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Supreme Court Judgements

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Important Supreme Court Judgements of Independent India

SL No	Case	Judgement
1.	**A.K. Gopalan vs The State Of Madras (1950)**	**Theme : Right to life** SC contented that there was no violation of Fundamental Rights enshrined in Articles 13, 19, 21 and 22 under the provisions of the Preventive Detention Act, if the detention was as per the procedure established by law. Here, the SC took a narrow view of Article 21. The majority opinion in the A.K. Gopalan case was that article 21 covering procedure established by law would simply mean the law established by the state.
2.	**Romesh Thapar v State of Madras (1950)**	**Theme : Freedom of speech and expression** • SC ruled that freedom of speech lay at the foundation of all democratic organisations. • The full court ruled that the imposition of pre-censorship on a journal is a restriction on the liberty of the press, which is an essential part of the right to freedom of speech and expression under Article 19 (1)(a). • It said the freedom of speech and expression is one of the most valuable rights guaranteed to a citizen by the Constitution and should be jealously guarded by the courts. The verdict added that free political discussion is essential for the proper functioning of a democratic government. • The rationale behind this judgement set a healthy precedent both in terms of protecting press freedom and defining the scope of reasonable restrictions on the fundamental rights as provided in Part III of the Constitution.
3.	**Kedar Nath Singh vs State Of Bihar (1962)**	**Theme : Sedition Law** • The Supreme Court of India upheld the constitutional validity of the provisions of the Indian Penal Code that penalized sedition. • Kedar Nath Singh had been convicted for sedition and inciting public mischief because of a speech in which he criticized the government and advocated for the Forward Communist Party.

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		• The Court reasoned that the penalization of sedition is a constitutionally valid restriction on the right to freedom of expression only when the words are intended to disturb public peace by violence. • The Court emphasized that the phrase "Government established by law" under section 124A must be distinguished from criticism of a specific party or persons. • The purpose of the crime of sedition was to prevent the Government established by law from being subverted because "the continued existence of the Government established by law is an essential condition of the stability of the State".
4.	**Shankari Prasad Singh Deo v. Union of India (1951)**	**Theme : Amendability of Fundamental Rights** This case dealt with the amendability of Fundamental Rights (the First Amendment's validity was challenged). The SC contended that the Parliament's power to amend under Article 368 also includes the power to amend the Fundamental Rights guaranteed in Part III of the Constitution. Further, it said that a constitutional amendment act enacted to abridge or take away the fundamental rights is not void of article 13(2).
5.	**Berubari Union case (1960)**	**Theme : Article 3 related** • Case was regarding the Parliament's power to transfer the territory of Berubari to Pakistan. • The Supreme Court examined Article 3 in detail and held that the Parliament cannot make laws under this article in order to execute the Nehru-Noon agreement. Hence, the 9th constitutional Amendment Act was passed to enforce the agreement.
6.	**Golaknath Vs State of Punjab (1967)**	**Theme: Right to Property - is it a Fundamental Right?** • Supreme Court ruled that Parliament doesn't have the power to restrict any of the Fundamental Rights enshrined in the Constitution. • Hence, State of Punjab couldn't take away Golaknath or any other citizen's land as Right to Property was deemed to be fundamental.

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		• Beginning with its ruling in GOLAKNATH, the Court developed jurisprudence around what was known as the basic structure doctrine. • According to this doctrine, the Court was in charge of preventing the erosion of those enduring values that constitute the essence of constitutionalism.
7.	**Rustom Cavasjee Cooper vs Union Of India - 1970**	**Theme : Ordinance making power** • The ordinance making power of the president can be questioned if his satisfaction can be questioned on the grounds of malafide. **DC Wadhwa case 1987** • Court held that re promulgation of ordinances with the same text, without giving any chance to house to pass it, would amount to a violation of the constitution and can be struck down. **Krishna Kumar Singh vs State of Bihar 2017** • SC ruled that ordinances are subject to judicial review, and do not automatically create enduring effects.
8.	**Kesavananda Bharati vs State of Kerala case (1973)**	**Theme : Basic structure of the Constitution** • Declared that Article 31C of the constitution which was inserted by 24th Constitutional amendment to give unrestricted powers to parliament in enacting a law which is against judicial review. • SC felt that judicial review is the basic structure of the constitution and is amendable even under Article 368. • It opened the floodgates for interpretation of what constitutes the basic structure of the constitution which is discussed over many cases.
9.	**Maneka Gandhi vs UoI case (1978)**	**Theme: Expansion of rights under Article 21** • The Court reiterated that the term 'personal liberty' is of "the widest amplitude and it covers a variety of rights which go to constitute the personal liberty of a man."

