



Supreme Court Landmark Cases 2018

Justice T.P.S. Chawla Library, National Law University Delhi

1. Section 377 Verdict: India's top court decriminalises homosexuality in landmark verdict

Upholding the rights of individuals, the Supreme Court decriminalised homosexuality saying that the "LGBT community has the same rights as that of any ordinary citizen. Respect for each other's rights and other are supreme humanity. Criminalising gay sex is irrational and indefensible." However, while India may have scrapped the controversial Section 377 (A), there's still a lot of more that needs to be done for true equality to be implemented on the ground level.

2. Adultery is no longer a crime: Supreme Court scrapped Section 487 of the constitution

Section 487 of the Indian Penal Code deprived women of their own consent and autonomy. The Supreme Court of India unanimously ruled to remove the 158-year old law from the Indian Penal Code (IPC). The law had dictated that any man who has an affair with a married woman will be punished and the woman will only be looked at as the victim and forego legal consequences. An unmarried woman, on the other hand, couldn't be prosecuted for adultery. So a man couldn't be prosecuted, by his wife, for having an affair with an unmarried woman.

3. Triple talaq isn't constitutional

India banned the practice of 'instant divorce' by Muslim men. The government decision came after it failed to get approval of Parliament a year after the court ruled that the practice of triple "talaq" violated the constitutional rights of Muslim women.

4. Supreme Court verdict on the reservation quotas for job promotions

The Supreme Court has made it easier to grant caste-based reservations to members of the Dalit community (Scheduled Castes) and Adivasi (Scheduled Tribes) during job promotions. But, the apex court has also potentially made it harder for economically advanced SCs and STs to reap reservation benefits by extending the 'creamy layer' exclusion to those members.

5. Passive euthanasia - The right to die with dignity is a fundamental right

The Supreme Court of India established that the right to die with dignity is the fundamental right of every citizen. If a person is in the process of dying, as is the case of terminally ill patients or person who are in a persistent vegetative state, then passive euthanasia and a living will should be considered legally valid.

6. Aadhar isn't mandatory, but voluntary for citizens to submit

Just months after India's Supreme Court prohibited private companies from asking customers their Aadhaar data for authentication, the Indian government approved changes in two key laws that will make legal the voluntary submission of Aadhaar. The Indian government is amending the Telegraph Act and the Prevention of Money Laundering Act (PMLA) that will allow people to link their Aadhaar with their bank account and mobile number voluntarily.

7. Women can now enter the Sabarimala temple

The 5-judge constitutional bench headed by Chief Justice Dipak Misra ruled that women can now enter Kerala's Sabarimala temple, irrespective of their age. The judgement wasn't a unanimous decision with Justice Indu Malhotra voting against the petition. Since judgement was passed, Sabarimala has been a point of contention with the local police and tribals opposing the entry of women and blocking off roads.

8. The live stream of SC proceedings

In the interest of transparency and larger public interest, the Supreme Court has allowed the live streaming of court proceedings saying that, "Sunlight is the best disinfectant." Soon to be implemented, the rules for live streaming will be framed under Article 145 of the Indian constitution.

9. The ban on online sale of firecrackers, and the propagation of 'green fireworks'

The air quality in India's national capital, New Delhi, has been a thorn in the side of most of its citizens. The Supreme Court, ahead of the festival of Diwali, ruled that the online sale of fireworks is banned — even via Flipkart and Amazon. Offline fireworks can only be sold through licensed traders, that too if they come under the cadre of 'green

fireworks' — that includes the ban of barium salts in fireworks. Their directive also justified that 'joined fireworks' (laris) are baned altogether because they cause unwarranted air, noise and waste pollution.

10. Bhima Koregaon arrest

In a setback for activists, the Supreme Court ordered an extension of the house arrest of activists for four more weeks on September 28, 2018.

11. Politicians with Criminal Antecedents

In its unanimous verdict, a five-judge bench led by Chief Justice Misra on Tuesday left it to Parliament to bar lawmakers facing trial for heinous and grievous offences from contesting elections by enacting a "strong law", while it observed that the criminalisation of politics is a bitter manifest truth and a "termite" to the citadel of democracy. Refusing to put a ban on candidates with criminal antecedents from entering the poll fray, the court said the law should also make it mandatory for political parties to revoke the membership of candidates facing serious criminal cases.

12. Ram Janambhoomi and Babri Masjid Case

The Supreme Court turned down two pleas in the Ayodhya case on September 27, 2018. One that directly deals with the way the disputed land was split according to the 2010 Allahabad High Court ruling, and another that would have had a direct impact on the Supreme Court's final verdict in case.

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