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EQUAL MARRIAGE, EQUAL RIGHTS: ENDORSING SAME-SEX MARRIAGE

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ABSTRACT

In India, same-sex marriage is still a contentious issue that reflects larger worries about LGBTQ+ rights, legal acknowledgment, and social acceptability. Currently, India does not recognize same-sex marriage officially. In India, LGBTQ+ activism grew throughout time, particularly in the 1990s when groups like the Naz Foundation and the AIDS Bhedbhav Virodhi Andolan started advocating for equal rights. The Indian Supreme Court fully decriminalized consensual same-sex relationships in 2018, after the Delhi High Court partially overturned Section 377¹ in 2009. Although same-sex couples in India are allowed to live together and enjoy some legal protections, they are not entitled to marriage or the same legal advantages as heterosexual couples, even after the Supreme Court decriminalized homosexuality in the historic 2018 decision in *Navtej Singh Johar v. Union of India*². Due to this legal loophole, same-sex couples are denied fundamental rights and safeguards including joint property ownership, inheritance, and adoption, which furthers social marginalization and discrimination. The battle for same-sex marriages complete legal acceptance is still going strong in spite of these successes. Marriage equality may be advanced in the future thanks to recent advancements like the enactment of the Personal Data Protection Bill, which prioritizes individual privacy and liberty. Legalizing same-sex marriages, according to proponents, is essential to guaranteeing equality and defending the rights of LGBTQ+ people. They argue that regardless of a person's sexual orientation, marriage ought to be a fundamental right and that it is against the values of justice and equality to prevent same-sex couples from being married. Conversely, opponents frequently make arguments based on traditional, religious, and cultural perspectives. They defend what they see as family structures and societal values by arguing that marriage should continue to be a heterosexual institution. On October 17, 2023, the Indian Supreme Court ruled against legalizing same-sex marriage, allowing the Indian Parliament to make the final decision. The court decided that same-sex marriage is a matter that belongs in the legislative branch and is not within the purview of the courts.

This research paper requisitely advocates that how legalizing same-sex marriage is essential for promoting an accepting and inclusive culture as well as for guaranteeing equal rights. There is hope that India will get closer to complete equality for its LGBTQ+ citizens in spite of these hurdles. External

¹ Indian Penal Code § 377, Act No. 45 of 1860 (India).

² *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

pressures for reform may come from the global trend toward marital equality and the legalization of same-sex unions in nearby nations like Taiwan and Nepal. As they work to create a more welcoming, inclusive, and just society in India, LGBTQ+ activists and their allies are resolute in their resolve.

Keywords- Homosexuality, LGBTQ+, Same sex marriage, Navtej Singh Johar v. Union of India, Fundamental rights, Marriage equality, Decriminalization.

Research Question-How far does India's denial on same-sex marriage compromise LGBTQ+ people's fundamental rights?

Research Methodology- This paper had been written in Empirical methodology. The whole research paper was based on the primary data collection with help of the analysis of data and analytics.

Introduction-

In India, marriage surpasses the concept of a mere union between two individuals; it is a well-established social institution that includes the union of two families. The framework and customs surrounding a marriage are shaped by a diverse web of social expectations, heavily influenced by cultural traditions and religious values. Marriage is perceived as an institution due to its arranged structure of positions, duties, and expectations. It provides spouses and their children with legal rights and social acknowledgment. Marriage is the cornerstone of family life, which constitutes society's basic unit. It guarantees the ongoing presence of societal values as an institution. However, same-sex marriage exists as a union that is not recognized, lacks social acknowledgment, and does not guarantee legal rights. we will talk about the state of same-sex marriage and its approach in India.

Review of literature-

Biblarz and Stacey (2010), in the *Journal of Marriage and Family*,³ concluded that the gender composition of parents does not adversely affect child outcomes, debunking myths often used to oppose same-sex parenting and marriage.

Martell and Nash (2020), in the *Journal of Labor Research*; ⁴found a “marriage premium” among same-sex couples, where married individuals experienced increased earnings and financial stability compared to their unmarried counterparts.

