

## ● POLITY

## ● ECONOMICS

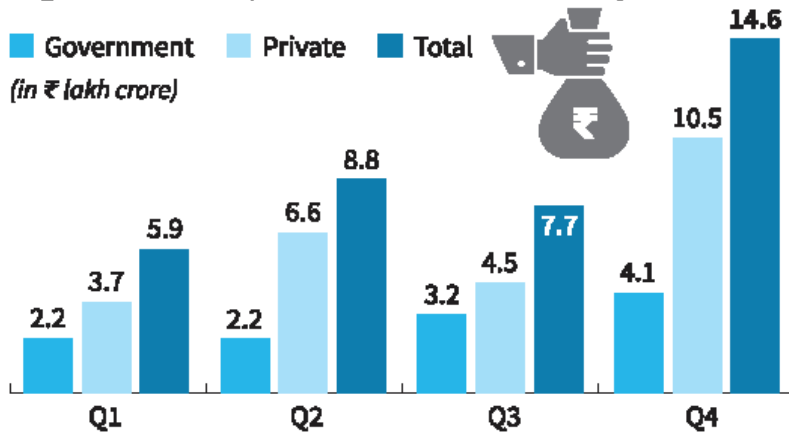
## ● TECHNOLOGY

## ● ECOLOGY

## Q4 INVESTMENTS AT ALL-TIME HIGH OF ₹14.6 LAKH CRORE

## Project investments

In fourth quarter of 2022-23, fresh investments reached a record high of 14.6 lakh crore. The chart shows the project investments of government and private sector in the last fiscal year



Of this, private sector outlays account for ₹10.5 lakh crore; total new investment projects touch fresh peak of ₹37 lakh cr.; manufacturing sector surges from figures of previous three quarters

India's investments narrative closed last year with a bang, as the January-to-March quarter recorded the highest-ever total fresh investments of ₹14.6 lakh crore, led by private sector outlays that also hit an all-time high of ₹10.5 lakh crore.

The fourth-quarter spurt, driven also by a record uptick in manufacturing investments, lifted the total new investment projects announced in India during a financial year to a fresh peak of ₹37 lakh crore in 2022-23. This constituted a 92% surge over the ₹19.27 lakh crore of investments announced in 2021-22, as per data from investment monitoring firm Projects Today shared with The Hindu. Projects Today has been monitoring investment project announcements since the year 2000.

The fourth quarter of 2022-2023 also saw a significant shift in the nature of investments, with private sector manufacturing investments resuming

the lead role of capital formation from public sector-driven infrastructure-focused capex that had been propping up the metric in recent times. This trend should be music to the ears of the government that has outlined a ₹10 lakh crore capital investment plan for 2023-2024, but has been repeatedly exhorting the private sector to invest more to boost economic growth amid a slowing world economy. Indian industry had been citing high inflation, uneven consumption demand and rising interest rates as factors for the reluctance to raise production capacities.

New manufacturing investments in Q4 of 2022-23 were almost three times the average in the previous three quarters at almost ₹9.6 lakh crore, with the share of planned manufacturing outlays jumping from an average of 45% of total investments announced in the first three quarters to almost 66%. The overall share of private investments averaged 65% between Q1 to Q3, but jumped to 72% in Q4.

"The manufacturing sector has emerged as the dominant sector in terms of investment, with its share in total fresh investment increasing from 41.93% in 2021-22 to 53.66% in 2022-23, with new projects outlay in the sector more than doubling from ₹8.08 lakh crore in 2021-22 to over ₹19.85 lakh crore in 2022-23," Projects Today's 90th Survey of project investments noted. "On the flip side, the number of new manufacturing projects declined from 2,759 in 2021-22 to 1,912 in 2022-23," it added.

