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LANDMARK JUDGEMENTS OF SUPREME COURT

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INTRODUCTION-

Judiciary is one of the prominent organ of the government that focuses upon the implementation of law in a just and fair manner and also act as the guardian of the constitution.

In Indian context, within the hierarchical setup the Supreme Court plays an effective role in granting the justice in all basic forms of economic, political , and social sense.

The fundamental rights enshrined in part 3 of our Indian Constitution Of 1950 has a wider role in serving the interests of justice when the concern is regarding leading the basic dignified life of an individual for the overall human development in a fair and reasonable manner in the civilised society of this modern era under the ambit of welfare state.

Judiciary has from time-to-time granted several important judgements that serves as the base for granting the faith in the people that courts are standing for their interest and creates a healthy balance between individual and societal interest as done in one of the most highlighted the article 21 of the Indian constitution which embarks the notion of providing protection of one's life and personal liberty in the context of procedure established by law to both citizens as well as non-citizens of the land.

There are several landmark judgements of the Supreme Court that has been holding historical importance for their profound impact upon the society.

FOLLOWING ARE THE CASES AS MENTIONED INT THEIR GIST FORM FOR KNOWING THEIR IMPORTANCE AND ROLE IN DEVELOPING THE LEGAL LANDSCAPE OF INDIA MOSTLY UNDER THE UMBRELLA ARTICLE 21 OF THE INDIAN CONSTITUTION OF 1950 FROM TIME TO TIME AS-

(all these holds a greater value in the context of constitutional jurisprudence as well)

In A.K.GOPALAN VS STATE OF MADRAS¹-the narrow interpretation of the term “procedure established by law” as held which was against the spirit of article 21 which was later got rectified in the case of MANEKA GANDHI VS UNION OF INDIA²-in this the concept of golden triangle was upheld that article 14, 19 and 21 of the Indian Constitution are interlinked and infringement of one leads to the violation of other as well. Also, in this case the wider notion of the term “procedure established by law” was established together with the notion of natural justice principles.

In FRANCIS CORALIE MULLIN VS THE ADMINISTRATOR, UNION TERRITORY OF DELHI³ -the notion was established that right to live with human dignity is a part of article 21.

In HUSSAINARA KHATOON V. HOME SECRETARY, STATE OF BIHAR⁴- it was upheld that speedy trial is a part of article 21.

In OLGA TELLIS V. BOMBAY MUNICIPAL CORPORATION⁵- it was held that right to livelihood is an implied right given under article 21.

In BANDHUA MUKTI MORCHA VS UNION OF INDIA⁶- it was held that bonded labour should be abolished and can be covered under article 21.

In M.C.MEHTA VS UNION OF INDIA⁷ – it was held that right to a healthy environment is an integral part of article 21.

In VISHAKA VS STATE OF RAJASTHAN⁸- it was held that the guidelines laid down in this case in respect of sexual harassment plays a vital role in protecting the interest of article 21.

In UNNI KRISHNAN, J.P VS STATE OF ANDHRA PRADESH⁹- it was upheld by the honourable court that right to education is an important part of article 21.

In P.RATHINAM VS UNION OF INDIA¹⁰- it was upheld by the court that right to die is part of right to life but this later got overruled as the doctrine of waiver does not apply in India.

¹ AIR 1950 SC 27

² AIR 1978 SC 597

³ AIR 1981 SC 746

⁴ AIR 1979 SC 1360

⁵ AIR 1986 SC 180

⁶ AIR 1984 SC 802

⁷ AIR 1987 SC 1086

⁸ AIR 1977 SC 3011

⁹ AIR 1993 SC 2178

¹⁰ AIR 1994 SC 1844

In *GIAN KAUR VS STATE OF PUNJAB*¹¹ -it was held that right to life does not include right to die.

In *SHANTISTAR BUILDERS VS NARAYAN KHIMALAL TOTAME*¹²-it was held that right to shelter is a part of article 21.

In *CONSUMER EDUCATION CENTER VS UNION OF INDIA*¹³- it was held that right to health and medical care is also a part of article 21.

In *STATE OF MAHARASHTRA VS PRABHAKAR PANDURANG*¹⁴- it was held that under article 21 one should be treated with dignity even after being in detention period.

In *R,D UPADHAY VS STATE OF ANDHRA PRADESH*¹⁵- the notion was highlighted for the education rights of women prisoners under the same article 21.

In *RAMA MURTHY VS STATE OF KARNATAKA*¹⁶-the concern was raised to formulate reforms for human conditions in prisons with respect of article 21.

In *JUSTICE K.S.PUTTASWAMY VS UNION OF INDIA*¹⁷- right to privacy was incorporated in article 21.

In *ARUNA SHANBAUG VS UNION OF INDIA*¹⁸-passive euthanasia was allowed in certain cases for the light of article 21.