³ Timothy J. Biblarz & Judith Stacey, How Does the Gender of Parents Matter?, 72 *J. Marriage & Fam.* 3 (2010).

⁴ Christine A. Martell & Marian E. Nash, Do Same-Sex Couples Face Discrimination in Labor Markets?, 41 *J. Lab. Res.* 123 (2020).

Same-sex Marriage

Same-sex marriage, often referred to as gay marriage, involves two individuals of the same legal sex marrying each other. It is the concept that refers to the union of two individuals of the same legal gender. While most countries have regulated same-sex marriage through law, religion, and custom, the legal and social responses have varied widely, from celebration to criminalization. By 2025, same-sex marriage is legally implemented and acknowledged in 38 countries, encompassing a total population of 1.5 billion individuals or 20% of the worldwide population.

⁵Historical and Socio-Legal Landscape

The evolution of same-sex relationships in India demonstrates a diverse mix of historically established acceptance, criminalization during the colonial period, and contemporary legal conflicts for equality. Indian society, especially as viewed through the lens of Hinduism, has shown a historically fluid understanding of gender and sexuality. Same-sex relationships and non-binary gender identities were often portrayed in ancient Hindu texts and temple art. These cultural narratives often depicted LGBTQ+ themes with neutrality, and in some instances, even with reverence or acceptance, rather than imposing strict moral condemnation.

Dating from the 2nd century BCE, the Arthashastra is a work on statecraft that acknowledged various sexual practices, same-sex relations among them. Even though these actions didn't receive official approval, they were regarded as minor crimes. As an example, same-sex sexual acts between men were sanctioned with either the least severe monetary punishment or a trivial penance. The latter included such actions as taking a bath in one's clothes and fasting for one night after ingesting five cow products (panchagavya). In contrast, many temples from the medieval period throughout India contain erotic art that openly illustrates homosexual acts, indicating a historical recognition of sexual diversity.

With the arrival of British colonial rule, this relatively tolerant attitude changed dramatically. Section 377 of the Indian Penal Code, 1862,⁶ was based on Victorian-era morality and made "carnal intercourse against the order of nature" a criminal offense. This legislation effectively prohibited same-sex relations and imposed severe penalties, including life sentences. Although regions of India that were controlled by the French, such as Pondicherry, abolished the criminalization of homosexuality as early as 1791, the legal system imposed by the British in other parts of the country reinforced stigma and discrimination for more than a century.

A landmark Supreme Court ruling in **Navtej Singh Johar v. Union of India (2018)**⁷ marked a significant turning point, as the Court read down Section 377, thereby decriminalizing consensual same-sex relations among adults. LGBTQ+ individuals' dignity, autonomy, and equality were acknowledged by this landmark ruling under Articles 14, 15, and 21 of the Indian Constitution. This signified a

⁵ "Same-sex marriage," *Wikipedia*, https://en.wikipedia.org/wiki/Same-sex_marriage

⁶ Indian Penal Code § 377, Act No. 45 of 1860 (India).

⁷ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1 (India).

momentous change in the legal landscape of India, confirming that constitutional rights include personal liberty and identity protection.

The court emphasized in the case of **Supriyo a.k.a Supriya Chakraborty v. Union of India**⁸ that while it had previously decided the issue of whether one has the right to choose a partner regarding marriage, it is solely the State's responsibility to enact a law that approves of this right. The court further stated that all rights mentioned by the petitioners are a result. The court also underlined the significance of recognizing that the absence of a marriage right for LGBTQIA+ individuals does not imply they are denied the ability to exercise their rights to privacy, choice, and autonomy—rights that were considered when Section 377 of the IPC was annulled.

Despite this progress, same-sex marriages remain unrecognized under Indian law. Consequently, LGBTQ+ couples are still denied many fundamental rights that heterosexual couples enjoy, including those related to inheritance, adoption, and spousal benefits. This legal gap reflects the broader tension between constitutional principles and prevailing societal attitudes, where deep-rooted conservatism continues to resist full acceptance of queer identities.