For the full year, Central and State governments' investment projects grew 95% to ₹11.68 lakh crore from just a shade under ₹6 lakh crore in 2021-22. Private sector investments, on the other hand, jumped 90.7% to ₹25.32 lakh crore in 2022-23 from ₹13.27 lakh crore a year earlier. Foreign investments grew at a faster clip, albeit on a smaller base, to touch ₹4.73 lakh crore compared to ₹2.17 lakh crore in 2021-22.

"We expect the buoyancy in the announcement of fresh investment to continue in FY2024 too unless domestic inflation increases further and international issues like crude oil prices, financial uncertainties, and geopolitical issues puncture the animal spirit of the Indian investors," reckoned Shashikant Hegde, director and CEO of Projects Today.

While several States held global investors' meets to attract fresh investments and signed scores of Memoranda of Understanding (MoUs), the State that gained the most was Andhra Pradesh which emerged from outside the top 10 States for fresh investments in 2021-22 to the top State in 2022-23. A.P. attracted 306 projects worth ₹7.65 lakh crore last year, which included 57 mega projects with investments of ₹7.28 lakh crore.

Gujarat, which topped investment plans in 2021-22, ended up a distant second last year with 1,008 new projects worth ₹4.44 lakh crore.

## 'HIGH RATES RAISE SME LOAN DEFAULT RISK'

"This situation is credit negative for Indian Asset Backed Securities (ABS) backed by LAP," according to the Moody's report.

Repo rate rise

The Reserve Bank of India (RBI) had raised its policy repo rate by 2.5 percentage points to 6.5% in a series of rate increases since May last year.

Securitized LAPs have floating interest rates, so repayment amounts have risen as lenders raised borrowing costs. Even if the RBI were to keep rates

on hold from here, the repayment amounts will weigh on SME borrowers' capacities to repay debt, it said.

Further, the rate increases have reduced the likelihood that LAP borrowers will be able to refinance their debt on more affordable terms, it added. Moody's also emphasised that slowing property price growth was curtailing recovery prospects.

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# SPACEX POSTPONES MAIDEN TEST FLIGHT OF THE WORLD'S BIGGEST ROCKET STARSHIP

SpaceX on Monday postponed the first test flight of Starship, the most powerful rocket ever built, designed to send astronauts to the moon and Mars and beyond.

Liftoff of the gigantic rocket was called off just minutes ahead of the scheduled launch time because of a pressurisation issue in the booster stage, SpaceX said.

SpaceX founder Elon Musk said a pressure valve appeared to be frozen, forcing a postponement of the launch which had been planned for 8.20 a.m. Central Time (6.25 p.m. IST) from Starbase, the SpaceX spaceport in Texas.

"Learned a lot today, now offloading propellant, retrying in a few day," Mr. Musk tweeted.

## Delay of 48 hours

SpaceX said the launch will be delayed for at least 48 hours.

The U.S. space agency NASA has picked the Starship spacecraft to ferry astronauts to the moon in late 2025 — a mission known as Artemis III — for the first time since the Apollo programme ended in 1972.

Starship consists of a 50-metre-tall spacecraft designed to carry crew and cargo that sits atop a 230-foot-tall first-stage Super Heavy booster rocket. Mr. Musk had warned ahead of the test that a delay was likely. "It's the first launch of a very complicated, gigantic rocket."

NASA will take astronauts to lunar orbit itself in November 2024 using its own heavy rocket called the Space Launch System (SLS), which has been in development for more than a decade.



*Biding time: SpaceX's Starship at the company's Boca Chica launchpad near Brownsville, Texas, in the U.S. on Monday. REUTERS*

Starship is both bigger and more powerful than SLS.

It generates 17 million pounds of thrust more than twice that of the Saturn V rockets used to send Apollo astronauts to the Moon.

