



## Centre Opposes Same-Sex Marriage

**For Prelims:** Navtej Singh Johar Case, Fundamental Right, Personal Laws, LBTQIA+ Rights.

**For Mains:** Arguments in Favour of Same Sex Marriage, Arguments Against Same Sex Marriage.

### Why in News?

The Centre has opposed [same-sex marriage in the Supreme Court](#), stating that **marriage between a biological man and woman is a holy union**, a sacrament, and a sanskar in India.

- A Bench led by [Chief Justice of India](#) refers petitions to legally recognise same-sex marriages to a [Constitution Bench](#) of **five judges of the Supreme Court**

### What is the Stand of Government Regarding Same Sex Marriage?

- The government argued that the Court had **only decriminalised sexual intercourse between same-sex persons** in its 2018 judgement in [Navtej Singh Johar v. Union of India](#), and not legitimised this “conduct”.
  - The court, **while decriminalising homosexuality**, did not accept same-sex marriage as part of the [fundamental right to life and dignity](#) under **Article 21 of the Constitution**.
- The government argues that **marriage depends on customs**, rituals, practices, cultural ethos, and societal values.
  - **Same-sex marriage cannot be compared to a man and woman living as a family** with children born out of the union.
- The [Parliament](#) has designed and framed the marriage laws in the country to recognise only the union of a man and a woman.
  - Registration of marriage of same-sex persons would result in a **violation of existing personal as well as codified law provisions**.
    - The [Special Marriage Act of 1954](#) provides a civil form of marriage for couples who cannot marry under their personal law.
- The government argued that **any deviation from this norm can only be made through the legislature**, and not the Supreme Court.

### What are the Arguments in Favour of Same Sex Marriage?

- **Equal Rights and Protection Under the Law:** All individuals, regardless of their sexual orientation, have the right to marry and form a family.
  - Same-sex couples should have the **same legal rights** and protections as opposite-sex couples.
  - Non-recognition of same-sex marriage **amounted to discrimination that struck at the root of the dignity** and self-fulfillment of [LBTQIA+ couples](#).
- **Strengthening Families and Communities:** Marriage provides social and economic benefits to couples and their families. Allowing same-sex couples to marry **strengthens families and**



**Which Article of the Constitution of India safeguards one's right to marry the person of one's choice? (2019)**

- (a) Article 19
- (b) Article 21
- (c) Article 25
- (d) Article 29

**Ans: (b)**

**Source: TH**

PDF Reference URL: <https://www.drishtias.com/printpdf/centre-opposes-same-sex-marriage>

