

Meanings: Understanding the Same-Sex Marriage Debate through Queer Lives in Kerala

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Abstract : This article attempts to understand and present the diverse perspectives around same sex marriage debate in Kerala, the first state in India to implement state transgender policy. Drawing on in-depth field data from five self-identified homosexual individuals across different caste, class, religious, and gender backgrounds, the study foregrounds the intersectionality that shapes their perspectives on the institution of marriage. The national debate around same-sex marriage has gained increased legal and media attention, this study attempts to explore diverse perspectives from within the queer community that question the heteronormative assumptions embedded in the marriage discourse itself. The discussions and analysis call for a more inclusive and intersectional understanding of queer rights, citizenship and intimate relations. Drawing insights from literature, this article explores the historical and socio-cultural premises of homosexual relationships. It critically looks in to the discursive burden placed on homosexual people to validate their existence by invoking evidence distinct from heteronormative frameworks. Within a heteronormative society, queer intimacies are often rendered intelligible only through demonstrable proof, thereby subjecting them to constant scrutiny and justification. The article also portrays the state's attempts to legitimize queer bodies and desires through legal recognition, these attempts by state leads to codifying intimacy into narrow legal categories, thereby producing a hierarchy of legitimacy that privileges normative partnerships and marginalizes non-conforming relationalities. This process, paradoxically, may render some queer lives even more precarious under the guise of inclusion. These nuanced positions, often sidelined in both mainstream media and dominant queer activism, highlight the need to reimagine the desires or intimacies beyond legal assimilation.

Keywords: Homosexuality, Same sex marriage, Queer, Intersectionality, Heteronormativity
Marriage Equality in India:

Introduction

The intimate/romantic/sexual relations between individuals come under the purview of both private and public aspects, the social structures we are living in demand a social sanction for these intimacies, romantic or sexual relations. The transition of intimacy from the private to the public realm is shaped by a range of factors, including recognition, pride, dignity, and inclusion, as well as by experiences of prejudice, exclusion, and guilt. These affective and social forces determine whether and how intimacies are disclosed, performed, or concealed within public life. Acceptance and social recognition are not equally served to all forms of

intimacy. Instead, certain relational configurations are privileged over others, often mediated by intersecting identities such as gender, caste, class, religion, and sexuality (Crenshaw, 1991; Misra, 2009). In the Indian context, the normative framework of legitimacy focuses on the heterosexual, cisgender, and patriarchal notions of union. This form is not merely socially sanctioned but also institutionally validated as the only legally recognized structure of intimacy, thereby granting it full access to rights, benefits, and protections under the Constitution (Ravichandran N, 2014). The debate around same-sex marriage in India has gained momentum following the decriminalization of consensual same-sex relations in private by the Supreme Court in *Navtej Singh Johar v. Union of India* (2018). Legal fights for constitutionalising same sex marriage came to a temporary closure through the SC verdict on 17th October 2023, which denied the plea for legal recognition of same sex marriage in India.

From time immemorial, there have been conscious efforts to maintain a normative form of intimacy/eroticism between individuals, especially based on the gender identity of the partners. Institutionalisation of intimacy is a state construct, contested in the socio-political, cultural and economic fabric. Intimate relationship between individuals has been institutionalised in the form of marriage and family, two prominent power structures within the society (Gupta, 2020, R. Hill, 1958). Marriage and family have been perceived by the functionalist school of thought as the two vital institutions needed for the maintenance and reproduction of society. Functionalists perceive marriage as an inevitable institution which foster the maintenance and reproduction of society (Rao C S, 2012). In contrast, Marxist ideology perceives marriage and family as a space for capitalism to flourish as well as a tool for suppressing women. According to Engels, the first-class antagonism which appears in history is the antagonism between man and woman in monogamous marriage, and the first-class oppression with that of the female sex by the male (Fowler, 2007, Weikart, 1994). Both the Functionalist and Marxist perspectives on marriage and family converge at one point, i.e., considering marriage as union of different genders such as male and female. On the other hand, the Feminist and Queer scholarship has had more elaborate conceptions about marriage and family. These frameworks criticised the heteronormativity and gender discrimination within the practice of marriage and family (Currah P, 2001).