# MARCH WHOLESALE PRICE RISE SLOWS TO 1.34% ON BASE EFFECT

## Easing inflation

**Wholesale prices dropped to a 30-month low in March aided significantly by base effects**



- A fall in the prices of manufactured goods added to the deceleration
- Inflation in food articles, however, rose to a 5-month high
- Retail inflation faced by consumers had dropped to a 15-month low in March

*Wholesale price inflation cools to slowest pace in more than two years; deceleration marks tenth successive month that the WPI Index has declined, following a record high in May 2022*

Wholesale price rise slowed to 1.34% in March, marking the most benign inflation rate since October 2020, with manufactured products' prices falling close to 0.8% from a year earlier, when overall wholesale inflation was 14.5%.

Aided by base effects, this was the tenth successive month that wholesale inflation has cooled after scaling a record high of 16.6% in May 2022. Inflation measured by the Wholesale Price Index (WPI) had stood at 3.85% in February 2023. While the Wholesale Food Index saw a slight dip from the 2.8% uptick in February to 2.3% in March, primary articles inflation eased from 3.3% to 2.4% last month. Fuel and power inflation cooled from 14.8% in February to 9%, making this the first instance in two years that the rate has dropped below 10%. Bucking the overall trend, however, inflation in food articles accelerated to a 5-month high of 5.5%, from 3.8% in February.

Retail inflation eased to a 15-month low of 5.66% in March, largely because the year-earlier rate was almost 7%.

# PROMOTING IMPUNITY

*Denial of nod to prosecute Army men in Oting massacre is disconcerting*

In denying sanction to the Nagaland police to prosecute 30 Army men for the December 2021 killing of 13 civilians in a botched-up operation, the Union government has sent out a disconcerting message that it is unable or unwilling to do anything about impunity in insurgency-hit States. In what was later described as a case of mistaken identity, six workers returning home in a vehicle from a coal mine bordering Assam were gunned down by the security forces at Oting village in Mon district. Seven more villagers were shot dead later, following a scuffle with villagers who had found the bodies in an Army vehicle. Prior sanction to prosecute Army personnel is necessary under Section 6 of the Armed Forces (Special Powers) Act (AFSPA). A Special Investigation Team of the Nagaland Police completed its probe in March 2022, and filed a charge sheet in the case. It had sought sanction for prosecution from the Defence Ministry's Department of Military Affairs. The police had claimed they had established the involvement of 30 personnel, who allegedly violated standard operating procedures and rules of engagement, and resorted to

indiscriminate and disproportionate firing on the vehicle. Meanwhile, the Army also ordered a court of inquiry, but its outcome is not known. On petitions by the wives of the Army personnel involved, the Supreme Court of India stayed the criminal proceedings in July 2022.

The Centre has been quite keen on reducing the areas covered by the law giving special powers in disturbed areas to the armed forces. In recognition of the significant improvement in the security situation in the northeastern region, it has reduced the notified areas in Nagaland, Assam and Manipur in recent years. On the political side, it has been working towards peace accords and getting insurgents and extremists to lay down arms. However, it is quite incongruent with its overall policy of creating an atmosphere conducive for peace and development, and making partners out of those laying down weapons, for the government to disallow the prosecution of those suspected to be involved in an admittedly mistaken counter-insurgency operation. It would have redounded to the government's credit had it allowed the criminal courts to



decide on the extent of culpability of the Army men. Prosecution of armed forces personnel involved in excesses is quite rare, leading to the widespread impression that AFSPA is used to promote impunity. The government must

demonstrate its commitment to peace in the region and justice for the victims by either granting sanction for their prosecution, or taking exemplary action based on the findings of the military court of inquiry.

## DEMAND FOR SAME-SEX MARRIAGE'S RECOGNITION IS 'URBAN ELITIST VIEW': CENTRE

**Marriage is considered an aspect of social policy of a nation across the world. It is within the remit of the appropriate legislature, as the elected representatives of the people, to define it, recognise it and regulate it and the choice not to recognise same-sex marriage is simply a facet of the legislative policy**

**GOVERNMENT AFFIDAVIT IN SUPREME COURT**



The Centre told the Supreme Court on Monday that the demand for legal recognition of same-sex marriage is merely a voicing of "urban elitist views" for the purpose of social acceptance.

