

## Marriage equality: We won't win this battle from the shadows

The fight for queer equality won't be championed solely by well-intentioned allies advocating for us. It necessitates a ground-up approach, urging more of us to assert our presence and voice

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Updated: October 20, 2023 20:38 IST

Like millions of queer Indians, on October 17, I awaited the [Supreme Court judgment on marriage equality](#) with high expectations. In recent years, the community has ridden a wave of optimism, spurred by the landmark 2018 *Navtej Johar v Union of India* ruling, which ended nearly 150 years of marginalisation, amplified positive representation of queer individuals in global and national media, and led to the blossoming of queer communities across the nation through social networking and dating apps. As we awaited the judgment, our hopes soared, tempered by a dose of realism.

Many of us anticipated that achieving complete marriage equality might be a tall order, given the staunch, unexpected, and distasteful opposition exhibited by the government, coupled with the gender-specific nature of existing marriage laws that posed hurdles for same-sex couples. Nonetheless, we nurtured the hope that, at the very least, our fundamental right to enter into legally recognised civil unions would be acknowledged, and our legitimate demands for equal treatment with heterosexual couples on matters like adoption would be met. We were, and remain, convinced that the Supreme Court of India had the jurisdiction to recognise our equal rights.

However, as the judgment was pronounced, a dark cloud of disappointment enveloped the hopes and aspirations of the queer community. Not only were we denied marriage equality — a ruling that didn't entirely shock us — but a 3-2 ruling also rebuffed our right to civil unions and equal treatment with heterosexual couples. If only the minority opinion led by Chief Justice D Y Chandrachud had prevailed, many of our most pressing demands would have been fulfilled.

The verdict left us feeling betrayed, angry, and outraged. Being told in eloquent yet dismissive terms that our second-class citizenship would persist, stung deeply. It was glaringly apparent, and should not escape anyone's notice, that no queer person represented us in the judiciary or the government; a panel of heterosexual judges adjudicated the lives of millions of queer individuals. A popular meme within the community succinctly captured the court's stance: "We hear you, we see you, we feel you, but we will do nothing." This judgment was a bitter reminder of the long journey toward equality that lies ahead. It also revealed the apathy of those outside our community, as the verdict barely rippled through the broader public consciousness.

So, what's next? The *Supriyo v Union of India* case, despite being a loss, marks a significant chapter in the history of queer rights, imparting crucial and hard-earned lessons — that freedom has a price. The fight for queer equality won't be championed solely by

well-intentioned allies advocating for us. It necessitates a ground-up approach, urging more of us to assert our presence and voice. The battle won't be won from the shadows. Not everyone can come out or be a visible member of the queer community, as many encounter violence, discrimination, and humiliation in every sphere of life – at home, in the workplace, in religious, and family gatherings, and as this case illuminated, from our government. Hence, it's imperative for individuals like myself, standing on relatively secure ground, to shoulder the responsibility of creating communities and safe spaces for other queer individuals. We cannot shirk our responsibility and our duty towards our community. Our lives would have been impossible without the sacrifices of queer individuals globally who fought for their and our rights and dignity. For instance, my favourite queer hero, Willem Arondeus, a gay artist who courageously stood against the Nazi regime. His fight was not only a resistance against fascist oppression but also a bold statement at a time when the Nazis were executing gays in concentration camps, killing thousands in the most dehumanising ways (e.g., shooting them as target practice). Arondeus's last recorded words, "Let the people know that homosexuals are not cowards," resonate throughout history.

We have come a long way from the days of genocidal executions in concentration camps, although such inhuman treatment is still the formal punishment given to queer people in countries like Uganda and Iran. Informally still, queer people, especially trans people, face violence at disproportionately higher rates globally. India does not fare any better, and the negative Supreme Court judgement, along with the opposition of the government, doesn't help. But with sacrifices of generations after generations of assertive and non-compromising queer people, we have been able to inherit a much more equal world than before.

The queer movement has historically been a grassroots endeavour, seldom finding allies in governments, religious institutions, or even within families. Our struggle for rights and recognition has always been a ground-up fight, fueled by our own community's resilience and determination. We will continue to live our lives, vocally, openly, and uncompromisingly as queer people, and support our community to grow together. We are too tough to be disheartened or demoralised, and we will do what we have always done – show up with pride.

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