The ongoing debate around same-sex marriage in India raises critical questions about the intersection of personal liberty, cultural tradition, and legal reform in a rapidly evolving socio-political environment. As the country grapples with these issues, the historical and legal narratives of same-sex relationships reveal both a rich legacy and an ongoing struggle for equality and recognition.

Same-Sex Marriage in India: Where Things Stand Today

In India today, same-sex marriage is **not legally recognized**, despite the increasing visibility and resilience of the LGBTQ+ community. The Constitution guarantees equality, dignity, and non-discrimination; however, these principles have not yet resulted in complete marriage rights for queer couples. The Navtej Singh Johar ruling by the Supreme Court in 2018 represented a significant progression. The court's decision to decriminalize consensual same-sex relationships and abolish Section 377 of the Indian Penal Code affirmed that LGBTQ+ individuals have rights to privacy, autonomy, and equal treatment. But although that moment was historic, it didn't pave the way for marriage — a right still reserved for heterosexual couples under laws such as the Hindu Marriage Act, Special Marriage Act, and Foreign Marriage Act.

From a legal perspective, same-sex couples in India exist in a shaded zone. They can engage in relationships, and there have been instances where courts have recognized live-in same-sex partnerships as valid "family units." Indeed, a ruling by the Supreme Court in 2022 (*Deepika Singh v. CAT*)⁹ went so far as to award social security benefits to individuals in such relationships. In states such as Kerala, Gujarat, and Himachal Pradesh, courts have offered limited protections, including police assistance in cases of familial harassment. However, this does not equate to full legal recognition; without marriage rights, same-sex couples lack essential privileges that most people regard as standard: joint ownership of property, the authority to make medical decisions for one's partner, spousal pensions, inheritance rights, adoption rights, and the ability to establish a joint bank account.

⁸ *Supriyo a.k.a Supriya Chakraborty v. Union of India*, 2023 SCC OnLine SC 1348 (India 2023).

⁹ *Deepika Singh v. Central Administrative Tribunal*, Civil Appeal No. 5308 of 2022, arising out of SLP (C) No. 7772 of 2021 (Supreme Court of India Aug. 16, 2022).

It is even more challenging at the social level. The acceptance of same-sex marriage in India remains quite limited, particularly among older generations and in rural regions. A 2019 ILGA survey indicated that only around 29% of the Indian population was in favor of same-sex marriage, with half opposing it.¹⁰ Queer relationships are still portrayed as unnatural or a threat to traditional family structures due to cultural norms, patriarchal views, and conservative interpretations of religion. In particular, religious beliefs have a strong influence. Although there is no explicit condemnation of homosexuality in Hinduism, many conservative elements within the faith view it unfavorably. Islam and Christianity, which both have significant numbers of supporters in India, also generally oppose same-sex relationships, complicating public discourse around queer rights even further.

With that being said, things are gradually evolving — particularly in urban areas and among young people. Public opinion is being altered by education, media representation, and increasing activism. Groups such as the Naz Foundation, Humsafar Trust, and Queer Muslim Project are carrying out the bulk of advocacy, awareness-raising, and support work. Since the 1980s, some same-sex couples in urban areas have been holding traditional wedding ceremonies, even though these have no legal validity. Meanwhile, several court cases advocating for marriage equality are in development. These cases argue that the denial of marriage rights infringes upon the constitutional guarantees of dignity and equality. These initiatives symbolize the bravery and tenacity of queer Indians pursuing not just legal endorsement but also acknowledgment of their love, devotion, and entitlement to construct a shared life. However, the legalization of same-sex marriage in India involves more than merely modification of laws; it demands addressing entrenched prejudices, transforming societal attitudes, and guaranteeing that LGBTQ+ individuals are recognized as equal citizens in all respects. Legalizing same-sex marriage would provide practical rights such as inheritance, adoption, healthcare decisions, and tax benefits. More importantly, it would convey a significant message: that marriage, in all its manifestations, merits respect and safeguarding.

Legal and Social Hurdles for Same-Sex Marriage in India-

Unfortunately, the way our society is structured, we are raised to believe that only a man and a woman may get married. And in the process, we ignore the vast number of people who identify with various gender identities and sexual preferences.

