

## PREVIOUS YEARS QUESTIONS (PYQ) TREND ANALYSIS OF SUPREME COURT/HC CASES/JUDGEMENTS.

### Q.1 (2018)

Which of the following Judgements is associated with the primacy of the Chief Justice of India and the collegium of Judges in the appointment and transfer of the higher Judiciary

- (a) kesavananda bharati vs state of kerala
- (b) S P Gupta vs President of India
- (c) Menaka Gandhi vs Union of India
- (d) S R Bommai vs union of India

### Q.2 (2017)

Which one of the following cases in the Supreme Court of India dealt with the issue of 'creamy layer' among the backward classes?

- A. K M Nanavati vs. State of Bombay
- B. Indra Sawhney vs. Union of India
- C. Madhu Limaye vs. Ved Murti
- D. Sajjan Singh vs. State of Punjab

### Q.3 (2017)

Which one of the following judgements declared that the Parliament has NO power to amend any of the provisions of Part III of the Constitution of India?

- A. Kesavananda Bharati vs. State of Kerala
- B. Golak Nath vs. State of Punjab
- C. Champakam Dorairajan vs. State of Madras
- D. Minerva Mills Ltd. Vs. Government of India

### Q.4 (2015)

The Locus Standi rule to move the court was liberalized by the case of

- (a) SR Born Rnai vs Union of India
- (b) Minerva Mills vs Union of India
- (c) SP Gupta vs Union of India
- (d) Kesavananda Bharati vs State of Kerala

## 30 ALL IMPORTANT SUPREME COURT CASES/JUDGEMENTS (1950 – 2019)

### 1) A.K. Gopalan Case (1950)

SC contended 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 SC 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 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 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) Menaka 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 judgment 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)MC Mehta and Union Of India (1986)

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.

## 12)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.)

## 13)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).

## 14)K M Nanavati vs. State of Bombay(1960)

HC found Nanavati guilty of killing Ahuja and sentenced him to life in prison. Within hours, the Governor of Bombay issued an unprecedented order and suspended the life sentence

## 15)Madhu Limaye and Anr vs. Ved Murti and Ors. ((1970)

SC held that the scope of Section 144 extends to making an order which is either prohibitory or mandatory in nature and 'urgency' is the only criteria that can justify an order under this Section

## 16)Sajjan Singh vs. State of Punjab

- Related to attempt to murder section 307 IPC.

## 16)S. P. Gupta vs Union of India (first judge case)

the Supreme Court had held that the word "consultation" in Article 124 and in Article 217 does not mean "concurrence" and the ultimate power would be vested with President.

## 17)Vishaka and State of Rajasthan (1997)

This case dealt with sexual harassment at the workplace. 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.

## **18)Samatha and State of Andhra Pradesh (1997)**

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.

## **19)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 is 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.

## **20)Pedophilia case (2011)**

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.”

## **21)Aruna Shanbaug Case (2011)**

The SC ruled that individuals had a right to die with dignity, allowing passive euthanasia 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.

## **22)Peoples union for civil liberty vs. union of India case (NOTA judgment 2013)**

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

## **23)Lily Thomas and Union Of India (2013)**

The SC ruled that any MLA, MLC or MP who was found guilty of a crime and given a minimum of 2 year imprisonment would cease to be a member of the House with immediate effect.

## **24)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.

## **25)National Legal Services Authority vs 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. Shreya singhal vs union of india

## **26)Shreya Singhal vs. Union of India(2015)**

SC struck down Section 66A of the Information technology act 2000, relating to restrictions on online speech, as unconstitutional on grounds of violating the freedom of speech guaranteed under Article 19(1)(a) of the constitution

## **27)Shayara bano vs union of india case (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.

## **28)Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India Right To Privacy (2017)**

The SC declared the right to privacy as a Fundamental Right protected under the Indian Constitution.

## **29)Navtej singh johar vs union of india (Repealing Section 377 -2018)**

The SC ruled that Section 377 was unconstitutional “in so far as it criminalizes consensual sexual conduct between adults of the same sex.”

## **30)Ayodhya case (2019)**

SC delivered cleared way for construction of ram temple in the disputes 5 acre land