
SAME SEX MARRIAGE IN INDIA -AN OPEN, BUT OF LEGALLY IMPORTANT CONTEMPORARY ISSUE

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ABSTRACT

The same sex marriage in India is an elaborate, complex and evolving subject that invites thoughtful discussion. This paper explores the topic in depth, presenting it as both a socially open and legally significant contemporary issue. It examines the relevance of same sex marriage and its impact on human lives, highlighting its potential benefits and challenges. The study also looks into structural evolution of society, the role of cultural existence and the after effects of legal recognition. Through critical and analytical approaches, along with a comparative method of study, the paper evaluates different perspectives surrounding the issue. Overall, it serves as an introduction to a broader understanding of same sex marriage in India, focusing on its various aspects and changing dynamics and this paper produces an evaluative conclusion for this topic. The study also considers the role of courts, legislature, and comparative legal developments in shaping the future of marriage equality. Through this lens, same-sex marriage emerges as more than a question of family law; it becomes a measure of how law responds to changing social realities and the expanding meaning of constitutional justice. It examines the gap between legal recognition and lived reality, showing how the absence of marriage rights affects access to inheritance, adoption, medical decisions, social security, and family legitimacy. The paper also discusses the Supreme Court's position, the role of Parliament, and the tension between judicial interpretation and legislative reform. In addition, it looks at how cultural norms and social attitudes influence the pace of legal change. By comparing India with other jurisdictions, the study highlights different legal models and their consequences for queer couples. Ultimately, the paper argues that same-sex marriage is not only a question of legal status, but also a reflection of how a society understands inclusion, justice, and human dignity.

Key Words: - Same-Sex Marriage, Marriage Equality, LGBTQ+ Rights, Constitutional Justice, Legal Recognition

I. INTRODUCTION

Same-sex marriage in India is a significant legal and social issue that raises important questions about equality, dignity, and human rights. Although the debate has gained attention in recent years, the law still does not fully recognise same-sex marriages, making it an important topic for constitutional and comparative study. This issue matters because marriage is not only a personal relationship but also a legal status that gives access to rights such as inheritance, adoption, maintenance, medical consent, and social security. The denial of such recognition affects the lives of LGBTQ+ individuals in practical and emotional ways, while also reflecting the broader struggle between tradition, changing social values, and constitutional principles.

II. RELEVANCE

Its relevance lies in the fact that same-sex marriage in India is not just a personal or social question, but a legal issue that affects constitutional equality, dignity, and the scope of family rights. The Supreme Court's 2023 ruling made clear that discrimination against same-sex couples should end, while also leaving final legal recognition to Parliament, which keeps the issue at the center of current legal debate.

It is also relevant because marriage determines access to important rights and protections such as inheritance, maintenance, adoption, medical decision-making, and social benefits. Without recognition, same-sex couples remain outside many of these legal safeguards, which is why the issue matters in everyday life as well as in constitutional law.¹

For an academic introduction, you can say that the topic is relevant because it tests how Indian law balances tradition, social change, and fundamental rights in a democratic society.²

III. IMPACT ON HUMAN LIVES

¹Amnesty Int'l, "India: Failure to Legalise Same-Sex Marriage a 'Setback' for Human Rights," Amnesty Int'l, <https://www.amnesty.org/en/latest/news/2023/10/india-failure-to-legalise-same-sex-marriage-a-setback-for-human-rights/>, accessed 27 June 2026.

²Supreme Court Observer, "Plea for Marriage Equality: Judgment Summary," Supreme Court Observer, <https://www.scobserver.in/reports/plea-for-marriage-equality-judgement-summary/>, accessed 27 June 2026

³Wikipedia, "Recognition of Same-Sex Unions in India," https://en.wikipedia.org/wiki/Recognition_of_same-sex_unions_in_India, accessed 27 June 2026.

⁴Finology Legal Blog, "Same Sex Marriage in India," <https://blog.finology.in/Legal-news/same-sex-marriage-in-india>, accessed 27 June 2026.

It affects human lives by shaping whether same-sex couples can live with legal security, dignity, and equal family rights. When marriage is not recognized, people may face stress, social exclusion, and practical problems around hospital decisions, inheritance, shared property, maintenance, and next-of-kin status.

It also matters emotionally and socially because legal non-recognition can make relationships feel invisible or less legitimate in the eyes of family, employers, and society. A strong line for your introduction could be: “The issue of same-sex marriage in India has a direct impact on human lives because it determines whether LGBTQ+ individuals can enjoy equality, family security, and respect in both law and society.

IV. BENEFITS AND CHALLENGES

The benefits of recognising same-sex marriage in India include legal equality, family security, and social dignity. It would give couples access to rights such as inheritance, maintenance, adoption, medical decision-making, tax benefits, and social welfare protections.

The main challenges are legal, social, and political. Indian marriage laws still do not clearly include same-sex couples, the Supreme Court said in 2023 that there is no fundamental right to marry for queer persons, and many reforms now depend on Parliament.

