

A QUEST FOR INCLUSION, LEGALISATION & RECOGNITION FOR SAME-SEX UNIONS IN INDIA

ARUNIMA SINGH*

ABSTRACT

India has traveled a long way to achieve its 74th year of independence, and it has accomplished much in that time. However, the idea that living together and having a sexual connection with someone of the same gender is still considered trash in Indian culture is absurd. The ideal of equality encompasses more than merely enacting legislation. Equality is genuinely measured in places where it wins the minds and hearts of the people in a community. Marriage is universally recognised as the joining of two souls, and it is also widely acknowledged that the soul has no gender from a holistic perspective. In the same way that a person's skin tone is natural, so is homosexuality. Because marriage is a personal decision, it cannot be subjected to governmental or political activity. It is the constitution that is paramount, and any violation of that right is intolerable, particularly in the areas of marriage, parenting, and adoption. Law is dynamic, and it is necessary to make adjustments from time to time. The LGBTQ community has already gained adoption rights in several foreign nations, which have legalised same-sex marriage and granted them adoption rights. Simply expressed, the researcher's backdrop is straightforward: at this point, the most immediate necessity is to put an end to gender discrimination, create justice and equality, and work for the passage of specific legislation to ensure that such smaller populations have actual equal rights.

Keywords: LGBTQ, Same-Sex Marriage, Special Laws.

* 2nd year Student at NUSRL, Ranchi.

CONTINUING BATTLES FOR LGBT RIGHTS

With speed bumps and curves along the journey, the journey to inclusion for the Queer collective is long and rambling. The issues surrounding each collective within the society are varied and much more difficult than one might anticipate. India has historically regarded same-sex relationships as a "*culture-bound syndrome*" (a blend of psychiatric and somatic symptoms known to be an identifiable illness only within a particular society or culture) and associated social disorder. Therefore, LGBT entities are functioning in the background for a step-by-step framework required to solve all LGBT individual's rights and challenges in India.

There are already several cases where gay couples are dating, but authorities have failed to give them state recognition. In 1988, two Hindu policemen were happily married.¹ While their marriage could not be recognized and they were suspended, their families and society recognized and welcomed their consensual partnership². Neither of the codified personal laws³ expressly classify marriage as between a man and a woman, nor do they specifically exclude same-sex partnerships from these laws. The requirements, nevertheless have "*heteronormative underpinnings*" and have been perceived as not accepting homosexual marriages. In 2018, a lesbian couple tied the knot when one of them attired as a male. Though their friends and family found out and pressured them to split. Police interfered later on⁴.

FROM CLOSET TO COURTROOM

Besides this, over the past 150 years, analogous shades of homosexual unions have taken effect in the village of Angaar (Gujarat), where both the bride and the bridegroom are males. It is undeniable that there must be an immediate emphasis on the decriminalization of consensual homosexual marriages. But this alone will not put an end to the prejudice experienced by individuals involved in deep, dedicated partnerships with others of their gender. It would require legal status, on equal footing with heterosexual relationships. The Punjab and Haryana High Court granted only one instance of approval of homosexual union in 2011⁵.

¹ 'BBC News | SOUTH ASIA | Gay Couple Hold Hindu Wedding' (News.bbc.co.uk, 2021) http://news.bbc.co.uk/2/hi/south_asia/1357249.stm accessed 12 June 2021.

² Somak Ghoshal, 'The Well of Loneliness' *The Telegraph* (25 November 2008).

³ Indian Christian Marriage Act 1872 (15 of 1872); Special Marriage Act 1954 (Act No.43 of 1954); Hindu Marriage Act 1955 (Act No.25 of 1955); Parsi Marriage and Divorce Act 1936 (Act No.3 of 1936); Anand Marriage Act 1909 (Act No. 7 of 1909); Muslim Personal Law (26 of 1937).

⁴ 'Two women get married in mass wedding, found out after post on FB' *The Times Of India*, (23 April 2018).

⁵ Dipak Kumar Dash & Sanjay Yadav, 'In a first, Gurgaon court recognizes lesbian marriage' *Times Of India* (29 July 2011).