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		• And some of those rights have been raised to the status of distinct fundamental rights and given additional protection under Article 19. • SC held that - 'Procedure established by law' is within the meaning of Article 21 and must be 'right and just and fair' and 'not arbitrary, fanciful or oppressive' otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied. • Thus the 'procedure established by law' has acquired the same significance in India as the 'due process of law' clause in America.
10.	**Minerva Mill vs Union of India (1980)**	**Theme: Basic Structure of the Constitution** • The validity of 42nd amendment Act was challenged on the ground that they are destructive of the 'basic structure' of the Constitution • SC said that a limited amending power itself is a basic feature of the Constitution. • SC ruled that Fundamental Rights and the Directive Principles are required to be viewed as the two sides of the same coin. Both should be complementary to each other and there should be no confrontation between them. • Therefore, SC evolved the basic structure doctrine of the Constitution of India and provided key clarifications on the interpretation of the basic structure doctrine.
11.	**Bachan Singh v. State of Punjab(1980)**	**Theme: Death Penalty** The Supreme Court, in Bachan Singh v. State of Punjab 1980, had laid down that life imprisonment is the rule and death sentence is an exception and thus, certain guidelines should be followed before a court may award death penalty: • Only in the gravest cases of extreme culpability, this extreme penalty of death may be awarded; • The circumstances of the offender along with the circumstances of the crime have to be taken into consideration. • When the sentence of life imprisonment seems

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		inadequate having regard to the nature and circumstances of the crime, only then death sentence may be awarded; and • The aggravating and the mitigating circumstances have to be balanced.
12.	**Machhi Singh And Others vs State Of Punjab(1983)**	**Theme: Death Penalty** Supreme Court had held that in the rarest of rare cases, when the collective conscience of the community is so shocked that it will expect the holders of the judicial power centre to inflict death penalty, then death penalty may be sanctioned.
13.	**MA Khan vs Shah Bano Case (1985)**	**Theme: Secularism and Uniform Civil Code** • Shah Bano filed a case in the Supreme court against her husband asking him for a maintenance amount for herself and her children after her triple talaq divorce. • Under the Islamic law she was eligible for only one time maintenance of 5400 • The SC decided it in favour of Shah Bano using secular criminal procedure code regardless of religion. • This was a step towards the implementation of Uniform Civil Code.
14.	**Indira Sawhney vs Union of India case (1992)**	**Theme: Reservations** • Backward class of citizens in Article 16(4) can be identified on the basis of the caste system & not only on economic basis. • Article 16(4) is not an exception of Article 16(1). It is an instance of the classification. Reservation can be made under article 16(1). • Backward classes in Article 16(4) were not similar to as socially & educationally backward in article 15(4). • Creamy layer must be excluded from the backward classes. • Article 16(4) permits classification of backward classes into backward & more backward classes. • A backward class of citizens cannot be identified only & exclusively with reference to economic criteria.

