

## The Five Landmark Judgements of the Supreme Court in the year 2018

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The year 2018 will be etched in the annals of legal jurisprudence as a remarkable year with many significant judgements pronounced by the Hon'ble Supreme court of India. Last year, in a landmark decision, the Hon'ble Supreme court's nine judge bench had passed the Judgement declaring Right to Privacy as a fundamental right under the Art.21 of the Constitution of India. This year in Justice Puttaswamy v UOI , the 5 judge bench of the Supreme court upheld the constitutionality of the Aadhar Act while striking down certain provisions declaring mobile companies and banks have no right to demand people to link their bank accounts with Aadhar number. Consequently, the private entities have no right to compel the people to part with their Aadhar information. However, in order to avail public subsidies offered by the government, submission of Aadhar card details are required.

The year witnessed another significant ruling which lifted the centuries old ban on women of all age groups entering Sabrimala temple. A five-judge Constitution bench, headed by Chief Justice of India Dipak Misra in Indian Young Lawyers Association case, took the view that the provision in the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, which placed the restriction, violated the right of Hindu women to practice their religion. It recognised the women's right to pray and practice their religion removing the rigid shackles of “patriarchy” and “discrimination” that prevailed in the Temple for many years.

In yet another significant ruling, a five-judge bench of the Supreme Court headed by CJI Dipak Misra partly struck down Section 377 of Indian Penal Code (IPC) holding it violative of the fundamental right to privacy. However, any kind of sexual activity with animals and children remains a penal offence. The verdict on the

decriminalisation of homosexuality under Section 377 has indeed been a historic judgement. Chief Justice of India Dipak Misra and Justice A M Khanwilkar observed that “sexual autonomy” is an “important pillar” and an “insegregable facet of individual liberty”. While Justice Rohinton F Nariman observed Section 377 of the IPC is “capricious and irrational”, and took the view that “persons who are homosexual “have a fundamental right to live with dignity”, that will “assure the cardinal constitutional value of fraternity”.

The Supreme Court unanimously struck down a century old law that considered adultery to be an offence committed against a married man by another man and treated married woman as property of their husband. The Supreme Court declared Section 497 of IPC as unconstitutional. In yet another significant judgement, the Supreme Court allowed live streaming of its proceedings and observed that this would bring in more transparency in judicial proceedings aligned with the “public right to know”. While Chief Justice Dipak Misra and Justice AM Khanwilkar delivered a common judgment, Justice DY Chandrachud gave a separate but concurring judgment. The land mark judgements delivered by the Supreme court this year have left an indelible imprint in the minds of all Indians. The apex court vigorously upheld through its rulings the fundamental rights of its people- assuring equality, privacy and dignity and freedom from discrimination !

- 1 Justice K.S. Puttaswamy and Ors.vs. Union of India (UOI) and Ors. (24.08.2017 - SC) : MANU/SC/1044/2017
- 2 Indian Young Lawyers Association and Ors.V The State of Kerala and Ors. MANU/SC/1094/2018
- 3 AIR2018SC4321Navtej Singh Johar and Ors.VsUnion of India (UOI) and OrsJoseph Shinevs
- 4 Union of India (UOI)MANU/SC/1074/2018
- 5 SwapnilTripathi and Ors.VsSupreme Court of India and Ors.AIR2018SC4806