

# **V.S. DREAM COACHING**

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## **CASE DIGEST OF CONSTITUTION OF INDIA**

### **(A) FEATURES OF CONSTITUTION**

<b>S.N.</b>	<b>Case Reference</b>	<b>Principle laid down</b>
1.	Rai Sahib Ram Jawaya Kapoor and Ors. Vs. State of Punjab, AIR 1955 SC 549	Supreme Court determined that our Constitution has adopted the system of Parliamentary government of England. Basic principle is that the President is the Constitutional lived of the executive while the actual executive powers arc voted in the Council of Ministers.
2.	Stale of West Bengal Vs. Union of India, AIR 1963 SC 1241	Parliament has legislative competence to enact a law for compulsory acquisition by the Union of land and other properties vested in or owned by the states
3.	State of Rajasthan Vs. Union of India, AIR 1977 SC 1361	If the satisfaction of the President to dissolve the state assembly, is mala fide or is based on wholly extraneous and irrelevant grounds, the Court would have jurisdiction to examine it by using the power of judicial review.
4.	Excel Wear Vs. Union of India, AIR 1979 SC 25  D.S. Nakara Vs. Union of India, AIR 1983 SC 130	The basic purpose of socialism is to provide decent standard of life and social security to people.

5.	S.R. Bommai Vs. Union of India, AIR 1994 SC 1918	Secularism is the basic structure of the Constitution.
6.	L. Chandra Kumar Vs. Union of India, AIR 1997 SC 1125	Power of judicial review over legislative action vested in the High Courts and the Supreme Court under Articles 226 and 32 respectively is the basic structure of the Constitution. Judicial review of legislative action in exercise of power by subordinate judiciary or Tribunals created under ordinary legislation cannot be to the exclusion of the High Courts and the Supreme Court.
7.	Kuldip Nayar Vs. Union of India, AIR 2006 SC 3127	Though the federal principle is dominant in our Constitution and that principle is one of its basic features, but it is also equally true that federalism leans in favour of a strong centre or unitary power.

### (B) PREAMBLE

S.N.	Case Reference	Principle laid down
1.	In Re Berubari Union case, AIR 1960 SC 845	Preamble is not the part of the Constitution.
2.	Sajjan Singh Vs. State of Rajasthan, AIR 1965 SC 845	Preamble is the sum and substance of the features of the Constitution as it represents the essence, the sight, the ideals, the soul or spirit of the entire Constitution.
3.	Kesavanand Bharati Vs. State of Kerala, AIR 1973 SC 1461	Preamble is the part of the Constitution. Preamble is of extreme importance and the Constitution should be read and interpreted in the light of the Preamble. Preamble can be amended without altering the basic structure of the Constitution.
4.	S.R. Bommai Vs. Union of India, AIR 1994 SC 1918	Reiterated the view held in Kesavanand Bharati case and held that Preamble is an integral part of the Constitution.
5.	L.I.C. of India and Anr. Vs. Consumer Education and Research,	Preamble is an integral part of the Constitution.

	AIR 1995 SC 1811	
6.	K.K. Baskaran Vs. State of Tamil Nadu, AIR 2011 SC 1485	Constitution should be interpreted in such manner so as to secure the goal of social, economic and political justice as enshrined in the Preamble.
7.	Nandini Sundar Vs. State of Chhattisgarh, AIR 2011 SC 2839	Preamble of Constitution affirms as the goal of the nation and the promotion of human dignity.

### (C) UNION AND ITS TERRITORY

S.N.	Case Reference	Principle laid down
1.	Thakur Amar Singh Ji Vs. State of Rajasthan and Ors., AIR 1955 SC 504	At any given point of time, the territory of India is the area which is specified in the First Schedule under Article 1.
2.	Babulal Parate Vs. State of Bombay, AIR 1960 SC 51	Only the Centre can initiate the process for bifurcation of a state and explained the role of President in the exercise relating to creation of a new state.
3.	In Re Berubari Union case, AIR 1960 SC 845	The power of Parliament to diminish the area of State does not cover cession of Indian territory to a foreign State. It can only be implemented by an amendment to the Constitution under Article 368
4.	R.C. Poudyal Vs. Union of India, AIR 1993 SC 1804	Even though the admission or establishment of a new State will be on such terms and conditions as the Parliament may think fit, such conditions cannot be imposed which is against the basic structure of the Constitution.

### (D) CITIZENSHIP

S.N.	Case Reference	Principle laid down
1.	State Trading Corporation of India Ltd. Vs. Commercial Tax Officer, AIR 1963 SC 1811	A company is not a citizen and therefore, cannot claim Fundamental Rights which have been conferred upon its citizens. The court further clarified that the citizenship in Part II is concerned with the natural persons and

		not juristic persons.
2.	R. C. Cooper Vs. Union of India, AIR 1970 SC 564 (Bank Nationalisation Case)	If the <u>State's action impairs the rights of shareholders and well as that of company</u> the share-holders will be entitled to protection under Article 19. From this case the Supreme Court adopted a flexible approach in interpreting this aspect.
3.	Godhra Electricity Co. Ltd v. State of Gujarat, AIR 1975 SC 32	Though a company is not a citizen but a shareholder has a right to carry on business through agency of a company.
4.	Pradeep Jain (Dr.) Vs. Union of India, AIR 1984 SC 1420	Art. 5 recognizes domicile of India. It does not recognize the concept of State domicile.
5.	Bhanwaru Khan Vs. Union of India, AIR 2002 SC 1614	Those who had voluntarily migrated to Pakistan and became citizens there, cannot return to India. They cannot claim the citizenship of India on the ground that they had been living in India for a long time and their names have been included in the voter list.
6.	Sondur Gopal Vs. Sondur Rajini, AIR 2013 SC 2678	In domicile of choice mere acquisition of other domicile is not sufficient. There must be clear intention to abandon the domicile of origin.

### **(E) DOCTRINE OF ECLIPSE, SEVERABILITY AND JUDICIAL REVIEW**

<b>S.N.</b>	<b>Case Reference</b>	<b>Principle laid down</b>
1.	Romesh Thappar Vs. State of Madras, AIR 1950 SC 124	Where the law authorizes restrictions on Fundamental Rights which is wide enough to cover restrictions both within and without the limits provided by the Constitution and it is not possible to separate the two, then the whole law is to be struck down.
2.	Keshav Madhav Menon Vs. State of Bombay, AIR 1951 SC 128	Pre-Constitutional laws exists for all past acts, i.e. prior to commencement of Constitution.
3.	Bhikhaji Vs. State of M.P.,	Formulated the doctrine of eclipse. In

	AIR 1955 SC 781	this doctrine, the law is overshadowed by fundamental right and remains dormant.
4.	R.M.D.C. Vs. Union of India, AIR 1957 SC 628	Elaborately discussed the doctrine of severability and held that when after removing the invalid portion what remains is a complete code then there is no necessity to declare the whole Act void.
5.	Deep Chand Vs. State of U.P. AIR 1959 SC 648  Mahendra Lal Jain Vs. State of U.P. AIR 1963 SC 1019	Doctrine of eclipse is applicable only to pre-Constitutional laws and not to post-Constitutional laws.
6.	Kesavanand Bharati Vs. State of Kerala, AIR 1973 SC 1461	Power of judicial review is not limited to only deciding whether legislative bodies have worked within the boundaries of certain legislative lists in making the required laws, but it is necessary whether the laws have been made in accordance with the Articles of the Constitution and they do not violate the other provisions of the Constitution.
7.	State of Gujarat Vs. Ambica Mills, AIR 1974 SC 1300	Modified its view expressed in Deep Chand case, Mahendra Lal Jain case and Sagir Ahmed case. The Apex Court held that post-constitutional laws, which are inconsistent with fundamental rights, are not void <i>ab initio</i> for all purposes. Doctrine of eclipse is applicable to post-constitutional laws as well.
8.	Kihoto Hollohan Vs. Zachillhu and Ors., AIR 1993 SC 412	Upheld validity of Tenth Schedule of the Constitution.
9.	L. Chandra Kumar Vs. Union of India, AIR 1997 SC 1125	Reiterated the power of the judicial review given to the Supreme Court and the High Court under Articles 32 and 226 is the basic structure of the Constitution and it cannot be terminated by statutory amendment under Art. 368.
10.	State of Manipur Vs.	A law passed by the legislature is good

