Landmark Judgements of Constitutional Law

1. A.K Gopalan vs. State of Madras(1950)

SC contented that there was no violation of Fundamental Rights 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.

2. Shankari Prasad Case (1951)

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.

3. Berubari Union case (1960)

This case was regarding the Parliament's power to transfer the territory of Berubari to Pakistan. The Supreme Court 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.

4. Golaknath case (1967)

The questions in this case were whether amendment is a law; and whether Fundamental Rights can be amended or not. SC contented that Fundamental Rights are not amendable to the Parliamentary restriction as stated in Article 13, and that to amend the Fundamental rights a new Constituent Assembly 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.

5. Kesavananda Bharati case (1973)

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 "basic structure of the Constitution 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.

6. Indira Nehru Gandhi v. Raj Narain case (1975)

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.

7. **Maneka Gandhi case (1978)**

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."

8. **Minerva Mills case (1980)**

This case again strengthens the Basic Structure doctrine. The judgement struck down 2 changes made to the Constitution by the 42nd Amendment Act 1976, declaring them to be violative of the basic structure. The judgement makes it clear that the Constitution, and not the Parliament is supreme.

9. **Waman Rao Case (1981)**

 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.

10. **Shah Bano Begum case (1985)**

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).

11. **Indra Sawhney and Union of India (1992)**

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.)

12. **S. R. Bommai case (1994)**

In this judgement, the SC tried to curb the blatant misuse of Article 356 (regarding the imposition of President's Rule on states).

13. **I.R Coelho and State of Tamil Nadu(2007)**

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 9th 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.

14. **NOTA judgement (2013)**

This judgement introduced the NOTA (None-Of-The-Above) option for Indian voters.

15. **Nirbhaya Case (2014)**

Introduction of the Criminal Law (Amendment) Act, 2013 and definition of rape under the Protection of Children from Sexual Offences Act, 2012, the Indian Evidence Act, 1872, Indian Penal Code, 1860 and Code of Criminal Procedures, 1973.

16. **National Legal Services Authority and Union of India (2014)**

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.

17. **Triple Talaq Judgement (2016)**

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.

18. **L Chandra Kumar Case (1997)**

The SC ruled that the power of judicial review vested in the Supreme Court and High Courts by Articles 32 (Right to Constitutional Remedies) and 226 respectively is a part of the basic structure of the Constitution.

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