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CONSTITUTIONAL DISCOURSE ON HOMOSEXUAL RIGHTS IN NEPAL, INDIA, AND SINGAPORE

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ABSTRACT

Just half a decade back the Indian Supreme Court recognized the agency and dignity of homosexual couples in the celebrated judgment of Navtej Singh Johar. Here the Apex Court developed the concept of progressive realization of rights. This concept is not new and can be found in Western ideas of rights. Therefore, it is necessary to understand how foreign judgments and ideas influence a constitutional court. Furthermore, how a court accepts the judgment of a particular court and negates the judgments of others. This paper has taken up the case study of three countries i.e., India, Nepal, and Singapore, and their constitutional courts. The focus is on laws relating to the recognition of the rights and dignity of homosexual relationships. An attempt has been made to see how courts choose to accept and reject equality in homosexual relationships and the materials and methods that influence their relationship. This paper essentially argues that it is not merely Western principles or traditions that influence the judgments of the courts. Rather it is the ideology and social morality that has a significant responsibility of influencing the judgements of the courts. It is ultimately upon the court to choose its influence and give its opinion on the issues put before it.

***Keywords**: Homosexuality, Gender, LGBTQIA+, Constitution, Sodomy, Sexual Orientation.*

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I. INTRODUCTION

The terms 'sex' and 'gender' have different meanings, sex means the biological organs with which a child is born at birth, it can be either male or female. Gender, on the other hand, is generally construed as a man- having male organs and exhibiting masculine characters and a woman- having female organs and exhibiting feminine characters, but a mix of these characters is also seen very widely throughout the globe, where people may exhibit different gender orientations not in line with the traditional set norms or may associate themselves with a different gender identity from the one which was assigned to them at birth, or may not associate with any gender identity, these people form part of the LGBTQIA+ community. The world population has a mix of these genders, still historically all the constitutions that exist are made by men or are a man-dominated assembly.[1] The impact of this man-dominated creation is reflected in most of the constitutions around the world, some of which have expressed provisions favouring men over women and entirely ignoring other genders on the spectrum. This is the reason why today questions related to the constitutional rights of LGBT+ groups are so widely discussed across the globe.

One of the most recently debated issues worldwide related to Sexual Orientation and Gender Identity (SOGI) rights is about same-sex partnerships and how far rights associated with them are acknowledged by the state. These rights raise substantive questions as to the right to choose their identity or their right to choose a partner, these questions become questions of constitutional importance as they relate to the basic human rights of an individual which are recognized by almost all the constitutions globally and because they relate to constitutional values of equality and dignity.[2]

Lately, as an influence of cosmopolitan constitutionalism, many countries have abolished anti-gay or sodomy laws and have upheld the SOGI rights of the LGBTQIA+ community in their country.[3] This paper will talk about the importance of comparative constitutionalism in the recognition of SOGI rights of individuals and then discuss their rights in the jurisdictions of India, Nepal, and Singapore; with Nepal being the first nation in South Asia to grant

1 Catharine A. Mackinnon, "Gender in Constitutions' in Michel Rosenfeld and András Sajó (eds.)" *The Oxford Handbook of Comparative Constitutional Law* (Oxford University Press, Oxford, 2012).

2 Nicholas Bamforth, "Legal protection of same-sex partnerships and comparative constitutional law" in *Tom* Ginsburg and Rosalind Dixon (eds.), *Comparative Constitutional Law* (Edward Elgar Publishing Limited, 2011).