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		• Reservation shall not exceed 50%. • Reservation can be made by the 'EXECUTIVE ORDER'. • No reservation in promotion. • Permanent Statutory body to examine complaints of over – inclusion / under – inclusion. • Majority held that there is no need to express any opinion on the correctness or adequacy of the exercise done by the MANDAL COMMISSION. • Disputes regarding new criteria can be raised only in the Supreme Court.
15.	**S R Bommai vs Union of India (1994)**	**Theme: Centre state Relations** • Supreme Court issued the historic order, which in a way put an end to the arbitrary dismissal of State governments under Article 356 by spelling out restrictions. • The verdict concluded that the power of the President to dismiss a State government is not absolute. • The verdict said the President should exercise the power only after his proclamation (imposing his/her rule) is approved by both Houses of Parliament. • Till then, the Court said, the President can only suspend the Legislative Assembly by suspending the provisions of the Constitution relating to the Legislative Assembly.
16.	**Ramamurthy v. State of Karnataka(1996)**	**Theme : Prison Reforms** • Supreme Court identified nine issues concerning prisons, such as overcrowding, trials being delayed, the torture and ill-treatment of prisoners, neglect of health and hygiene, insubstantial food and inadequate clothing. • Directed government to bring uniformity nationally of prison laws and prepare a draft model prison manual.

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17.	**Vishaka and Others vs State of Rajasthan (1997)**	**Theme: Women's Issues** • SC mentioned that its the duty of the employer and other at work to prevent or deter possible acts of sexual harassment • Provided the Procedure for resolution, settlement or prosecution • Provided for a range of behaviour which can be termed as sexual harassment • Mandated to create Complaints committee • SC gave details regarding constitution and working of Complaints committee. • The court decided that the consideration of "International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. • It resulted in what is popularly known as the Vishaka Guidelines
18.	**Dr. T.M.A Pai Foundation V. State Of Karnataka (2002)**	**Theme : Minority institutions** The TMA Pai Foundation was a landmark 11-judge order which laid down the contours of governmental regulations on private institutions and still occupies the education field in so far as the constitutionality of statutes and regulations is concerned. • The right under Article 30(1) is not absolute or above the law" • The essence of Article 30(1) was "to ensure equal treatment between the majority and the minority institutions" and that rules and regulations would apply equally to majority and minority institutions. • Maximum latitude must be given to management of minority institutions that directly aim to preserve their special religious and linguistic characteristics but for those minority institutions imparting purely secular education such as Physics, Chemistry, etc, excellence is of paramount importance.

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19.	**Union of India v. Association for Democratic Reforms (2002)**	**Theme : Voter's right to know** • The Court in dealing with the issue at hand held that under the Indian Constitution, electors had a fundamental right to know the antecedents of candidates contesting elections to hold public office. • The court read in 'right to be informed' as a right flowing from freedom of speech and expression. The Election Commission was directed to secure affidavits by candidates recording all particulars relating to past or pending criminal charges or cases against them. • This included information as to whether the candidate was convicted/acquitted/discharged of any criminal offence in the past. • Additionally, if convicted, the quantum of punishment that was awarded; and whether prior to six months of filing of nomination, the candidate was accused of an offence punishable with minimum two years of imprisonment.
20.	**Lily Thomas case vs Union of India (2004)**	**Theme: Disqualifications of representatives and Decriminalisation of Politics** • SC nullified section 8(4) of RPA which did not disqualify convicts who are convicted for more than 2 years if they appealed in 3 months. • This gave an unfair advantage for representatives to proceed as a member in spite of being convicted. • SC court judgement ensured that any representative who is convicted for more than 2 years stand disqualified for the sentence term and till 6 years after the completion of the sentence.
21.	**M. Nagaraj vs Union of India Case (2006)**	**Theme : Reservations** • SC validated parliament's decision to extend reservations for SCs and STs to include promotions with three riders. • It required the state to provide proof for the backwardness of the class benefitting from the reservation, for its inadequate representation in the position/service for which reservation in promotion is