Even though there has been significant progress in decriminalizing homosexuality and recognizing some LGBTQIA+ rights, there are still several obstacles in the way of India's full legal acceptance of same-sex weddings. The lack of official legal recognition is one of the biggest challenges. Indian law does not currently recognize same-sex marriages, which denies LGBTQIA+ couples' fundamental legal benefits such as joint ownership of property, inheritance rights, adoption privileges, spousal health insurance, and tax benefits. Social and economic disadvantages are sustained by this legal exclusion, which also strengthens systemic inequality.

Apart from legal restrictions, social stigma still has a significant impact on preventing LGBTQIA+ people from publicly seeking marriage rights. Long-standing cultural prejudices frequently lead to isolation from family and community institutions, verbal and physical abuse, and discrimination. This

¹⁰ Khushwaha, D., 2023. Are Same-Sex Marriage Laws an Attack on the Family System?: An Analysis. *Supremo Amicus*, 33, p.1.

social disgrace compels many LGBT individuals into silence and invisibility, preventing them from demanding their rights. Moreover, religious resistance continues to be a significant obstacle. For moral and theological reasons, a large number of conservative religious groups in India are against same-sex unions. These groups often influence public opinion and lobby against legislative reforms, framing same-sex marriage as a threat to traditional family values and religious norms. This religious conservatism adds a highly emotional and ideological component to the discussion of marital equality, complicating it further.

Political apathy is another major obstacle. The legislative branch has mostly been silent or hesitant on the issue of marriage equality, while the judiciary has taken steps toward affirming LGBTQIA+ rights through landmark decisions like *Navtej Singh Johar v. Union of India* (2018).¹¹ Many politicians avoid publicly endorsing same-sex marriage out of fear of conservative voter backlash. The lack of political will delays the creation of inclusive laws and creates a climate of uncertainty for LGBTQIA+ citizens.

The absence of easily available legal services catered to the needs of the LGBTQIA+ community is as alarming. Numerous legal practitioners lack the requisite training or awareness to handle LGBTQIA+ problems with the requisite comprehension and deference, hence depriving many queer people of proper justice or representation. Further complicating the experience of LGBTQIA+ people in India are intersecting types of prejudice, which include discrimination based on caste, class, religion, gender identity, and whether they live in an urban or rural area. The discrimination queer people experience, especially those from precarious backgrounds, can be made worse by these overlapping identities.

Concerns regarding the social ramifications of same-sex marriage are frequently voiced by those opposed to it. One popular argument is that since procreation is the main goal of marriage, same-sex couples shouldn't be permitted to get married as they are unable to procreate biologically together. This viewpoint disregards the emotional, legal, and social aspects of marriage that extend beyond having children and supports a heteronormative conception of the family. Others bring up administrative and legal issues, arguing that allowing same-sex marriage would necessitate a comprehensive revision of current tax, inheritance, and family laws—an undertaking that opponents believe is too difficult.

The adoption of children by same-sex spouses is another contentious topic. Critics contend that, especially in a culture where LGBTQIA+ acceptance is still developing, such families may expose kids to bullying and social shame. Additionally, they voice concerns regarding the mental health of kids growing up in LGBT houses, despite the fact that there isn't much empirical data to back up these assertions. These arguments, which are frequently based on bias or false information, are more reflective of general social unease than of valid legal or scientific concerns.

The legal recognition of same-sex marriage is not just about contractual rights; it is fundamentally a social justice issue that affirms the dignity, legitimacy, and equality of LGBTQIA+ relationships, bringing India closer to the constitutional vision of liberty and inclusivity for all its citizens. While judicial decisions have opened the door to greater recognition and respect for LGBTQIA+ rights, same-sex marriage remains a frontier that has not yet been fully addressed in India's legal landscape. Denying marriage rights to same-sex couples reflects broader bias and systemic inequality, undermining the principles of justice and equal protection under the law. India is at a crossroads where it must choose

¹¹ Sarkar, T., 2021. Privacy through the Ages: India's Privacy Jurisprudence in Gender and Sexuality Rights. *J. Indian L. & Soc'y*, 12, p.53.

between embracing progressive reform and upholding restrictive traditions as the world shifts toward marital equality and neighbouring nations like Taiwan and Nepal legalize same sex marriages.