3 Sujit Choudhry, "Postcolonial Proportionality in Johar, Transformative Constitutionalism, and Same-Sex Rights in India" in Philipp Dann, Michael Riegner, and Maxim Bönnemann (eds.) *Postcolonial Proportionality In: The Global South and Comparative Constitutional Law* (Oxford University Press, Oxford, 2020)

these rights to its citizens, India being a more recent country which partially acknowledged these rights in 2018 and is still deliberating on the legal status of same-sex marriage, and Singapore being one of the South Asian countries who have not yet recognized these rights and still has sodomy laws in place. This paper centers its focus on the constitutional aspects concerning the recognition of rights and the preservation of dignity within homosexual relationships. It aims to investigate how courts decide to either grant or deny equality to homosexual relationships, taking into account the various sources and methods that impact these decisions. The central argument put forth revolves around the notion that the determinants of court judgments in this matter extend beyond Western principles or historical practices.

It is contended that the primary drivers of these judgments are ideological perspectives and prevailing social moralities. Courts bear a substantial responsibility in selecting the influences that shape their decisions in formulating their viewpoints on the matters brought before them. In essence, the paper underscores that the decisions made by courts in recognizing rights and dignity in homosexual relationships are not solely constrained by established legal principles, but are significantly moulded by the broader context of ideological and societal norms.

II. COMPARATIVE CONSTITUTIONALISM IN GENDER RIGHTS

As described by Kelson, the Constitution is the Grundnorm of every country from which all the other laws and rights follow. There can be no discussion of the rights of any individual without first substantiation of those rights through the Constitution.[4] Thus, to substantiate gender rights in legal form four questions on the constitutional front need to be answered, first on equality, second on freedom, third on privacy, and fourth on political discourse.[5] The issue of equality is prima facie evident from texts of the constitutions itself, where most constitutions use masculine terminology to cover all humans, thereby giving a higher position in gender hierarchy to men and making all other genders secondary.[6] One such, instance can also be found in Article 15(3) of the Constitution of India where women and children are kept on the same pedestal, reducing the position of a gender itself to that of a child. The issue of freedom of expression and the right to privacy of persons belonging to the LGBTQ+ community is compromised by either criminalizing their conduct or by putting them on a moral pedestal. Similarly, most of their day-to-day activities are scrutinized

4 Hans Kelsen, *Pure Theory of Law* 5 (Lawbook Exchange, 2009).

5 *Supra* note 1.

6 *Ibid.*

and policed by way of moral and social pressure reflected in the political discourse which constantly challenges their equality, autonomy, and dignity.[7]

To address these basic human and constitutional rights, there arises a need to do a comparative constitutional study to grant such rights to all persons. As most of the constitutions historically have been made by men or men-dominated assemblies, excluding the opinion of other genders in general, there arises a need to look at the global culture to recognize and acknowledge the developing needs of the time regarding gender minorities. This comparative study need not be understood as a way to impose Westernised culture on traditional South Asia, instead, it can be easily seen from the lens of binding and non-binding sources of law, where these judgments of foreign courts can merely hold a persuasive value for the judiciary in question.[8] The reading of which according to Sujit Choudhary can be done either in a particularistic, universalist, or dialogic manner.[9]

Particularistic approach is where the courts give more weightage to the nationalistic and cultural values of the country and disregard foreign judgments or consider them as legal imperialism.[10] This is reflected in the decisions of Singapore Courts, where they have outrightly rejected foreign judgments and have given supremacy to their cultural notions. Universalistic approach is where the courts consider all democratic constitutions as protectors of "common liberal political morality and ideology of human rights"[11] therefore considering comparative study to be more relevant. Dialogic approach is what appears to be the best approach, which was also applied by the Indian Supreme Court in the case of NAZ Foundation v. UOI, where the courts did a comparative study to better understand their own legal system and to confer better rights to the people of its country.[12]

A popular trend to do this comparative study has been to follow the judgments of the West but, now a globalized approach is visible in the comparative constitutional studies. Sujit Choudhary classified this globalized approach in the context of India into two ambits, one is the cosmopolitan approach and the other being the anti-colonial approach. The

7 Robert Wintemute, "Lesbian, Gay, Bisexual and Transgender Human Rights in India: From Naz Foundation to Navtej Singh Johar and Beyond" *12 NUJS L. Rev. 3-4 (2019)*.