Surjakumar Okram, (2022) 2 Scale 674	law till it is declared as unconstitutional by a competent Court or till it is repealed.
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### **(F) CONCEPT OF STATE**

<b>S.N.</b>	<b>Case Reference</b>	<b>Principle laid down</b>
1.	Electricity Board, Rajasthan Vs. Mohan Lal, AIR 1967 SC 1857	The expression 'other authorities' is wide enough to include all authorities created by the Constitution or statute on whom the power is conferred by law. It is not necessary that the authority must be engaged in performing governmental or sovereign function.
2.	Naresh Sridhar Mirajkar Vs. State of Maharashtra, AIR 1967 SC 1 A.R. Antulay Vs. R.S. Nayak, AIR 1988 SC 1531 and Riju Prasad Sharma Vs. State of Assam, (2015) 9 SCC 461	When it exercises judicial functions, it is not a State but when it exercise non-judicial functions such as administrative or legislative, the courts fall within the definition of "the State".
3.	Sukhdev Singh Vs. Bhagatram, AIR 1975 SC 1331	If the functions of the Corporations are of public importance and closely related to government functions then it should be treated as agency or instrumentality of government i.e., 'State' within the meaning of Part III.
4.	Ramana Dayaram Shetty Vs. International Airport Authority of India, AIR 1979 SC 1628	Supreme Court followed the broader test laid down in Sukhdev Singh's case. The Apex Court laid down following test to determine whether a body is an agency or instrumentality of the State- (1) Financial resources of the State is the chief funding source of the body. (2) Existence of deep and pervasive State control. (3) Functional character of the body is governmental in essence. (4) Department of government is transferred to the corporation.

		(5) Whether the Corporation enjoys monopoly status which is State conferred or State protected.
5.	Ajay Hasia Vs. Khalid Mujib Sehravardi and Ors. AIR 1981 SC 487	A Society registered under the Societies Registration Act, 1898, is an agency or instrumentality of the State and hence a State within the meaning of Article 12. The court observed that the tat is not how a juristic person is created but why it has been brought into existence.
6.	Pradeep Kumar Biswas Vs. Indian Institute of Chemical Biology (2002) 5 SCC 111	Reviewed the whole law under Article 12 and formulated the following principles:- <ol style="list-style-type: none"> <li>1. Principles laid down in Ajay Hasia are not a rigid set of principles.</li> <li>2. The question in each case will have to be considered on the basis of facts available, i.e., the body is financially, functionally or administratively dominated by or under the control of the government.</li> <li>3. Such control must be particular to the body in question.</li> <li>4. Mere regulatory control under the statute or otherwise could not serve to make a body a part of the state.</li> </ol>
7.	Zee Telefilms and Anr. Vs. Union of India and Ors. AIR 2005 SC 2677	Origin and scope of Article 12 of the Constitution
8.	S. Subramaniam Balaji Vs. State of Tamil Nadu (2013) 9 SCC 659	Political parties are not covered within “the State” and therefore no writ can be issued to them by the Supreme Court in Article 32 or even by the High Courts under Article 226.
9.	St. Mary's Educational Institute Vs. Rajendra Prasad Bhargava, Civil Appeal No. 5789 of 2022 Decided on 24 August 2022	A writ petition raising service disputes against private educational institutions are not maintainable, if they are not governed or controlled by the statutory provisions. CBSE is not a statutory body and not a state.

## (G) FUNDAMENTAL RIGHTS: GENERAL

S.N.	Case Reference	Principle laid down
1.	Behram Khurshed Pesikaka Vs. State of Bombay, AIR 1955 SC 123 and Bashesar Nath Vs. Income Tax Commissioner, Delhi & Rajasthan and Anr. AIR 1959 SC 1	Person cannot waive his Fundamental Rights. This option is not available to him. These rights have not only been enshrined in the Constitution for personal interest but also for benefits of entire society.
2.	Maneka Gandhi Vs. Union of India, AIR 1978 SC 597	Fundamental Rights represent the basic values cherished by the people of India and they protect the dignity of an individual and create conditions in which every human being can develop his personality to the fullest extent.
3.	Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Ors. AIR 2011 SC 312	Fundamental Rights represent basic values enriched by the people of India. It is to preserve and protect certain basic human rights against the interference of the State. The object is to ensure inviolability of certain essential rights against political vicissitudes.
4.	Ramesh Sanka Vs. Union of India (2019) 3 SCC 589	Writ under Article 32 not maintainable for enforcement of personal contractual rights
5.	Vishwanath Pratap Singh Vs. Election Commission of India, SLP(C) 13013/2022, decided on 09 September 2022	Right to contest an election is not a fundamental right but only a right conferred by a statute.

## (H) RIGHT TO EQUALITY

S.N.	Case Reference	Principle laid down
1.	Chiranjit Lal Chowdhuri Vs. Union of India, AIR 1951 SC 41	Law may be constitutional even though it applies to a single individual on account of special circumstances. <u>That single individual may be treated as a class.</u> The presumption of constitutionality is always in favour of

		<p>the statute and the person who challenges the constitutionality has to show that law is arbitrary and unreasonable.</p> <p>For the possession of the private property only <u>two conditions are considered, property to be used for public use and the payment of the compensation to the owner.</u></p>
2.	State of Madras Vs. Smt. Champakam Dorairajan, AIR 1951 SC 226	State cannot appropriate seats to provide admission to the students according to their religion or caste. This is a violation of Article 16 (2) of the Constitution.
3.	State of West Bengal Vs. Anwar Ali Sarkar AIR 1952 SC 75	<p>The expression 'Equal Protection of Laws' is a corollary to the expression 'equality before law' and it is difficult to imagine a situation in which the violation of the equal protection of law will not be violation of equality before law.</p> <p>Differentia which is the basis of the classification and the object of the Act are two different things. It is important to have <u>nexus between the bans of classification and the object of the Act.</u></p>
4.	Kathi Raning Rawat Vs. State of Saurashtra, AIR 1952 SC 123	When a law comes within the prohibition of Article 15 it cannot be validated by recourse to Article 14 by applying the principle of reasonable classification.
5.	Balaji Vs. State of Mysore, AIR 1963 SC 649	Article 16(4) provision only confers discretion to make special provisions for backward classes of citizens.
6.	E.P. Royappa Vs. State of Tamil Nadu, AIR 1974 SC 555	Article 14 spells the traditional concept of equality which is based on reasonable classification. Supreme Court laid down a new concept of equality which is different from traditional concept of reasonable classification. Article 14 strikes at the arbitrariness in State action and ensures fairness and equality of treatment.

7.	Indira Nehru Gandhi Vs. Raj Narayan, AIR 1975 SC 2299	Rule of law embodied in Article 14 of the Constitution is the basic feature of the Constitution and it cannot be destroyed by the Amendment of the Constitution.
8.	R.K. Garg Vs. Union of India, AIR 1981 SC 2138	Article 14 forbids class-legislation but it <b><u>does not prohibit reasonable classification.</u></b>
9.	D.S. Nakara Vs. Union of India, AIR 1983 SC 130	Doctrine of classification was evolved to sustain a legislation to State in order to help weaker sections of society.
10.	Balaji Raghavan Vs. Union of India, AIR 1996 SC 770	'National Awards' would not amount to 'title' within Article 18. The National Awards shall not be used as suffixes or prefixes
11.	Pramati Educational and Cultural Trust Vs. Union of India, AIR 2014 SC 2114	Classification of unaided private educational institutions and aided private educational institutions is not violative of Article 14.

