

## New Trend of Homosexual Marriage in the World: A Critical Study

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### Abstract

Gay marriage is the marriage of people of the same sex, legally or socially recognized. Homosexual marriages have been recorded at many places in human history. The Netherlands was the first country to legalize same-sex marriages where it gained legal recognition in 2001. Advocates of same-sex marriage argue that irrespective of sexual orientation, the benefits of marriage are a human right; whereas its adversaries oppose it on the basis of traditions, religion, parental concerns and other damages. The combination of gay couples is recognized in 14 countries. The present paper tries to produce a critical analysis on new trend of homosexual marriage in the world.

**Key-words:** Homosexual marriage; Importance; Reorganization; Section 377; Fatal marriage.

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### I. Introduction

There are many forms of love. It is inappropriate to state that an individual can't wed somebody basically on the grounds that they are not from the other gender. The world is developing like never before and we need to continue to go with the occasions. Same-sex marriage happens when an individual decides to wed a similar sex rather than the other gender. We ought not forsake this idea any longer. Gone are the days when individuals must be embarrassed about their sexuality.

In today's accepting world, we must make way for every human being, regardless of our gender. One needs to realize that there are more than two genders. Society needs to include all types of people.

### Importance of same-sex marriage

Everyone should realize this fact and like it before we recognize each other with the religion we follow or the people we love. Same-sex marriage is significant today as the world is pushing ahead. Individuals can at last act naturally and have their own character. Because an individual doesn't adore an individual of the other gender doesn't make them wrong. We can cherish whoever we need.

It is smarter to consume the remainder of time on earth with somebody of a similar sex whom they love from the other gender, whom they don't care for. Individuals will clearly have more joyful existences with their friends and family instead of being compelled to wed somebody.

The same-sex marriage makes other people hope that they too can have a future. This paves the way for the LGBTQ community. This community has already suffered greatly due to discrimination. They are eligible to be able to marry anyone, regardless of gender.

### Debate on same-sex marriage

Same-sex marriage is not encouraged in India. There are numerous nations against which there are severe laws, yet individuals are liberal. In India, neither one of the laws are liberal, however individuals are additionally narrowing leaning. They never allow these individuals to substantiate themselves. Indian culture doesn't care for change. It isn't as positive as in Western nations. India actually needs an ideal opportunity to recuperate with the idea of same sex marriage.

Not thinking about the idea is something alternate and contradicting it inside and out. In India, yet in addition in different nations, individuals don't uphold same-sex marriage since they feel that it is against their religion. This makes a great deal of issues for them. Individuals don't need the LGBTQ people group to reserve the option to wed their sweethearts. It grabs away their exceptionally essential basic freedoms. The LGBTQ people group has since quite a while ago battled for their privileges. In any case, there is still far to go.

Homosexual relationships are generally considered to be against nature, but once again in India, discussions have begun regarding the legal validity of such relationships. On the other hand, the Supreme Court bench on has also asked to reconsider the constitutional validity of Section 377 prohibiting homosexual

relations. Meanwhile, it becomes very important to know about homosexuality. With this, it becomes even more important to know that in which countries of the world such relations have been recognized and in which countries it is still kept in the category of crime.

Actually, homosexuality refers to a person being attracted to people of the same sex and having sex. A man who is attracted to a man and wants to maintain a homosexual relationship with him is called 'Gay'. At the same time, if a woman wants or makes a lesbian relationship with a woman, she is called 'lesbian'. Conversely, people who are attracted to both men and women are called bisexual. All in all, the LGBT (lesbian, gay, bisexual, transgender) community consisting of gay, bisexual and gendered people. It is difficult to say how many people are gay. The existence of homosexuality has been found in all cultures and countries. However, the governments of some countries also deny this.

### **Gay marriage is allowed in these countries of the world**

However, homosexual relationships are not recognized in all countries of the world. There are currently 25 countries in the world where homosexuals are allowed to marry or where in a state or parts of it homosexuals are allowed to marry. Countries where homosexual relationships are permitted to have legal marriages include Netherlands, Norway, Belgium, Spain, South Africa, Taiwan, Brazil, Argentina, Colombia, France, Ireland, Iceland, Portugal, Denmark, the United States, Germany, Malta, New Zealand, Mexico, Sweden, Luxembourg, Uruguay, Finland and Canada etc.

### **Homosexual relations were first recognized in the Netherlands**

The Netherlands is the first country in the world where homosexual relations were given legal recognition. In 2001, homosexual relations were given legal recognition by the government in this country. In addition, Germany and Malta are two countries where such relations were recognized in 2017. In these countries it is called 'gay marriage'. Homosexual relationship is still a crime in 72 countries of the world.

On the one hand, homosexual relations have been given legal recognition in around 25 countries of the world, there are about 72 countries or regions where it is still classified as a crime. Among them, there are about 45 countries where sexual intercourse between women has been declared illegal. A report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) states that there are eight countries in the world where homosexuality is a death sentence. These countries include Iran, Sudan, Saudi Arabia, Yemen, Somalia, Nigeria, Iraq and Syria. In addition, prison sentences on homosexual activities are possible in dozens of countries of the world.

### **Some countries in Southeast Asia and Asia believe against nature**

According to a report by The Guardian, southeastern Africa, the Middle East and South Asia have the most harsh attitudes about homosexuality, while people in Western Europe and Western countries are the most tolerant of it. Same sex relations are still considered against nature in 71 countries of the world and there can be a jail sentence under the law. With this, more than 120 countries have freed homosexuality from the category of crime.

