

## 25 Important Supreme Court Judgements for UPSC

### 25 Most Important Supreme Court Judgements

Case	Relevance
<b>A.K. Gopalan Case (1950)</b>	SC contended that there was no violation of <a href="#">Fundamental Rights</a> enshrined in Articles 13, 19, 21 and 22 under the provisions of the Preventive Detention Act, if the detention was as per the procedure established by law. Here, the SC took a narrow view of Article 21.
<b>Shankari Prasad Case (1951)</b>	This case dealt with the amendability of Fundamental Rights (the First Amendment's validity was challenged). The SC contended that the Parliament's power to amend under Article 368 also includes the power to amend the Fundamental Rights guaranteed in Part III of the Constitution.
<b>Berubari Union case (1960)</b>	This case was regarding the Parliament's power to transfer the territory of Berubari to Pakistan. The <a href="#">Supreme Court</a> examined Article 3 in detail and held that the Parliament cannot make laws under this article in order to execute the Nehru-Noon agreement. Hence, the 9th Amendment Act was passed to enforce the agreement.
<b>Golaknath case (1967)</b>	The questions in this case were whether amendment is a law; and whether Fundamental Rights can be amended or not. SC contended that Fundamental Rights are not amenable to the Parliamentary restriction as stated in Article 13, and that to amend the Fundamental rights a new <a href="#">Constituent Assembly</a> would be required. Also stated that Article 368 gives the procedure to amend the Constitution but does not confer on Parliament the power to amend the Constitution.
<b><a href="#">Kesavananda Bharati case (1973)</a></b>	This judgement defined the basic structure of the Constitution. The SC held that although no part of the Constitution, including Fundamental Rights, was beyond the Parliament's amending power, the " <a href="#">basic structure of the Constitution</a> could not be abrogated even by a constitutional amendment." This is the basis in Indian law in which the judiciary can strike down any amendment passed by Parliament that is in conflict with the basic structure of the Constitution.
<b>Indira Nehru Gandhi v. Raj Narain case (1975)</b>	The SC applied the theory of basic structure and struck down Clause(4) of article 329-A, which was inserted by the 39th Amendment in 1975 on the grounds that it was beyond the Parliament's amending power as it destroyed the Constitution's

	basic features.
<b><u>Maneka Gandhi case (1978)</u></b>	A main issue in this case was whether the right to go abroad is a part of the Right to Personal Liberty under Article 21. The SC held that it is included in the Right to Personal Liberty. The SC also ruled that the mere existence of an enabling law was not enough to restrain personal liberty. Such a law must also be “just, fair and reasonable.”
<b>Minerva Mills case (1980)</b>	This case again strengthens the Basic Structure doctrine. The judgement struck down 2 changes made to the Constitution by the <a href="#">42nd Amendment Act 1976</a> , declaring them to be violative of the basic structure. The judgement makes it clear that the Constitution, and not the Parliament is supreme.
<b>Waman Rao Case (1981)</b>	The SC again reiterated the Basic Structure doctrine. It also drew a line of demarcation as April 24th, 1973 i.e., the date of the Kesavananda Bharati judgement, and held that it should not be applied retrospectively to reopen the validity of any amendment to the Constitution which took place prior to that date.
<b>Shah Bano Begum case (1985)</b>	Milestone case for Muslim women’s fight for rights. The SC upheld the right to alimony for a Muslim woman and said that the Code of Criminal Procedure, 1973 is applicable to all citizens irrespective of their religion. This set off a political controversy and the government of the day overturned this judgement by passing the Muslim Women (Protection on Divorce Act), 1986, according to which alimony need be given only during the iddat period (in tune with the Muslim personal law).
<b>MC Mehta and Union Of India (1986)</b>	This case dealt with 3 issues: Scope of Article 32; rule of Absolute Liability or Rylands vs Fletcher to be followed; issue of compensation. SC held that its power under Article 32 is not restricted to preventive measures, but also remedial measures when rights are violated. It also held that in the case of industries engaged in hazardous or inherently dangerous activities, Absolute Liability was to be followed. Finally, it also said that the amount of compensation must be correlated to the magnitude and capacity of the industry so that it will be a deterrent.
<b>Indra Sawhney and Union of India (1992)</b>	SC examined the scope and extent of Article 16(4), which provides for the reservation of jobs in favour of backward classes. It upheld the constitutional validity of 27% reservation for the OBCs with certain conditions (like creamy layer exclusion, no reservation in promotion, total reserved quota should not exceed 50%, etc.)

