

India court widens definition of 'family' but society yet to catch up

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NEW DELHI - Ms Rumi Sharma, 22, celebrated a recent landmark decision by the Indian Supreme Court that expanded the definition of family to include households with unmarried or same-sex couples, single parents and others who are atypical.

This legal recognition also means that atypical families are entitled to social welfare benefits like their traditional counterparts.

However, Ms Sharma, who is a lesbian, and scores of others feel that societal attitudes have not changed much alongside this legal recognition.

Ms Sharma believes laws are definitely not enough, especially if society is not ready for the changes.

"I think laws are very, very important. They back us up... but the message has not reached the ground level."

Ms Sharma is gender fluid, which she describes as gender changing with time and situations.

Unlike many in India, her parents accept her for who she is and want her to find a life partner.

"My parents are on the lookout for a good girl! I have been in beautiful long-term relationships. But it's a very small community and not many women have come out because of the fear of not being socially accepted."

But the courts have taken the lead in recent years, challenging patriarchal views on sexuality and gender while better reflecting changes taking place in society.

The Supreme Court in 2014 recognised transgenders as a third sex with access to social benefits. Four years later, it decriminalised consensual gay sex by striking down Section 377 of the Penal Code, a colonial-era law similar to the one repealed by the Singapore Government in August.

[The Indian Supreme Court in August expanded the definition of family](#) and extended benefits to non-traditional families. This came as it ruled on the case of Ms Deepika Singh, a nurse who was denied maternity leave after giving birth as she had taken leave to take care of her husband's children from a previous marriage.

Retired professor Nilakshi Roy, a member of Sweekar, a voluntary group for parents of members of the LGBTQ community, noted that there was a need to publicise these court orders much more.

"We as members of civil society need to establish these things and make these laws known to others. It has to now trickle down to the lowest denominators," said Prof Roy, whose bisexual daughter lives with her same-sex partner in Mumbai.

Since 2018, there has been [a "small" but "perceptible change" in societal attitudes towards LGBTQ families](#), Prof Roy said, but she noted that this was more true of cities than of smaller towns and villages.

There is also greater representation of the community in popular culture including Bollywood. *Badhaai Do*, a Hindi-language film released early this year, revolved around a gay man marrying a lesbian woman to fool their respective families.

And dating sites for the community have also popped up.

On matrimony.com, which provides online matchmaking and marriage-related services, a query from a member of the LGBTQ community on how people in the community were struggling to find life partners led to the launch on Sept 5 of rainbowluv.com that was customised for them.

Within 15 days of the launch, the app - which has more than 45 gender identities including bigender and agender - was downloaded 20,000 times.

"This community has a lot of discrimination and social pressure on it. This is still considered a disease in a lot of pockets of the country. The good part is the way the law is shaping up. It allows same-sex couples to live in, and somewhere in the near horizon allowing them to be legally married," said Mr Arjun Bhatia, chief marketing officer of matrimony.com.

There are already multiple petitions in courts seeking to legalise same-sex marriage in India.

In the past, khap panchayats or village councils had passed strictures on both live-in relationships and same-sex couples. Earlier in 2022, the High Court in the state of Madhya Pradesh said live-in relationships are giving rise to sexual offences, according to media reports.

But for many, patriarchy is the biggest impediment to greater societal acceptance of atypical families.

"The Supreme Court broadens the definition of family and this is a big blow to patriarchy which has been a dominating feature in India," said film-maker and gay rights activist Sridhar Rangayan, a founder of Sweekar.

"Till now the idea of patriarchy pushed people underground much more than law."

Dr Ranjana Kumari, director of the Centre for Social Research, noted: "A court judgment creates a framework for people to start reacting. It becomes a reference point and that's where change starts to happen.

"The reality is forms of family are changing. You see many different forms of family - single mother, single father and same-sex families who are also having children."

But she noted: "There is a huge gap in what is legally acceptable and socially acceptable. But society will have to move in that direction. Otherwise it is doing something illegal."