The court should not try judicially to create a "new social institution" by endorsing same-sex marriages. The judges should leave the task to Parliament, the people would decide whether such a "marriage of a different

kind" is socially and religiously acceptable or not, the Centre said in an affidavit filed on the eve of the hearing of the same-sex marriage case before a Constitution Bench led by Chief Justice of India D.Y. Chandrachud.

"Creation or recognition of a new social institution cannot be claimed as a matter of right/choice, much less a fundamental right," the Centre said. The right to personal autonomy does not include a right for the recognition of same-sex marriage.

The court would adjudicate solely on the basis of petitions containing "elitist views", while the legislature, on the other hand, would take into consideration broader views and voices of the rural, semi-rural and urban population, the religious denominations, personal laws and customs and effect of same-sex unions on other laws governing marriage. The existing concept of marriage as a heterogeneous institution has the sanctity of law and religion, the Centre said.

The legal recognition of same-sex marriage would "seriously affect the interests of every citizen", the Centre said in the affidavit.

In an interesting argument, the Centre said fundamental rights such as the right to choose one's sexual orientation as well as the right to privacy have already been protected under the Transgender Persons (Protection of Rights) Act, 2019. "Any further creation of rights, recognition of relationship and giving legal sanctity to such relationships can be done only by the competent legislature and not by judicial adjudication," it reasoned.

In an earlier affidavit, the Centre had found the idea of same-sex marriage a threat to the "holy union" of marriage between a biological man and woman, which is a "sacrament and a sanskar".

## CHINESE SHENANIGANS ON ARUNACHAL PRADESH

*Sujan R. Chinoy is a former Ambassador. He is the Director General of the Manohar Parrikar Institute for Defence Studies and Analyses*

For the third time in recent years, China's Ministry of Civil Affairs, on April 2, made a provocative move by releasing new names for 11 places in Arunachal Pradesh under the fig leaf of standardising geographical names in "Zangnan" (a phoney term invented by Beijing to claim that Arunachal Pradesh is "South Tibet"). According to media reports, these names include "two residential areas, five mountain peaks, two rivers, and two other areas". In 2017, China had 'renamed' six places that lie in Arunachal Pradesh. It had also 'standardised' the names of 15 places in 2021, which had similarly included population centres, mountains, rivers, and a mountain pass.

Taken together, and on the face of it, some of the places are located along the Pangchen-Tawang-Jang-Sela axis running down from the Line of Actual Control; others are near old Buddhist pilgrimage circuits near Taksing in Upper Subansiri district, Menchuka-Tato tehsil in West Siang, and still others towards the Lohit and Anjaw districts, near Walong.

Whether it is in the Himalayas or the East and South China Seas, China's depredations and unfounded irredentist claims are legion. In 2020, China gave names to 80 geographical features in the Paracels and Spratlys in the South China Sea, where China is embroiled in maritime disputes with several states. In 1983, it had named 287 geographical features in the South China Sea. It began using the term "Diaoyutai" for the Senkaku Islands in the East China Sea in the 1950s, even before raking up the Senkaku issue with Japan. Often, the Chinese modus operandi is to lay the groundwork through fictional renaming of alien territories as a basis for sham "historical" claims which are then pursued using the "three warfares" strategy — of waging propaganda, psychological and legal warfare. China also struck a jarring note in the wake of the apocryphal exercise concerning place names in Arunachal Pradesh by naming several under-sea features in the Indian Ocean, ironically using the names of Chinese musical instruments.

China issued the Geographical Name Regulation in 1986 designed to regulate naming, renaming, and so-called standardisation exercises. It introduced an amended rule that came into force on May 1, 2022. While these pieces of legislation have mainly dealt with naming, renaming, and standardising names within China, they also cover several alien territories claimed by China.