Rights Hampered Due to Non-Recognition of Same-Sex Marriage in India

Category	Right/Benefit Denied	Explanation
Legal Rights	Marriage Registration	Same-sex couples cannot legally register their marriage under any Indian marriage act.
	Adoption Rights	Same-sex couples cannot jointly adopt children; only single LGBTQ+ individuals may adopt.
	Inheritance Rights	Partners do not automatically inherit property in the absence of a will.
	Spousal Consent in Medical Decisions	Partners are not legally recognized to make medical decisions in emergencies.

	Next of Kin Recognition	Same-sex partners are not treated as legal family members in government or legal documentation.
	Right to Alimony or Maintenance	There are no legal provisions for financial support or maintenance after separation.
Social Rights	Social Security and Recognition	LGBTQIA+ relationships lack public and institutional recognition, leading to stigma and exclusion.
	Parental Rights	Non-biological partners have no parental rights or guardianship over children.
	Respect in Public Institutions	Partners are not recognized as spouses in schools, hospitals, or housing societies.
Economic Rights	Joint Ownership of Property	No legal framework supports joint ownership as a married couple.

	Tax Benefits	Same-sex couples are excluded from spousal income tax exemptions and deductions.
	Insurance Benefits (Health / life)	LGBTQIA+ partners are not eligible for spousal health or life insurance coverage.
	Pension and Employment Benefits	No access to spousal pension, family pension, or employment benefits like paid leave for partners.

International attitudes towards Same-Sex Marriage-

A recent survey conducted in 2023, examining views toward same-sex marriage across 32 different countries reveals stark contrasts in global public opinion. Global statistics on same-sex marriage from *Pew Research Center* shows that opinions on LGBTQ+ rights are both evolving and polarized.¹² The data, which measures the percentage of individuals who either strongly or somewhat favor or oppose allowing gays and lesbians to marry legally, highlights both progressive and conservative attitudes worldwide. The overwhelming support for same-sex marriage in many Western countries, including **Sweden, the Netherlands, Canada, and Spain**, is indicative of a larger movement toward social advancement, civil rights, and inclusivity. In addition to allowing same-sex nuptials, these nations frequently spearhead international equality campaigns, normalizing LGBTQ+ partnerships and serving as models for other countries. Sweden leads with 92% total favor (18% somewhat favor, 74% strongly favor) and only 6% total opposition. The Netherlands follows closely with 89% in favor and 15% opposed.

Strong opposition in several regions of Africa, the Middle East, and Asia, especially in nations like **Nigeria, Kenya, Indonesia, and Malaysia**, draws attention to the legal, cultural, and religious obstacles that still prevent adoption. Nigeria shows the strongest opposition, with 97% against same-sex marriage, including 92% strongly opposed. Kenya (90%), Indonesia (92%), and Malaysia (82%) reflect similar sentiments. This separation produces a polarized global picture where LGBTQ+ individuals may enjoy full rights in one country but experience legal persecution in another, influencing

¹² Daniels, R.S., 2019. The evolution of attitudes on same-sex marriage in the United States, 1988–2014. *Social Science Quarterly*, 100(5), pp.1651-1663.

international relations, asylum policies, and human rights advocacy. Countries like **Brazil, Mexico, and Argentina** show moderate support, with Brazil at 67% in favor and Mexico and Argentina estimated around 60–65%, though exact breakdowns are incomplete. High levels of social support in liberal societies result in improved mental health outcomes, increased visibility, and safer environments for young LGBTQ+ people. Though change may take time, younger generations in conservative nations are exhibiting signs of increased openness as a result of activism, global media, and shifting cultural narratives. Politically, countries with strong public support are more likely to enact inclusive legislation, but in more hostile areas, politicians may exploit anti-LGBTQ+ rhetoric for their own political ends, escalating tensions.