### (I) RESERVATION

S.N.	Case Reference	Principle laid down
1.	State of Madras Vs. Smt. Champakam Dorairajan, AIR 1951 SC 226	State cannot appropriate seats to provide admission to the students according to their religion or caste. This is a violation of Article 16 (2) of the Constitution.
2.	Balaji Vs. State of Mysore, AIR 1963 SC 649	Article 16(4) provision only confers discretion to make special provisions for backward classes of citizens. 'Caste' of a person cannot be the sole test for ascertaining whether a particular class is backward class or not. Poverty, occupation etc are other relevant factors to be taken into consideration. But if entire 'caste' is found to be socially and educationally backward, it may be included in the list of Backward Classes.
3.	Indra Sawhney Vs. Union of India, AIR 1993 SC 477	Scope and extent of Article 16(4) was examined thoroughly by Supreme Court. Majority opinion of the court is

		<p>summarized as follows,</p> <ol style="list-style-type: none"><li>1. Backward class of citizen in Article 16(4) can be identified on the basis of caste and not only on economic basis but caste alone cannot be the basis for consideration.</li><li>2. The court smith down economic criterion for reservation on the ground that Article 16(4) do not mention it.</li><li>3. Article 16(4) is not an exception to Article 16(1). It is an instance of classification. Reservation can be made under Article 16(1). Court overruled its decision in Balaji Vs. State of Mysore in which it was held that Article 16(4) is an exception to Article 16(1).</li><li>4. Backward classes in Article 16(4) is not similar to socially and educationally backward in Article 15(4). It is much more than socially and educationally backward classes. Certain classes may not qualify for Article 15(4) but they may qualify for Article 16(4). Court overruled Balaji, decision on this point in which it was held that backward classes of citizens under Article 16(4) is same as socially and educationally backward classes.</li><li>5. Creamy layer must be excluded from backward cl.ses.</li><li>6. Article 16(4) permits classification of backward classes into backward and more backward class.</li><li>7. Reservation shall not exceed 50 percent In extra-ordinary situations it may be relaxed in favour of people living in far flung and remote areas of the country.</li><li>8. Court overruled Devadasan Vs. Union of India (1964) and held that 'Carry forward' rule is valid provided it should not result in breach of 50% rule.</li></ol>
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		9. Court held that reservation under Article 16(4) cannot be made in promotions.
4.	Union of India Vs. Virpal Singh Chauhan, AIR 1996 SC 448	Caste criterion for promotion is violative of Article 16(4) of the Constitution. Seniority between reserved category candidates and general candidates would continue to be governed by their panel position prepared at the time of selection. Accelerate promotion do not give accelerated or consequential seniority. The court held that Article 16(4) and 16(4-A) does not mandate seniority over general category as a matter of right.
5.	T.M.A. Pai Foundation Vs. State of Karnataka, AIR 2003 SC 355 and P.A. Inamdar Vs. State of Maharashtra, AIR 2005 SC 3226	State could not make reservations of sots in admissions in privately run educational institutions and higher educational institutions.
6.	M. Nagraj Vs. Union of India, AIR 2007 SC 71	Clause (4A) and Clause (4B) of Article 16 were challenged and the Supreme Court held that Article 16(4A) and Article 16(4B) flow from Article 16 and do not alter the basic structure of Article 16(4).
7.	Ashok Kumar Thakur Vs. Union of India, (2008) 6 SCC 193	93 <sup>rd</sup> Constitutional Amendment was challenged and Hon'ble Apex Court upheld its constitutionality. The court however, held that the benefits of reservations cannot be given to creamy layer candidates.
8.	U.P. Power Corporation Ltd. Vs. Rajesh Kumar (2012) 7 SCC 1	State can make reservation laws under Articles 16(4),16(4-A) and 16(4B) only on the basis of clear and certain factual foundation. Efficiency, backwardness and inadequacy of representation are required to be identified and measured. State can make reservation for SC/STs in promotion only after collecting quantifiable data showing backwardness

		and inadequate representation.
9.	State of Punjab Vs. Chandreshwar Pathak, AIR 2014 SC 3752	In the case of state services, the equality of opportunity means equality before members of same class of employees not equality between members of separate and independent classes.
10.	B.K. Pavitra Vs. Union of India, (2019) 16 SCC 129	Concept of creamy layer has no application to grant of consequential seniority.
11.	Jarnail Singh & Ors. Vs. Lachhmi Narain Gupta & Ors. AIR 2018 SC 4729	M. Nagaraj judgment does not need to reconsider by a seven-judge Bench.
12.	Mukesh Kumar & Anr. Vs. State of Uttarakhand, AIR 2020 SC 992	Right to claim reservation in promotion is not a Fundamental Right. State Government is not required to justify its decision to not give reservation in promotion on the basis of quantifiable data, showing that there is adequate representation of members of the Scheduled Castes and Scheduled Tribes in State services.
13.	Neil Aurelio Nunes and Ors Vs. Union of India and Ors., (2022) 4 SCC 64	Article 15(5), providing reservation to OBC, not an exception but extension of principle of equality under Article 15(1)
14.	Jarnail Singh Vs. Lachhmi Narain Gupta, (2022) 2 Scale 494	Reservation in promotion- Declares that its judgment in M. Nagaraj shall have only prospective effect.

### (J) RIGHT TO FREEDOM

S.N.	Case Reference	Principle laid down
1.	Romesh Thappar Vs. State of Madras, AIR 1950 SC 124	Freedom of speech and press lay at the foundation of all democratic organizations. Without free political discussion no public education for the proper functioning of the process of government is possible.
2.	M.P. Sharma Vs. Satish Chandra, AIR 1954 SC 300	Article 20(3) has following three essentials – (1) Person must be accused of an offence; (2) This provision is a protection against

		<p>compulsion to be a witness;</p> <p>(3) Protection is against compulsion to give evidence against himself.</p> <p>A person whose name is mentioned in the FIR as an accused could claim the protection under Article 20.</p>
3.	State of Bombay Vs. Kathi Kalu, AIR 1961 SC 1808	<p>Interpretation of the phrase 'to be witness' given in M.P. Sharma's case (1954) is too broad. 'To be witness' is not equivalent to furnishing evidence. Self incrimination can only mean conveying information based on personal knowledge of the person giving information and it cannot include the mechanical process of producing documents or giving finger impressions or blood samples etc.</p>
4.	Sakal Papers Ltd. Vs. Union of India and Ors., AIR 1962 SC 305	<p>The order imposing minimum price and number of pages was held to be violative of Article 19(1)(a).</p>
5.	R.K. Dalmia Vs. Delhi Administration, AIR 1962 SC 1821	<p>A person is said to be accused lithe formal accusation relating to the commission of an offence has been leveled which may result in prosecution and conviction.</p>
6.	Damayanti Naranga Vs. Union of India AIR 1971 SC 966	<p>The right to form association necessarily implies that the person forming the association have also the right to continue to be associated with only those whom they voluntarily admit in the association. Any law by which members are introduced in the voluntary association without any option being given to the members to keep them out, or any law which takes away the membership of those who have voluntarily joined it, will be a law violating the right to form the association.</p>
7.	Bennett Coleman and Co. Vs. Union of India, AIR 1973 SC 106	<p>Order fixing the maximum number of pages which a newspaper can print is violation of freedom of speech and</p>