*In Arunkumar and Sreeja v. Inspector General of Registration and Ors.*⁶ the Madras HC, broadened the enjoyment of civil liberties, particularly those concerning marriage, to homosexuals. The HC ruled that a validly solemnized marriage between any male and a trans lady would be legitimate as per the Hindu Marriage Act 1955 as well as it was obliged to register the same with the Registrar of Marriages. The verdict cites NALSA Ruling⁷, which held people who belong to the transgender community had the right to determine their '*self-distinguished gender*'. In the view of the statutory provisions embodied in the Hindu Marriage Act, in particular, the '*bride*', the judgment shakes the foundations. The term '*bride*' in section 5 of the Hindu Marriage Act⁸ is said to have dynamic significance. The court of law is free to apply to the encircling situations the present interpretation of a law. The legal structure of gender has been evaluated and common definitions have been formulated, such as '*bride*' and '*bridegroom*'. The decision also grants the broader LGBTQ collective rights to civil liberties, such as marriage, inheritance, and inheritance, although this is a radical transformation for the nation.

The judiciary's revolutionary legislative frameworks will go a long way towards guaranteeing full fairness for different parties. The authorities are catching up to the test steadily and progressively. This is evidenced by recent rulings by the Orissa, Punjab, and Haryana⁹, and Uttarakhand¹⁰ High Courts specifically acknowledging and upholding the privileges of homosexual couples to stay together. It would also be fascinating to see how far the High Courts can do maximum justice. It was an overlooked inference that homosexual couples would finally pound in front of the gates of the constitutional courts for acknowledgment of homosexual marriages during judgment in *Narje Singh Johar and Others v. Union of India*¹¹ by the Constitution Bench. Following the case of Navtej Singh, Arundhati Katju, and Menaka Guruswamy, the renowned advocates came up with 'The Marriage Project,' which seeks to legalize.

⁶ *Arunkumar and Sreeja v. Inspector General of Registration and Ors.*, (2019) SCC OnLine Mad 141.

⁷ *NALSA v. Union of India*, (2014) 5 SCC 438.

⁸ The Hindu Marriage Act 1955 (Act No. 25 of 1955).

⁹ DomaanDalal, 'How constitutional courts can recognize same-sex marriage [Part II]', THE LEAFLET (2021) <https://www.theleaflet.in/how-constitutional-courts-can-recognize-same-sex-marriage-part-ii/> accessed 12 June 2021.

¹⁰ 'Same Sex Couples Can Live Together': Uttarakhand HC (Hindustan Times, 2021)

<https://www.hindustantimes.com/india-news/same-sex-couples-can-live-together-uttarakhand-hc/story-WDjvNH3JzJvaGDtpfzZOxL.html> accessed 12 June 2021.

¹¹ *Narje Singh Johar v. UOI*, (2018) 10 SCC 1.

EVALUATION OF UNEVEN SPREAD OF RIGHTS

- **Transgression of Article 14**

In India, marriage is a sacred practice. It is completely unfair and contradictory to strip any LGBTQ+ collective of their right to get married, purely according to the sexual direction and sex character. Despite the decriminalization of homosexuality, the laws in India appear to be discriminatory and exclusionary in many ways to the LGBTQ+. There is an immense disparity between the administrative and legal implementation of LGBT legislation in India, which is the rationale underlying this. Thus, while *Narvej Singh Johar v. UOI*¹² and *Justice K.S.Puttaswamy v. Union of India*¹³ has established the foundation for granting an array of fundamental human rights to the homosexual and non-binary collective by the Apex Court in the seminal judgments of the *National Legal Services Authority v. Union of India*.¹⁴ Though the legislative body has battled to meet up with the significant reforms.

In essence, homosexuals couples presently enjoy the constitutional freedom to live together and pursue their family lives unafraid of prejudice, although equal justice in diverse situations is still withheld. It is also important to move the dialogue further and speak about the different legislation that continues to prejudice against LGBTQ+ collective. This covers against oppressive legislation like no indistinguishable sex marriage acknowledgment, no adoption rights, surrogacy, etc. The right to marriage, hand downland, share insurance (clinical and life)) are all important for this if we need to conform to the possibility of correspondence with regards to LGBT aggregate. Thus, it is immoral and unethical to deny these civil rights only on the pretext of sexual identity, in violation of the universal rights of equality¹⁵ and liberty.¹⁶

- **Contravention of Article 15**

Amidst anticipation of such huge backlash, where a majority ruling denies the privileges of a class of individuals, an approach to the judicial system is to seek proactive legislative reform. It is quite probable that the reason set down in the Naz Foundation that the denial of segregation on grounds of sex by Article 15¹⁷ imposes a restriction on unequal treatment on grounds of sexual identity will be upheld if Koushal were to be repealed. To allow same-sex marriage, international

¹² Ibid.

