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Supriyo Chakraborty v. Union of India: Landmark Case on Fundamental Right to Marry

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Is the right to marry per one's choice a fundamental right under the Indian Constitution? The case of Supriyo Chakraborty v. Union of India is a landmark case in India that revolves around the right to marry a person of one's choice. Read more about the case here!

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Facts of the Case

In the case of Supriyo Chakraborty v. Union of India, the Supreme Court of India considered whether there exists a fundamental right to marry under the Indian Constitution.

The case was prompted by a petition challenging the denial of marriage rights to both heterosexual and non-heterosexual individuals under existing laws. The petitioners argued that such a denial violated their fundamental rights guaranteed under Articles 14, 15, 19, and 21 of the Constitution.

Judicial Precedents and Developments

- Lata Singh v Union of India: The Court affirmed the right of individuals to choose their spouse, emphasizing that laws should not restrict inter-caste or inter-religious marriages.
- Justice KS Puttaswamy (Retd.) v. Union of India: Recognizing privacy as a fundamental right under Article 21, the court acknowledged that personal choices related to marriage are integral to an individual's dignity and autonomy.
- Shakti Vahini v. Union of India and Shafin Jahan v. K.M. Asokan [Hadiya Marriage Case]: These cases upheld the freedom to select life partners as part of fundamental rights guaranteed by Articles 19 and 21 of the Constitution, asserting that the right to marry the

person of one's choice is a fundamental component of Article 21.

- Navtej Singh Johar v. Union of India: Decriminalizing homosexuality, the court underscored personal choice and privacy but did not explicitly extend these rights to marriage in public aspects. However, the judgments in Shafin Jahan and Shakti Vahini were pivotal in supporting the concept of freedom to choose a life partner and individual sexual autonomy.
- India's commitment to international human rights norms, such as those outlined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), further underscores the recognition of marriage as a human right without limitations based on race, nationality, or religion.

Judgement of the Case

In its landmark decision on October 17, 2023, the Supreme Court of India clarified that the Indian Constitution does not explicitly recognize a fundamental right to marry for all individuals, irrespective of sexual orientation.

The Court underscored a crucial distinction between the right to choose a life partner, which previous judgments have affirmed as part of personal autonomy under Article 21's guarantees of privacy and dignity, and the right to marry as a legal institution. While acknowledging broad personal freedoms in relationships, the Court held that the right to marry per se is not constitutionally mandated.

This decision marks a pivotal moment in Indian jurisprudence, affirming that while individuals have significant autonomy in personal relationships, the legal recognition of marriage does not carry an explicit constitutional guarantee of a fundamental right.

The Right to Marry under Indian Constitution

The Supreme Court has not explicitly recognized the right to marry as a fundamental right under the Indian Constitution, despite addressing related issues in cases like Shafin Jahan and Shakti Vahini.

These cases affirmed the freedom of individuals to choose their life partners as integral to personal autonomy under Article 21, emphasizing that such choices are beyond state or societal interference. However, the Court's recent stance in Supriyo Chakraborty v Union of India clarifies that while the right to choose a partner is protected, marriage itself is not constitutionally

guaranteed.

This decision contrasts with international norms and previous interpretations of personal freedoms, potentially impacting legal challenges related to marriage laws and societal perceptions of equality.

Impact of the Case

The Supreme Court's decision in Supriyo Chakraborty case marks a significant moment in Indian jurisprudence by clarifying that the right to marry is not constitutionally guaranteed for any individual, irrespective of sexual orientation. This ruling diverges from the progressive trajectory set by earlier judgments recognizing expansive personal freedoms, including the right to choose a life partner and the decriminalization of homosexuality.

By making a narrow distinction between the right to marry and the right to choose a partner, the Court held that while personal choices related to marriage are protected under privacy and dignity clauses of the Constitution, marriage itself does not qualify as a fundamental right. This stance could potentially impact pending legal challenges, particularly making it harder for inter-caste, interfaith, and queer couples.

Conclusion

The right to marry is not explicitly recognized as a fundamental right under the Indian Constitution per the Supriyo Chakraborty case. While the Court has affirmed significant personal freedoms related to choosing a life partner under Article 21's guarantees of privacy and dignity, it does not extend these protections to the legal institution of marriage itself.

This decision marks a departure from international human rights norms and previous judicial interpretations in India that have recognized expansive personal autonomy in relationships. It underscores a conservative approach in interpreting constitutional rights concerning marriage, potentially impacting legal challenges and societal perceptions of equality, particularly for queer couples. Thus, while personal choices in relationships are protected, the legal recognition of marriage remains uncertain and subject to legislative or future judicial developments.

Also Read: KS Puttaswamy v. Union of India