<p><b>S. R. Bommai case (1994)</b></p>	<p>In this judgement, the SC tried to curb the blatant misuse of <a href="#">Article 356</a> (regarding the imposition of President’s Rule on states).</p>
<p><b>Vishaka and State of Rajasthan (1997)</b></p>	<p>This case dealt with <a href="#">sexual harassment at the workplace</a>. In the judgement, the SC gave a set of guidelines for employers – as well as other responsible persons or institutions – to immediately ensure the prevention of sexual harassment. These are called ‘Vishaka Guidelines’. These were to be considered law until appropriate legislation was enacted.</p>
<p><b>Samatha and State of Andhra Pradesh (1997)</b></p>	<p>This judgement nullified all mining leases granted by the Andhra Pradesh State government in the Scheduled areas and asked it to stop all mining operations. It declared that forest land, tribal land, and government land in scheduled areas could not be leased to private companies or non-tribal for industrial operations. Such activity is only permissible to a government undertaking and tribal people.</p>
<p><b>Lily Thomas v Union of India (2000)</b></p>	<p>Here, the SC held that the second marriage of a Hindu man without divorcing the first wife, even if the man had converted to Islam, is void unless the first marriage had been dissolved according to the Hindu Marriage Act.</p>
<p><b>I.R Coelho and State of Tamil Nadu 2007</b></p>	<p>This judgement held that if a law is included in the 9th Schedule of the Indian Constitution, it can still be examined and confronted in court. The 9th Schedule of the Indian Constitution contains a list of acts and laws which cannot be challenged in a court of law. The Waman Rao ruling ensured that acts and laws mentioned in the IX schedule till 24 April 1973, shall not be changed or challenged, but any attempt to amend or add more acts to that schedule will suffer close inspection and examination by the judiciary system.</p>
<p><b>Pedophilia case (2011)</b></p>	<p>The SC restored the conviction and sentence of 6-year (RI) rigorous imprisonment imposed on 2 UK nationals who were acquitted by the Bombay High Court in a paedophilia case. The court said that “the sexual abuse of children is one of the most heinous crimes.”</p>
<p><b>Aruna Shanbaug Case (2011)</b></p>	<p>The SC ruled that individuals had a right to die with dignity, allowing passive <a href="#">euthanasia</a> with guidelines. The need to reform India’s laws on euthanasia was triggered by the tragic case of Aruna Shanbaug who lay in a vegetative state (blind, paralysed and deaf) for 42 years.</p>
<p><b>NOTA judgement (2013)</b></p>	<p>This judgement introduced the NOTA (None-Of-The-Above) option for Indian voters.</p>
<p><b>Lily Thomas and</b></p>	<p>The SC ruled that any MLA, MLC or MP who was found guilty of a crime and</p>

<b>Union Of India (2013)</b>	given a minimum of 2 year imprisonment would cease to be a member of the House with immediate effect.
<b>Nirbhaya Case (2014)</b>	Introduction of the Criminal Law (Amendment) Act, 2013 and definition of rape under the <a href="#">Protection of Children from Sexual Offences Act, 2012</a> , the Indian Evidence Act, 1872, Indian Penal Code, 1860 and Code of Criminal Procedures, 1973.
<b>National Legal Services Authority and Union of India (2014)</b>	This case resulted in the recognition of transgender persons as a third gender. The SC also instructed the government to treat them as minorities and expand the reservations in education, jobs, education, etc.
<b>Triple Talaq Judgement (2016)</b>	The SC outlawed the backward practice of instant ‘triple talaq’, which permitted Muslim men to unilaterally end their marriages by uttering the word “talaq” three times without making any provision for maintenance or alimony. Read about the <a href="#">Triple Talaq Bill, 2019</a> .
<b>Right To Privacy (2017)</b>	The SC declared the right to privacy as a Fundamental Right protected under the Indian Constitution.
<b>Repealing Section 377 (2018)</b>	The SC ruled that <a href="#">Section 377</a> was unconstitutional “in so far as it criminalises consensual sexual conduct between adults of the same sex.”
<b>L Chandra Kumar Case (1997)</b>	The SC ruled that the power of judicial review vested in the Supreme Court and High Courts by Articles 32 and 226 respectively is a part of the basic structure of the Constitution.
<b>Puttuswamy Case (2017)</b>	This SC judgement protects individual rights against the invasion of one’s privacy.
<b><a href="#">Habeas Corpus Case (1976)</a></b>	A much-criticised judgement of the SC, in which the majority ruling went against individual freedom and seemed to favour the state. Justice Khanna’s dissent is also well-known.
<b>Romesh Thapar Case (1950)</b>	Here, the SC held that the freedom of speech and expression includes freedom of propagation of ideas that can only be ensured by circulation.

## What are the landmark Judgements?

Landmark judgements are those that set a precedent in law, or determine a major new legal principle or judicial

concept or affects the interpretation of the existing law in a significant manner.

### **Is the Supreme Court decision final in India?**

The SC is the highest judicial court in India and the final court of appeal under the Indian Constitution, and the highest constitutional court, with the power of judicial review. A binding decision of the SC can be reviewed in a Review Petition. The parties aggrieved on any order of the Court on any apparent error can file a review petition. Taking into account the principle of stare decisis, the SC does not generally unsettle a decision, in the absence of a strong case.

### **Is the Supreme Court more powerful than Parliament?**

The SC has to work on the basis of laws made by the Parliament. But, the SC can also annul a law framed by the Parliament if the law violates the Constitution. The Parliament can amend the Constitution also but again, that is subject to the Basic Structure doctrine.

### **Who was the first woman chief justice of India?**

The first female justice in the SC was Fatima Beevi appointed on 6 October 1989.