		expression. Freedom of press is both quantitative and qualitative. It lies in both circulation and content.
8.	Nandini Satpathy Vs. P.L. Dani, AIR 1977 SC 1025	Protection of Article 20(3), available from the stage of police interrogation.
9.	Francis Coralie Vs. Union Territory of Delhi, AIR 1981 SC 746	Distinction between preventive detention with punitive detention under the scope of Article 21 and determining the constitutional validity of restricting the right of petitioner to get an interview with their lawyer and contact with their family members. Hence the meaning of life is not delimited to animal existence but is inclusive of the right to live with human dignity and to avail the bare necessities of life.
10.	Indian Express Newspapers Vs. Union of India and Ors. AIR 1986 SC 515	'Freedom of press' means freedom from interference from authority which would have effect of interference with the content and circulation of newspapers.
11.	Sodan Singh Vs. New Delhi Municipal Committee and Anr, AIR 1989 SC 1988	Hawkers have fundamental right to carry on trade on pavement of roads. However, their right is subject to reasonable restrictions mentioned in Article 19(6).
12.	R. Rajagopal Vs. State of Tamil Nadu, AIR 1995 SC 264	Government has no authority in law to impose a prior-restraint upon publication of defamatory material against its officials.
13.	Khoday Distilleries Ltd. Vs. State of Karnataka, (1995) 1 SCC 574	A citizen has no right to carry on trade or business in liquors as beverage. The State has a power to prohibit the manufacture, sale, possession and distribution except in cases for medicinal purposes.
14.	B.R. Enterprise Vs. State of U.P., AIR 1999 SC 1867	Lottery cannot be construed as trade or business within the meaning of Article 19(1)(g). It contains an element of chance and therefore, it is a gambling.
15.	Om Prakash Vs. State of U.P., AIR 2004 SC 1896	Ban on sale of eggs within the municipal limits of Rishikesh is valid as

		it contains reasonable restriction. The reasonability must be construed from point of view of cultural and religious background oldie town.
16.	Godawat Pan Masala Products Pvt. Ltd. Vs. Union of India, AIR 2004 SC 40571	Ban on pan masala and guthka containing tobacco to under age persons is not violative of Article 19(1)(g).
17.	State of Gujarat Vs. Mirzapur Moti Qureshi, AIR 2006 SC 212	Ban on slaughter of cows and calves and other milch and draught cattles is not violative of 19(1)(g). It is a reasonable restriction as cows and her progeny are backbone of Indian agriculture and economy.
18.	Selvi Vs. State of Karnataka, AIR 2010 SC 1974	Narco-analysis, lie-detector test, and brain-mapping violate the accused person's right against self-incrimination under Article 20(3) and his right to life and personal liberty under Art. 21.
19.	Government of Andhra Pradesh Vs. Ch. Gandhi, AIR 2013 SC 2113	If ex post facto law is ameliorative it may be retrospective.
20.	Devidas Ramchandra Tuljapurkar Vs. State of Maharashtra and Ors., AIR 2015 SC 2612	Freedom of speech is not absolute on all occasions and in every circumstance. Use of obscene language against historically respected personalities cannot be allowed in the name of artistic freedom, critical thinking or creativity under Article 19(1)(a).
21.	Alagaapuram R. Mohantaj Vs. Tamil Nadu Legislative Assembly, AIR 2016 SC 867	Rights guaranteed under Article 19 are available to citizens only.
22.	Mazdoor Kisan Shakti Sangathan Vs. Union of India, AIR 2018 SC 3476	Right to protest is recognized as a fundamental right under the Constitution. This right is crucial in democracy which rests on the participation of an informed citizenry in governance.
23.	Indian Hotel and Restaurant Association Vs. State of Maharashtra,	There cannot be a total prohibition of dance bars in Maharashtra. The complete prohibition on serving alcohol

	AIR 2019 SC 589	in the dance bars was quashed as disproportionate.
24.	Indibility Creative Pvt. Ltd. and Ors. Vs. Govt. of West Bengal and Ors., AIR 2019 SC 1918	Free speech cannot be gagged by fear of mob violence. The Court ordered Rs 20 lakhs compensation to the makers of the Bengali film “Bhobhishyoter Bhoot” which had suffered an ‘unofficial’ ban from the West Bengal government.
25.	In Re: Prashant Bhushan and Anr., AIR 2020 SC 4114	Hon’ble Supreme Court initiated suo moto criminal contempt proceedings against Advocate Prashant Bhushan and Twitter India, on the basis of two tweets posted by Bhushan on the social media platform. The Hon’ble Court fined Bhushan Rs. 1 and he is required to pay this before 15 September 2020. Further, in the event of non-compliance Bhushan would be punished with 3 months imprisonment and debarred from practising law for 3 years.
26.	Amit Sahni Vs. Commissioner of Police & Ors., AIR 2020 SC 4704	Demonstrations expressing dissent have to be in designated places alone, public ways and public spaces cannot be occupied for indefinite period.

### **(K) RIGHT TO LIFE AND LIBERTY**

S.N.	Case Reference	Principle laid down
1.	A.K Gopalan Vs. Union of India, AIR 1950 SC 27	Personal liberty in Article 21 means liberty of physical body and nothing else. Procedure established by law does not mean due process of law. Law means state made law and it does not mean having element of natural justice.
2.	State of Maharashtra Vs. Prabhakar Pandurang, AIR 1966 SC 424	Right to Write a Book
3.	Satwant Singh Sawhney Vs. Assistant Passport Officer, New Delhi and Maneka Gandhi Vs. Union	Right to go abroad

	of India, AIR 1967 SC 1836	
4.	Babu Singh and Ors. Vs. State of U.P. AIR 1978 SC 527	Right to Bail
5.	Maneka Gandhi Vs. Union of India, AIR 1978 SC 597	Right to have fair procedure
6.	Charles Sobraj Vs. The Suptd., Central Jail, Tihar, AIR 1978 SC 1514	Right against bar fetters
7.	M.H. Hoskot Vs. State of Maharashtra, AIR 1978 SC 1548	Right to free legal aid and right to appeal
8.	Hussainara Khatoon & Ors Vs. Home Secretary, State of Bihar, AIR 1979 SC 1369 and Kartar Singh Vs. State of Punjab, (1994) 3 SCC 569 and Rajdeo Sharma Vs. State of Bihar, AIR 1998 SC 3281	Right to legal aid and speedy trial
9.	Sunil Batra Vs. Delhi Administration, AIR 1980 SC 1579,	Right against solitary confinement
10.	Prem Shankar Vs. Delhi Administration, AIR 1980 SC 1535	Right against hand cuffing
11.	Kishore Singh Vs. State of Rajasthan, AIR 1981 SC 625	Use of 'third degree' method by police is violative of Article 21.
12.	T.V. Vatheeswaran Vs. State of Tamil Nadu, AIR 1981 SC 643	Delay in execution of death sentence is violative of Article 21.
13.	A.K. Roy Vs. Union of India, AIR 1982 SC 710	Issued following guidelines relating to arrest under preventive detention law- (1) After detention the family members of detenu should be informed about detention and place of detention; (2) Detenu must be detained in a place where he habitually resides unless in certain exceptional circumstances detention at other place is feasible.

