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## Landmark Supreme Court Judgments in India

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### Abstract

Since 1950, the Supreme Court of India has protected the Constitution and Fundamental Rights. Using its powers under Articles 32 and 136, it has checked the government and made justice easier for citizens to reach. This article looks at five landmark judgments that show this role. In the landmark and historic case i.e. Kesavananda Bharati, the Court held that Parliament can amend the Constitution but cannot destroy and amend the its Basic Structure of the Constitution. In the case of Maneka Gandhi, it was held that any procedure affecting life or personal liberty it must be fair, just and reasonable. In Minerva Mills, it limited the Forty-Second Amendment and said Fundamental Rights and Directive Principles must be balanced and created the clear distinction between them. In Vishaka case, the Hon'ble Court issued guidelines on sexual harassment at work, which led to the enactment of the 2013 Act. In Shayara Bano, case the a five-judge Bench struck down instant triple talaq by a three-to-two majority. The article concludes that these judgments shaped Indian constitutional law and show the Hon'ble Supreme Court's plays an active role in protecting rights.

Keywords: Supreme Court of India, Basic Structure Doctrine, Article 21, Judicial Review, Judicial Activism

### Introduction

The Hon'ble Supreme Court of India has a major role since, 1950 a transformation to give legal effect to the constitution. The Supreme Court has vested the power on Judicial Review under the Constitution of India i.e. Article 32<sup>1</sup> and 136<sup>2</sup>, so Hon'ble Court has frequently played the major role in safeguarding our fundamental rights also checking the separation of powers and

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<sup>1</sup> The Constitution of India 1950, art 32.

<sup>2</sup> The Constitution of India 1950, art 136.

excesses of the legislative along with the executive, also by showing judicial activism the court has expanded the justice for the Citizens. Over the years, Hon'ble Supreme Court has given lots of Judgments and gone beyond the dispute and find the real nature of law through interpretation also through amendments and guidelines passed in several Judgments. This blog will scrutinize the landmark and historic judgments given by the Hon'ble Supreme Court of India.

### **Landmark Judgments of Supreme Court in India are:**

1. Kesavananda Bharati v. State of Kerala<sup>3</sup> this is one of the landmark and important judgment in our Indian Constitution of India that creates a history itself. This case by led and decided by a thirteen-judge Constitution Bench, till today's it is the largest Bench ever constituted by the Hon'ble Supreme Court. The main issue before the court was related to Kerala land reform legislation and the twenty ninth Constitutional Amendment.

Having the majority, the Hon'ble Court held that Parliament is having a vast power to alter or amend the Constitution under the Article 368<sup>4</sup>, i.e. power is not inexhaustible. Parliament cannot amend or alter the Constitution in a mechanical manner so that it destroys the Basic Structure of the Constitution, from this case onwards the Doctrine of Basic Structure was established and recognised. The court did not give an exhaustive list that comes under the Basic Structure, although there is such thing under the Basic Structure that are secularism, federalism, separation of powers, rule of law, judicial review etc so they are further considered under the Basic Structure.

This judgment confirmed that Parliament has limitation in this amending power also this case established that Constitutional Amendments cannot destroy the Basic Structure of the Constitution.

2. Maneka Gandhi v. Union of India<sup>5</sup> the Hon'ble Supreme Court in this case has led to the interpretation of Article 21<sup>6</sup> of the Constitution i.e. right to life and personal liberty. This case happened after the government seized the passport of Maneka Gandhi under the Passports Act, 1967, without any reason she challenged this ground as it violated her fundamental rights.

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<sup>3</sup> Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225.

<sup>4</sup> The Constitution of India 1950, art 368.

<sup>5</sup> Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

<sup>6</sup> The Constitution of India 1950, art 21.

The Court expanded the scope of Article 21 that the expression used i.e. “procedure established by law” does not allow any authority or state to follow a procedure i.e. arbitrary in nature and unreasonable. Any procedure affecting their life or personal liberty that must ensure just, fair and reasonable. The court focus on the golden triangle i.e. Articles 14<sup>7</sup>, 19<sup>8</sup> and 21<sup>9</sup>. The rights given under these provisions cannot be read separately so any action done by the state that affects the personal liberty must be fair and reasonable principle of Natural justice must be followed.

3. *Minerva Mills Ltd. v. Union of India*<sup>10</sup> in this case the provision connected of the Forty-Second Constitutional Amendment, which led to Directive Principles of State Policy over Fundamental Rights and the does not have the Judicial Review under the amendments happened.

The Hon’ble Supreme Court held that parliament power to amend the Constitution under the Article 368 is limited it can not destroy the basic structure of the Constitution also the court held that Doctrine of Harmonious Construction must make balance between the Fundamental Rights and Directive Principles of State Policy.

The decision in *Minerva Mills*, led to clarification and more rarefied of the Basic Structure Doctrine established in *Kesavananda Bharati*<sup>11</sup>, therefore it also made the balance between Fundamental Rights and Directive Principles.

4. *Vishaka v. State of Rajasthan*<sup>12</sup> this landmark case relates to the protection of women from sexual harassment at the workplace. This case arose due to the absence of statute that deals should with the workplace sexual harassment.

The Supreme Court in this case passed Vishaka Guidelines, to prevent sexual harassment, to provide redressal mechanism to address the complaints of victims also to protect women in their workplace. The court also held these guidelines should be enforced and should be treated as law declared by the Hon’ble Supreme Court under Article 141<sup>13</sup> also there was a

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<sup>7</sup> The Constitution of India 1950, art 14.

<sup>8</sup> The Constitution of India 1950, art 19.

<sup>9</sup> The Constitution of India 1950, art 21.

<sup>10</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625.

<sup>11</sup> *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

<sup>12</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

<sup>13</sup> The Constitution of India 1950, art 141.

judicial activism in the part of the Court. This case led to enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013<sup>14</sup>.

5. Shayara Bano v. Union of India<sup>15</sup>, the Hon'ble Supreme Court scrutinize the constitutional validity of the practice of talaq-e-biddat, also known as instant triple talaq as this practice was violation of Fundamental Rights i.e Article 14<sup>16</sup>, 21<sup>17</sup> and their personal laws for all the Muslim Women.

This case was delivered by a Constitution Bench of five judges and by a majority of three to two, the practice of talaq-e-biddat was set aside and held unconstitutional. Shayara Bano case is a key that led to development to constitutional protection for women<sup>18</sup>.

## **Conclusion**

These are the landmark judgments aforementioned that shows the how the Hon'ble Supreme Court has played a transformative role and led to development and amendments. From the Parliament power to amend the Constitution to formation of the Doctrine of Basic Structure. These all decisions led to jurisprudence in Constitutional law and show how the Supreme Court shows Judicial Activism.

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<sup>14</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Act No. 14 of 2013.

<sup>15</sup> Shayara Bano v. Union of India, (2017) 9 SCC 1.

<sup>16</sup> The Constitution of India 1950, art 14.

<sup>17</sup> The Constitution of India 1950, art 21.

<sup>18</sup> The Muslim Women (Protection of Rights on Marriage) Act, 2019, Act No. 20 of 2019.