Historical Premises

Heterosexuality was widely recognised as the sanctioned form of intimate relationship between individuals. Wide acceptance and recognition to the heterosexuality created an unacceptable other, that is homosexuality. Sodomy was thus criminalised in many societies. Anti-sodomy laws were widely exercised in the western countries and their colonies. Strict punishments, and even death penalties were meted out to people who performed homosexual acts. Shame and pathologizing were commonly associated with homosexuality. The French Revolution of 1789 led to the decriminalisation of sodomy in many countries. Enlightenment and modernity also played key role in decriminalising sodomy. Even after the decriminalisation of sodomy, people outside the heterosexual normativity were denied basic human rights in most countries (Brady & Seymour, 2018). During the colonial period, the socio-cultural scenario in Indian sub-continent was strictly guided by the Victorian morality. Legislations were framed to criminalise people based on their gender and sexuality. Section 377 of Indian Penal Code (IPC), 1860,

criminalised the voluntary carnal intercourse against the order of nature with any man, woman, or animal. The Criminal Tribes Act criminalised people with sexual orientation/practices of intimacy other than heterosexuality. Part 2 of the Criminal Tribes Act, 1871 deals with eunuchs, and provisions of this act brought eunuchs under criminal category. Eunuchs who appeared in women's clothes and ornaments were punished by law (*Criminal Tribes Act, 1871*, n.d.). While reading between the lines, both these laws have no direct connection with people of same sex desires, even though these two laws, especially section 377, acted as a double-edged sword over the lives of people with same sex desires. Which has persisted long after independence as homosexuality was decriminalised in India only in 2018 (*Navtej Singh Johar and Others Versus Union of India*, 2018).

Recognition of heterosexuality as a dominant model by the state and legislature did not invalidate the historical and cultural existence of diverse identities in terms of sex and gender. Diverse forms of relationships such as homosexuality, polygamy, bigamy, and polyandry were practised between individuals. As per (Schmidt & Voss, 2005), we have archaeological evidence substantiating the existence of diverse forms of sexuality. People were part of different subcultures, which was characterised by unique socio-cultural practises including homosexuality, also there are examples of gay marriage within Roman empire (Matthews, 1995). Intimacy between individuals cannot be confined to the borders of class, caste, race, gender, or location, as these relationships have been loosely bound since antiquity. Later on, when different power structures, such as state, religion etc gained control over the individual desires, and morality became a rule to control the urges of individuals. Foucault in his famous work *The History of Sexuality* elucidates how the Victorian morality transformed the conceptions about sexuality. The codification of intimacy created an immoral and criminal other, which constitute the people with same sex desires, people whose gender identity is different from that of female and male, and people whose sexual desires differ from heterosexuality (Foucault, 1990). Later, different countries framed legislations to restrain the fluid spaces of desires and established a monolithic idea of intimacy, which was built on heterosexuality, establishment of gender binary and patriarchal dominance.

Anti sodomy laws were the earliest legislations which criminalised the non-heterosexual human beings. As a continuum different countries all over the world framed legislations criminalising homosexuality. American Psychiatric Association enlisted homosexuality as a mental illness till the year 1973. Pathologizing and criminalisation used as powerful tools to suppress homosexual identity. People outside heteronormativity lead relentless fight for their basic rights. The Stonewall riots is a landmark in the history of queer people's struggle for equality. Gay rights movement gain momentum after stonewall protest. Visibility was an important slogan put forward by the movement. Spread of HIV/AIDS pandemic played a crucial role in the visibility of homosexual people. HIV/AIDS even termed as *Gay Disease*; this shows the high prevalence among the homosexual group towards spread of this health condition. HIV/AIDS was perceived to be associated with uncontrolled and unsafe sexual relations. During the fight against HIV/AIDS many countries forced to recognise the presence of homosexual people in their countries and initiated inclusion of this group of people in their health and developmental priorities. The demand for legal recognition of same

sex marriage gained momentum in the early nineties along with this HIV/AIDS activism. Many countries legalised same sex marriage in the late 1980s and early 1990s with the spread of HIV/AIDS. Sanctioning of civil union/ registered partnership was focused on controlling the sexual desires of homosexual individuals. “Be faithful to your partner” was a slogan in HIV/AIDS campaign, which focused on promoting monogamous marriages as a tool for sexual repression by the state (Seidman, 1998).

Early 1990s, along with the HIV/AIDS movement, the demand for legal recognition of same sex marriage also became the most prioritised agenda for gay lesbian movements in many western countries (Warner, 2000). Meanwhile, in India, the LGBT community and activists became more vocal about the marriage rights after 2018 Supreme Court verdict. What was once a whimsical wish has become a very significant human rights issue, especially after the NALSA judgement. Legal struggle for marriage equality initiated by different individuals, groups and NGOs gained momentum after the decriminalisation of homosexuality. Years long legal battle for marriage equality right came to an end by the SC verdict on 17th October 2023. Struggle for marriage equality need to have a more intersectional understanding within Indian context. Kerala being the first state to implement a state transgender policy in the year 2015, occupies a distinctive place in the landscape of queer activism in India. Followed by the implementation of policy, Kerala has introduced several welfare measures, including shelter homes, health care access, and employment schemes for transgender community (Government of Kerala, 2015). Despite these advancements, the legal and cultural recognition of same-sex relationships continues to face structural and moral resistance. Hence, it becomes critical to interrogate how queer individuals in Kerala interpret and respond to the debates around same-sex marriage, especially in a socio-political context shaped by both inclusionary policies and deeply entrenched normative frameworks.