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		to be granted and to show how reservations in promotions would further administrative efficiency.
22.	**Prakash Singh Vs Union of India (2007)**	**Theme : Police reforms** • SC instructed central and state governments to comply with a set of seven directives laying down practical mechanisms to kick-start reform. • The Supreme Court referred to the recommendations made by several committees on police reforms and culled four requisite points of reform: (1) State Security Commission at State level; (2) Transparent procedure for the appointment of Police Chief and the desirability of giving him a minimum fixed tenure. (3) Separation of investigation work from law and order. (4) A new Police Act which should reflect the democratic aspirations of the people.
23.	**I.R. Coelho vs State of Tamil Nadu (2007)**	**Theme: Basic Structure Doctrine vs 9th Schedule provisions** • The judgement in this case put an end to the politico-legal controversy by holding the Parliament's amending power subject to Judicial Review in line with Keshavananda Bharti's case judgement that the violation of Doctrine of Basic Structure will never be tolerated. • The judgment in I.R. Coelho vigorously reaffirms the doctrine of basic structure. • Indeed it has gone further and held that a constitutional amendment which entails violation of any fundamental rights which the Court regards as forming part of the basic structure of the Constitution then the same can be struck down depending upon its impact and consequences. • This 2007 judgement has already upheld authority of judiciary to review any law including those that have been placed under the 9th Schedule of the Indian Constitution.

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24.	**The CPIO, Supreme Court of India v. Subhash Chandra Agarwal (2009)**	**Theme : RTI and Supreme court** • Chief Justice's office is a "public authority" within the meaning of the Right to Information (RTI) Act as it performs numerous administrative functions in addition to its adjudicatory role. Access to information it held was therefore regulated by the Act. • The Court emphasized that information pertaining to submitted declarations and their contents constitutes "information" within the meaning of Section 2 (f) of the Act. • The Court found that Section 8(1)(j) of the Act indeed stipulated the exemption from disclosure of personal information of a third party on the ground of privacy. The exemption applied irrespective of whether a third party was a private individual or a public official.
25.	**SK Koushal v Naz foundation case 377 (2013)**	**Theme: Vulnerable sections - LGBT** • It is a 2013 case in which a 2 judge Supreme Court bench overturned the Delhi High Court case Naz Foundation v. Govt. of NCT of Delhi which upheld Section 377 of the Indian Penal Code - which criminalized consensual homosexual sex between adults. • The Supreme Court of India decided to revisit this judgement after several curative petitions were filed against it, in 2017. • The Supreme Court today decriminalised consensual adult sex saying sexual orientation is natural and people have no control on it. • But portions of Section 377 relating to sex with minors, non-consensual sexual acts such as rape, and bestiality remain in force.
26.	**Navtej Singh Johar vs Union of India (2017)**	**Theme: LGBT community** • In this landmark verdict, the Supreme Court scrapped the controversial Section 377– a 158-year-old colonial law on consensual gay sex. • The Supreme Court reversed its own decision and said Section 377 is irrational and arbitrary.

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		• "LGBT Community has same rights as of any ordinary citizen. Respect for individual choice is the essence of liberty. • LGBT community possesses equal rights under the constitution. Criminalising gay sex is irrational and indefensible. • Therefore, The Supreme Court of **India** unanimously held that Section 377 of the **Indian** Penal Code, 1860, which criminalized 'carnal intercourse against the order of nature', was unconstitutional in so far as it criminalized consensual sexual conduct between adults of the same sex.
27.	**People's Union of Civil Liberties vs Union of India case (2013)**	**Theme: NOTA- Right of citizens to cast negative vote** • Rule 49(O) of the conduct of Election Rules 1961 ensures that the presiding officer records a voter has not voted in case if he doesn't want to vote after he has been inked on the finger and entered his name on Form17-A. This is against the right to secrecy enshrined in the elections. • SC held that Right to vote also includes a right not to vote and remain neutral. • Right to secrecy is the integral part of free and fair elections. People who didn't vote shouldn't be victimized.
28.	**Common Cause vs UoI (2013) aka Aruna Shanbaug Case - Right to die with dignity = Fundamental Right**	**Theme: Right to die with dignity & Article 21** • Supreme Court of India has held that right to die with dignity is a fundamental right. The Bench also held that passive euthanasia and a living will also legally valid. • The Court has issued detailed guidelines in this regard. "The right to life and liberty as envisaged under Article 21 of the Constitution is meaningless unless it encompasses within its sphere individual dignity. With the passage of time, this Court has expanded the spectrum of Article 21 to include within it the right to live with dignity as component of right to life and liberty". • The Bench also held that the right to live with dignity also includes the smoothing of the process of dying in

