



# Choosing a partner is a person's fundamental right

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## Highlights

- The observation came on the first day of hearing by a Constitution Bench of petitions challenging the constitutionality of Section 377 of the Indian Penal Code, a colonial era provision that criminalises private consensual sex between adults.

## Violation of privacy

- Justice Chandrachud, who is part of the five-judge Bench led by Chief Justice of India Dipak Misra, was reacting to a submission by senior advocate Arvind Datar, for hotelier Keshav Suri, that the right to sexual orientation was meaningless without the right to choose a partner.
- Justice Chandrachud drew his observations from the March 2018 judgment in the Hadiya case, which held that neither the State nor one's parents could influence an adult's choice of partner. That would be a violation of the fundamental right to privacy.
- Hadiya, a Hindu girl from Kerala, converted to Islam and chose to marry a Muslim man.

Source: [The Hindu](#)