¹³ *Justice K.S.Puttaswamy v. Union of India*, (2015) 8 SCC 735.

¹⁴ *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438.

¹⁵ The Constitution of India, 1949 (Article 14).

¹⁶ The Constitution of India, 1949 (Article 19).

¹⁷ The Constitution of India, 1949 (Article 15).

rulings could be used to address a judicial challenge to the Special Marriage Act as unconstitutional based on grounds of prejudice dependent on sexual personality and to request an interpretation of the Statute.

The judgment of the Naz Foundation outlined that Article 15 imposed to all persons personal liberty and abolished prejudice on the grounds of religion, race, caste, sex, and place of birth. It led to the Court acknowledging that they are either enduring aspects or require a basic choice and that a similar yarn passes through them. It also claimed that similar arguments that can theoretically be used to restrict individual freedom must also face the test of rigorous scrutiny in the court of law. The court in the Naz Foundation held that sex as one factor incorporates sexual orientation inside it if direction-based separation is based on stereotype judgments and presumptions regarding the actions of either sex.¹⁸ In defence of these propositions, the opinion has cited many international precedents. It is also clear that a persuasive assertion may be made if only marriage between spouses belonging to opposite sexes were allowed by the Special Marriages Act¹⁹, a secular statute, discriminating against homosexual unions on the grounds of sexual identity would be immoral and that any exclusion would be in breach of Article 15 and therefore unconstitutional.

- **Expansion of Article 21**

Rigid obedience to outdated ideals and beliefs, depriving oneself of the sacrosanct freedom to marry a spouse of one's choice, is directly contradictory to the nature of the right to life and personal liberty secured by Article 21 of the Constitution²⁰. It is because of this rudimentary attitude of those in control that LGBTQ+ group members are now regarded as the second class of people.

- **Advancement of Right to Marry**

There are a few worldwide points of reference on the side of this recommendation. Three State Apex Courts in the US, those of Massachusetts, Connecticut, and Iowa²¹ have held that a marriage law that didn't allow same-sex couples to wed was unlawful there are several international precedents in support of this proposition. Three State Supreme Courts in the United States, have held that a marriage law that did not permit same-sex couples to marry was unconstitutional. The due process and equal rights provisions were invoked by all three judges, finding out that the right to marriage is an individual right to independence that also requires a dimension of equality. The

¹⁸ Law 'Law Like Love : Queer Perspectives On Law In Searchworks Catalog' (Searchworks.stanford.edu, 2021) <https://searchworks.stanford.edu/view/10139566> accessed 12 June 2021.

¹⁹ Special Marriage Act 1954 (Act No.43 of 1954).

²⁰ The Constitution of India, 1949 (Article 15).

²¹ *Varnum v. Brien*, (Iowa 2009).

right to marriage given to anyone cannot be refused to a community of citizens, without a rather clear argument that the court held, did not exist. The Apex Bench construed the 'right to marry' to be part of Article 21 of the Constitution²² of India in the landmark case of *Lata Singh v. State of Uttar Pradesh*²³. The court declared that he/she should marry whomever he/she wants after an individual attains majority. The right to marry is also identified in the Human Rights Charter at the international level and under various other conventions, in the category of "*right to have a family*". The Apex Court held in, *Shakti Vahini v. Union of India*²⁴, that an individual has the constitutional right to get married to any individual of his preference. There is no reference, in the Hindu Marriage Act 1955²⁵, that marriage should only be between a male and a female.

In June 2019 a survey was held by OkCupid, a dating app in which nearly 69 percent of people were in favour of legalizing same-sex relationships. Indeed, even the Human Rights Charter under Article 16 perceives the 'right to wed' as an all fundamental right.²⁶ It is neither complex nor unfair to pursue this right to extend to same-sex couples too. It is almost about stating that "*you are unique and there is no one in this society to marry you; forget about the person you love.*" Thus, Not permitting the LGBTQ+ collective according to their preference. According to Article 21 of the Constitution, the right to marry a person of one's choice is integral. Unless by a statute that is substantively and procedurally equitable, just, and reasonable, this protection cannot be stripped away.

