



JOSEPH SHINE V. UNION OF INDIA (2018)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

◆ 1. Prelims Snapshot (Fact Box)

- 📅 Year: 2018
- ⚖️ Case: Joseph Shine v. Union of India
- 👤 Bench Strength: 5 Judges (Constitution Bench)
- 📖 Key Articles Involved: Article 14, Article 15, Article 21
- 🧠 Doctrine Evolved: Decriminalisation of adultery; Equality, dignity, and autonomy in personal relationships
- 💬 Famous Line: "A woman is not the property of her husband."

CONTEXT & BACKGROUND

Section 497 of the Indian Penal Code criminalised adultery, making it an offence committed only by a man who had sexual relations with a married woman without the consent of her husband. The woman herself could not be punished and was treated as a victim,



reinforcing the notion of male dominance in marriage.

In 2017, Joseph Shine, a non-resident Keralite, filed a Public Interest Litigation (PIL) challenging the constitutionality of Section 497, arguing that it violated the Right to Equality and the Right to Personal Liberty of both men and women.

CONSTITUTIONAL ISSUES RAISED

- Does Section 497 violate Article 14 (equality before the law) and Article 15 (non-discrimination)?
- Does treating the woman as her husband's property violate Article 21 (dignity and personal autonomy)?
- Can morality-based criminal laws infringe on personal liberty and individual choice?

VERDICT & RATIO DECIDENDI

The Supreme Court unanimously struck down Section 497 IPC as unconstitutional, holding that:

- The law was archaic, patriarchal, and discriminatory, and violated Articles 14, 15, and 21



**UPSC
GURUS**

MAJOR SUPREME COURT JUDGEMENTS

- It reduced a woman to a mere chattel, with no agency or autonomy
- The criminal law cannot regulate morality in consensual adult relationships
- Marriage does not imply the extinguishment of constitutional rights, especially of women

Justice D.Y. Chandrachud emphasized: *"The husband is not the master of the wife. Women must be equal participants in marriage, not passive objects."

DOCTRINE / PRINCIPLE EVOLVED

- Gender equality and individual dignity are central to Article 21
- Laws rooted in patriarchal assumptions are unconstitutional
- The State cannot legislate private morality in adult consensual relationships
- The judgment reinforced that marital status does not limit fundamental rights.



**UPSC
GURUS**

MAJOR SUPREME COURT JUDGEMENTS

IMPACT & LEGACY

- Decriminalised adultery, making it a civil issue rather than a criminal offence
- Marked another major move toward individual liberty and gender justice
- Paved the way for further conversations on gender-neutral laws, marital rights, and reproductive autonomy
- Reinforced the Puttaswamy judgment's emphasis on privacy and autonomy



MAJOR SUPREME COURT JUDGEMENTS

RELEVANCE FOR UPSC

- GS Paper 2:
 - Constitutional safeguards for women
 - Role of judiciary in advancing social justice
 - Criminal law reforms
- GS Paper 4 (Ethics):
 - Dignity, autonomy, justice, and breaking gender stereotypes
- Essay Paper:
 - Apt for themes like Gender Equality, Marriage and Rights, Justice in Private Life
- UPSC Interview:
 - Relevant in discussions on gender-sensitive legislation, criminal law reform, or equality in personal laws

**TO DOWNLOAD PDF
JOIN OUR TELEGRAM
CHANNEL**

https://t.me/UPSC_Gurus



**OR
DOWNLOAD FROM
OUR WEBSITE**

www.upscgurus.in

FOLLOW US

