



Worksheet 2 Constitutionality of Section 377 IPC

1. What is Section of 377 of the Indian Penal Code? Whom does it affect?
2. How did the case come before the Supreme Court? Has the issue previously come before the Supreme Court?
3. List the main parties and the judges.
4. What were the main grounds for the Section 377 challenge? Which fundamental rights does Section 377 potentially violate?
5. Who was the main respondent defending Section 377? What were their main arguments? Relative to the petitioners, how much time did they have to present oral arguments?
6. One of the petitioner's counsels argued that there could be no presumption of constitutionality for a colonial era law? Who argued this and how did it relate to the Section 377 challenge?
7. What did the court decide? Did it strike down Section 377 completely?
8. One Judge held that Section 377 violated the Mental Health Care Act 2017, which does not recognize homosexuality as a disease. Who is this judge and what did they state?
9. How has the judgment been received by the public? Has it improved the lives of sexual minorities in any measurable way?