		(3) Detenue must be entitled to books, writing materials, own food and visits from family and friends; (4) He must be kept separate from those who are convicted; (5) Treatment of punitive character should not be meted out to him.
14.	Sher Singh Vs. State of Punjab, AIR 1983 SC 465	Right against delayed execution
15.	Rudal Shah Vs. State of Bihar, AIR 1983 SC 1086	Right to receive compensation
16.	Deena @ Deena Dayal Etc. Vs. Union of India, AIR 1983 SC 1155	Death by hanging not violative of Article 21
17.	Rural Litigation and Entitlement Kendra Vs. State of U.P., AIR 1985 SC 652	Right to clean environment
18.	Olga Tellis Vs. Bombay Municipal Corporation, AIR 1986 SC 180	Right to Work
19.	Attorney General of India Vs. Lachma Devi, AIR 1986 SC 467	Right against public hanging
20.	Sheela Barse Vs. Union of India, AIR 1986 SC 1773	Right to legal aid
21.	M.C. Mehra Vs. Union of India (Shriram Food Fertilizer case), AIR 1987 SC 965 Indian Council for Environmental Action Vs. Union of India, AIR 1996 SC 1446 Vellore Citizen's Welfare Forum Vs. Union of India, AIR 1996 SC 2715	Issued various directions regarding upkeep of environment and control of pollution.
22.	M.C. Mehta Vs. Union of India, 1987 SCR (1) 819	Right to have clean environment
23.	Reliance Petrochemicals Ltd. Vs. Proprietors of Indian Express Newspapers Bombay (P) Ltd., AIR	Right to know

	1989 SC 190	
24.	Parmananda Katara Vs. Union of India, AIR 1989 SC 2039	Right to medical care
25.	Subhas Kumar Vs. State of Bihar, AIR 1991 SC 420 and Dr. B.L. Wadehra Vs. Union of India AIR 1996 SC 2969	Right to get pollution free water and air
26.	D.T.C. Vs. D.T.C. Mazdoor Congress, AIR 1991 SC 101 and Narendra Kumar Vs. State of Haryana, AIR 1995 SC 519	Right to livelihood
27.	Mohini Jain Vs. state of Karnataka, AIR 1992 SC 1858	Right to education
28.	Nilabati Behra Vs. State of Orissa, AIR 1993 SC 1960	Awarded compensation to the family of deceased who died in police custody due to beating.
29.	Joginder Kumar Vs. State of Uttar Pradesh, AIR 1994 SC 1349	Right against illegal detention
30.	L.I.C. of India Vs. Consumer Education and Research Centre, AIR 1995 SC 1811	Right to social security and Protection of Family
31.	Gauri Shanker Vs. Union of India, AIR 1995 SC 55 and People Union for Civil Liberties (PUCL) and Anr. Vs. Union of India, AIR 2003 SC 2363	Right to shelter
32.	Consumer Education and Research Centre Vs. Union of India, AIR 1995 SC 922 and Balram Prasad Vs. Kunal Saha, (2014) 1 SCC 384	Right to health
33.	Chameli Singh Vs. State of U.P., (1996) 2 SCC 549	Right to shelter and right to food is a fundamental right under Article 21.
34.	Surjit Singh Vs. State of	Right to self-preservation

	Punjab, AIR 1996 SC 1388	
35.	Gian Kaur Vs. State of Punjab, AIR 1996 SC 946	Right to life
36.	Vishakha Vs. State of Rajasthan, AIR 1997 SC 3011	Right against sexual harassment at workplace
37.	Gaurav Jain Vs. Union of India, AIR 1997 SC 3021	Right to dignified life for the prostitutes
38.	PUCL Vs. Union of India (1997) 1 SCC 301	Tapping of telephone
39.	Vineet Narain Vs. Union of India, (1998) 1 SCC 22	Right to public trial
40.	Mr. X Vs. Hospital Z, AIR 1999 SC 495	Disclosure of dreadful diseases
41.	Narmada Bachao Andolan Vs. Union of India, AIR 2000 SC 3751 and Andhra Pradesh Pollution Control Board Vs. Prof. M.V. Nayudu, (2001) 2 SCC 62	Right to clean drinking water
42.	Murli S. Deora Vs. Union of India, (2001) 8 SCC 765	Smoking in public place
43.	State of Bihar Vs. Lal Krishna Advani, AIR 2003 SC 3357 and Umesh Kumar Vs. State of Andhra Pradesh, (2013) 10 SCC 591	Right to reputation
44.	Zahira Habibullah Sheikh Vs. State of Gujarat, AIR 2004 SC 3114	Right to fair trial
45.	In Re: Noise Pollution, (2005) 5 SCC 733	Right against noise pollution
46.	PUCL Vs. Union of India, (2007) 12 SCC 135	Right to food
47.	Suchitra Srivastava Vs. Chandigarh Administration, AIR 2010 SC 235	Right to make reproductive choices (decision to produce child or not) is included in Article 21.
48.	Bachpan Bachao Andolan Vs. Union of India, AIR 2011 SC 3361	Sexual, physical and emotional abuse of children detained in circus is violation of Article 21.
49.	State of Tamil Nadu Vs. K.	Right to quality education without

	Shyam Sunder, AIR 2011 SC 3470	discrimination on the ground of child economic, social and cultural background
50.	In Re: Ramlila Incident Vs. Home Secretary, Union of India and Ors., (2012) 5 SCC 1	Right to sleep
51.	National Legal Service Authority Vs. Union of India, AIR 2014 SC 1863	Self-determination of gender is part of personal liberty guaranteed under Article 21
52.	Dr. Balwant Singh Vs. Commissioner of Police, (2015) 4 SCC 801	Right to peaceful living in one's home
53.	Justice K. S. Puttaswamy (Retd.) and Anr. Vs. Union of India and Ors, AIR 2017 SC 4161	Right to privacy is a fundamental right and protected under Art. 21. Overruled <u>M.P. Sharma's case and Kharak Singh's case</u> to the extent they held that right to privacy is not a fundamental right.
54.	Common Cause (A Regd. Society) Vs. Union of India, AIR 2018 SC 1665	Right to life includes right to die with dignity
55.	Shakti Vahini Vs. Union of India and others., AIR 2018 SC 1601	Right to choose a life partner
56.	Navtej Singh Johar & Ors. Vs. Union of India Thr. Secretary Ministry of Law and Justice, AIR 2018 SC 4321,	Right to sexual intimacy and sexual freedom and right to life and personal liberty includes right to sexual autonomy and freedom of sexual expression. Rights to choose partner, right to union and to love, not only by marriage but by companionship in every sense, sexual, mental and emotional, even between same sex.
57.	Joseph Shine Vs. Union of India, AIR 2019 SC 4898	Struck down Sec. 497 of Indian Penal Code as unconstitutional, as it violates women's right to dignity & hence it infringed Art. 21.
58.	Mazdoor Kisan Shakti Sangathan Vs. Union of India, (2018) 17 SCC 324	Right to protest is recognized as a fundamental right under the Constitution. This right is crucial in democracy which rests on the participation of an informed citizenry in

		governance.
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### **(L) RIGHT AGAINST EXPLOITATION**

S.N.	Case Reference	Principle laid down
1.	People's Union for Democratic Rights Vs. Union of India AIR 1982 SC 1943	A person who provides labour or service to another for less than minimum wage also amounts to forced labour. Construction work is a dangerous work and employment of children in construction industry amounts to violation of Article 24.
2.	Deena Vs. Union of India, AIR 1983 SC 1155	Labour taken from prisoners without paying proper remuneration is violative of Art. 23.
3.	M.C. Mehta Vs. Union of India, AIR 1997 SC 699	Children below the age of 14 years cannot be employed in any hazardous industry, mines or other works. The court laid down guidelines to protect economic, social and humanitarian rights of children.

### **(M) RIGHT TO FREEDOM OF RELIGION**

S.N.	Case Reference	Principle laid down
1.	S.P. Mittal Vs. Union of India, AIR 1983 SC 1	Religious denominations must satisfy the following requirements, (1) It must be a collection of individuals who have a system of beliefs which they regard as conducive to their spiritual well being. (2) It must have a common organization. (3) It must be designated by a distinctive name.
2.	S.R. Bommai v. Union of India, AIR 1994 SC 1918	Secularism is the basic feature of the Constitution. Indian Constitution embodies positive concept of secularism. In matters of religion, the State is neutral and treats every religion equally.