8 Madhav Khosla, "Inclusive Constitutional Comparison: Reflections on India's Sodomy Decision" 59(4) *The American Journal of Comparative Law*, 909 (2011) 934.

9 Bret Boyce, "Sexuality and Gender Identity under the Constitution of India" 18 *J Gender Race & Just* 1 (2015)

10 *Ibid*.

11 *Ibid*.

12 Sujit Choudhry, "How to Do Comparative Constitutional Law in India: Naz Foundation, Same Sex Rights, and Dialogical Interpretation" in S. Khilnani, V. Raghavan, A. Thiruvengadam, (eds.), *Comparative Constitutionalism in South Asia*, (Oxford University Press, New Delhi, 2010).

cosmopolitan way is where the courts take into consideration judicial pronouncements of all jurisdictions and apply a dialogical approach to understand the domestic legal system in a better way to incorporate the changing dimensions of rights. The anti-colonial way is where the courts recognize the law to be antiquated and colonial in origin, not in line with a transitional democracy, and therefore find the law to be unconstitutional.[13]

A reflection of these approaches can be seen in the jurisdictional LGBTQ+ rights discourse of many countries which has impacted the decisions of such countries, three of such jurisdictions are discussed in the following part, highlighting how these approaches have affected the decisions of the courts.

III. DEVELOPING RIGHTS IN INDIA

The story of India's struggle to secure SOGI rights starts from the year 1994 when NGO AIDS Bhedbhav Virodi Andolan[14] first challenged Section 377 in the Supreme Court of India, but this petition was neither decided nor disposed of due to technical administrative reasons. Then the first positive step in this direction was seen in the case of *Naz Foundation v. Government of India (2009)*[15], wherein the Delhi High Court struck down Section 377 of IPC and upheld the SOGI rights under the constitution of India, but unfortunately, the decision was set aside in the case of *Suresh Kumar Koushal v. Naz foundation*.[16] Though, soon enough the rights of transgender as a third gender were recognized through the case of *National Legal Services Authority v. Union of India*[17], wherein the court held that the term 'sex' under Article 15 of the Constitution of India also includes sexual orientation within its ambit and thus any discrimination on the ground of sexual orientation shall also amount to a violation of the constitution.[18] This was further broadened through the privacy judgment wherein the right to choose gender identity; sexual orientation and right to choose a partner were covered under the right to privacy of an individual under Article 21 of the constitution.[19] Finally, through the case of *Navtej Singh Johar v. Union of India*, the Supreme Court of India struck down the colonial anti-sodomy provision which existed in

13 Sujit Choudhry, "Postcolonial Proportionality in Johar, Transformative Constitutionalism, and Same-Sex Rights in India" in Philipp Dann, Michael Riegner, and Maxim Bönnemann (eds.) *Postcolonial Proportionality In: The Global South and Comparative Constitutional Law* (Oxford University Press, Oxford, 2020)

14 *ABVA v. Union of India and Others*, Civil Writ Petition No. 1784 (1994)

15 (2009) 111 DRJ 1

16 (2014) 1 SCC 1

17 (2014) 5 SCC 438

18 *Ibid*.

19 *K. S. Puttaswamy v. Union of India* (2017) 10 SCC 1

the criminal law of India and upheld the rights of the LGBT+ community, drawing a clear distinction between societal morality and constitutional morality.[20]

In the case of Naz Foundation, the Delhi High Court based its decision on the ground that fear of prosecution under Section 377 is actually increasing the possibility of getting HIV infection and thus there is a need to remove the stigma attached with homosexuality.[21] In reaching its decision the court heavily relied on the historical background of India, the difference between popular morality and constitutional morality, on a range of foreign cases, and international principles and authorities, in its reliance on foreign cases the court looked at cases from all over the globe including Nepal, South Africa, and Fiji; and did not restrict itself to only western cases.[22] In this way, the court adopted the dialogic method of comparative study wherein, they were not concentrated to any particular jurisdiction and did a holistic study to better understand their own legal system and culture. The court equated discrimination based on sexual orientation to that of historical discrimination based on untouchability and condemned it.[23] By doing so they adopted a sound reasoning which presented the Constitution of India as "a reflection of the modern Indian political identity".[24]