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		case of a terminally ill patient or a person in a Persistent vegetative state with no hope of recovery.
29.	**National Legal Services Authority vs Union of India (2014)** **Transgender as 'third gender'**	**Theme: Vulnerable Sections - Transgender** • It is a landmark decision by the Supreme Court of India, which declared transgender people to be a 'third gender', affirmed that the fundamental rights guranted under the Constitution of India will be equally applicable to transgender people. • It also gave them the right to self-identification of their gender as male, female or third-gender. • Moreover, the court also held that because transgender people were treated as socially and economically backward classes, they will be granted reservations in admissions to educational institutions and jobs. • This judgement is a major step towards gender equality in India.
30.	**Shatrughan Chauhan vs UOI (2014)**	**Theme : Delay in execution of Death penalty** • The undue delay by President in rejecting mercy to a death row convict amounts to torture. • Such inordinate and unexplained delay by the President is sufficient in itself to entitle the convict to a commutation. • The court had refused to fix a certain number of years above which undue delay would amount to torture. • The crime in question is irrelevant while deciding the effects of keeping a death row prisoner waiting for a decision on his or her mercy petition. • The suffering that comes with anticipating death on an every day basis for the judges amounted to torture, which was violative of the Right to life under Article 21 of the Constitution.
31.	**Shreya Singhal vs UoI (2015) Freedom of speech**	**Theme: Freedom of Speech online** • The SC declared Section 66A of IT Act as

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		unconstitutional and struck it down. • The court said such a law, which was often misused by police in various states to arrest innocent persons for posting critical comments about social and political issues and leaders on social networking sites, hit at the root of liberty and freedom of expression, the two cardinal pillars of democracy.
32.	**National Judicial Appointments Commission Case (2015)**	**Theme - Separation of Powers** • NJAC was a proposed body which would have been responsible for the appointment and transfer of judges to the higher judiciary in India instead of the current practice of the collegium system.. • On 16 October 2015, the Constitution Bench of the Supreme Court by 4:1 Majority upheld the collegium system and struck down the NJAC as unconstitutional after hearing the petitions filed by several persons and bodies with Supreme Court Advocates on Record Association (SCAoRA) being the first and lead petitioner. • Justices J. S. Khehar, Madan Lokur, Kurian Joseph and Adarsh Kumar Goel had declared the 99th Amendment and NJAC Act unconstitutional while Justice Chelameswar upheld it.
33.	**Rajeev Kumar Gupta & Ors vs Union Of India & Ors (2016)**	**Theme : Reservations / PwDs** In a landmark case argued by the Disability Law Initiative, the Supreme Court on 30th June 2016 held as illegal the Government of India instructions disallowing reservation in promotion for persons with disabilities, and said that wherever posts are identified to be suitable for disabled persons, 3% reservation must be given in direct recruitment as well as in promotion.
34.	**Justice K.S. Puttaswamy (Retd) vs UoI (2017)**	**Theme: Privacy and Fundamental Rights** • The Judgement holds that the right to privacy is protected as a fundamental constitutional right under Articles 14, 19 and 21 of the Constitution of India. • Unanimously the court held that "the right to privacy is protected as an intrinsic part of the right to life and