Queer narratives in Indian context

Diversity in terms of sex, gender and sexuality is part of the natural order of the society. There are cultures that accept and recognise homosexuality, and there are cultures consider homosexuality as a punishable crime (Vanita & Kidwai, 2005). India is rich with a diverse population of sexual and gender identity groups. *Hijras, kothis, aravanis, jogappas, thiru nambis, thirunankai, kinnar, aravan, nupi maanbas*, and *nupi maanbis* are some of the gender identity groups (cultural identities) that exist in India. All of these identities are deeply connected with the socio-cultural locations of their existence (Ezhuthachan, 2018; Dave 2012). Ancient Hindu texts show Gods actively enabling same-sex relationships. Ruth Vanita in her works has analysed the same sex relations and practises of intimacy, drawing evidence from Hindu religious texts, other mythological works, Rekhti poetry and Sufism (Vanita, 2004, 2009). Authors like Ruth Vanita, Salim Kidwai and Devdutta Pattanaik elaborated the queer representations which is imprinted in the socio-cultural spheres of Indian society over years (Pattanaik, 2008, 2014; Vanita & Kidwai, 2000). We can see representations of homoerotic relations in different cultures, such as “boy wife” for military men, “women husband” in some African cultures, women marriage, and having husband in hijra culture (Eskridge, 1993). From the literature, architecture and mythology, it is evident that queer lives had a respectable past

in India. Kuttappan & Tiwana (2024) also mentions about the proliferated representation of homosexual practises within Indian cultural and religious spheres.

There were representations of homosexual desires in the Sufi musical tradition, this was mainly between the cis gender male members within the Islamic tradition. The lyrics explicitly speaks about the love, belongingness and longing among these men. This was widely accepted and acknowledged musical tradition. Coming to the Hindu belief system, there were plenty of characters like *Shikandi*, *Thrithiya Prakrithi*, *Ardha Nareeswara**, which explicitly represent the non-binary, non-heterosexual identities. There is a story tale in *Ramayana*, which celebrate people who neither identify as male nor as female, these group of people were considered as very close to God. People identify neither as male nor as female, or identifying both as male and female got a respectable position in the society. They invited to marriage ceremony, or celebrations related to birth to give blessings (Pattanaik 2008 & 2014; Vanita & Kidwai, 2000). Coming to the medieval period, the Indian sub-continent was ruled by different dynasties and this period was also well represented by the queer identities. Male members with no sexual desire towards women were appointed as the security person for royal women.

Different cultural groups were formed at different locations by the non-heterosexual and non-cisgender people. Hijra culture is very prominent among this. They run a family and kinship system. This is termed as *family of choice*. The relationship and bondage formed through the family of choice critically engaging with the sociological notion of family and marriage. The relations or intimacies and the associated practises are very unique to each cultural group. Shared experiences of exclusion and discrimination unite this people with different cultural groups. Majority of people identifying as homosexuals was forced to leave their family of origin/ the biological family. They forced to leave their native places and will be migrating to other parts, where they could connect with people in their own identity. Different cultural identity groups such as Hijra, Aravan, Kinnar, Jogthi, Jogppa etc. provides a space for people with non-normative desires, where they feel belongingness (Ezhuthachan, 2018). Similar to heterosexual family ties, there is Guru/Chela, Kothi/Panthi, mother/daughter relationships (Reddy, 2010). Different cultural identity groups and individuals possessing non-normative desire being ostracised, criminalised and pathologized during the British colonial era. Imposing sexual morality became a prime way of colonizing native peoples (Brady & Seymour, 2018). Post-colonial period was marked with the de-pathologizing of homosexuality and persistent as a criminal offence.

HIV/AIDS Activism and Homosexuality

Late 1980s and early 1990s was marked with important socio-political shift all over the world. The liberalisation and globalisation policies made drastic changes within the socio-political scenario, transnational flow of ideas, resources and capital were accelerated during this period. Spread of HIV/AIDS pandemic had reflections in India too. The first HIV/AIDS case reported in India from Tamil Nadu, southern state in India in the year 1986. HIV cases were identified from different parts of India, among the female and male sex workers. The situation created pressure above the government to address the existence of people of same sex desires. International support was availed by India to initiate the HIV/AIDS prevention

activities. As part of this, international NGOs started working in India, also they made alliance with the local level groups and formed NGOs. Along with HIV/AIDS prevention these NGOs focused to initiate discussions regarding the de-criminalisation and de-pathologizing of homosexuality. Terminologies such as *Lesbian*, *Gay* were introduced and familiarised through this NGO activism. Many of the indigenous gender identities in India got assimilated into the western narratives of homosexuality. New terminologies were adopted to represent these indigenous groups. Along with the cultural identity the people with homosexual desire were attached to some identity categories such as lesbian, gay etc (Pandey, 2016).

