

## NOT UNIQUE TO HUMANS, SAYS SC

Relevant for: Indian Polity & Constitution | Topic: Judiciary: Structure, Organisation & Functioning

Justice D.Y. Chandrachud on Thursday said homosexuality is documented in 1,500 species and is not unique to humans.

The judge, with this single observation, dispelled the prejudice that homosexuality is against the order of nature. Justice Chandrachud quoted from an article he read which said that homosexual behaviour existed in all species except those that “never have sex at all, such as sea urchins and aphids.” Chief Justice of India Dipak Misra also wrote, “What nature gives is natural. That is called nature within.”

The Chief Justice quoted German thinker Johann Wolfgang von Goethe, who said, “I am what I am, so take me as I am.”

Justice Chandrachud compared same-sex love to those of couples who married outside their caste, religion and faith, at enormous personal risk. The judge located the struggle of citizens belonging to sexual minorities in the larger history of the struggles against various forms of social subordination.

Thus, he observed, the limits imposed by structures such as gender, caste, class, religion and community made the “right to love” not just a separate battle for LGBTQ individuals, but a battle for all.

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