Later Supreme Court of India set aside this decision of the Delhi High Court in the case of Suresh Kumar Koushal, basically on the grounds of popular morality, giving no regard to constitutional morality, or the rights of LGBT+ persons, classifying them as a miniscule group for whose sake societal morality need not be compromised.[25] Here, Indian courts displayed a particularistic approach and gave immense weightage to national and cultural values having utter disregard to the sentiments and rights of the LGBTQ+ community.

Subsequently, in the case of *Navtej Johar v. Union of India*, this debate of constitutional morality and popular or social morality was again taken up, wherein Justice Deepak Mishra described the Indian Constitution as a transformative constitution, the one which evolves with time, to transform into a modern, egalitarian democracy and said that at this point much weightage cannot be given to the popular morality of the country when such morality can actually lead to violation of inherent human rights of the citizens of the state.[26] He explains constitutional morality to mean that a person should be allowed to follow his/her pattern in life as long as it is legal and constitutional. A person's right to choose gender

20 (2018) 10 SCC 1

21 *Naz Foundation v. Government of India* (2009) 111 DRJ 1

22 *Supra* note 8 at 4.

23 *Supra* note 12 at 4.

24 *Ibid*.

25 *Suresh Kumar Koushal v. Naz foundation* (2014) 1 SCC 1

26 *Supra* note 20 at 6.

identity and to choose a sexual partner falls under his right to life and dignity under Article 21 of the constitution of India and is also a person's right to privacy; thus a person has a right to exercise these rights (which are constitutionally moral) as long as they are not in violation of any law.[27] The court also invoked the principle of proportionality which has been adopted by it in the case of K.S. Puttaswamy (Privacy decision) by holding that Section 377 does not comply with the proportionality principle and thus is violative to the rights enshrined in the constitution. To substantiate the argument that homosexuality should be legalized the court referred to various foreign cases and international conventions. Here the court adopted a universalistic and dialogic approach, where the court referred to other democracies holding equal human rights to better understand its own legal system and applied them to end an archaic law. Sujit Choudhary also classifies this approach as a cosmopolitan approach, where the court has placed little reliance on traditions, cultures, and popular morality of the country and has placed more reliance on the development of rights globally.[28]

Further, the court highlighted the history of Section 377 to hold that it was a colonial provision, specifically added to suppress the people belonging to the transgender community as Justice DY Chandrachud stated in his judgement that,

> *"India gained her liberation from a colonial past. But. . . Gays and lesbians, transgenders, and bisexuals continue to be denied a truly equal citizenship seven decades after Independence. The law has imposed upon them a morality which is an anachronism. . . The shadows of a receding past confront their quest for fulfillment."*[29]

This view of the court reflects the transformative Constitution of India, which is constantly developing according to developing rights. Classification of Section 377 as colonial era legislation, made to specifically suppress the rights of transgender people, showcases the anti-colonial approach of the Indian Courts.[30]

Currently, a hearing for same-sex marriage is going on in the Supreme Court of India.[31] If the court in this proceeding decides to follow its cosmopolitan approach and refers to

27 *Ibid.*

28 *Supra* note 3 at 4.

29 *Supra* note 20 at 6.

30 *Supra* note 3.

31 Supreme Court Observer, "Plea for Marriage Equality" *available at* https://www.scobserver.in/cases/plea-for-marriage-equality/#: ~ :text = On%20November%2014th%2C%202022%2C%20two,Supriyo%20Chakraborty%20and%20Abhay%20Dang. (Last visited on May 10th, 2023).

jurisdictions providing legal status to SOGI of LGBTQ+ persons following the dialogic method as adopted in the Naz Foundation case and Navtej Johar case, we might see a judgement rich in gender rights.

