BLOGS

Understanding Supriyo @ Supriya Chakraborty & Anr. v. Union of India

Adtiya Aryan · 08 Jan 2026

The **CLAT 2026 paper tested a passage based on the same-sex marriage judgment** in the Legal Reasoning section. This itself shows how important this case is, not just from a current affairs point of view, but also for understanding constitutional reasoning, rights, and the limits of courts. If you are an aspirant preparing for CLAT, this judgment is something you must clearly understand in simple terms.

Let us break it down step by step.

Background of the Case

In India, marriage laws like the Hindu Marriage Act, Special Marriage Act, and others recognise marriage only between a man and a woman. Same-sex couples do not get legal recognition, even if they live together for years.

Several LGBTQ+ couples approached the Supreme Court asking a simple question:
Can two adults of the same sex legally marry each other in India?

They mainly challenged the **Special Marriage Act, 1954 (SMA)** because it is a secular law meant for inter-faith and inter-caste marriages. Petitioners argued that excluding same-sex couples from this law violates fundamental rights under the Constitution.

The case was heard by a **five-judge Constitution Bench** because it involved important constitutional questions.

What Were the Main Arguments?

Petitioners (Same-Sex Couples)

They argued that:

- The right to choose a partner is part of Article 21 (right to life and personal liberty).
- Excluding same-sex couples from marriage is discrimination under Article 14 (right to equality).
- Marriage gives many legal benefits like inheritance, adoption, medical consent, and pension, which same-sex couples are denied.
- The Constitution protects individual dignity, autonomy, and privacy, which should include the freedom to marry.

In simple words, they said: “If two adults love each other and want to marry, the State should not stop them just because they are of the same sex.”

Union of India (Government)

The government opposed the demand and argued that:

- Marriage is a social and legislative institution, not just a personal choice.
- Courts cannot rewrite laws like the Special Marriage Act.
- Any change in marriage laws must come from Parliament, not the judiciary.
- Indian society has traditionally understood marriage as between a man and a woman.

What Did the Supreme Court Decide?

The Supreme Court **did not legalise same-sex marriage**.

By a majority, the Court held that:

- There is no fundamental right to marry under the Constitution.
- Courts cannot change the definition of marriage given in existing laws.
- Recognising same-sex marriage requires legislative action, not judicial interpretation.

However, this does not mean the Court rejected LGBTQ+ rights completely. The judgment is complex and has multiple opinions.

Who Said What? Judges’ Views Explained Simply

Chief Justice D.Y. Chandrachud

The Chief Justice gave a **strong pro-rights opinion**, though he was in the minority on marriage recognition.

He said:

- Queer persons have a right to dignity, privacy, and equal treatment.
- Same-sex couples have a right to form relationships and families.
- The State should not discriminate against queer relationships.

However, even he agreed that courts cannot create a new law for marriage.

Justice S.K. Kaul

Justice Kaul **supported** the view that:

- LGBTQ+ persons face real discrimination.
- The State must take steps to protect queer couples from harassment.
- Even if marriage is not recognised, their relationships deserve respect.

Majority View (Justices Bhat, Kohli, Narasimha)

They held that:

- Marriage laws are based on a specific social understanding.
- Changing them is a policy decision for Parliament.
- Courts should not enter into the legislative domain.

They were clear that **judicial restraint** is important in a democracy.

Important Directions Given by the Court

Even though same-sex marriage was not legalised, the Court made some important observations:

- LGBTQ+ persons are not criminals and deserve full constitutional protection.
- The government should consider forming a committee to examine the rights and welfare of queer couples.
- Same-sex couples should not face harassment by police or society for living together.

These observations matter a lot for future legal developments.

Legal Status of Same-Sex Marriage in India Today

As of now:

- Same-sex marriage is not legal in India.
- Same-sex couples cannot marry under the Special Marriage Act or personal laws.
- Live-in relationships between same-sex partners are not illegal, but they do not get full legal protection.

In short, same-sex couples can live together, but they do not enjoy the legal benefits that married heterosexual couples get.

Why This Case Is Very Important for CLAT

This judgment is a perfect example of:

- Conflict between fundamental rights and legislative power
- Judicial review versus separation of powers
- How courts balance social change with constitutional limits

In CLAT Legal Reasoning, questions are often asked on whether courts should intervene or leave issues to Parliament. This case fits that theme exactly.

Conclusion

The *Supriyo* judgment may feel disappointing to many, but it is an important constitutional moment. It shows that while the Supreme Court recognises the dignity and rights of LGBTQ+ persons, it also respects the boundaries of judicial power.

For CLAT aspirants, understanding this case is not about memorising the outcome. It is about understanding **why** the Court decided the way it did.