It is instructive to recall two related developments. China enacted a new Coast Guard Law that came into effect on February 1, 2021, to take necessary measures, including the use of force, to safeguard "sovereignty". China also passed a new law on the protection and exploitation of the country's land border areas that came into effect on January 1, 2022. This unilateral step has the effect of converting the boundary dispute with India into a sovereignty issue. In the run-up, from 2017 onwards, China launched the construction of dual-purpose villages, the so-called Xiaokang villages, in areas adjacent to the border with India, from Ladakh to Arunachal Pradesh. One can discern a new and aggressive thrust by China to emphasise its territorial claims, whether land or maritime.

The Government of India has consistently dismissed such shenanigans on China's part. After the latest move by China on Arunachal Pradesh, the Ministry of External Affairs said that "this is not the first time that China has made such an attempt. We reject this outright. Arunachal Pradesh is an integral, inalienable part of India. Attempts to assign invented names will not alter this reality".

### China's bogus claim, Indian history

China's claim on Arunachal Pradesh is as bogus as can be. A reading of Tibet And Its History by Hugh Edward Richardson clearly suggests that the Qing presence in Tibet began to emerge around 1720, after Chinese intervention in the internecine succession struggle following the death of the Sixth Dalai Lama (1683-1706).

Therefore, there is absolutely no basis to the Chinese claim over Tawang, or for that matter any other part of Arunachal Pradesh, on the flimsy grounds that it is the birthplace of the Sixth Dalai Lama. China, in any case, had no locus standi in Tibet at the time. But that has not prevented China from concocting so-called historical claims with retrospective effect. A study of the 1960 reports of the officials of the two sides on the boundary question reveals the vague, patchy and superficial nature of "evidence" proffered by the Chinese side in support of Beijing's boundary claims.

Arunachal Pradesh, formerly known as the North-East Frontier Agency (NEFA), is home to various tribes that have historically been a part of India's civilisational heritage. Most of its populace has been historically oriented towards the Assam plains. The tribes there were in regular contact with the Ahom power in Assam, including for the grant of rights to levy the Posha from the plains people

in the adjacent areas.

While some tribes, such as the Monpas, have professed Buddhism, others follow animistic practices. Some tribes practise a form of Vaishnavism. The Mahabharata, the Ramayana, the Kalika Purana, the Vishnu Purana, the Yogini Purana, and Kalidasa's Raghuvamsa have references that give a clear indication of the inclusion of these tribal tracts in the collective consciousness and cultural moorings of ancient India.

These sources have indications about the boundaries of the kingdoms of Pragjyotisha and Kamarupa, whose limits appeared to include the whole of Arunachal Pradesh. The Shiva Linga in Ziro, Parshuram Kund, and the temple ruins of Malinithan, which are connected to the legends of Parashuram, Rukmini, Bhismaka and Sishupala, show an ancient Hindu influence in the region. Some Mishmis consider themselves to be the descendants of King Bhismaka, and some Akas claim their descent from King Bhaluka. Archaeological finds have unearthed silver coins and inscriptions in the Arabic script at Bhalukpong,

linked to a Muslim ruler of Bengal. The architecture of many forts, such as those at Bhalukpong, Ita and Bhismaknagar (built between the 10th and 16th centuries), is heavily influenced by the architectural principles of fort construction found in the Ramayana, the Mahabharata, and Arthashastra. These forts were frontier posts of the security system that was prevalent in the Brahmaputra Valley.

There is no other comparable influence of any other culture or history on Arunachal Pradesh as a whole. Today, the State represents the finest of India's cultural and civilisational heritage.

Now is the time perhaps for India to not only reject Beijing's charade of giving Chinese names to places in Arunachal Pradesh but also to assign Indian names to places and territories under the illegal occupation of China. Aksai Chin, for example, may be called Akshaya Chinha — which means an "everlasting symbol" (of India). It is an indelible part of the Indian consciousness. As for Arunachal Pradesh, it is and will remain an integral part of India.