IV. COSMOPOLITANISM IN NEPAL

The formal steps for recognizing the rights of sexual minorities in Nepal began in 2001 with the registration of a civil society group by the name of Blue Diamond Society which worked for the rights of these minorities. This society was founded by Sunil Babu Pant who eventually became the first openly gay legislative member of the Nepal parliament. The success of this group began reflecting positively in 2007 when the Supreme Court of Nepal gave the most progressive decision as to SOGI rights in South Asia in the case of *Sunil Babu Pant v. Government of Nepal*[32]. Though Nepal had no anti sodomy laws or any anti SOGI statutes, the petition was filed due to increasing discrimination and violence against the LGBTQ+ group.[33] The court relying on the equality and non-discriminatory clause of its interim constitution and on various international principles held that gendered minorities are also citizens of Nepal and any sort of discrimination or violence against them amounts to a breach of the constitutional principles of Nepal. Through this decision, the court upheld all the constitutional rights including the right to marriage of the LGBT community, and directed the government to specifically include protections for gender identity and sexual orientation in its new constitution.[34]

The Nepal Court in giving its decision relied heavily on foreign cases and international principles such as the Yogyakarta Principles, International Covenant on Civil and Political Rights, Universal Declaration of Human Rights, etc. and the court expressly stated that "It seems to us that the traditional norms and values in regards to the sex, sexuality, sexual orientation and gender identity are changing gradually."[35] This shows that the approach of Nepal court was not guided by societal morality instead by international and right-based morality. The court adopted a universalistic approach in referring to the international covenants and foreign democratic jurisdictions to better understand the Human Rights of the LGBTQ+ community.

32 *Pant v. Nepal*, Writ No. 917 (2064 BS/ 2007 AD), *translated* in *National Judicial Academy Law Journal* (Nepal), 2008, at 262

33 Sean Dickson and Steve Sanders, "India, Nepal, and Pakistan: A Unique South Asian Constitutional Discourse on Sexual Orientation and Gender Identity" in Susan H. Williams (eds.), S*ocial Difference and Constitutionalism in Pan-Asia* (Cambridge University Press, Cambridge, 2014).

34 *Ibid*.

35 *Supra* note 32 at 7.

The approach of Nepalese Courts appears to be similar with that of the Indian Court in *Navtej Johar v. Union of India*. The principle of transformative constitutionalism as has been discussed by Justice Deepak Mishra in the Indian case is also evident in the Nepalese jurisprudence, wherein the constant effort of the Nepalese court was to adopt principles in consonance with the developing concepts of rights all around the globe, this is what I believe will also be classified by Sujit Choudhary as an impact of cosmopolitan constitutionalism.

V. THE CONSERVATIVE VIEW IN SINGAPORE

Section 377A of the Singapore Penal Code provides for an anti-sodomy provision, punishable with 2 years imprisonment, this section was challenged in 2014 in the case of Lim Meng Suang[36] to be violative of Article 9 (liberty clause) and Article 12 (equal protection clause) of the Constitution of Singapore, where the Supreme Court of Singapore upheld this provision to be constitutionally valid on the ground of narrow interpretation of Article 9 and reasonable classification test under Article 12 of the Singapore Constitution.[37] In the interpretation of the term 'life and liberty' under Article 9, the Supreme Court took a very narrow view to hold that the term does not include the right to privacy in it, referring to the foreign cases which have given this interpretation, they held that 'foreign cases should be approached with circumspection as they are decided in the context of their unique social, political and legal circumstances'.[38]