For a simple sentence in your note, you can write: “Same-sex marriage in India has important benefits in terms of equality and human rights, but it also faces major legal and social challenges because the law does not yet fully recognise it.

V. STRUCTURAL EVOLUTION AND CULTURAL EXISTENCE AN INTERCONNECTION

The structural evolution of society refers to how social institutions, roles, and relationships change over time, while cultural existence refers to the beliefs, values, traditions, and practices that give a society meaning and identity. In simple terms, society changes its structure, but culture helps shape how that change is understood and accepted.

Cultural existence plays a major role because it preserves continuity during change and also drives reform by introducing new ideas, norms, and ways of living. When culture is open to

innovation, society tends to evolve faster; when cultural values are rigid, social change often slows down or faces resistance.

So, the two are closely linked: structural evolution gives society new forms and institutions, while cultural existence gives those changes purpose, legitimacy, and direction.

In one line, you could write: “The structural evolution of society is shaped by the role of cultural existence, because culture both preserves social identity and guides social transformation

VI. AFTER EFFECTS OF LEGAL RECOGNITION

Legal recognition of same-sex marriage usually has several positive after-effects on human lives. It can reduce stigma, improve mental well-being, strengthen family security, and give couples access to practical rights such as inheritance, medical decision-making, and social benefits.

It can also have broader social effects by making relationships more visible and accepted, which helps reduce discrimination at the community and societal levels. Even where legal recognition exists, however, some stigma may still remain, so law alone does not solve everything.

A simple line for your work is: “The after-effects of legal recognition are not only legal but also emotional and social, as it can improve dignity, security, and social acceptance in people’s lives.

VII. REAL FINDINGS OF ANALYTICAL AND COMPARTIVE STUDY FINDINGS

In India, two same-sex couples, including Supriyo Chakraborty and Abhay Dang, filed petitions in the Supreme Court seeking legal recognition of same-sex marriage under the Special Marriage Act.

The Supreme Court then heard the matter in *Supriyo v. Union of India* and held in 2023 that there is no fundamental right to marry for queer persons, leaving recognition to Parliament.³

The petitioners argued that denying same-sex marriage also denies practical benefits such as adoption, surrogacy, employment benefits, retirement benefits, and inheritance-related protections.

⁵Supriyo @ Supriya Chakraborty v. Union of India, 2023 SCC OnLine SC 1348.

⁶Supreme Court Observer, “Plea for Marriage Equality,” Supreme Court Observer, <https://www.scobserver.in/cases/plea-for-marriage-equality/>, accessed 27 June 2026.

⁷Equaldex, “LGBT Rights in India,” Equaldex, <https://www.equaldex.com/region/india>, accessed 27 June 2026

⁸Kamal & Co. Advocates, “How Lack of Legal Recognition Affects Same-Sex Couples in India,” <https://kamalandcoadvocates.com/guide/same-sex-marriage-in-india/>, accessed 27 June 2026.

⁹Times of India Reader’s Blog, “Same Sex Marriages in India: A Complete Overview,” <https://timesofindia.indiatimes.com/readersblog/dopamineffable/same-sex-marriages-in-india-a-complete-overview-53507/>, accessed 27 June 2026

A real-world social example is that same-sex couples in India have continued to face difficulties with next-of-kin recognition, shared bank accounts, and hospital decision-making because marriage is not legally recognised.

“A real example of this issue in India is the case of *Supriyo v. Union of India*, where same-sex couples approached the Supreme Court seeking marriage equality.”

The case shows how the denial of legal recognition affects everyday rights, including inheritance, medical access, and family security. Whereas The comparative study findings show that countries using full marriage equality generally provide stronger legal certainty, social recognition, and practical rights than countries that only offer partial alternatives like registered partnerships. In contrast, India’s current position remains more limited because the Supreme Court held in *Supriyo v. Union of India* that there is no fundamental right to marry for queer persons and left formal recognition to Parliament.

A key finding across comparative research is that alternative models may look equal on paper but still create a second-class status in practice. Scholars comparing different systems argue that civil marriage is the most complete form of recognition, while separate partnership schemes often preserve inequality even when they offer some benefits.

Another finding is that legal recognition usually improves well-being, reduces stigma, and strengthens family security, but social acceptance may lag behind legal reform. That means law can improve lives, but it cannot by itself remove all discrimination.

So, the main conclusion of the comparative study is that India’s present framework is legally cautious, while many other jurisdictions show that fuller recognition offers broader human-rights protection and greater everyday security for same-sex couples.

VIII. EVALUATIVE CONCLUSION

In conclusion, the debate on same-sex marriage in India reflects a larger struggle between social tradition and constitutional equality. While the issue remains unresolved in law, its importance lies in the fact that it affects dignity, human rights, and the everyday lives of LGBTQ+ individuals. The comparative study also shows that legal recognition can bring real social and psychological benefits, but India must still decide whether change will come through judicial interpretation or legislative reform. Overall, same-sex marriage is not merely a private relationship issue; it is a test of how far Indian democracy is willing to extend equal citizenship to LGBTQ+ community.

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