## SUDAN'S TRAGEDY

*The feuding generals should agree on a time-bound transition to democracy*

For 30 years, Omar al-Bashir, a former military officer, ruled Sudan with an iron hand and indiscriminate violence. When he was toppled in April 2019 in a mass uprising, many hoped that the resource-rich country in the Horn of Africa would finally get a chance to move towards a freer society with a representative and responsive administration. But the tragedy of Sudan is that the monstrous regime that Mr. Bashir built outlasted his reign. Within two years of his fall, the military was back, and now, a power struggle between the top two generals has pushed Sudan to the brink of a civil war. Dozens of civilians have already been killed in fighting that broke out on Saturday in Khartoum and other parts of the country between the military and the Rapid Support Forces (RSF), a notorious paramilitary group. Despite international calls for truce, Lt.Gen. Abdel Fattah al-Burhan, the military chief as well as the head of the Sovereignty Council, the transitional administration, and his deputy, Lt.Gen. Mohamed Hamdan Dagalo, who commands the RSF, have refused to negotiate, blaming each other for the attacks. Mr. Dagalo, who has close ties with Russia's Wagner private military company and Saudi Arabia, claims that the RSF has taken control of the presidential palace and has vowed to bring Gen. Burhan to justice, while the military has dismissed such claims and launched air strikes

against RSF sites.

Just two years ago, the two generals stood hand in hand when they ousted a civilian transition government and took over the reins of the country. Faced with international isolation and domestic pressure, they agreed to transfer power back to the civilians. But differences emerged on who should control the post-transition military. Gen. Burhan supports the integration of the RSF into the regular military and transition to civilian government to take place in two years, while Gen. Dagalo, who fears that he would lose his clout, wants to delay it by 10 years. Discord grew into mistrust and mistrust led to fighting. And the fighting could drag the country, which has a history of internal strife, into an all-out civil war. Sudan's generals are known for their scant regard for the welfare of their people. The country is struggling with an economic crisis, with rocketing inflation and a burning hunger problem. The last thing Sudan wants now is a civil war. If the priority of the generals is to address Sudan's basic problems, they should pay attention to the call for a truce and dialogue, and commit themselves to a timeline-sensitive democratic transition. Decades of military rule in Sudan have resulted in a lot of atrocities. Generals Burhan and Dagalo should not tread the same course.

## A CULTURE OF COHESION TO SAVE YOUNG LIVES ON CAMPUSES

*Ayalur K. Bakthavatsalam is HAG Professor at the National Institute of Technology, Trichy*

To read newspaper reports about young students ending their lives is disturbing. During the 2018-23 quinquennial, there were as many as 61 students fading away: in the Indian Institutes of Technology, or IITs (33), the National Institutes of Technology, or NITs (24) and the Indian Institutes of Management (4). In the 2014-21 septennial, there were 122 cases in various higher education institutions. In both cohorts, most students were from the Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Castes (OBC) and Economically Weaker Sections (EWS). Marginalisation and deprivation are factors but one also finds a wide spectrum of students.

### Campuses are now impersonal spaces

The fact is that campuses have become large and impersonal spaces. Family support is dwindling as there are more nuclear families now with working parents who are unable to provide the kind of parenting and mentoring that joint families provide. Individualism is all pervasive in society. Consequently, early signs of emotional distress go unnoticed, unrecognised, and unaddressed. Generally, institutions are in denial mode and prefer to hush things up. They expect the situation to be dealt with by the parents. Students in emotional distress have at times been advised to spend time with their families.

In institutions of higher education the system is such that there is hardly any free and fair communication between students, their seniors, teachers, and the administration. A 'home away from home' kind of an experience eludes students. Classroom interactions are confined to academics, with recurrent exhortations to students to be committed, dedicated and hardworking, adding to the stress emotionally distressed students are already under. Teachers may hardly have the time, the inclination or even the expertise to notice and address any disturbing traits among their students. In any case, a highly formalised, standardised and hierarchical structure can never be conducive to promoting congeniality, or even empathy.