### **Some countries or states have provision for domestic participation**

Many countries of the world have recognized homosexual relations, so in many countries it has been classified as a crime, but there are some countries, states or regions like America, where there is a provision of gender cohesion or domestic participation. In such countries, homosexuals make mutual relations, but do not marry among themselves. Under these provisions, there are some security and benefits related to marriage, but not all. Provisions such as civil combination or domestic participation are seen as second-rate by the LGBT community.

### *India's first gay marriage in Chhattisgarh*

In many parts of India, there are also reports of homosexual relationships and marriages. Chhattisgarh is probably the first state in India where gay marriage was done illegally. Tanuja Chauhan and Jaya Verma, nurses of the district hospital of Surguja in the state, married Vedic customs on March 27, 2001. Along with this, in Durg district of Chhattisgarh, doctor Neera Rajak and nurse Anjani Nishad had also applied to the district administration for gay marriage, but the district administration had rejected their application. In this state, 20-year-old Rasamati and 13-year-old Rukmani, who lived in a village 40 km from Raigad, also got married, but there was a lot of uproar in this village about their marriage. Eventually, both were forced to live separately.

### *In India, it was the British who made homosexuality a category of crime. Section 377*

Homosexuality may have been recognized in developed countries all over the world, but in India it was declared illegal by the British. In this country, the British imposed Section 377 in 1862 to make it in the

category of crime, about five years after the Sepoy Mutiny of 1857. Unnatural sex has been made illegal under this law. If a woman and man make unnatural sex even by mutual consent, then there is a provision of 10 years punishment and fine under this section. In addition, under this law, there is a provision of life imprisonment or 10-year sentence and fine for having sex with an animal. If by consent, sexual relations between two men or women also come under the purview of this law.

*Section 377 does not require warrant for arrest*

Crime has been made cognizable under Section 377 prohibiting homosexual relations in India. It does not require any warrant for arrest. In this case, the police can arrest anyone on suspicion or by citing secret information. Homosexuality in India is a non-bailable offense under Section 377.

*Naz Foundation filed a review petition in the Supreme Court*

The Supreme Court will reconsider Section 377, which describes homosexuality as a crime. The Supreme Court has said that the Supreme Court's 2013 verdict in the Naz Foundation case needs to be reconsidered, as we feel that constitutional issues are connected to it. It is important to debate whether the physical relationship between two adults is a crime. Those who choose someone with their own will should not live in an atmosphere of fear. No one can keep the will around the law, but everyone has the right to live within the scope of the law under the right to live under Article 21. However, the Supreme Court will not hear a case of association with animals, which is considered an offense under this section.

*In 2009, Delhi High Court made homosexuality out of the category of crime*

Earlier, in 2009, the Delhi High Court had ruled to exclude homosexuality from the category of crime, but in 2013 the bench of Supreme Court Justice GS Singhvi and Justice SJ Mukhopadhyay overturned this decision of the High Court. However, now the Supreme Court has asked to refer the matter to a larger bench..

### **Why gay marriage is fatal**

*Marriage is not gay marriage*

According to the laws of nature, marriage is always between a man and woman. Society does not consider marriages in which these beliefs are not accepted. Homosexual marriages not only break the rules of society, but they also violate the laws made by nature.

*It violates natural law*

Marriage is a relationship between two human beings, which is linked by society and is carried on with the laws of nature. The purpose of marriage in society is to build a human relationship and run a human chain. This is the law of nature here, which has been going on for centuries. But gay marriages circumvent this rule of the human chain.

*Child's future in balance Equality*

The future of children flourishes under the protection of parents. The development of children is affected in the case of homosexual marriages. They either find the love of the mother or the support of the father. Parents' love affects their development if they cannot get it together. According to the Sunday Telegraph newspaper, gay marriage will completely eliminate the fundamental idea that every child needs both mother and father.

*Promotes gay lifestyle*

Legal recognition of marriage in the same sex is necessary. These marriages harm the rules of society as well as traditional weddings, influences people's perspective of thinking, weak basic moral values, devaluation of traditional marriage, and public morality.

*Misuse of civil rights*

In the 1960s, the issue of gay activists marrying in the same sex became a point of struggle for racial equality. A relationship can be made between a woman and a man without taking into consideration their appearance, length and breadth, but marriage in the same sex opposes nature. It is not possible for two persons of the same sex, regardless of their race, wealth and height.

*Promotes infertility*

In natural weddings, women give birth. If she does not want to, she can rake using artificial means such as contraception, but in gay marriages, the couple is naturally infertile.

*Surrogacy market gets Boost*

In marriages of the same sex, the couple is naturally unable to produce a child. In such a situation, he tries to fulfill his wishes by using surrogacy or rented womb. The market for surrogacy is boosted by gay marriage.

*God is also angry*

This is the most important reason. This marriage violates the natural moral order established by God and God is offended.

*Pressure on society*

Gay marriages put pressure on society for their acceptance. Due to legal honour, society has to forcibly accept these marriages. Although there is no such law in India right now, there are many countries where gay marriages

have got legal recognition. In those countries, children born to gay marriages have to be educated. If a person or officer opposes it, he has to face opposition.

*Taking form of movement*

The 1960s was when our society accepted only the physical relationship between men and women, but after 1960, for the first time since New Zealand's approval of same-sex marriage, it became increasingly popular globally. Now it has taken the form of movement. One country after another has to bow down to them. Countries like America, Britain have also accepted homosexuality.

## **II. Conclusion**

At the point when we talk about India, we see that it is headed to advance. Like how it finished Section 377, which condemns homosexuality. We actually have far to go regarding the LGBTQ people group.

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