Globally, the legal recognition of same sex marriage became the most prioritised agenda for gay lesbian movements since 1990s (Warner, 2000). In Indian context the organised efforts were initiated after 2018, till then homosexuality was a crime. Apart from the legality and constitutionality, there were people who celebrated their homosexual desires, homosexual marriages were happened. Irrespective of the socio-cultural locations the intimacy between same sex couple was there, and many of them were married, some of them were lead life together.

Feminist and Queer critique to legalising same sex marriage

A major feminist and queer critique to legalisation of same sex marriage is that the pursuit of legalisation of same sex marriage conflicts with the ideal of sexuality and gender fluidity of queer politics. Same sex intimacies, when legalized, do not contest dominant heteronormative assumptions and institutions but upholds and sustains them. Marriage among same-sex partners leads to the depoliticization of queerness and establishment of “homonormativity”. Judith Butler also shared the view that legalisation of same sex marriage will create a legally recognised homosexual against a homosexual whose sexuality is out of the legal framework. Feminist and queer critique to marriage says that it will reinforce inequality, gender hierarchy, and oppression. Recent debates on same sex marriage focuses on homonormativity and domestication of queer sexuality (Brady & Seymour 2018).

Statement of the Problem

Kerala's 2015 Transgender Policy marked a significant phase in acknowledging gender diversity, but it remains limited in scope. It primarily addresses issues related to gender identity (especially transgender identity) and fails to recognize the broader spectrum of sexual and gender diversity. No serious policy attempt has been made to recognize or validate same-sex relationships, despite their visible and persistent presence across the state. The state's silence in challenging the institution of heterosexual marriage or the moral codes embedded in familial structures reveals a deep reluctance to disrupt the traditional heteropatriarchal order. Same-sex relationships are not a new phenomenon in Kerala. Organizations such as Sahayatrika (community-based organisation for female born sexual minorities) have documented and supported same sex relations, many of them lived in committed partnerships, with or without the support of natal families, and in some cases, through public or ritualistic declarations of their union. However, in the absence of legal recognition, these relationships remain vulnerable to erasure and disempowerment. The tragic recent case of Manu, identified as cisgender gay male, who lived with his partner, they wereritualistically married, highlights this precarity.

Following Manu's untimely death, his partner was denied the legal right to claim his body or conduct funeral rites, as those rights were granted exclusively to the biological family, underscoring the stark limits of recognition for queer intimacies in the current legal and social framework. This study therefore seeks to explore how lived experiences around same-sex relationships, identity, and belonging are shaped by the interplay of policy, social morality, and legal exclusion. The problem lies not only in the absence of legal recognition for same-sex marriage, but in the larger cultural and institutional failure to affirm the validity of queer lives and loves in a heteronormative social order.

Research Questions

1. What are the different perspectives around same sex marriage shared by research participants?
2. How do the different intersectional identities such as caste, class, gender shape the views on same sex marriage?

Objectives

1. To document the diverse perspective around same sex marriage debate within queer individuals in Kerala.
2. To understand how the different intersectional identities possessed by respondents shape their experience and perspectives on same sex marriage discourse.

Methodology

This study follows a qualitative research approach grounded in phenomenology, which explore the diverse and intersectional lived experiences of queer individuals in Kerala with respect to the debates on same-sex marriage in India. Phenomenology, as a research paradigm, is concerned with understanding how individuals experience, interpret, and give meaning to phenomena in their everyday lives (Smith et al., 2021). Phenomenological framework is particularly relevant for understanding how queer individuals in Kerala navigate, contest, and internalize dominant discourses on intimacy, legality, and recognition. Data was collected through snowball sampling method. I reached out to the respondents with the help of organisations and individuals who have been working in the LGBTQIA+ related areas. In depth interviews with four queer individuals was conducted to collect data, using semi structured interview schedule. Collected data was transcribed and analysed thematically.

Data Presentation and Analysis

Major themes for analysis were identified after the in-depth interview with the five research participants. Those themes and related views and arguments is given in this part. I have used pseudo name for the research participants.