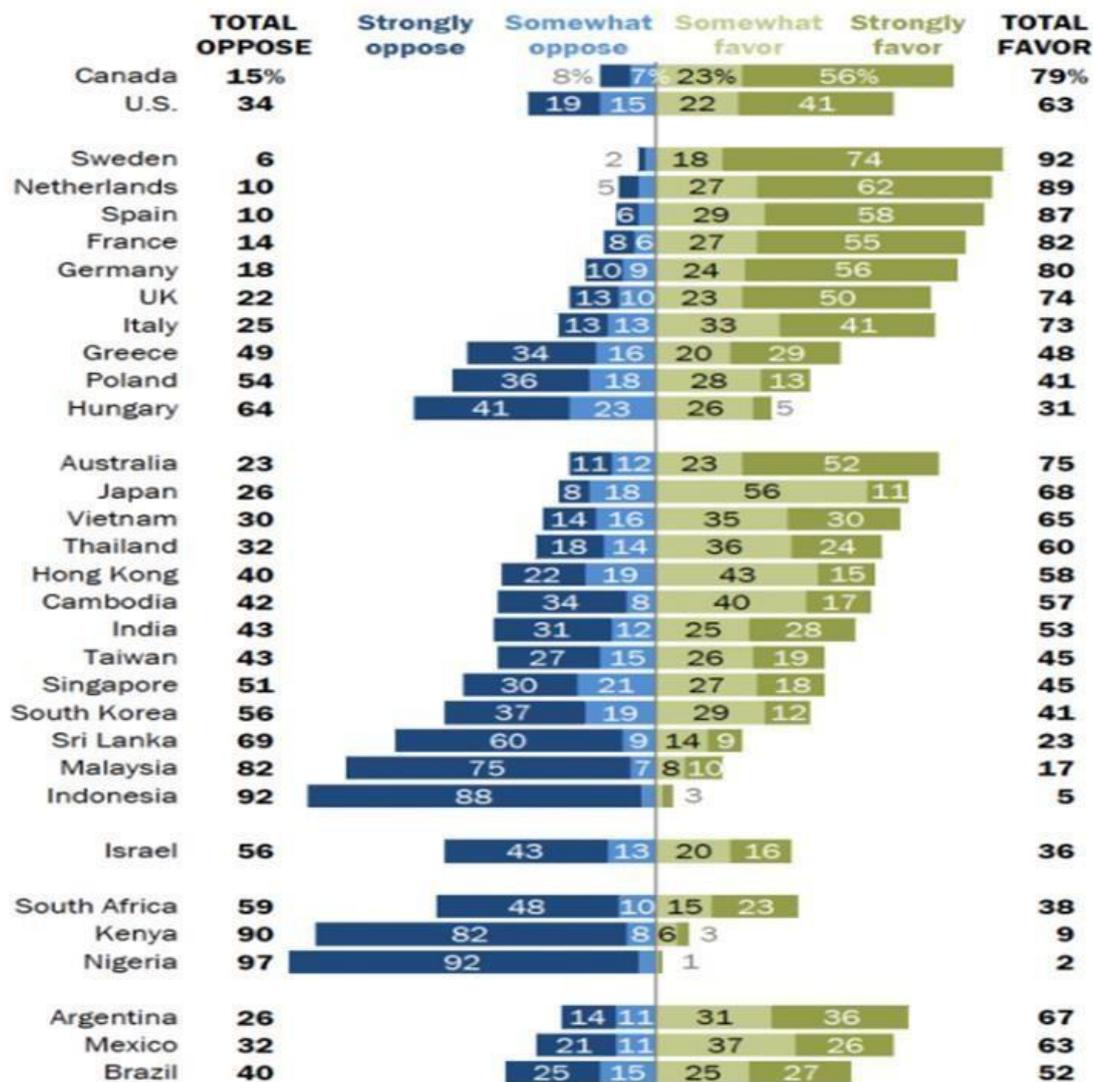
The fact that many countries, particularly in the West, have high levels of support and have successfully legalized same-sex marriage without negative social consequences can serve as a powerful model for other countries. This data is important because it provides clear, evidence-based insight into global public opinion trends. First, it shows where support for same-sex marriage is growing, which can encourage governments, activists, and human rights organizations in less accepting countries to push for change.

