

ITEM NO.43+45

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.1011/2022

SUPRIYO @ SUPRIYA CHAKRABORTY & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR DIRECTIONS)

WITH W.P.(C) No.93/2023 (X)

T.C.(C) No.13/2023 (XVI-A)

T.C.(C) No.12/2023 (XVI-A)

T.C.(C) No.5/2023 (XVI-A)

T.C.(C) No.9/2023 (XVI-A)

W.P.(C) No.1020/2022 (PIL-W)

(With IA No.176659/2022-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No.1105/2022 (X)

W.P.(C) No.1141/2022 (X)

W.P.(C) No.1142/2022 (X)

(With IA No.201628/2022-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No.1150/2022 (X)

(FOR I.R.)

W.P.(C) No.159/2023 (PIL-W)

W.P.(C) No.129/2023 (X)

(With IA No.24442/2023-EXEMPTION FROM FILING O.T.)

T.C.(C) No.6/2023 (XVI-A)

T.C.(C) No.7/2023 (XVI-A)

T.C.(C) No.8/2023 (XVI-A)

T.C.(C) No.10/2023 (XVI-A)

T.C.(C) No.11/2023 (XVI-A)

W.P.(C) No.260/2023 (X)

W.P.(C) No.319/2023 (X)

Date : 13-03-2023 These matters were called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA**

For Petitioner(s) Mr. Neeraj Kishan Kaul, Sr. Adv.
WPC 1011/2022 Ms. Arundhati Katju, Adv.
Mr. Govind Manoharan, Adv.
Mr. Dhruv Sharma, Adv.
Mr. Toshiv Goyal, Adv.
Mr. Raghav Agrawal, Adv.
Mr. Dhanudhar Singh Rana, Adv.
Ms. Shristi Borthakur, Adv.
Ms. Ritika Meena, Adv.
Ms. Tanvi Nigam, Adv.
Mrs. Priya Puri, AOR

WPC 93/2023 & Ms. Anita Shenoy, Sr. Adv.
WPC 129/2023 Mr. Raju Ramchanran, Sr. Adv.
Ms. Amritananda Chakravorty, Adv.
Ms. Amritananda Chakavorty, Adv.
Mr. Mihir Samson, Adv.
Ms. Shreya Munoth, Adv.
Ms. Asawari Sodhi, Adv.
Mr. Siddhartha Srivastava, Adv.
Ms. Ayushama Awasthi, Adv.
Ms. Namrata Sarah Caleb, Adv.
Mr. Abhineet Arvind, Adv.
Mr. Maitreya Saha, Adv.
Ms. Radhika Mohapatra, Adv.
Ms. Anindita Pujari, AOR

TCC 13/2023, By Courts Motion
TCC 12/2023,
TCC 5/2023 & TCC 6/2023

TCC 9/2023 Ms. Karuna Nundy, Adv.
Mr. Rahul Narayan, AOR
Ms. Muskan Tibrewala, Adv.
Mr. Amanpreet Singh, Adv.
Mr. Nitish Chaudhary, Adv.
Ms. Ramya Soni, Adv.

WPC 1020/2022 Mr. Mukul Rohatgi, Sr. Adv.
Mr. Saurabh Kirpal, Sr. Adv.
Ms. Tahira Karanjawala, Adv.
Ms. Niharika Karanjawala, Adv.
Ms. Sanya Dua, Adv.
Mr. Shreyas Maheshwari, Adv.
Mr. Ritwik Mohaptra, Adv.
Mr. Raghav Kacker, Adv.
M/s. Karanjawala & Co.

WPC 1105/2022 &
WPC 1150/2022 Mr. Anand Grover, Sr. Adv.
Ms. Nupur Kumar, AOR
Mr. Paras Nath Singh, Adv.
Mr. Rohin Bhatt, Adv.

WPC 1141/2022 Mr. Malak Manish Bhatt, AOR

WPC 1142/2022 Dr. A.M. Singhvi, Sr. Adv.
Mr. Akhil Sibal, Sr. Adv.
Mr. Shadan Farasat, AOR
Mr. Gautam Bhatia, Adv.
Mr. Abhinav Sekhri, Adv.
Mr. Avishkar Singhvi, Adv.
Ms. Hrishika Jain, Adv.
Mr. Shourya Dasgupta, Adv.
Mr. Aman Naqvi, Adv.
Ms. Mreganka Kukreja, Adv.
Mr. Aman Sharma, Adv.

