

Landmark Jurisprudence: An In-Depth Analysis of 10 Judgements That Shaped Modern India

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The evolution of the Indian democratic framework is inextricably linked to the interpretations provided by the Supreme Court of India. As the custodian of the Constitution, the judiciary has often stepped in to resolve the inherent tensions between legislative power and fundamental rights. This technical analysis explores the seminal judgements outlined in Zia Mody's definitive work, "**10 Judgements That Changed India**," providing a comprehensive breakdown of the legal mechanics, constitutional doctrines, and the long-term socio-political impacts of these rulings.

1. The Constitutional Conflict: Parliamentary Sovereignty vs. Judicial Review

Since the inception of the Republic in 1950, a central point of friction has been the extent of Parliament's power to amend the Constitution under **Article 368**. The initial decades were marked by a series of legal battles regarding the right to property, which eventually led to the formulation of doctrines that would define the limits of the state's authority. To understand these judgements, one must first grasp the technical distinction between **constituent power** (the power to frame or change the Constitution) and **legislative power** (the power to make laws under the Constitution).

The Doctrine of Basic Structure

The most significant outcome of this friction was the birth of the **Basic Structure Doctrine**. This judicial principle holds that while Parliament has broad powers to amend the Constitution, it cannot alter its essential features—the foundational pillars that give the document its identity. This includes secularism, federalism, the separation of powers, and the independence of the judiciary.

2. Technical Breakdown: Kesavananda Bharati v. State of Kerala (1973)

Often cited as the most important case in Indian history, **Kesavananda Bharati v. State of Kerala** involved the largest bench in the history of the Supreme Court (13 judges). The case was triggered by challenges to the 24th, 25th, and 29th Amendments, which sought to grant Parliament unfettered power to amend any part of the Constitution.

Legal Mechanics and Verdict

By a narrow 7:6 majority, the Court ruled that while Parliament could amend any part of the Constitution, including Fundamental Rights, it could not touch the "Basic Structure." The technical complexity of this ruling lies in its **Ratio Decidendi** (the reason for the decision). The Court did not provide an exhaustive list of what constitutes the basic structure, leaving it to be defined on a case-by-case basis through judicial interpretation.

Feature	Pre-Kesavananda Status	Post-Kesavananda Status
Parliament's Amending Power	Perceived as absolute (Golaknath era)	Limited by the Basic Structure
Judicial Review	Subordinate to Constitutional Amendments	Recognized as a Basic Feature
Fundamental Rights	Inviolable (in Golaknath)	Amendable, provided core essence remains

3. Expanding Article 21: Maneka Gandhi v. Union of India (1978)

The **Maneka Gandhi** case transformed the Indian judicial approach to civil liberties. Prior to this, the Court followed the **A.K. Gopalan (1950)** precedent, which took a narrow view of **Article 21** (Right to Life and Personal Liberty), suggesting that as long as a "procedure established by law" was followed, the law itself did not need to be fair or just.

The Shift to 'Due Process'

In this case, the Supreme Court ruled that any procedure established by law must not be arbitrary, unfair, or oppressive. It must meet the requirements of **natural justice**. This effectively introduced the American concept of **Substantive Due Process** into Indian jurisprudence. The Court established the "Golden Triangle" theory, stating that Articles 14 (Equality), 19 (Freedom of Speech), and 21 are not mutually exclusive but must be read together as a composite whole.

4. Gender Justice and Legislative Vacuums: Vishaka v. State of Rajasthan (1997)

The **Vishaka** judgement is a prime example of **Judicial Activism** or judicial legislation. In the absence of a domestic law regarding sexual harassment at the workplace, the Supreme Court used its powers under **Article 141** to create a set of binding guidelines.

- **Legal Basis:** The Court relied on international conventions, specifically CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), which India had ratified.
- **Implementation:** The guidelines mandated the creation of Internal Complaints Committees (ICC) in all organizations.
- **Outcome:** These guidelines remained the law of the land for 16 years until the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

5. Secularism and Federalism: S.R. Bommai v. Union of India (1994)

This case dealt with the frequent and often political misuse of **Article 356**, which allows the Central Government to dismiss State Governments and impose President's Rule. The technical question was whether the President's proclamation under Article 356 was subject to judicial review.

Core Principles Established

1. **Judicial Review:** The Court held that the President's power is not absolute and is subject to judicial scrutiny if based on mala fide intentions.
2. **Floor Test:** The strength of a government must be tested on the floor of the House, not in the Governor's

chambers.

3. Secularism: The Court declared secularism a part of the Basic Structure. If a state government acts against secularism, it can be dismissed under Article 356.