Furthermore, the information provides a benchmark for international debates and decisions. The claim that same-sex marriage rights are incompatible with cultural values or national growth is called into question when less supportive nations point out that countries with robust economies and stable societies—such as Sweden, Canada, or the Netherlands—have accepted same-sex marriage. Additionally, the data gives local activists and LGBTQ+ communities factual support for their cause, which increases the persuasiveness and credibility of their campaigns in the eyes of legislators, the media, and the general public.

Moreover, change is frequently influenced by external forces. This information can be used by international organizations, governments, and corporations to promote LGBTQ+ rights in areas where they are not well-established, incorporating it into discussions on human rights or business collaborations. The increasing amount of evidence in favor of same-sex marriage gradually normalizes it, lessens its stigma, and persuades other nations to think about granting it legal recognition, all of which contribute to the larger global movement for equality.

Views toward same-sex marriage across 32 publics

% who say they ___ allowing gays and lesbians to marry legally



Note: Those who did not answer are not shown. Figures may not add to the totals indicated due to rounding.

Rising Global Acceptance of Same-Sex Marriage-

More than 30 other countries, primarily in Europe and the Americas, have passed legislation permitting gay and lesbian couples to get married since the **Netherlands** became the first country to legalize same-sex weddings in 2001. **Taiwan** was the first country in Asia to legalize same-sex unions more recently.

According to the **Human Rights Campaign (HRC)**, which tracks changes in the legal acceptance of same-sex partnerships worldwide, there has been a notable advancement in the field of same-sex marriage in recent years. HRC works with community, national, and regional advocates through a global

network of alumni and partners, exchanging resources, tactics, and insights to bolster marriage equality movements. 38 nations have made same-sex marriage lawful as of 2025, either through laws or court decisions. Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Portugal, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, and the United Kingdom, the United States of America and Uruguay are among these nations. The information was taken from the "**Marriage Equality Around the World**" report published by the Human Rights Campaign.¹³

Two more nations joined this expanding list in 2025. After a statute was passed on May 16, 2024, **Liechtenstein's** marital equality law went into effect on January 1, 2025. Similar to this, **Thailand** made history on March 27, 2024, when its lower house passed a marriage equality measure, and on June 18, 2024, the upper house did the same. On September 24, 2024, the Thai monarch signed the bill into law, and on January 22, 2025, it became operative.

Greece became the first country with a Christian Orthodox majority to legalize same-sex marriage in 2024 after the Parliament approved a measure on February 15 that allowed same-sex couples to adopt children. On June 20, 2023, the post-Soviet nation of Estonia enacted marriage equality legislation, which went into effect on January 1, 2024.

In 2022, several countries, including Slovenia, Andorra, Cuba, Chile, and Switzerland, made significant progress in enacting marriage equality. Slovenia's Constitutional Court ruled the ban on same-sex marriage unconstitutional, leading to legislation and amendments. Cuba approved same-sex marriage through a national referendum, Chile legalized it through a bill, and Switzerland passed a bill in December 2020, supported by 64% of voters in a public referendum.

Costa Rica became the first Central American nation to legalize same-sex marriage in 2020, following a Supreme Court ruling. Austria, Taiwan, and Ecuador also made similar decisions in 2019, with Austria's Constitutional Court decision in December 2017 allowing for inclusive legislation. Taiwan's Constitutional Court ruled existing marriage laws discriminatory, giving the legislature two years to pass inclusive legislation. Ecuador's Constitutional Court deemed the ban on same-sex marriage unconstitutional in June 2019.

These developments show a growing international recognition of LGBTQIA+ rights, with legislative and judicial systems affirming the right to marriage regardless of sexual orientation. The global movement for marriage equality continues to gain momentum.

