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Key Supreme Court Verdicts On LGBTQ Rights In India

Why In The News?

- The **Supreme Court** Is Hearing On A Bunch Of At Least **15 Petitions** Regarding The Demand For **Marriage Equality In India**. Centre Provided An Affidavit To The SC Seeking To Admit All The **States As Parties** In The Matter.
- Stating That The Case Requires **An Assessment Of State Rules And Customs Of Different Sections Of Society**. Centre Has Raised A Preliminary Objection To The Hearing And Said The **Parliament Is The Only Constitutionally Permissible Forum** To Decide On The **Creation Of A New Social Relationship**.
- Senior Lawyer **Mukul Rohatgi**, Appearing For The Petitioners, Argued That The State's Recognition Of The Union Of The Homosexual Couple Will **Reduce The Stigma Surrounding Homosexuality**.
- He Also Said The **LGBTQIA+ Community**, Being Equal Citizens Under The Constitution, Should Receive The **Same Benefits** From The Registration Of **Marriage As A Heterosexual Couple**.

 **Hindustan Times**

Same-sex marriage SC hearing LIVE updates: Day 3 hearing on pleas seeking marriage equality today



 **The Indian EXPRESS**

SC hearing pleas on same sex couples' right to marry: What is civil union, how is it different from marriage

Same sex marriage issue in SC: The CJ clarified that the hearing's scope would be limited to developing a notion of a "civil union" that finds legal recognition under the Special Marriage Act.



NALSA Vs Union Of India

- Months After A Two-judge Bench Of The SC In '**Suresh Kaushal V Union Of India**' Upheld The Constitutional Validity Of **Section 377 Of The Indian Penal Code**, Another Bench In April 2014 Affirmed The Constitutional Rights Of Transgender Persons Under **Articles 14, 15, 19 And 21** Of The Constitution.

- The Court Agreed With The Same Arguments It Rejected In Suresh Kaushal. The Court **Upheld The Right Of Transgender Persons To Decide Their Gender And Directed The Centre And State Governments To Grant Legal Recognition To Their Gender Identities, Such As Male, Female, Or The Third Gender.**



KS Puttaswamy Vs Union Of India

- In 2017, A Nine-judge Bench Of The SC Unanimously Recognised The **Right To Privacy As A Fundamental Right** Under The Constitution. In Doing So, The Verdict Overruled A “Discordant Note Which Directly Bears Upon The Evolution Of The Constitutional Jurisprudence On The Right To Privacy”.
- **“Sexual Orientation Is An Essential Component Of Identity.** Equal Protection Demands Protection Of The Identity Of Every Individual Without Discrimination,” A Concurring Opinion By Justice DY Chandrachud Stated.



Shafin Jahan Vs Union of India

- The SC In March 2018 Set Aside A **Kerala High Court Judgment** That Annulled The **Marriage Of A 24-year-old Woman Who Converted To Islam** And Married A Man Of Her Choice. The Ruling Recognised The Right To Choose One's Partner As A Facet Of The **Fundamental Right To Liberty And Dignity**.
- Supreme Court Observed That 'The Choice Of A Partner Whether Within Or Outside Marriage Lies Within The Exclusive Domain Of Everyone. **Intimacies Of Marriage Lie Within A Core Zone Of Privacy, Which Is Inviolable**'.



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Shakti Vahini Vs Union Of India

- A 3 Judge Bench On The SC In March 2018 Issued Directives **To Prevent Honour Killings** At The Behest Of **Khap Panchayats** And Protect Persons Who Marry Without The Approval Of The Panchayats. In The Ruling, **The Court Recognised The Right To Choose A Life Partner As A Fundamental Right**.
- Supreme Court Observed "When Two Adults Consensually Choose Each Other As Life Partners, It Is A **Manifestation Of Their Choice** Which Is Recognized Under **Articles 19 And 21** Of The Constitution".

Navtej Johar Vs Union Of India

- In August 2018, A 5 Judge Constitution Bench **Struck Down IPC Section 377** To The Extent That It Criminalized Homosexuality. The 'Navtej' Ruling Essentially Said That The **LGBTQ Community Are Equal Citizens** And Underlined That There Cannot Be Discrimination In Law Based On Sexual Orientation And Gender.

Deepika Singh Vs Central Administrative Tribunal

- The SC In August Last Year Decided In Favour Of A Woman Who Was **Denied Maternity Leave For Her First Biological Child** On The Ground That She Had Already **Availed The Benefit For Her Two Non-biological Children**.
- The Ruling Recognised **“Atypical” Families, Including Queer Marriages**, Which Could Not Be Confined To Traditional Parenting Roles.



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