6. Affirmative Action: Indra Sawhney v. Union of India (1992)

Following the implementation of the **Mandal Commission** report, the **Indra Sawhney** case (Mandal Case) examined the validity of 27% reservation for Other Backward Classes (OBCs) in government jobs. The case required a delicate balance between Article 16(1) (Equality of Opportunity) and Article 16(4) (Reservations).

Technical Constraints on Reservation

The Court upheld the 27% reservation but introduced several critical technical constraints that define India's reservation policy today:

- The 50% Cap: Total reservations should not exceed 50%, except in extraordinary circumstances.
- Creamy Layer: The "creamy layer" (economically and socially advanced members of a backward class) must be excluded from the benefits of reservation.
- No Reservation in Promotions: Reservation was initially limited to the entry level (later modified by constitutional amendments).

7. Environmental Jurisprudence and Absolute Liability

The **Union Carbide Corporation v. Union of India** (Bhopal Gas Tragedy) and the subsequent **M.C. Mehta** cases led to the evolution of strict environmental laws. Specifically, the Court moved away from the English law principle of **Strict Liability** (which had various exceptions) to the principle of **Absolute Liability**.

Comparison of Liability Models

Metric	Strict Liability (Rylands v. Fletcher)	Absolute Liability (M.C. Mehta)
Exceptions	Acts of God, Plaintiff's fault, etc.	No exceptions allowed.
Applicability	General land use.	Hazardous or inherently dangerous industry.
Compensation	Limited to foreseeable damage.	Exemplary and correlated to the size of the enterprise.

8. Right to Livelihood and Shelter: Olga Tellis v. Bombay Municipal Corporation (1985)

This case brought to the forefront the rights of pavement dwellers. The Court expanded the definition of **Article 21** (Right to Life) to include the **Right to Livelihood**. The technical logic was simple: if a person is deprived of their livelihood, they are effectively deprived of their right to life. However, the Court did not grant an absolute right to occupy public spaces but emphasized the necessity of **Natural Justice** (notice and hearing) before eviction.

9. Personal Law vs. Uniform Civil Code: Shah Bano Case (1985)

The **Mohammed Ahmed Khan v. Shah Bano Begum** case involved the right of a divorced Muslim woman to claim maintenance under **Section 125 of the Code of Criminal Procedure (CrPC)**. The Supreme Court ruled that Section 125 is a secular law and applies to everyone, regardless of religion, overriding personal laws in the interest of social justice.

The Aftermath and Section 125

While legally sound, the judgement faced immense political backlash, leading to the enactment of the *Muslim Women (Protection of Rights on Divorce) Act, 1986*, which effectively nullified the court's decision. This case remains a focal point in the debate over the **Uniform Civil Code (Article 44)**.

10. Custodial Justice and Human Rights: Nilabati Behera v. State of Orissa (1993)

This judgement established the principle of **State Liability** for the infringement of fundamental rights. Prior to this, the state often used the plea of "sovereign immunity" to avoid paying compensation for custodial deaths or police brutality. The Court ruled that compensation is a **public law remedy** and the state cannot hide behind immunity when its agents violate Article 21.

Technical Workflow of a Supreme Court Judgement

To appreciate how these judgements come to be, it is essential to understand the procedural workflow within the Apex Court:

1. Filing: A Writ Petition is filed under Article 32 (for Fundamental Rights) or an SLP (Special Leave Petition) under Article 136.
2. Admission: The Court determines if a substantial question of law or a matter of public importance exists.
3. Bench Formation: Landmark cases are referred to Constitutional Benches (minimum 5 judges) as per Article 145(3).

4. Arguments: Senior advocates present constitutional interpretations.
5. Verdict: The Court issues a judgement containing the Ratio Decidendi (binding) and Obiter Dicta (persuasive but not binding).

Synthesis and Broader Implications

The ten judgements analyzed above demonstrate a deliberate shift from a **textualist** approach (literal interpretation) to a **contextualist** or **purposive** approach. The Indian Supreme Court has successfully carved out a role for itself as the "conscience-keeper" of the nation. By developing unique doctrines like the Basic Structure and Absolute Liability, the Court has adapted the law to the specific socio-economic needs of India.

These cases have collectively ensured that the Constitution remains a "living document." They have empowered the marginalized through PILs (Public Interest Litigation), checked the excesses of the executive, and provided a framework for a modern, secular, and democratic society. For legal professionals and citizens alike, these judgements represent the milestones of India's journey toward an equitable rule of law. The ongoing relevance of these rulings ensures that even as political landscapes change, the fundamental rights of the individual remain protected against the arbitrary exercise of power.

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• [Landmark Judicial Precedents: An In-Depth Analysis of 10 Judgements That Redefined Indian Constitutional Law](http://123caramba.com/10-judgements-that-changed-india-technical-analysis.pdf)

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Tags: #Supreme Court of India #Constitutional Law #Basic Structure Doctrine #Zia Mody #Indian Judiciary