• The Right to Privacy Activism

Own activities, such as what we do in our personal lives, are protected by the basic right to liberty, which the state is not allowed to interfere with. Privacy encompasses an incredibly diverse range of rights and liberties. A universal definition of privacy is thus impossible. In the case National Coalition for Gay and Lesbian Equality v. Ministry of Justice²⁷, the South African court expressed that, Privacy perceives that we as a whole reserve an option to a circle of private intimacy and self-sufficiency which permits us to build up and support human connections without obstruction from the external local area.

²² The Constitution of India, 1949 (Article 21).

²³ *Lata Singh v. State of Uttar Pradesh*,(2006) AIR 2006 SC 2522.

²⁴ *Shakti Vahini v. Union of India*,(2018) AIR 2018 SC 1601.

²⁵ Hindu Marriage Act 1955 (Act No.25 of 1955).

²⁶ Human Rights Charter (Article 16).

²⁷ *National Coalition for Gay and Lesbian equality v. Ministry of Justice*,(1999) (1) SA 6 (CC).

APPLICATION OF JUDICIAL INTERPRETATION AS THE LAST RESORT

The Supreme Court in *Koushal*²⁸ said that such unfamiliar decisions may be instructive yet couldn't be applied to decide the lawfulness of a law authorized by the Indian lawmaking body. At last, there is the obvious sign that the Court has affirmed that the Court has confirmed that it is for the legislature to deal with those matters. Even those who embrace the above-mentioned legal and constitutional values and endorse the above-mentioned pragmatic rationale will, however, question if courts should be confronted rather than legitimately elected representatives. It is fair, as Martha Nussbaum has figured out, that the judiciary has a significant part to play during the contentious region, speaking in favour of the communities that face risk in our democratic system²⁹.

Even those who embrace the above-mentioned constitutional and legal values and embrace the above-mentioned pragmatic rationale will, however, question "*whether the judiciary should be approached instead of legitimately constituted authorities.*" But it is fair, as Martha Nussbaum points out that the courts have a significant key function in this polarized context, speaking up for communities at stake in the democratic process of the majority.³⁰ The analysis also seeks to homogenize relationships of the homosexual community with existing models of marriage. This observation would perpetuate conventional patriarchal gender standards when ties between hetero accomplices are being redesigned to deliver them more reasonable, that sexes are intrinsically unequal, that two parties in a union have pre-formed positions which even homosexual couples are required to embrace traditional views to marry.³¹

I- The '*Holy*' Hindu Marriage Act, 1955

Nevertheless, India's marriage laws do not expressly allow homosexual partnerships, and simply show a clear heterosexual stigma and use of terms that signify such a heterosexual relationship.

Interpreting the term 'Bride and Bridegroom': In specific, "bridegroom" and "bride" are used in section 5(iii)³² and section 7(2)³³, and generic words, such as "party" and "person," are used in certain sections. The terms "bride" and "bridegroom" will not have to be perceived as being of socially

²⁸ *Suresh Kumar Koushal v. Naz Foundation*, (2014) 1 SCC 1.

²⁹ Martha Nussbaum, 'A Right To Marry?: Same-Sex Marriage And Constitutional Law' (DeepDyve, 2021) <https://www.deepdyve.com/lp/university-of-pennsylvania-press/a-right-to-marry-same-sex-marriage-and-constitutional-law-VsMlk05MwS> accessed 12 June 2021.

³⁰ Ibid.

³¹ Evan Gerstmann, 'Same-Sex Marriage And The Constitution' (2021).

³² Hindu Marriage Act 1955 (Act No.25 of 1955).

³³ Ibid.

appropriate importance, but rather as representing two separate gender roles that are desired in relationships by persons themselves. The two concepts have no gender requirements (specifics) and no meaning. Since the statute is neutral except for some words like '*bride-and-bridegroom*', it is fair to contend that if they are roleplaying as groom and bride, same-sex couples might be permitted to solemnize their marriage under the statute. Further, if the definition of the words husband and wife are not addressed appropriately, then the interpretation of the rule would result in uncertainty. For instance, Section 27(1-A) of the Special Marriage Act, 1954³⁴ gives the grounds on which a spouse can take divorce however in the event of LGBT relationships there is disarray concerning the term wife. Along these lines, Section 3 of the Act³⁵ i.e., definition statement can be reevaluated to eliminate the vagueness in LGBT relationships.

Union of Spirits: Marriage is defined by Hindu mythology as the association of 'two spirits' and similar verses regularly indicate that a spirit has no gender³⁶. Only human bodies belong to any type of gender. Hindu sacred texts, including the Statute, are a critical wellspring of Hindu Law. The Legislation simply institutionalizes Hindu law and does not seek to dilute the concepts contained in the Religious Texts.