Consensus and Conflict around the Same sex marriage

Emergence of consensus and conflict around the same sex marriage discourse is shaped by both individual aspirations and structural exclusions navigated by the research participants. Three among the five respondents expressed their desire for legal and social recognition through marriage, others voiced deep ambivalence about what marriage represents, particularly its

embeddedness in heteronormative and patriarchal structures. Hadi and Laila were critical to the idea of adopting a model which is historically rooted in, gendered power hierarchies and reproductive expectations, was seen as contradictory to the liberatory promise of queer life. One of the respondents, Laila, who is a freelance artist and media person, from a lower middle class Muslim family, she self-identifies as a female with same sex desire, noted that “marriage comes with its own baggage,” suggesting that legalization of same sex marriage might reproduce the same exclusions and inequalities such as control, domesticity, and gendered labour roles found in heterosexual unions. Both Hadi and Laila were sharing that the struggle should not be limited to legalization of same sex marriage, rather widening the scope of relationship between individuals of varying sexual and gender identities. In Kerala, where the family remains a central social institution, respondents shared that state-sanctioned same-sex marriage might encourage normative expectations around coupledom, monogamy, and respectability, further silencing the already marginalized voices within the queer community. This cautious engagement with marriage reveals a critical dimension of the discourse: that inclusion, without structural change, may end up reinforcing the very norms that queer politics historically sought to challenge.

Jain and Manu expressed their disappointment with the Supreme Court’s 2023 verdict that denied full legal recognition to queer marriages. For these respondents, the decision was not just a legal setback but a denial of dignity and respect in public life. Despite the decriminalization of homosexuality in 2018, they reported that police harassment and public humiliation continue unabated, and their relationships remain socially invisible. Manu, who identifies as a gay, works in an IT company, belongs to an upper middle-class family, shared that that legalization could “at least reduce public teasing,” suggesting that state recognition could function as a form of social legitimacy and protection in everyday life.

Diraj, one of my respondents who identifies as a cis gender male with same sex desire, works as peer educator in a Suraksha project and belongs to a lower middle class Muslim family in Malappuram district. During the interview, he shared that he has faced bullying and discrimination because of his same sex desire from a young age. he said, “I am unaware of the recent debates and even the judgement related to homosexual marriage in India, I haven’t noticed anybody in my friend circle discussing about this. While I am taking classes to members of the MSM¹ community, we would be discussing other things. We have issues related to condom distribution, sex work related concerns etc. We discuss these issues; at the same time, I will be happy if same sex marriage got legalised”. This divergence underscores how engagement with legal discourses is shaped by one’s social and professional context.

Diraj working in a government funded project, specifically for the people with same sex desire, he shared that he never witnessed any sort of discussion in his office related to same sex marriage rights. Through implementation of these sorts of projects the state has its pre-defined objectives which focuses on maintaining safe sex among homosexual couple.

¹Men having Sex with Men, which is a classification introduced by HIV/AIDS projects in India.

Two among the five participants were having their same sex partners and they were hopeful about the possibility of legalising same sex marriage at least in the future. They are perceiving legal right to marriage was not merely about romantic affirmation but also about accessing a respectful and dignified life.

Another respondent Jain was forced to drop education after 10th standard and now works in a private shop. He revealed his homosexual identity to a very close group within the community, but even his family of origin is unaware about his identity. He was very optimistic about the discussions regarding same sex marriage. “We also need to get marriage rights. The society looks at our relationships as something bad, but if the state and the legal system recognise us as equal to heterosexual couples, we will also get dignity and equality from the society”. He feels that the legal recognition will validate their existence. One of respondents, Laila, who is a graduate working as freelance content creator at Calicut city, was not that enthusiastic regarding the same sex marriage discourse. She was aware about the discourse through the community, and through media, but she said, I am not seeing marriage as a glorified form of relationship. It is tool to oppress the freedom of women, whether it is heterosexual or homosexual, that doesn't matter. Some degree of oppression is inevitable within the institution of marriage. I never wish to get in to such a trap. Another significant voice in this debate is the community people who do not see the institution of marriage as worthy to imitate or follow (Josephson J, 2005). There are people who wish to stay unmarried or do not want to fit inside the legal system of marriage.

Paradoxical perspectives of Legalisation

Legal recognition of marriage is seen as a prerequisite for enjoying the rights of full citizenship in many countries. On the other hand, the legalisation of same sex marriage may result in othering and exclusion of non-heterosexual people who wish to stay out of the marriage system, people with non-monogamous relation, and people with non-binary gender identity. On this issue, Hadi said, “state never entertain the unruly bodies with unruly desires. State stands for defined, categorised identities, which can be controlled easily. The potential of queer politics lies in the unruliness of identities, which are not bounded by any definition, categorisation or control. Demand for the legalisation of same sex marriage will create a group of others whose sexual life is once again considered shameful; marriage should not be a criterion to get basic rights from the state”.

Validation, legitimacy and recognition sought by same-sex couples through legalisation of marriage may be achieved through the invalidation, delegitimizing and stigmatizing of other relations, needs and desires standing outside the purview of legal marriage. According to Suzanne Judith, struggles for the legalisation of “gay marriage” will further entrench a division between “good gays” and “bad queers”. Warner raises the concern that the achievement of civil marriage for same-sex couples will intensify the state regulation over the sexual lives of those who do not marry (Lenon 2008). Community of the nonmarried, the single, the divorced, the uninterested, and the non-monogamous will not be able to voice their demands (Butler, 2002) Warner (1999) provides numerous reasons why, historically, the gay and lesbian movement in the US resisted making same-sex marriage central to their political agenda. These reasons

include the refusal to make heterosexual norms the measure for queer life, resistance to selective state legitimization of some sexual relations and not others, and most importantly, the awareness that marriage rewards those who comply with it and punishes or makes outcasts of those who do not such as “adulterers, prostitutes, divorcees, the promiscuous, single people, unwed parents, those below the age of consent”. The fight should not only confine to marriage rights; those who wish to stay out of marriage or do not have the entitlement to get married should also get the legal benefits. The fight for rights has to be designed in such a way (Warner, 1999).

Intersectional experiences

The narratives of queer individuals in this study reveal that perspectives on same-sex marriage are deeply shaped by their intersectional identities such as caste, class, gender identity, and geographic location. These overlapping social locations not only influence access to rights and resources but also affect how individuals relate to the institution of marriage itself. For instance, queer individuals from marginalized caste backgrounds often described experiencing layered forms of exclusion: both from dominant queer spaces and from their own native areas, families or work places where caste endogamy and heteronormativity are strongly enforced. One of the respondents Hadi, who is a post graduate from a lower-class Dalit family, shared that institution of marriage was strictly rooted in endogamy, the discourse around same sex marriage never addressed the issues related with caste endogamy. Similarly, class identity emerged as a significant factor shaping aspirations and anxieties around marriage. Inheritance, housing, job benefits, and medical decision-making were emerged as the important points of consideration in the same sex marriage debate, one of my respondent Jain were asking “who have the privilege to talk about inheritance rights, I will be thrown out of our family if they knew about my identity, for people like me daily living itself become very crucial”.

“I will be happy and feel proud if I could live with my partner in my hometown with my family... I want to cherish my love like others (heterosexual partners), nothing else matters to me,” said by Diraj,

Importantly, these voices challenge the dominant narrative that mostly focus on the material and financial aspects of same sex marriage. For instance, Manu belongs to upper-caste, middle-class urban backgrounds often expressed a clearer articulation of legal aspirations, he was concerned about the legality related to property rights and adoption rights he was sharing “I wish to adopt a child in the future, but I am concerned about the legal formalities”. In contrast, those from marginalized caste or working-class backgrounds, while equally desiring stability and respectability, were more concerned with social recognition, acceptance within their immediate family or local community, than with formal legal status. This distinction highlights how legal recognition alone does not guarantee dignity or safety in lived realities.

voicing the struggle for same sex marriage equality

A critical theme that emerged from the study is the disparity in whose voices are being heard within the discourse on same-sex marriage, both in Kerala and in the broader Indian queer rights movement. The respondents pointed out that media narratives, public campaigns, and

courtroom petitions are often led by individuals from upper-caste, upper class, and English-speaking backgrounds.

Hadi and Laila shared that, the media were reporting the same sex marriage debate with much importance, but there are struggles and protests within the queer community for basic needs such as housing, healthcare, education and employment. This imbalance in representation leads to a distorted picture of the queer movement's priorities, where the demand for marriage equality is portrayed as universal, while the struggles for basic survival become unrepresented.

Another respondent Hadi, was very critical about the debates around same sex marriage. "Have a look at the images of people who are the voice of the struggle for same sex marriage in the media, they are the white, upper caste, elite, English-speaking people. They can speak about property rights, insurance coverage or adoption rights because they have that privilege. What about a Dalit/Bahujan queer person who is already denied education, property and employment". He quoted the example of "Padma Iyer, the mother of Mumbai-based gay rights activist Harish Iyer, had given a matrimonial add in a local newspaper for the first time in Indian history. She wanted a male partner for her son, caste is not a problem, but preferably an Iyer boy" (Tnn, 2015). While talking about this add, Hadi said, "the new debates on same sex marriage will create a group of Dalit-Bahujan, lower class, non-English speaking, dark skinned queer/gay people who is outside of this marriage market. The marriage equality movement in the USA mainly benefitted the white middle class LGBT people (Bernstein, 2015). Institutions like Marriage and Family are controlled by the neoliberal market agendas, whether it be homosexual or heterosexual. The US wedding industry takes in over \$50 billion in revenue each year (Manning & Camp dush, 2022). Examples from the west illustrate that queerness is enjoyed mainly by the elite white people, and there is no much emphasis about others like queer people of colour or immigrants. If we take a glance at the examples of same sex marriages in India, the parties involved in it have an elitist background. The mainstream LGBT movement in India has not been very class/caste inclusive. *Bombay Dost*, the first gay magazine in India, which was bilingual English and Hindi, was published with contents which can only be relatable to urban elite gay people, at a price that was only affordable for the elite class (Kole, 2007). There is a LGBT matrimony website, *Umeed*, where dark skinned queer people are not represented. These examples show who has more representation and access to the debates on sexuality. Hadi was talking about the increased social media and new media representation of queer lives, "who is represented, what sort of bodies? Transgender people who have undergone surgery and satisfy the mainstream beauty parameters. No media will cover a dark-skinned queer sex worker, until there is a sensational issue to cover".