In *SELVI VS STATE OF KARNATAKA*¹⁹- it held that involuntary narco-analysis, polygraph and brain-mapping test during the enforcement of criminal procedure is violative of article 21 and consent in such cases is a must and that too the consent should be of free in nature and manner.

In *NILABATI BEHERA VS STATE OF ORISSA*²⁰- in this it was held that it is the liability of the state to pay compensation for violation of article 21.

¹¹ AIR 1996 SC 946

¹² AIR 1990 SC 630

¹³ AIR 1995 SC 922

¹⁴ AIR 1966 SC 424

¹⁵ AIR 2006 SC 1946

¹⁶ AIR 1997 SC 1739

¹⁷ AIR 2017 SC 4161

¹⁸ AIR 2011 SC 1290

¹⁹ AIR 2010 SC 1974

²⁰ AIR 1993 SC 1960

In PRAMATI EDUCATIONAL AND CULTURAL TRUST VS UNION OF INDIA²¹- the constitutionality of the right to education act was upheld with respect to the article 21A.

In INDIAN COUNCIL FOR ENVIRO-LEGAL ACTION VS UNION OF INDIA²² -it was held that environmental degradation is violative of article 21.

In PUDR VS UNION OF INDIA²³- the right to health and safety was upheld at workplace under the ambit of article 21.

In NILABATI BEHERA VS STATE OF ORISSA²⁴-it was held that state will be held liable for the custodial deaths.

In SHREYA SINGHAL VS UNION OF INDIA²⁵- section 66A of the IT act was strucked off.

In SAMPAT PRAKASH VS STATE OF JAMMU AND KASHMIR²⁶- it was held that preventive detention laws should be there but it should not be infringing the right given under article 21 with a malafide intent or in a unnecessary or unreasonable manner.

In E.P ROYAPPA VS STATE OF TAMIL NADU²⁷- the concept of new equality was propounded that it is antithesis to the notion of arbitray rule of power.

In STATE OF WEST BENGAL VS ANWAR ALI SARKAR²⁸-it was held that there should be an intelligible differentia and rational nexus in the reasonable classification done under article 14 for right to equality.

In RANDHIR SINGH VS UNION OF INDIA²⁹- equal pay for equal work was established under article 14.

In S.R BOMMAI VS UNION OF INDIA³⁰- the court upheld the secular nature of the Indian Constitution in a expressed manner.

There are various other landmark cases as well that are coming up from time to time but reading this article or the gist of such cases will give the reader a glimpse that how one should be aware

²¹ AIR 2014 SC 2114

²² AIR 1996 SC 1446

²³ AIR 1982 SC 1473

²⁴ AIR 1993 SC 1960

²⁵ AIR 2015 SC 1523

²⁶ AIR 1970 SC 1118

²⁷ AIR 1970 SC 1118

²⁸ AIR 1952 SC 75

²⁹ AIR 1982 SC 879

³⁰ AIR 1994 SC 1918

of one's legal fraternity work and judgments that got established as a fundamental precedent or milestone in delivering the notion of justice to the needy in a fair and holistic manner.

Thus it can be said that yes the judiciary is working on the society betterment aspect even after having certain loopholes and its own challenges and working for the better society in all manner dealing with several aspects of the society and people should have faith on the judiciary for its powers and roles. Furthermore, judiciary should work upon its actions in a fair manner to check the implementation of its judgements and should focus on the evolutionary perspective of the rights in a analytical and critical manner that fundamental rights should also be balanced with the development and growth of the society.

All these mentioned cases acts a profound proof in showing the consideration that how law plays a vital role in the development of the society and how does one should realize its effectiveness and should contribute in its efficiency.

The article 21 of Indian Constitution holds a clear and significant relation to other fundamental rights as stated above and also plays a vital role in shaping one's life in economic, political, social, cultural, ethical and humanitarian aspects.

ARTICLE 21 OF Indian constitution has a direct impact of UDHR-(UNIVERSAL DECLARATION OF HUMAN RIGHTS,1948); ICCPR (INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS,1966); ICESCR (INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS,1966); CRC (CONVENTION ON THE RIGHTS OF THE CHILD,1989); ICERD (INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION,1965) and many more.

The statement of JUSTICE P.N. BHAGWATI as “ Article 21 of the Indian Constitution is not merely a legal provision but a moral imperative, recognizing the inherent dignity and worth of every individual. It is a beacon of hope for the marginalized, the vulnerable and the oppressed, guaranteeing them the right to life and personal liberty , including economic rights essential for their well-being.”

CONCLUSION-

Judiciary thus can be concluded that it acts in a collaborative and complimentary manner with the other organs of the government such as legislature which creates the law and executive which executes the law.

REFERENCES-

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