Further relying on the reasonable classification test for justification of the equal protection clause, the court explained the two limbs of the test: (a) the basis of classification must be intelligible differentia and (b) there must be a rational nexus between the classification and the object of the law, only when limb (a) is satisfied the court will look at limb (b). For the purpose of limb (a) for a classification to have intelligible differentia it must be logical and coherent, and only when any classification is extremely illogical and incoherent in a manner that no reasonable person would contemplate it to be reasonable then it becomes violative, so court here held that the differentia of applying Section 377A to only homosexual and bisexual males is intelligible.[39] Then applying limb (b), it stated that the nexus needs to be rational and not perfect or complete, and thus held that there is a reasonable nexus between classification and the object of law which is to prohibit unnatural intercourse.[40]

36 *Lim Meng Suang v. Attorney General* [2014] SGCA 53.
37 *Ibid.*
38 *Ibid.*
39 *Ibid.*
40 *Ibid.*

The approach of the Singapore court with respect to anti-sodomy laws and SOGI rights is very different from that of Nepal and India in four ways. Firstly, in its application of the reasonable classification test the court time and again stated that it is a mere threshold test and there is a need for a better test but still, it did not widen its scope or adopt a better test, whereas, in India, a broader test of proportionality was adopted by the court through its privacy judgement as a step away from the reasonable classification test.[41] Singapore has in the making of its constitution been inspired by the constitution of India, but it does not appear to be so inspired by the judicial decisions. The issue of Section 377A was again challenged in 2020 in Singapore but even then, the court refused to entertain the petition and did not widen the scope of this test.[42]

Secondly, the court was constantly conscious to not take up the role of the legislature and reminded itself that it should not in such cases become a mini legislature, whereas the courts in Nepal and India were more concerned with the constitutional and human rights of its citizens instead of being concerned about the role of the legislature. The approach of the Singapore court was similar to one taken by Justice Scalia and Justice Thomas in their dissent in the case of *Lawrence v. Texas*, wherein they held that the decision to legitimize same-sex partnerships is a policy decision and not a matter to be decided by the courts.[43] Though, it can be argued that there is more to the question of same-sex partnerships than merely being a policy-related question, as it involves substantive questions as to the basic human rights of an individual. Thus, even if the Singapore court wanted to be cautious of maintaining the separation of power and respecting the role of the legislature, it could have adopted the approach taken by the South African court wherein Justice Sachs while emphasizing on the importance of separation of powers, postponed the right to marriage of LGBT persons for a period of one year and gave legislature time to frame the law in accordance with the constitutional rights of the citizens.[44]

Thirdly, the Singapore court in its reasoning was guided by the concept of societal majority and nowhere discussed about constitutional majority which has been widely discussed in the Indian case of Johar, wherein the court struck down Section 377 of the Indian Penal Code on the ground that mere social morality is not sufficient to restrict the fundamental rights of any citizen. The Indian court drew a clear distinction between social and constitutional

41 *K. S. Puttaswamy v. Union of India* (2017) 10 SCC 1.

42 *Ong Ming Johnson v. Attorney General* [2020] SGHC 63.

43 Nicholas Bamforth, "Legal protection of same-sex partnerships and comparative constitutional law" in Tom Ginsburg and Rosalind Dixon (eds.), *Comparative Constitutional Law* (Edward Elgar Publishing Limited, 2011).

44 *Ibid*.

morality and held that a transformative constitution must look at constitutional morality and not at social morality.[45]

Lastly, the Singapore court took a back seat in referring to foreign judgements or to international principles or authorities and relied on its traditional values, stating that the traditions and values of Singapore are different from other countries, and it cannot just follow the principles of the West. Here it adopted a particularistic approach, different from the approaches taken by the courts of Nepal and India where they adopted a universalistic and dialogic approach to grant SOGI rights to the LGBTQ+ community. Nepalese and Indian courts are influenced by cosmopolitan constitutionalism which is absent in the approach of Singapore court.

