उपरोक्त निर्णयों के आधार पर, कार्यवाही कर, ट्रांसजेंडर व्यक्तियों (अधिकारों का संरक्षण) अधिनियम 2019 को अधिनियमित किया है और इसलिये इस समुदाय की यह आंशका या कथन, कि उनके साथ भेदभाव किया जा रहा है और उन्हें मूल अधिकार प्रदान नहीं किये गये हैं, सर्वथा गलत है। ऐसे हर एक व्यक्ति के अधिकार की देखभाल/संरक्षण, विधायिका द्वारा किया जा रहा है। उक्त अधिनियम के अधिनियमित हो जाने पर, उक्त कथित समुदाय के व्यक्तियों को यह दावा/मांग करने का मौलिक अधिकार नहीं है कि उनके विवाह को विशेष विवाह अधिनियम 1954 के अंतर्गत, पंजीयकृत एवं मान्यता प्राप्त की जावे।
5. यह ध्यान रखना महत्वपूर्ण है कि इस समुदाय विशेष द्वारा, विशेष विवाह अधिनियम 1954 के अंतर्गत, अधिकार बनाने की मांग की जा रही है जबकि उक्त अधिनियम, मात्र जैविक पुरुष और महिला पर लागू होता है, इसलिये किसी भी प्रावधान को हटाने/बढाने का कोई भी प्रयास, अथवा उक्त अधिनियम (प्रावधान) को नये तरीके से परिभाषित करना, उसे नये स्वरूप मे लिखना, निश्चित एवं स्पष्ट रूप से, विधायिका से कानून बनाने की शक्ति ले लेना माना जावेगा।
6. विवाह एक सामाजिक कानूनी संस्था है, जिसे भारत के संविधान के अनुच्छेद 246 के अंतर्गत, सक्षम विधायिका द्वारा, अपनी शक्ति का प्रयोग कर बनाया है, उसे कानूनी रूप से मान्यता प्रदान की और विनियमित किया गया। "विवाह" नामक संस्था को, न्यायालयीन

व्याख्या से, विधायिका द्वारा दिये गये विवाह संस्था के मूर्त स्वरूप को, ना तो नष्ट कर सकती है ना ही नवीन स्वरूप बना सकती है और ना ही मान्यता दे सकती है।

7. भारत में "विवाह" को, कमजोर करने के किसी भी प्रयास का, समाज द्वारा मुखर विरोध किया जाना चाहिये। भारतीय सांस्कृतिक सभ्यता पर, सदियों से, निरन्तर आघात हो रहे है, फिर भी, उनके बाधाओं के बाद भी, वह बची हुई है। अब स्वतंत्र भारत में, इसे अपनी सांस्कृति जड़ों पर पश्चिमी विचारों, दर्शनों एवं प्रथाओं के अधिरोपण का, सामना करना पड़ रहा है, जो इस राष्ट्र के लिये व्यवहारिक नहीं है।
8. उपरोक्त परिप्रेक्ष्य में हम इस महत्वपूर्ण विषय पर, माननीय सर्वोच्च न्यायालय द्वारा दिखाई जा रही आतुरता पर, अपनी गहन पीड़ा व्यक्त करते है। न्याय की स्थापना एवं न्याय तक पहुंचने के मार्ग को सुनिश्चित करने तथा न्याय पालिका की विश्वनीयता को कायम रखने के लिये, लंबित मामलों को पूरा करने एवं महत्वपूर्ण सुधार करने के स्थान पर, एक काल्पनिक मुद्दे पर, न्यायालयीन एवं बुनियादी ढांचे को नष्ट/उपयोग किया जा रहा है, जो सर्वथा अनुचित है।

अत एवं हम, आपसे सविनय निवेदन करते है कि आप उक्त विषय पर, सभी हितबद्ध व्यक्तियों/संस्थाओं से, परामर्श करने के लिये, आवश्यक कदम उठाये और यह सुनिश्चित करने का प्रयास करें कि समलैंगिक विवाह, न्याय पालिका द्वारा वैध घोषित नहीं किया जायें, क्योंकि उक्त विषय, पूर्ण रूप से, विधायिकों के क्षेत्राधिकार में आता है।

धन्यवाद

भवदीय

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