No specifics on gender: Section 5 of the Code applies to the conditions of a legitimate marriage. Using specific words such as man / woman or male / female does not refer to the parties to a marriage. There are no particulars on the sexual identity of the parties involved in a union within this segment: "*A Marriage may be solemnized between any two Hindus...*"³⁷

No Express Prohibition: The 1955 legislation specifies the individuals who are entitled to marry under the law³⁸ and does not provide for any clauses expressly stating that only individuals of the opposite gender can marry.

Redefinition of prohibited degree-There is also prohibited degrees of relationships that should not take place between marriages. Because of both males as well as females, the degree of these relationships differs. But since same-sex unions do not occur between any male and a lady, it would then be important to reinterpret these concepts.

³⁴ Special Marriage Act 1954 (Act No.43 of 1954).

³⁵ Ibid.

³⁶ DIVYA CHERIAN, 'Stolen Skin And Children Thrown: Governing Sex And Abortion In Early Modern South Asia' (2021).

³⁷ Hindu Marriage Act 1955 (Act No.25 of 1955).

³⁸ Ibid.

The 'Special' Special Marriage Act, 1954³⁹

Though India's marriage laws have gradually changed over time, it seems fair that there is no such arrangement for homosexual couples to marry. The final choice is to pursue a judicial decision that the Special Marriage Act must be read as allowing homosexual unions on the basis that it would otherwise be oppressive and thus oppressive against homosexual couples. The Special Marriage Act is religiously neutral legislation promoting unions between persons of various faiths or those who do not want to be constrained by their laws. A Marriage Officer documents the marriage instead of a religious ritual.

The Special Marriage Act tends to refer to heterosexual pairs in its existing format, as it specifies that the male should be 21 years of age and the female 18 years of age. But it is not impossible, within the Special Marriage Act framework to accommodate homosexual unions. Section 4(c) should only be modified so that it specifies that a partner, if male, should have reached 21 years of age and if female, should have reached 18 years of age and incorporates a consistent clause that homosexual relationships are allowed. Regardless of any event, whether personal laws were modified to recognize homosexual marriages, the Special Marriage Act would have to be modified so that partnerships between people belonging to various religions would be fairly recognized.

"It begins with a non-obstante provision that overrides *anything contained for the time being in force in any other law relating to the solemnization of marriages*. Continuing the provision, under this Act on meeting certain requirements, a marriage between *any two persons* can be solemnized. The inclusion of the term *two persons* reveals that the segment is gender-neutral and not binary or gender-specific. Further, Section 4 (c) that sets out the age of marriage uses the article *the* before male and female and not the article *a*."

The Little Oxford English Dictionary (Ninth Edition, 2006) explains the article "*the*" as: habituated to allude to or readily understood one or more persons or objects already mentioned; the distinct article; habituated to allude to somebody or anything which is the just one of its sort; habituated to allude to anything in a general as opposed to specific way. On the other side, while referencing a person or thing interestingly the article "*a*" is utilized the inconclusive article; one single. This article "*the*" has been therefore used broadly instead of directly, unlike the article "*a*". This implies that "21 years of age should be all guys" who intend to wed a male or female as per the given act, and "18 years old ought to be all females" who plan to wed a male or female as per this act.

³⁹ Special Marriage Act 1954 (Act No.43 of 1954).

The only position in Chapter II where the terms "*wife*" or "*husband*" have been referred to is the clause in Section 12 (2)⁴⁶. This notes that any marriage won't be finished and restricting on the partners, "*except if each party advises the other to be my legal wife or husband within the sight of the Marriage Officers and the three observers and in any language comprehended by the parties,*" "I, (A), take thee (B). Both common expressions are the words "*husband and wife*" and should not be identified solely with hetero couples. The utilization of the terms spouse or husband will have neither rhyme nor reason since neither gender counts for the first section of the sentence. For reference, if it reads as "*I, Mr. or Ms. A take thee, Mr. or Ms. B, to be my lawful wife or husband,*" there may be an assertion that only married partners and not same-sex couples should be solemnized under this Act. In comparison, the utilization of the words "*wife or husband*" barely counts. The phrases have been classically defined as well as gender stereotypes are not explicitly specified in a homosexual marriage.