Many authors often tried to validate the existence of queer identities in connection with the Hindu religious texts. In Lover's Rite- Same Sex Marriage in India and the West, Vanita argues that Hindu law books and sacred texts contradict each other on the question of whether non-vaginal sex is impure or sacred (Vanita, 2005). Ideals of purity and pollution has its root in the caste system, so this is a caste question about lesbianism. Vanita (ibid) further argues that urban cultures have been more hospitable to same-sex relationships, which further shows that the class and caste identity of people living in the urban is very significant here. Matthews, 1995 elaborated the homosexual practises within the Roman empire, but there were no

narrations from the life of common people. Kuttappan & Tiwana, 2024 also critically speaking about the lack of representation of homosexual desires within the common people other than the mythological, or royal practices. However, these authors are silent about the caste practices that are an inevitable element of Hinduism, and how the queer lives were treated within the caste system. The representation and inclusion of queer lives speaks nothing about the lower caste queers, rather assigning queerness to God which dehumanises it, as people with queerness will be considered divine, estranged from basic human rights.

Laila, shared the story of her migration. She was born and lived in a rural village in northern Kerala till the age of 19 and later shifted to city for continuing her studies. She said, “here in the city I have the freedom to express my sexual identity, but at my village I will be under strict surveillance. Since it is a rural area, everybody knows each other and is eager to intervene in others’ affairs, so you cannot talk about privacy there”. She added “Even city cannot be identified as a welcoming space all the time for people like us. It is not only about sexual identity; you need to have money and caste privilege to live a better life in city too.” Although urban spaces seem to be accommodative of diversity, some amount of class and caste privilege is also needed to be accommodated in the urban sphere too.

Hadi shared about the recent fights by many Dalit/ Bahujan queer people for their basic survival, which is very essential in a caste society like India. For instance, when transgender activist Grace Banu filed petition seeking horizontal reservation for queer community, the court did not even consider her petition for hearing (The Quint, 2024). The historical judgement of 2018 which decriminalised homosexuality emphasised about privacy in its judgement, and consensual sex between adults in private was the core of the judgement. Most of the media, queer community, and activists celebrated it as a revolutionary judgement due to its political importance. At the same time, we need to have a critical analysis on it. Privacy, which is the core of the judgement, is not affordable for everyone in the community. What about the queer people who engage in sex work mostly near the highways, under bridges and other public places? The national lesbian and gay organizations are not fighting for universal health care, rather for participating in an elitist health care system that increasingly insures and hospitalizes only the richest and most secure. The struggle should be equally focused on the basic needs for survival to the under privileged, rather than for tax breaks and inheritance laws that benefit only the richest and most secure (Lenon, 2008).

Diraj was sharing the discrimination faced by homosexual community in their workplace. “As peer educators in MSM project we are getting a small amount as honorarium, which will not be sufficient for survival, we are forced to do sex work to meet the daily needs. While doing sex work, we come across physical violence, we have work hard with a less payment”. There are no measures to stop the violence and discrimination associated with sex work. “Either we have to get a decent job with decent salary, or make some measures to deal the violence associate with sex work”.

The other three respondents *Laila, Manu and Jain* shared issues related with employment opportunities. “Once our identity is revealed we will be kicked out of the family, there will not be any sort of support from our biological family. Consistency in job is very

important for us; after revealing identity I have to resign from few companies which I worked earlier, we cannot afford the stigma. Later on, I started working as my own.” Jain shared that “before getting married we need to have a secured job, a workplace which is inclusive of all sort of diversities.”

The debate on homosexual marriages cannot be considered linear or monolithic, as the socio-cultural, political, and economic dimensions have to be taken in to consideration during the debate. The debate has to move beyond desirability or non-desirability to get married, it is not only a question of choice. People who are in the forefront of the struggle for the legalisation of same sex marriage mainly demand those legal provisions like insurance coverage, right to property, and adoption rights be accessible to same sex partners too. But these demands were not formulated within an intersectional perspective, which omits queer people who are facing poverty, unemployment, undocumented, uneducated and uninsured, underprivileged.

