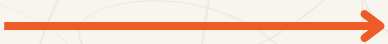


Justice D.Y. Chandrachud
**Navigating Justice
Through the Lens of
Society**

SWIPE



Property Owners Association & Ors. Vs. State of Maharashtra & Ors. (MANU/SC/1174/2024; 2024 INSC 835)

Private property not included within the ambit of “Material Resource” under Article 39(b) of the Constitution

“In some cases, the mere vesting of the resource in the hands of the government serves the ‘common good’, while in other cases, a resource may be distributed amongst private players to achieve this purpose”



Not every resource owned by an individual can be considered a ‘material resource of the community’ merely because it meets the qualifier of ‘material needs’. The inquiry about whether the resource in question falls within the ambit of Article 39(b) must be context specific and subject to a non-exhaustive list of factors such as the nature of the resource and its characteristics; the impact of the resource on the well-being of the community; the scarcity of the resource; and the consequences of such a resource being concentrated in the hands of private players.

Association for Democratic Reforms Ors. vs. Union of India (UOI) and Ors. (MANU/SC/0112/2024; 2024 INSC 113)

Electoral Bond Scheme was held unconstitutional

“Information about funding to a political party is essential for a voter to exercise their freedom to vote in an effective manner”



The right to information of the voter includes the right to information of financial contributions to a political party because of the influence of money in electoral politics (through electoral outcomes) and governmental decisions (through a seat at the table and quid pro quo arrangements between the contributor and the political party). The right to privacy of political affiliations does not extend to contributions which may be made to influence policies. It only extends to contributions made as a genuine form of political support that the disclosure of such information would indicate their political affiliation and curb various forms of political expression and association.

Society for Enlightenment and Voluntary Action & Anr. Vs. Union of India & Ors. (MANU/SC/1126/2024; 2024 INSC 790)

Parliament may consider outlawing child betrothals

“A false sense of protectionism is generated to safeguard girls against their ability of self-exploration and to form meaningful bonds on their own. Honour, purity, and decisional incapacity are presented as the domain of womanhood and its protection is laid in the institution of marriage.”



We seek to formulate specific guidelines for achieving the elimination of child marriage while bearing in mind the delicate socio-economic interplay. Further attention is required to make the legal framework more effective by addressing loopholes and ensuring swift action against offenders, particularly in areas with high child marriage prevalence. Addressing child marriage requires an intersectional approach that acknowledges the overlapping vulnerabilities experienced by children, especially girls from marginalized communities.

The State of Punjab and Ors. Vs. Davinder Singh and Ors. (MANU/SC/0816/2024; 2024 INSC 562)

Power of the States to create sub classification within Scheduled Castes was upheld

“The logical corollary of the identification of castes or groups as Scheduled Castes is not that this creates a homogenous unit. The inclusion of certain castes within the Scheduled Caste category is only to demarcate them from other castes which are not included in the category.”



Sub-classification within the Scheduled Castes does not violate Article 341(2) of the Constitution because the castes are not per se included in or excluded from the List. Sub-classification would violate the provision only when either preference or exclusive benefit is provided to certain castes or groups of the Scheduled Castes over all the seats reserved for the class. Historical and empirical evidence demonstrates that the Scheduled Castes are a socially heterogeneous class.

Supriyo and Ors. vs. Union of India, MANU/SC/1155/2023; 2023 INSC 920)

Transgender in heterosexual relationships and intersex person who identify as either male or female have the right to marry under existing law.

“The right to enter into a union cannot be restricted based on sexual orientation”



The right to enter into a union cannot be restricted based on sexual orientation. Such a restriction will be violative of Article 15. Thus, this freedom is available to all persons regardless of gender identity or sexual orientation. Transgender persons in heterosexual relationships have the right to marry under existing law including personal laws which regulate marriage. This Court cannot either strike down the constitutional validity of Special Marriage Act 1954 because of its institutional limitations.

Indian Young Lawyers Association and Ors. Vs. The State of Kerala and Ors. (MANU/SC/1094/2018; 2018 INSC 908)

Social exclusion of women, based on menstrual status, is a form of untouchability

“The caste system has been powered by specific forms of subjugation of women. The notion of purity and pollution stigmatizes the menstruation of women in Indian society.”



The Constitution protects the equal entitlement of all persons to a freedom of conscience and to freely profess, protect and propagate religion. The practice of excluding women from the temple at Sabarimala is not an essential religious practice. The Court must decline to grant constitutional legitimacy to practices which derogate from the dignity of women and to their entitlement to an equal citizenship. Notions of "purity and pollution", which stigmatize individuals, have no place in a constitutional order.

Navtej Singh Johar and Ors. vs. Union of India (UOI) and Ors. (MANU/SC/0947/2018; 2018 INSC 790)

Section 377 of Indian Penal Code 1860 was held unconstitutional

“A hundred and fifty-eight years ago, a colonial legislature made it criminal, even for consenting adults of the same gender, to find fulfillment in love. The law deprived them of the simple right as human beings to live, love and partner as nature made them. The human instinct to love was caged by constraining the physical manifestation of their sexuality.”



This case has required a decision on whether Section 377 of the Indian Penal Code, 1960 fulfills constitutional standards in penalising consensual sexual conduct between adults of the same sex. We hold and declare that in penalising such sexual conduct, the statutory provision violates the constitutional guarantees of liberty and equality. It denudes members of the LGBT communities of their constitutional right to lead fulfilling lives. In its application to adults of the same sex engaged in consensual sexual behaviour, it violates the constitutional guarantee of the right to life and to the equal protection of law.