Consequently, students are deprived of much-needed preventive measures. It is only when tragedy occurs that actions are triggered — an inquiry and then a prescription of remedial and preventive measures. That is it.

Most campus suicides are attributed to academic pressure, family circumstances, personal reasons, different kinds of stress, financial distress, caste-based discrimination, and many different forms of harassment. Many of the sources of distress lie outside the purview of higher education institutions and have their genesis in the larger economic and societal contexts. Therefore, each of these reasons must need to be addressed at their source by the government, society, institutions, parents, and families.

There are formal mechanisms in place to provide personal, cultural and psychological counselling to students. Most of the IITs, NITs and the like have put in place (or beginning to) online and offline mechanisms to access personal counselling and therapies in a confidential manner. Apps such as Dost, Saathi, and Mitra have also been launched to access their services anonymously. Most of these institutions also organise awareness and sensitisation programmes for students.

Yet, such centres appear to be deficient on many counts. The onus is on students 'in need' to seek help — it is they who must seek an appointment. Another drawback is that they work most of the time during office hours, and on working days, and are often unable to respond in a prompt manner. One of the IITs claims, and rightly so, that 'it tries to help students as soon as possible and as much as possible'. A few of them have arrangements with external agencies to provide psychological counselling. The fact is that institutions of national importance are in a much better situation than most central and State universities (the little information that is available suggests that they usually assign the task of counselling to faculty members and are yet to embrace the idea of professionally trained counsellors).



### A study in contrasts

In comparison, universities in the United States have dedicated counselling centres with a range of psychological services such as evaluation, counselling, consultation, and therapies — individual and group. They are accredited by the International Accreditation of Counseling Services (IACS) and are manned by licensed psychologists, psychiatrists, clinical therapists, mental health workers and social workers. The counsellor-to-student ratio is carefully established through a combination of empirical analysis and judgments of experienced counselling directors.

In contrast, the psychological counselling services in Indian campuses are limited to providing some physical space in a corner of the institution, with a limited number of professionally trained psychologists and psychotherapists. There are hardly any standards. One wishes that the approval and accreditation process of institutions also gives equal importance to this aspect of student life as done for floor area, faculty, books, and even computers. There needs to be a well-oiled life support system for many

students.

Counselling and therapies as curative measures may be easy to strengthen and streamline. What is critical but most difficult is to create conditions for forming an assimilative culture of cohesion and promoting respect for academic and socio-economic diversity. Institutions must deter and curb all forms of discrimination, however subtle and done even in jest.

At times, the inability to cope with academic pressure and get good grades is linked to the category and ranks of students. A few fringe elements on campus might be prejudicial about reservations in admission and differential fee policies.

Cannot institutions be discreet about such sensitive information? Could they not evolve a code of campus ethics prescribing standards and protocols of what can and cannot be discussed even in informal social settings? Social, economic, and cultural diversity on campuses add value — but only if they are sensitively nurtured and carefully harnessed.

## THE PETITIONS AROUND SAME SEX MARRIAGE



*While a five-judge Supreme Court Bench is set to hear a series of petitions on the legal right to same sex unions, a barrage of affidavits and applications have been received from organisations across religious, social and political lines, weighing in on the issue*

On April 18, a five-judge Supreme Court Bench, headed by the Chief Justice of India D.Y. Chandrachud, is scheduled to hear a series of petitions seeking legal recognition of same sex marriage even as a host of statutory organisations, religious bodies and NGOs have rushed to court seeking an opportunity to be heard. Their submissions touch upon various issues from the definition of “marriage” to the “psychological impact” growing up with two men or two women as parents would have on children. While some have cautioned judges that Indian society is not ready to accept same sex marriage others have linked it to sexual liberation movements in western countries.