WPC 159/2023 Mrs. Jayna Kothari, Sr. Adv.
Mr. Rohit Sharma, Adv.
Mr. Nikhil Purohit, Adv.
Mr. Ashok Kumar, Adv.
Ms. Rachna P. Pise, Adv.
Mr. Kumar Dushyant Singh, AOR

TCC 7/2023,
TCC 8/2023 &
TCC 10/2023 Dr. Manaka Guruswamy, Sr. Adv.
Ms. Geeta Luthra, Sr. Adv.
Mr. Govind Manoharan, Adv.
Mrs. Shally Bhasin, AOR
Ms. Arundhati Katju, Adv.
Ms. Bhabna Das, Adv.

Ms. Ritika Meena, Adv.
Ms. Shivani Luthra Lohiya, Adv.
Mr. Utkarsh Pratap, Adv.
Ms. Asmita Narula, Adv.
Mr. Lavkesh Bhambhani, Adv.
Ms. Diksha Tiwari, Adv.
Ms. Apoorva Maheshwari, Adv.
Ms. Mukta Halbe, Adv.
Ms. Apurva Singh, Adv.
Mr. Manas Agrawal, Adv.
Mr. Sai Kaushal, Adv.
Ms. Kavya Agarwal, Adv.
Ms. Shristi Borthakur, Adv.
Mr. Dhanurdhar Singh Rana, Adv.
Mr. Chaitanya Safaya, Adv.
Ms. Peehu Singh Hooda, Adv.

TCC 11/2023

Ms. Ruchira Goel, AOR

WPC 260/2023

Ms. Vrinda Grover, Adv.
Mr. Soutik Banerjee, Adv.
Ms. Devika Tulsiani, Adv.
Ms. Mannat Tipnis, Adv.
Mr. Aakarsh Kamra, AOR

WPC 319/2023

Mr. Shivam Singh, Adv.
Ms. Mugdha Pande, Adv.
Ms. Shaswati Parhi, Adv.
Mr. Avi Srivastava, Adv.
Mr. Kailas Bajirao Autade, AOR

For Respondent(s)

Mr. Tushar Mehta, Solicitor General
Mr. Kanu Agarwal, Adv.
Mr. Udai Khanna, Adv.
Ms. Ruchi Gour Narula, Adv.
Mr. Madhav Sinhal, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Anandh Venkataramani, Adv.
Mrs. Vijayalakshmi Venkataramani, Adv.
Mr. Vinayak Mehrotra, Adv.
Ms. Mansi Sood, Adv.
Mr. Chitvan Singhal, Adv.

Ms. Sonali Jain, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Raman Yadav, Adv.
Ms. Sneha Kalita, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Sourav Singh, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 In this batch of petitions under Article 32 of the Constitution, the petitioners seek recognition of the right of couples of the same gender to marry.
- 2 Besides relying upon the decisions of this Court in ***K S Puttaswamy (Retired) and Another vs Union of India and Another***¹ and ***Navtej Singh Johar vs Union of India***², the petitioners have asserted broader constitutional entitlements arising out of the right to life and personal liberty and the right to dignity which is embodied in the provisions of the Constitution including its Preamble and as a natural incident of Articles 14, 19 and 21.
- 3 The submissions involve the inter play between constitutional rights on the one hand and specific legislative enactments including the Special Marriage Act 1954, the Foreign Marriage Act 1969, the Hindu Marriage Act 1955, the Citizenship Act and the Transgender Persons Protection of Rights Act 2019 on the other.

1 (2019) 1 SCC 1

2 (2018) 10 SCC 1

- 4 One of the issues raised before the Court relates to the rights of transgender couples to marry, as a natural incident of their constitutional entitlements.
- 5 Having due regard to the broader context of the petitions before this Court and the inter relationship between the statutory regime and constitutional rights, we are of the considered view that it would be appropriate if the issues raised are resolved by a Bench of five Judges of this Court in view of the provisions of Article 145(3) of the Constitution.
- 6 We accordingly direct that the hearing of these petitions be posted before a Constitution Bench.
- 7 In pursuance of the previous order of this Court, the nodal counsel nominated by the Court have prepared a common compilation of documents together with written submissions. Counsel shall rely during the course of the hearing only on the common compilation. Hence, should any of the counsel wish to add to the common compilation, they shall intimate Ms Arundhati Katju and Mr Kanu Agrawal, the nodal counsel who will include the additions in the common compilation.
- 8 The petitions shall be listed for final disposal and hearing on 18 April 2023 at 10.30 am.
- 9 The Solicitor General states that a counter affidavit has already been filed. In the event that any supplement is required to be made to deal with the issues which may have been raised in any individual petition or a subsequent petition which has been filed after the date of the counter affidavit, that shall be done within a period of three weeks. Rejoinder affidavit, if any, may be filed before the next date of listing.

- 1 Issue notice.
- 2 Tag with WP (C) No 1011 of 2022.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar