

Where is corporate India in the marriage equality debate?

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Even international companies in the country have not commented on the issue

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For the last two decades, corporate India has indubitably led the country's economic transformation. So extensive has been its impact on the Indian political economy, that Indian companies are often compared to modern nation builders. Yet, when it comes to the adoption of social advocacy, corporate India lags in global best practices even though social progress is a multiplier for business growth.

This was especially underlined over the last few weeks when the Supreme Court of India heard final arguments in a historic group of petitions to legalise same-sex marriages. Any participation by corporate India was conspicuously absent from such proceedings. This complete inaction in lobbying for social change in a law that disproportionality affects the dignity and liberty of India's sexual minorities stands in stark contrast to the record of their counterparts in America and Europe. Even international companies in India have let down their guard.

Over the past decade, some of America's largest companies have successfully lobbied for LGBTQ+ rights. Companies like Google, Starbucks and Facebook in 2013 filed amicus curiae briefs before the US Supreme Court to overturn the draconian 'Defense of Marriage Act', which denied spousal benefits to same-sex couples. In 2015, more than 200 American companies, including Google, Apple, Verizon, Walt Disney, Viacom, Nike, Morgan Stanley, and Microsoft, signed two separate amicus curiae briefs before the Supreme Court supporting marriage equality. Many more issued public statements in support of the cause. In essence, American companies believe that marriage equality is good for their business. To quote an official statement from Microsoft in February 2015: "In short, marriage equality as a legal right makes good sense for business and people." "It is also good for economies operating in a global context."

When Taiwan became the first Asian country to legalize same-sex marriages, scores of multinational companies, including Google, Airbnb, Deutsche Bank, EY, Mastercard, Microsoft and the Taiwan-based O-Bank Co, lauded the benefits of marriage equality for the country's economy. When it was Australia's turn to legalize same-sex marriages, corporate giants like McDonald's, Twitter, Telstra and Airbnb along with another 154 companies declared their support for the cause. These companies featured full-page advertisements in Australian magazines besides signing a joint letter calling on the federal parliament to act.

But why are the same companies silent when it's India's turn? Especially when a 2016 World Bank report estimates that homophobia causes an economic loss to India to the tune of nearly \$32 billion, or almost 1.7 per cent of the country's GDP. Just for perspective, this economic loss is equivalent to the annual budget of Telangana, which is home to the city of Hyderabad, an IT services hub.

It is not to suggest that the business case for diversity or inclusion is lost on India Inc. Scores of Indian companies spend millions annually on diversity programs, community outreach, mentorship programs and LGBTQ+ job fairs. Every year in June, emulating their American counterparts, Indian companies celebrate 'Pride Month' in commemoration of the June 1969 Stonewall riots in New York. Human resources professionals at major Indian companies, including Zomato, Hindustan Lever, JLL India, The Lalit Group of Hotels, L&T, PepsiCo India and Godrej, have issued public statements in support of the business case for diversity in recruitment and retention of talent. And yet a 2020 report by Accenture highlighted that around 79 per cent of LGBTQ+ employees in India, have indicated that their career growth has slowed down because of their gender identity or after revealing their sexual orientation.

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One of the reasons for such backlash is because corporate India often hires LGBTQ+ employees to tick their diversity, equality and inclusivity (DEI) quota without considering how to assimilate these employees into the immediate, short- and long-term workforce. A commitment to the cause of marriage equality—the highest echelon of civil rights for India's 135 million LGBTQ+ population—would send the right message that corporate India is truly invested in the progressive cause of diversity and inclusivity.

Let me conclude with an irony. The Supreme Court started hearing final arguments on Marriage Equality on April 18. On that very same day, Apple Inc., the world's most valuable company, with a market capitalization of \$2.682 trillion opened its first company store in India. As per Bloomberg, Apple reported nearly \$6 billion in sales from India in 2023 and the global giant intends to produce as many as 25 per cent of all Apple iPhones in the country. And yet neither the company nor its CEO, Tim Cook, an openly proud gay individual and an ardent supporter of same-sex marriages uttered a word of support for India's LGBTQ+ population. Apple, together with hundreds of other American companies, had petitioned the US Supreme Court stating that "recognizing the rights of same-sex couples to marry is more than a constitutional issue. It is a business imperative." It continued such progressive advocacy campaigns in Taiwan and Australia. And yet when it was India's turn, despite the extraordinary business case, this global progressive giant fell silent.

(The writer is professor of competition law and policy, Jindal Global Law School.)

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