### The various petitions

Main petitioners Supriyo and Abhay Dang, represented by senior advocate Menaka Guruswamy, advocate Arundhati Katju and Govind Manoharan, argue that the non-recognition of same sex marriage amounted to discrimination that struck at the root of dignity and self-fulfillment of LGBTQIA+ couples. They reminded the court that LGBTQIA+ citizens form 7 to 8% of the population of the country. The petitioners point out that the legal protection available in about 15 legislations guaranteeing the right of wages, gratuity, adoption, surrogacy, etc., were not available to LGBTQIA+ citizens.

In a related vein, the Delhi Commission for Protection of Child Rights (DCPCR) said that same sex couples would make equally good parents as heterosexual parents. By depriving legal status to homosexual marriages, the state is denying the legal security of dual parenthood and guardianship to the child.

Since the Netherlands' legalisation of same-sex marriages in 2000, over 34 countries have legalised same-sex marriages either through legislation or through court decisions. At present more than 50 countries allow same-sex couples to legally adopt children. A 2020 study by the American Sociological Review show that academic results of children raised by same-sex parents from birth outperformed children with heterosexual parents.

### The stand of the government

The Union government has said that the idea of same sex marriage is merely an “urban elitist view”. The judicial creation of a “new social institution” like same sex marriage cannot be claimed as a matter of right. It is the Parliament and not the courts that have to decide on same sex marriages, which is a threat to the “holy union” of marriage between a biological man and woman in India.

The State of Madhya Pradesh has also sought to intervene in the case, saying it was a “necessary stakeholder”. It said the legal recognition of same sex marriage would “seriously affect” the interests of the residents of Madhya Pradesh.

Additionally, the National Commission for Protection of Child Rights (NCPCR), unlike its Delhi counterpart, argued that same sex marriage would violate the provisions of the Juvenile Justice Act. The Juvenile Justice Act of 2015 prohibits a single man, let alone two men, from adopting a girl child. The NCPCR highlighted a study by the Catholic University of America which said that the emotional problems suffered by children of same sex couples were twice more than of children living with heterogenous parents.

It said a “proper legislative system needs to be adopted regarding same sex couples”.

### Religious bodies and NGOs

The Shri Sanatam Dharm Pratinidhi Sabha opined that the concept of same-sex marriages is “catastrophic” and that it would have a “pernicious effect” on Indian culture and society. The Hindu body quotes the Vedas, saying “those who have wives truly have a family life; those who have wives can be happy; those who have wives can have a full life”. It refers to stanzas from the Manusmriti that state “to be mothers were women created, and to be fathers, men”.

The Jamiat-Ulama-i-Hind also opposed same-sex marriage by stating that marriage between opposite sexes is like the ‘basic feature’ of marriage. “Islam’s prohibition of homosexuality has been categorical from the dawn of the religion of Islam itself. LGBTQIA+ movement dates back to the western sexual liberation movement,” the Jamiat said.

Similarly the Telangana Markazi Shia Ulema Council also claimed that persons raised by same-sex couples were “much more likely” to suffer from depression, low academic achievement, unemployment and are more likely to smoke marijuana etc. It said that in the “West/Global North”, religion has largely ceased to be a source of law and plays very little role in public life. On the other hand, religion plays an instrumental role in shaping personal law, along with social norms and family ties in India.

Additionally, the Akhil Bhartiya Sant Samiti said to “keep husband and wife together is the law of nature. ‘Kanyadan’ and ‘Saptapadi’ have basic importance in Hindu marriages.” The reiterated that same sex marriage is “totally unnatural”.

Bringing in a different angle, the Kanchan Foundation has submitted that deep-seated stereotypes and mental barriers that have been constructed over centuries cannot be dismantled by a mere judicial ruling. It says that Indian society requires more time to be sensitised in order to accept same sex unions and understand their impact on society.

The Call for Justice NGO argues that “marriage flows from natural law” and the “millennia-old institution” of marriage between a man and a woman is recognised across the world. Any amendments in the institution of marriage “must flow from popular will as expressed through the legislature”.





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