3.	Ismail Faruqui Vs. Union of India, AIR 1995 SC 605	Offer of prayer or worship is a religious practice but offering at every location where such prayers can be offered would not be an essential religious practice.
4.	Church of God (Full Gospel) of India Vs. K.K.R.M.C. Welfare Association, AIR 2000 SC 2773	No person can be allowed to create noise pollution or disturb the peace of others while exercising religious freedom. Religious prayers through loudspeakers are not an essential element of any religion.
5.	Aruna Roy Vs. Union of India, AIR 2002 SC 3176	Study of religion in school is not against secular philosophy of the Constitution. Secularism is susceptible to positive meaning i.e. developing understanding and respect towards different religions.
6.	Indian Young Lawyers Association Vs. State of Kerala (Sabarimala Temple Case), (2019)11 SCC 1	Right to freedom of religion is not absolute and must be harmonized with other liberties and freedoms, and is subject to constitutional morality. Deity may be a juristic person for purpose of religious laws and capable of asserting property rights. However, deity is not a 'person' for the purpose of Part III of the Constitution

### (N) CULTURAL AND EDUCATIONAL RIGHTS

S.N.	Case Reference	Principle laid down
1.	Frank Anthony Public School Employees Association Vs. Union of India, AIR 1987 SC 311	Idea of giving special rights to minorities is to give them a sense of security and feeling of confidence.
2.	T.M.A. Pai Foundation Vs. State of Karnataka, AIR 2003 SC 355	Apex Court issued following guidelines:- (1) State is to be regarded as a unit for determining linguistic as well as religious minority. (2) Institutes which receive aid from the State could be subject to government rul. and regulations. (3) In respect of unaided institutions

		<p>only regulation which the government may put is regarding the qualifications and minimum conditions of eligibility of teachers and principal.</p> <p>(4) Conditions of recognition and affiliation by or to a Board or University is to be complied with.</p> <p>(5) An aided institution has to admit a reasonable number of non-minority students.</p> <p>(6) Minority institution may have its own procedure and method of admission but the procedure must be fair and transparent.</p>
3.	Islamic Academy of Education Vs. State of Karnataka, (2003) 6 SCC 697	Educational institutions can have their own fee structure but there must be no profiteering and capitation fee cannot be charged.

### (O) RIGHT TO CONSTITUTIONAL REMEDIES AND PUBLIC INTEREST LITIGATION

S.N.	Case Reference	Principle laid down
1.	Romesh Thappar Vs. State of Madras, AIR 1950 SC 124	Supreme Court is protector and guarantor of fundamental rights and it cannot refuse to entertain applications seeking protection against infringement of such rights.
2.	Daryao Vs. State of U.P., AIR 1961 SC 1457	When the matter has been heard and decided by the High Court under Article 226, the writ under Article 32 is barred by the principle of res judicata.
3.	Fertilizer Corporation Kamgar Union v. Union of India, AIR 1981 SC 344	In appropriate cases it becomes necessary to change the social awareness of legal rights and social obligations and take a broader view of question of locus standi to initiate proceedings.
4.	S.P. Gupta Vs. Union of India, AIR 1982 SC 149	Any member of public or social group, acting bona fide could invoke the writ jurisdiction of Supreme Court or High Court seeking redressal against

		violation of legal or constitutional rights of those persons who on account of poverty or socio-economic disabilities could not approach the court.
5.	L. Chandra Kumar Vs. Union of India, AIR 1997 SC 1125	Jurisdiction of High Court under Article 226 and Supreme Court under Article 32 is inviolable basic structure of the Constitution.
6.	Rupa Ashok Hurra Vs. Ashok Hurra, AIR 2002 SC 1771	Evolution of curative petition. In order to correct the gross miscarriage of justice which cannot be challenged again, the court will allow curative petition to seek second review of the final order.
7.	State of Uttaranchal Vs. Balwant Singh Chaufal AIR 2010 SC 2551	<p>Issued following directions in order to maintain the sanctity of public interest litigations:-</p> <ol style="list-style-type: none"> <li>1. The courts must encourage genuine ad bona fide PIL and discourage PILs filed for extraneous considerations;</li> <li>2. The courts should prima facie verify the credentials of the petitioner before entertaining PIL.</li> <li>3. The courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining PIL;</li> <li>4. The courts should ensure that the PIL involves greater public interest and must be given priority over other petitions;</li> <li>5. The courts should ensure that there is no personal gain, private motive or oblique motive behind filing PILs.</li> <li>6. The courts should ensure that petition filed by bury body for extraneous considerations and ulterior motives must be discouraged by imposing exemplary costs or by adopting methods to curb such frivolous petitions.</li> </ol>

## (P) DIRECTIVE PRINCIPLES OF STATE POLICY

S.N.	Case Reference	Principle laid down
1.	State of Madras Vs. Champakam Dorairajan, AIR 1951 SC 228	In case of conflict between Fundamental Rights and Directives Principles, the Fundamental Rights would prevail.
2.	Re Kerala Education Bill, AIR 1957 SC 956	Though directive principles cannot override fundamental rights, nevertheless, in determining the scope and ambit of fundamental rights the court may take into account directive principles and adopt a principle of harmonious construction.
3.	Keshvananda Bharati Vs. State of Kerala, AIR 1973 SC 1461	Fundamental rights and directive principles aim at the same goal of bringing about a social revolution and establishment of a welfare State and they can be interpreted and applied together.
4.	Minerva Mills Vs. Union of India, AIR 1980 SC 1789	Giving absolute primacy to the directive principles disturb the harmony of the Constitution which is the basic feature.
5.	Randhir Singh Vs. Union of India, AIR 1982 SC 879	Directive principle of equal pay for equal work is not a fundamental right but since it is a constitutional goal it can be enforced through Art. 32

## (Q) EXECUTIVE

S.N.	Case Reference	Principle laid down
1.	Rai Sahib Ram Jawaya Kapoor and Ors. Vs. State of Punjab, AIR 1955 SC 549	President has been made a formal or constitutional head of the executive and the real executive powers are vested in the Council of Ministers.
2.	U.N. Rao Vs. Indira Gandhi, AIR 1971 SC 1002	Article 74(1) is mandatory and the President cannot exercise the executive power without the aid and advice of the Council of Ministers. Even after the dissolution of Lok Sabha the Council of Ministers do not cease to hold the office
3.	Shamsher Singh Vs. State	Whenever the Constitution requires the

	of Punjab, AIR 1974 SC 2192	satisfaction of the President or Governor, it is not their personal satisfaction. It is the satisfaction of Council of Ministers who aid and advise the President or Governor generally.
4.	Kehar Singh Vs. Union of India, AIR 1989 SC 653	Pardon is an act of grace and cannot be demanded as a matter of right. President cannot be asked to give reasons for his order. While exercising the pardoning power President can scrutinize the evidence on record and can come to a different conclusion. In doing so, the President does not modify or supersede the judicial records. The petitioner for mercy has no right to an oral hearing by the President.
5.	S.P. Anand Vs. H.D. Deve Gowda (1996) 6 SCC 734	Article 75(5) permits the President to appoint a person who is not a member of either House of Parliament as a Minister, including a Prime Minister subject to the possibility of his commanding the support of the Majority of members of the Lok Sabha
6.	Rameshwar Prasad Vs. Union of India, AIR 2006 SC 980	The expression 'required' in Article 163(1) signifies that the Governor could exercise his discretionary powers only when there is a compelling necessity to do so. The Governor could not in exercise of his discretion do anything which was prohibited to be done. The court has the power to examine the validity of his action when it is male fide.
7.	Epuru Sudhakar Vs. Government of Andhra Pradesh, AIR 2006 SC 3385	The pardon power is open to judicial review on limited grounds like non-application of mind, mala fide, arbitrariness irrelevant considerations etc. Pardoning power cannot be exercised arbitrarily and it cannot be exercised on the basis of caste and political reasons.
8.	B.P. Singhal Vs. Union of	Governors cannot be dismissed

	India, (2010) 6 SCC 331	arbitrarily on the ground that the central government had lost confidence in him and he does not agree with its policies and ideologies.
9.	Shatrughan Chauhan Vs. Union of India, (2014) 3 SCC 1	Inordinate delay in rejection of mercy petition of death row convicts amounted to 'torture' and it is a sufficient basis in itself to commute death sentence to life imprisonment.