Chosen families and diverse form of intimacies

One of the most powerful insights from the study is the way queer individuals in Kerala create and sustain chosen families and non-normative forms of intimacy that often exist outside the framework of marriage. These chosen families formed through emotional bonds, shared struggles, cohabitation, and mutual care provide a sense of belonging and security that biological families frequently deny. Several respondents emphasized how, in the absence of legal recognition or familial support, their survival and emotional well-being depended on these networks of queer kinship. For many, especially those estranged from natal families due to their gender identity or sexual orientation, chosen families were not a substitute but a radical alternative to the normative family structure. These formations challenge the idea that intimacy must be validated through blood, legality, or heterosexual norms.

Moreover, the study brings attention to the diversity of queer intimacies, including friendships, long-term companionships without marriage, polyamorous relationships, and non-sexual partnerships, that resist codification within the logic of monogamous, state-sanctioned unions. One respondent shared how they and their partner had lived together for over a decade, raising a pet and sharing financial responsibilities, yet felt no desire to formalize their relationship through legal marriage. Such narratives highlight how queer individuals often construct intimate lives based on trust, care, and shared histories, rather than societal validation. These stories of relational resilience and innovation complicate the mainstream focus on marriage equality as the endpoint of queer rights, suggesting that legal reforms must also recognize and protect diverse familial arrangements. In doing so, the queer community in Kerala asserts the legitimacy of forms of love and belonging that remain invisible under dominant legal and cultural paradigms.

Families are not all the time ideal

Families are the prominent social institution which is closely associated with marriage. The same sex marriage debate mainly argues for creation of a more inclusive family. Family is not always an inclusive place for its members. Peoples Union for Civil Liberties (PUC) conducted a fact-finding study among same sex lovers in the context of recent debates on same

sex marriage. This study elaborated the experience of violence faced by homosexual people within their 'heterosexual families'. Families can turn in to centre of violence at any point of time irrespective of the caste and class backgrounds.

Indigenous queer traditions in India have had different models of family, which are not consanguineous or conjugal. These sorts of families are established out of the mutual love and respect regardless of gender and sexuality barriers. Even though they cannot be proposed as an ideal model of family, these traditions remind us that diverse kinds of families are possible, and that marriage or procreation/adoption is not an inevitable criterion to form families. Vanita describes friendship, which is considered very deep, close, and intense form of relation between two people. For administrative convenience and ease of transfer of property, the intensity of friendship was overruled by the biological family ties. There is evidence from across cultures that friendship is valued equal to or more important than biological relation (Vanita, 2005). The Mental Healthcare Act, 2017 recognises a person's right to appoint any person as the nominated representative for the purposes of giving effect to their advance directives during mental healthcare treatment in the event of their incapacity. This points to the possibilities of relations outside the biological-marital families.

During my interview with the respondents, they highlighted another aspect of such social networks. Kerala does not have an indigenous cultural group of non-heteronormative people unlike other parts of India where the resistance and struggles for survival made the collectivisation possible. Currently, there are groups within the community who follow the Hijra culture. One of my respondents is an active member of such a *parivar*. Jain shared his experience about his *parivar*, "For me, family is a place where I get love and support, and emotional connect is very important. I get that in my *parivar*, while the place where I was born feels like a hell for me. I love them all, but how they have behaved to me because of my sexual identity was painful". All of my respondents have had experiences of domestic violence of different degrees based on their sexual identity. The endogamous, heterosexual families never challenge the caste system and patriarchy. Violence and honour killings in the name of inter-caste marriage is a common thing in India, so it is not limited to queerness or same sex relations.

Conclusion

October 17th, SC verdict on same sex marriage rights cast a shadow over the lives of many who dreamed of legalisation of same sex marriage in India. The court opined that same sex relationship can be understood and recognised as spaces which foster love, care and emotional support, they can have unions, they can live together but since the right to marriage is not recognised as a fundamental right, legal recognition cannot be given to same sex marriage by the judiciary. Marriage is not a compulsory social institution for individuals anywhere in the world, and there are people who choose to stay unmarried or left marriages irrespective of sex, gender and many other identities. Individuals' freedom and choice to be engage or not engage should be considered irrespective of their sex and gender identities. Commitment between two persons of the same sex is not different from commitment between persons of different sexes (Vanita, 2005). The socio-cultural and legal system has to reframe the traditional concepts of marriage and family. For instance, divorce and remarriage have produced a variety of

“blended” families that integrate stepparents, stepchildren and stepsiblings to form new family units (Kathleen, 2006).

Through this article, I have tried to elaborate on the different socio-political, cultural, gendered, and legal dimensions associated with marriage and family. Reviewing the literature and narrating the personal experiences sheds light on certain insights that locations of love and intimacy between individuals has to be understood as a political space, where all sort of consensual interactions gets equal acceptance and recognition. The capacity of non-heterosexual couples for love, commitment, and responsibility is no less worthy of regard than heterosexual couples. Let us preserve this autonomy, so long as it does not infringe on the rights of others.

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