

Navtej Singh Johar v. Union of India

Human Rights · (2018) 10 SCC 1 · 2018

Facts

Challenge to Section 377 IPC.

Issues

Constitutionality of criminalising consensual same-sex relations.

Arguments

Constitutional morality vs. majoritarian morality.

Decision

Section 377 read down.

Legal Principles

Sexual orientation intrinsic to dignity and privacy.

Ratio Decidendi

Consensual same-sex relations decriminalised.

Obiter Dicta

Constitutional morality guides interpretation.

Important Quotes

- Constitutional morality cannot be martyred at the altar of social morality.

Exam Notes

Overruled Suresh Kumar Koushal.

Interview Notes

Discuss constitutional vs. social morality.

Precedents

- Suresh Kumar Koushal (overruled)

Articles / Sections

- Article 14
- Article 15
- Article 19
- Article 21
- Section 377 IPC

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