### (R) LEGISLATURE

S.N.	Case Reference	Principle laid down
1.	In Re Keshav Singh, AIR 1965 SC 745	In case of conflict between provisions under Article 194 and the provisions pertaining to fundamental rights, an attempt will have to be made to resolve the said conflict by the adoption of the rule of harmonious construction. Articles 194 and 105 are subject to fundamental rights guaranteed under Articles 21 and 22.
2.	D.C. Wadhwa Vs. State of Bihar, (1987) 1 SCC 378	Successive re-promulgation of ordinances without any attempt to get the Bills passed by the Assembly would amount to fraud on Constitution and the ordinance so re-promulgated is liable to be struck down. It held that the exceptional power of law making through ordinance cannot be used as a substitute for the legislative power of the State Legislature.
3.	S.P. Anand Vs. H.D. Dew Gowda AIR 1997 SC 272	A person who is not a member of either House of the Parliament can be appointed by the Prime Minister for six months.
4.	P.V. Narsimha Rao Vs. State (CBI), AIR 1998 SC 2120	Scope of protection of immunity available to the Members of Parliament is quite wide and is not confined only against judicial proceedings but is available to them against all action and criminal proceedings or anything said or

		any vote given by them. The object of the protection is to enable members to speak their mind in Parliament freely and fearlessly.
5.	B.R. Kapoor Vs. State of Tamil Nadu, AIR 2001 SC 3435	A Minister must be a member of the Legislative Assembly and thus representative of an accountable to the people of the State. A non-member who does not possess the qualifications prescribed by Article 173 or has been disqualified under Article 191 cannot be appointed as Chief Minister.
6.	Jaya Bachchan Vs. Union of India, AIR 2006 SC 2119	An 'office of profit' is an office which is capable of yielding a profit or a pecuniary gain. Nature of payment must be considered as a matter of substance rather than form. The mere use of the word 'honorarium, will not take the payment out of the purview of profit.
7.	Lily Thomas Vs. Union of India, (2013) 7 SCC 653	Convicted Members of Parliament and Member of Legislative Assemblies will be immediately disqualified from holding membership of the House without being given three months' time for appeal.
8.	Krishna Kumar Vs. State of Bihar, (2017) 3 SCC 1.	Re-promulgation of ordinance is the fraud on the Constitution.
9.	Ashwini Kumar Upadhyay Vs. Union of India, AIR 2018 SC 4633	MPs, MLAs will not be barred from practicing law

### (S) JUDICIARY

S.N.	Case Reference	Principle laid down
1.	Bengal Immunity Vs. State of Bihar, AIR 1955 SC 661	Supreme Court can depart from its previous decisions. The expression ' <u>all courts within the territory of India</u> ' means all courts except Supreme Court. Therefore, Supreme Court is not bound by its decision and in proper case it may reverse it. <u>Overruled State of Bombay Vs. The</u>

		<u>United Motors Ltd., AIR 1953 SC 255</u>
2.	In re Kerala Education Bill, AIR 1958 SC 956	Supreme Court has held that the court is not bound to answer a reference made to it by the President.
3.	Union of India Vs. Sankalchand Seth, AIR 1977 SC 2328	'Consultation' means full and effective consultation. It does not mean concurrence and the President is not bound by such consultation.
4.	S.P. Gupta Vs. Union of India, AIR 1982 SC 149 (First Judges' Transfer Case)	Supreme Court agreed with the opinion in Sankalchand's case. <u>This meant that executive had supremacy in appointment of judges.</u>
5.	Delhi Judicial Service Association Vs. State of Gujarat, AIR 1991 SC 2176	Under Article 129, the Supreme Court has power to punish a person for the contempt of itself as well as its subordinate courts.
6.	Supreme Court Advocates-on-Record Association Vs. Union of India, AIR 1994 SC 268 (Second Judges' Transfer Case)	Supreme Court overruled the decision in S.P. Gupta case. The court held that in the matters of appointment of judges of Supreme Court and High Courts, the Chief Justice of India should have primacy.
7.	In re Presidential Election, AIR 1999 SC 1 (Third Judges' Transfer Case)	Consultation process to be adopted by the Chief Justice of India requires consultation of plurality of judges.
8.	Rupa Ashok Hurra Vs. Ashok Hurra, AIR 2002 SC 1771	A curative petition under Supreme Court's inherent power can be filed, seeking review of a decision which has become final after the dismissal of a review petition under Article 137.
9.	Rajeshwar Singh Vs. Subrata Roy Sahara, AIR 2014 SC 476	Supreme Court held that jurisdiction of Supreme Court under Article 129 is independent of the provisions of Contempt of Court Act, 1971.
10.	Supreme Court Advocates-on-Record Association Vs. Union of India, 2015 AIR SCW 5457 (Fourth Judges' Transfer Case)	Supreme Court declared both the 99th Constitutional Amendment as well as the NJAC Act, 2014 as unconstitutional and void. Consequently, the collegium system became operative again.
11.	State of Jharkhand Vs.	Writ Petition under Art. 227 challenging

	Surendra Kumar, AIR 2019 SC 231	Judicial Orders are maintainable, but not under Art. 226. The Supreme Court reiterated that a writ petition under Art. 226 of the Constitution of India seeking writ of certiorari against judicial orders passed by civil courts is not maintainable.
12.	Anil Kumar Vs. Union of India and Ors. (2019) 4 SCC 276	No authority can claim a privilege not to comply with the judgment of the Hon'ble Apex Court.
13.	Rajendra Diwan Vs. Pradeep Kumar Ranibala, (2019) 12 JT 129	State Legislature cannot enact law which affects jurisdiction of Supreme Court
14.	High Court of Delhi Vs. Devina Sharma (2022) 4 SCC 643	Upheld the minimum age requirement of 35 years for applying for the Delhi Higher Judicial Services Examination, the Supreme Court on Monday held that the prescription of a minimum age limit for the selection of District Judges is not contrary to the Constitution.

### (T) LEGISLATIVE RELATIONS

S.N.	Case Reference	Principle laid down
1.	Prafulla Kumar Vs. Bank of Commerce, Khulna, AIR 1947 PC 60	A clear-cut distinction is not possible between the legislative powers of the Union and the State Legislatures because they are bound to overlap. In ascertaining the pith and substance of the Act, the court must consider – (a) the object of the Act (b) the scope of the Act and (c) the effect as the whole
2.	A.H. Wadia Vs. Commissioner of Income Tax, AIR 1949 FC 18	The State Legislature cannot make extra-territorial laws except when there is sufficient connection between the State and the subject matter of legislation
3.	State of Bombay v. P.N. Balsam, AIR 1951 SC 318	The Bombay Prohibition Act is valid because the pith and substance of the Act fell in State List even though it incidentally encroached upon the Union

		List.
4.	K.C.G. Narayana DCA Vs. State of Orissa, AIR 1953 SC 375	Colourable Legislation means that though apparently the legislature passing the statute purported to act within the limits of the powers yet in substance it transgressed these powers. The transgression is covert or indirect.
5.	K.C. Gajapati Narayan Deo Vs. State of Orissa, AIR 1956 SC 375	The whole doctrine of colourable legislation is based upon the maxim that you cannot do indirectly what you cannot do directly. The doctrine has reference to the competence and not to the motives, bona fides or mala fides of the legislature.
6.	State of Bombay Vs. R.M.D.C. AIR 1957 SC 699	Extra-territorial legislation can be upheld only when there is a sufficient nexus between the object sought to be achieved and the State seeking to achieve them. The connection must be real and not illusory.
7.	R.D. Joshi Vs. Ajit Mills, AIR 1977 SC 2279	The entries in the list must be given wide meaning implying all ancillary and incidental powers. Supreme Court held that punitive measures for enforcing social legislation is ancillary measures.
8.	Javed Vs. State of Haryana, AIR 2003 SC 3057	Constitution gives autonomy to the Centre and the States within their respective fields. The legislation of one State cannot be held to be discriminatory against its citizens simply because Parliament or State Legislatures of other States have not chosen to enact similar laws.
9.	I.R. Coelho (Dead) By LRs. Vs. State of Tamil Nadu, AIR 2007 SC 861	Constitutional Validity of Ninth Schedule of Constitution of India. Upholds the 'Basic Structure Doctrine', and the authority of the judiciary to review any such laws, which destroy or damage the basic structure as indicated in Art.21 read with Art.14, Art.19 and the principles underlying there under, even if they have been put in Ninth

		Schedule after 14th April, 1973. This case is popularly known as “The Ninth Schedule Case”.
10.	G.V.K. Industries Vs. Income Tax Officer (2011) 4 SCC 36	Any law enacted by Parliament with respect to ‘extra-territorial aspects’ or uses which have no impact on or nexus with India would be ultra vires to Article of the Constitution.