VI. CONCLUSION

This paper has perused two jurisdictions which have legalized homosexual conduct and have upheld the SOGI rights of the LGBTQ+ community and one jurisdiction which has taken a rigid stance to not grant these rights. The reason why Singapore has taken such a different course when compared with India and Nepal is because it is an authoritative or illiberal polity, whereas India and Nepal can be classified as liberal or semi-liberal polities.[46] By virtue of being an illiberal polity, Singapore is not one of those countries which will welcome global influence and change readily, and thus in its approach, the rejection of foreign cases and international authorities was clearly seen, keeping the cosmopolitan influence out, which is visible in the decisions of Nepal and Indian courts. Even out of Nepal and India, Nepal has adopted a broader interpretation of the rights of LGBTQ+ persons and has given them wider rights including express rights to marry and to have identity cards with their gender specifications, whereas India is still deliberating on the right to marriage of such persons and was very late in giving them identity as a third gender when compared to Nepal. One of the reasons behind this could be that the Constitution of India is comparatively old and deeply rooted, whereas when the case of Pant v. Nepal came, Nepal only had an interim constitution and was in the process of framing a final constitution for its nation, due to which the Nepalese court might have wanted to acknowledge broader rights for its citizens. But in spite of being an old and deep-rooted constitution, Indian courts classified the Indian constitution as transformative and adopted cosmopolitan and anti-colonial approaches to recognize and acknowledge the much-needed

45 *Supra* note 20 at 6.

46 Li Ann Thio, "Constitutionalism in Illiberal Polities" in Michel Rosenfeld and András Sajó (eds.), *The Oxford Handbook of Comparative Constitutional Law* (Oxford University Press, Oxford, 2012).

rights of the LGBTQ+ community. In furtherance of these principles, the Indian courts are now deliberating upon the question of same-sex marriage as well. Contrastingly, the Singapore Courts are persistent with their particularistic approach and unwilling to take a cosmopolitan view in spite of the fact that the Singapore Constitution was guided by the Indian Constitution. This approach also highlights how Singapore still remains an illiberal patriarchal institution with little tolerance towards widening the scope of gender rights.

The comprehensive discussion on LGBTQ+ rights and approaches of the various constitutional courts tells us that it is not merely a comparative constitution which develops and enhances the concept of rights in the state, it is also the ideology of the state and how much the state feels connected to liberal western political thoughts that determine the approach of the constitutional court of that particular state.

Addressing the complex issue of legal recognition and dignity for homosexual relationships requires a comprehensive approach that balances legal principles, social perspectives, and human rights. Firstly, legal systems should strive to harmonize with evolving societal attitudes. Updating laws and regulations to reflect current social norms can pave the way for greater acceptance and inclusivity. This involves decriminalizing homosexuality, providing legal avenues for same-sex partnerships, and ensuring non-discrimination in various spheres. Moreover, fostering dialogue and education is crucial. Efforts should be directed towards raising awareness about LGBTQ+ issues, dispelling myths, and promoting understanding. This can be achieved through educational curricula, public campaigns, and awareness programs. Courts should continue interpreting laws in a manner that upholds human dignity and equality. Legal precedents from other jurisdictions can offer valuable insights in this regard thus, the Judicial decisions should consider not only legal principles but also the broader ethical considerations and the evolving understanding of human rights. Legislation and policies should be designed to protect LGBTQ+ individuals from discrimination in various aspects of life, including employment, healthcare, housing, and adoption rights. This requires collaboration between lawmakers, civil society organizations, and LGBTQ+ advocates.

Ultimately, societal change often drives legal change. Encouraging open conversations, challenging stereotypes, and celebrating diversity can help shift attitudes and create a more inclusive environment. The media and entertainment industry also play a role by portraying diverse relationships and promoting positive narratives. In conclusion, addressing the legal recognition and dignity of homosexual relationships requires a multi-faceted approach that involves legal reforms, education, judicial interpretation, policy changes, and societal transformation. By actively engaging with these aspects, societies can move towards a more just and inclusive future for all individuals, regardless of their sexual orientation.