Need for recognition-

Same-sex marriage is crucial for ensuring equality and dignity for LGBTQ+ individuals. The Equality Network supports legalizing it for all couples, regardless of gender. A 2009-10 survey showed 85% support for same-sex marriage, with 53% calling it a high priority. Civil partnerships and marriages offer similar legal rights but are not perceived as equal in status.¹⁴ They lack the symbolic, emotional, and religious significance of marriage and are seen more as legal contracts rather than celebrations of love and commitment. Historically, civil partnerships were created to exclude same-sex couples from

¹³ Human Rights Campaign, 2023. Marriage equality around the world.

¹⁴ Lewitus, E., 2015. Transnational convergence of civil marriage law: equal rights to same-sex partners.

marriage, reinforcing a system of inequality. Denying marriage based solely on partners' gender is as arbitrary and discriminatory as denying it based on race. This issue also affects bisexual individuals, who have access to marriage or civil partnerships based on their partner's gender, further proving the law's inconsistency and discriminatory nature. Legalizing same-sex marriage is not just about rights but about fairness, dignity, and true societal inclusion.

Same-sex marriage is a controversial topic, with many couples still facing discrimination, particularly women. A 2009/10 survey found that 58% of people in civil partnerships felt they weren't treated the same as married couples, with women being even more affected. This unequal treatment is partly due to misconceptions about civil partnerships and partly because it gives others an excuse to treat them differently. Civil partnerships are seen as a "lesser" version of marriage, making LGBTQ+ people feel like outsiders, leading to issues like homophobia, biphobia, and transphobia. Legalizing same-sex marriage could reduce discrimination, send a strong public message, and improve the mental health, confidence, and overall well-being of LGBTQ+ people. It also benefits children of LGBTQ+ couples, as research shows that kids raised by same-sex parents perform just as well as those raised by opposite-sex parents.

Civil partnerships and marriages offer similar rights within a country, but there are significant differences in international recognition. Same-sex marriages from Scotland would be legally recognized in other countries that allow same-sex marriage, but civil partnerships may not be recognized in other places. Transgender people may face difficulties in getting their gender legally recognized due to outdated marriage laws, further highlighting discrimination in the law. Same-sex couples cannot legally recognize their partnerships through religious or humanist ceremonies in many places. However, many people, including LGBTQ+ individuals, would prefer a humanist wedding. Some religious groups support same-sex marriage, but the law doesn't allow them to do so. True freedom of religion requires respecting all beliefs, regardless of gender or beliefs, and treating all couples equally.

Legal marriage provides equal protections and benefits like tax breaks, health insurance, and social security, preventing same-sex couples from facing financial hardships without legal union. Allowing same-sex marriage won't affect opposite-sex marriages. Recognizing same-sex marriage could strengthen the idea of marriage by making it more inclusive, modern, and meaningful to people from all walks of life. This would reflect Scotland's core values of equality, fairness, freedom, and respect. Adding same-sex marriage is a small but important step that doesn't change the rules for anyone else but makes marriage fairer for all.

Conclusion-

A critical first step in attaining complete equality, dignity, and inclusion for LGBTQ+ people is the acceptance of same-sex marriage. Civil partnerships reinforce a sense of inequality and exclusion because they lack the symbolic, emotional, and social legitimacy that marriage confers, despite having comparable legal rights. Encouraging same-sex marriage reduces stigma and fosters acceptance by addressing ingrained societal discrimination as well as legal conflicts. Because marriage offers stability and legal safeguards, it improves the safety, well-being, and mental health of LGBTQ+ people and their families, especially children. Same-sex marriage's international recognition guarantees equal treatment across national boundaries, something civil partnerships frequently fall short of.

Furthermore, by enabling willing religious or humanist groups to solemnize these partnerships, same-sex marriage supports freedom of religion and belief. From an economic standpoint, marriage equality increases same-sex couples' access to social security, work benefits, and health insurance. Importantly, recognizing same-sex marriage enriches the institution of marriage itself by making it more inclusive, modern, and reflective of social ideals such as fairness, freedom, and respect. As a result, legalizing same-sex marriage is crucial to creating a society that is genuinely just and equal, not just a question of rights.