### (U) FREEDOM OF TRADE AND COMMERCE

S.N.	Case Reference	Principle laid down
1.	State of Bombay Vs. R.M.D.C., AIR 1957 SC 699	It was held that protection offered under Art. 301 is available to lawful trading activity and does not extend to activities which are <i>res extra commercium</i> .
2.	Atiabari Tea Co. Vs. State of Assam, AIR 1961 SC 232	The object behind the provisions from Art.301-307 is to create and preserve a national economic fibre. It breaks down the border between the states and creates one economic unit, Supreme Court held that imposition of tax or duty in every case would not amount per se to an infringement of Art. 301. Taxes simpliciter as opposed to discriminatory taxation is not within the scope of Art. 301. If the State Legislature wants to impose compensatory tax then it has to take President’s assent under Art. 304(b)
3.	Automobile Transport Ltd Vs. State of Rajasthan, AIR 1962 SC 1406	Recognized the concept of regulatory and compensatory tax and held that compensatory taxes are outside the purview of Art. 301. Regulatory measures imposing compensatory taxes for the use of trading facilities do not come within the purview of restriction contemplated under Art. 301 and such measures need not comply with the requirements of Art. 304(b).

## (V) EMERGENCY

S.N.	Case Reference	Principle laid down
1.	A.D.M. Jabalpur Vs. Shivkant Shukla, AIR 1976 SC 1207	During the proclamation of emergency, rights under Art. 21 can also be suspended and no person shall have any locus standi for enforcement of such right. This case is also known as <i>habeas corpus</i> case.
2.	Minerva Mills Ltd. Vs. Union of India and Ors., AIR 1980 SC 1789	There is no bar to judicial review of the validity of proclamation of emergency. However, the court, power is limited to examining whether the limitations conferred by the Constitution have been observed or not. If the satisfaction of the President is absurd, mala fide or perverse then it would be liable to be challenged in the court of law.
3.	S.R. Bommai Vs. Union of India, AIR 1994 SC 1918	Judicial review of Presidential proclamation is permissible if the allegations of mala fides have been leveled in the petition. The Court laid down the following guidelines: (1) Proclamation dissolving State Legislative Assembly is subject to judicial review (2) President's rule cannot be imposed on the ground of political considerations; (3) Imposition of President's rule and dissolution of State Assembly cannot be done together; (4) State Assembly can only be dissolved after Parliament approves the proclamation. (5) Existence of materials is a pre-condition to form the basis of satisfaction for imposition of President's rule.
4.	Rameshwar Prasad Vs. Union of India, AIR 2006 SC 980	The Governor while recommending dissolution of Assembly has to annex with the report relevant materials

	substantiating his decision. In absence of relevant materials it will be considered as a personal opinion of the Governor.
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### (W) AMENDMENT OF THE CONSTITUTION

S.N.	Case Reference	Principle laid down
1.	Shankari Prasad Vs. Union of India, AIR 1951 SC 458	Power to amend the Constitution including the fundamental rights is contained in Article 368 and the word law in Art. 13(2) includes only an ordinary law made in exercise of the legislative power and does not include the constitutional amendment which is made in exercise of constituent power. Constitutional amendment will be valid even if it abridges or takes away any fundamental rights.
2.	Sajjan Singh Vs. State of Rajasthan, AIR 1965 SC 845	Approved the majority judgment in Shankari Prasad's case and held that amendment of the Constitution means amendment of all parts of the Constitution.
3.	Golaknath Vs. State of Punjab, AIR 1967 SC 1643	Supreme Court prospectively overruled its earlier decisions of Shankari Prasad and Sajjan Singh. The Supreme Court held that <u>Parliament had no power, from the date of decision, to amend the Part III of the Constitution so as to take away or abridge Fundamental Rights.</u>
4.	Keshavananda Bharati Vs. State of Kerala, AIR 1973 SC 1461	The validity of the 24th Constitutional Amendment was challenged and Supreme Court held that Parliament can amend any Part of the Constitution but cannot amend basic structure of the constitution. <u>Overruled the Golaknath Case.</u>
5.	Minerva Mills Vs. Union of India AIR 1980 SC 1789	Struck down clauses (4) and (5) of Art. 368 on the ground that it destroys basic structure of the Constitution and goes beyond the amending power of

		Parliament.
6.	I.R. Coelho Vs. State of Tamil Nadu, AIR 2007 SC 861	Any law placed in Ninth schedule of the Constitution after April 24, 1974, would be open to challenge in the court of law on the ground that it destroys the basic structure of the Constitution.

### (X) MISCELLANEOUS

S.N.	Case Reference	Principle laid down
1.	Jilubhai Nanbhai Khachar Vs. State of Gujarat, AIR 1995 SC 142	Right to property under Art. 300-A is not the basic feature of the Constitution.
2.	Plantation Pvt. Ltd. Vs. State of Karnataka, AIR 2011 SC 3430	Right to get compensation in case of deprivation of property is inherent in Article 300-A.
3.	People's Union for Civil Liberties Vs. Union of India, (2013) 10 SCC 1	Hon'ble Supreme Court introduced the concept of 'negative voting'. An individual would have option for not voting for any candidate (NOTA) if they do not find any of the candidates worthy.
4.	Swiss Ribbons Pvt. Ltd. & Anr Vs. Union of India, AIR 2019 SC 739	Hon'ble Supreme Court rejected petitions which challenged the constitutional validity of the Insolvency and Bankruptcy Code 2016.
5.	Hindustan Construction Company Vs. Union of India, AIR 2020 SC 122	Struck down Section 87 of the Arbitration and Conciliation Act 1996, which was inserted through the 2019 amendment Act. The Hon'ble Apex Court held the provision, which brought back the automatic stay provision, to be "manifestly arbitrary." and violative of Article 14 of the Constitution of India.
6.	Central Public Information Officer, Supreme Court Vs. Subash Chandra Agarwal, (2020) 5 SCC 481	Hon'ble Supreme Court held that the office of Chief Justice of India is a public authority under the Right to Information Act. Court upheld the 2010 judgment of Delhi High Court which had held that RTI Act was applicable to CJI's office.
7.	M. Siddiq (D) through	In an unanimous verdict, the Hon'ble

	LRs. Vs. Mahant Sure.sh Das and Ors., (2020) 1 SCC 1	Supreme Court held that the entire disputed land of 2.77 acres in Ayodhya must be handed over for the construction of Ram Mandir. At the same time, the Court held that an alternate plot of 5 acres must be allotted to the Sunni Waqf Board for construction of mosque. This direction was passed invoking powers under Art. 142 of the Constitution. The Supreme Court observed that the destruction of Babri mosque in 1992 was a violation of law. Thereafter, Supreme Court dismissed review petitions filed against the verdict.
8.	Prathvi Raj Chauhan Vs. Union of India, AIR 2020 SC 1036	The Hon'ble Supreme Court upheld the constitutional validity of Parliament's 2018 Amendment to the Prevention of Atrocities Act.

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V.S. DREAM COACHING