Section 22⁴⁷ notes that where either the husband or the wife has withdrawn from the business of the other without fair cause, the *aggrieved party* can file a petition in the District Court for compensation. The phrases *husband and wife* with the terms *aggrieved party* have to be read together. Once the provision is read as a whole it may be taken to imply that only the husband or wife can bring a claim for restitution in a homosexual union when his or her spouse withdraws from the other's group. As stated previously, all partners may be known as either *husband* or *wife* in a homosexual marriage, because there are no specified gender roles. Both common expressions are the words *husband and wife* and should not be identified along with heterosexual partners either.

"Section 24 (*Void marriages*)⁴⁸, Section 25 (*Voidable marriages*)⁴⁹, Section 26 (*Legitimacy of children of void or void marriages*)⁵⁰, Section 28 (*Mutual consent divorce*)⁵¹, etc. All use gender-neutral terms such as *party* or *parties*. The parts of Chapter VII *Jurisdiction and Procedure* and Chapter VIII *Miscellaneous* include, aside from Section 31⁵² and except for Sections 36⁵³ and 37⁵⁴, gender-neutral terms such as *party*, *persons*, *petitioners*, and *respondents* and are also not limited to heterosexual unions."

The Special Marriage Act, by a liberal reading of gender-neutral terminology, will be extended to homosexual unions. "The Second Schedule is entirely gender-neutral and sets out the "Notice of Intended Marriage. Reading Section 5⁵⁵, it can be claimed that it extends to all sorts of relationships. It is, however, the Third and Fourth Schedule that deals with the Bride and Bride Groom declarations and the Marriage Certificate which entails a thorough examination.

AT THE FOREFRONT: INTERPRETATION, RECOGNITION, AND LEGAL PROTECTION

In the Special Marriage Act, there is no single clause that forbids homosexual spouses from getting married to one another. The Act is more or less gender-neutral, as outlined in part 1. About the literal construction principle argued in Section 1⁵⁶ of this sequence, there are some gender-neutral clauses in the Act. Although their normal sense should preferably be given to the words *husband*, *wife*, *bride*, and *bridegroom*, following this path in same-sex weddings will result in depriving same-sex spouses of their constitutional right to marry. The cause of justice must eventually be promoted and thus the Supreme Court held in *State of Goa v. Western Builders*⁴⁰ that “If the legislation is neutral and there is no explicit restriction, then the legislation that promotes the administration of justice should be construed.”

The legislature's intent was never to outlaw unions of homosexuals or to breach constitutional protections. However, the court will still step in and explain the Act or even change the wording to negate the inconsistency, given the aforementioned absurdity. Therefore the power of the Constitution rests in the promise it affords that each person has a guaranteed right to choose a companion to share affection inside or outside the union. In *Mahadeolal Kanodia v. The Administrator General of West Bengal*⁴¹, the Apex Court noted, Whether a rigid grammatical analysis gives rise to ambiguity or contradiction, the understanding should be rejected by the Court and an interpretation should be introduced by the Court to add effect to the legislature's intent. If possible, then by changing the terminology used, it could be achieved.

⁴⁰ *State of Goa v. Western Builders*, (2006) AIR 2006 SC 2525.

⁴¹ *Mahadeolal Kanodia v. The Administrator General of West Bengal*, (1960) AIR 936.

CONCLUSION

Although heteronormative values are too profoundly rooted in the marriage institution, there are also recommendations that instead of adding or subtracting established statutes to enable them comprehensive of same-sex associations, we need to reevaluate our understanding of family to incorporate better adaptability groups of preference so that those who opt-out of the conventional family framework should not be disadvantaged in any sphere. The LGBTQ community of India isn't a vocal number. Owing to the collective, the nearly 33 million-strong populace has a powerful presence and declines to be quiet anymore in their endeavours to regain equal rights. They seek more privileges. The following outcomes are the right to own and inherit property, to include their same-sex partners in insurance documents, and to get legal protection of same-sex partnerships and marriage. If '*love of two souls regardless of gender*' can be acknowledged by the law of the land, why can't it also accept their marriage? Love is what makes life worth living.

The attribute that characterizes us as HUMANS is the freedom to love. If it is not permitted to tie this desire into a marital knot, so that desire will forever stay imperfect and will never be embraced by the community. The '*holy*' Indian Constitution is prepared for homosexual unions, but there is a definite need to abandon the crude handcuffs of so-called '*beliefs and customs*' by individuals and the community at large to acclimatize the positive transition.