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		personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution". • It explicitly overrules previous judgements of the Supreme Court in Kharak Singh vs State of UP and M.P Sharma vs Union of India, which had held that there is no fundamental right to privacy under the Indian Constitution.
35.	**Justice K.S. Puttaswamy (Retd) vs UoI (2017)**	**Theme: Aadhar and Right to Privacy** • Supreme Court on September 26, 2018 ruled that Aadhaar was constitutional but making it mandatory for availing government services was unconstitutional. • So, while Aadhaar-PAN linking is mandatory, banks and telecom companies cannot ask people to link their bank accounts and mobile numbers with Aadhaar. This is unconstitutional. • The bench termed the Prevention of Money Laundering Act (PMLA) Rules as well as the notification issued by the Department of Telecommunications (DoT) in this regard as unconstitutional. • It also means that banks and mobile phone companies can't anymore insist on Aadhaar number to verify your details when you seek a new connection or open a new bank account.
36.	**Triple Talaq ShayaraBano Case (2017)**	**Theme: Gender Equality vs Freedom of Religion** • The Supreme Court declared, by a majority of 3:2 that divorce through instant triple talaq among Muslims would be "void", "illegal" and "unconstitutional". This judgment has the effect of law. • Three of the five judges in the panel concurred that the practice of triple talaq is unconstitutional. • The remaining two declared the practice to be constitutional while simultaneously asking the government to ban the practice by enacting a law.
37.	**Ban on Diwali firecrackers in Delhi (2017)**	**Theme: Air Pollution/Environment** • The SC banned the sale of fireworks days ahead of

		Diwali on environmental grounds in view of severe pollution. • In 2018 October, Ruling out a blanket ban on firecrackers in Delhi-National Capital Region, the Supreme Court has permitted the sale of 'green crackers'
38.	**Sabu Mathew George vs Union Of India (2017)**	**Theme : Internet freedom / Freedom of expression online** • Supreme Court ordered the respondents, Google, Microsoft and Yahoo to 'auto-block' advertisements relating to sex selective determination. • They also ordered the creation of a 'nodal agency' that would provide search engines with the details of websites to block.
39.	**Extra Judicial Execution Victim vs Union Of India And Ors (2018)**	**Theme : Operation of AFSPA and Human rights** • Every death caused by the armed forces in a disturbed area, whether the victim is a dreaded criminal or a militant or a terrorist or an insurgent, should be thoroughly enquired into • The verdict tears down the cloak of secrecy about unaccounted deaths involving security forces in disturbed areas and serves as a judicial precedent to uphold civilian and human rights in sensitive areas under military control. • The judgment came on a plea by hundreds of families in the north-eastern State of Manipur for a probe by a Special Investigation Team into 1,528 cases of alleged fake encounters involving the Army and the police. • Dealing a blow to the immunity enjoyed by security personnel under the Armed Forces (Special Powers) Act of 1958 (AFSPA) against criminal action for acts committed in disturbed areas, the apex court held that "there is no concept of absolute immunity from trial by a criminal court" if an Army man has committed an offence.
40.	**Tehseen S. Poonawalla V Union Of India (2018)**	**Theme : Cow Vigantalism** • **Preventive Measures:** State Governments should appoint nodal officers, directions are given for their

		functioning, police should disperse mobs under S.129 of CrPc, initiate FIRs under S.153A of IPC, Central and State governments should stop spread of information and broadcast the serious consequences of law for lynching and mob violence. • **Remedial Measures:** In case of any incidents, FIRs should be filed, and the Nodal officer informed, effective processing through fast track courts, victim compensation scheme and free legal aid. • **Punitive Measures:** Departmental action should be taken against officers who do not comply with the above measures as it will be seen as a case of misconduct or negligence and the action to be taken should reach a conclusion within six months. The Court, gave a recommendation to the Parliament to constitute a separate offence for lynching with adequate punishment.
41.	**Indian Young Lawyers Association vs State of Kerala (2018)** **Women can now enter Sabarimala**	**Theme: Freedom of religion vs Gender equality.** • On September 28, a five-judge Constitution bench, headed by the then CJI Dipak Misra, in a 4:1 verdict had paved the way for entry of women of all ages into the shrine, saying the ban amounted to gender discrimination. • The court ruled that - We have no hesitation in saying that such an exclusionary practice violates the right of women to visit and enter a temple to freely practice Hindu religion and to exhibit her devotion towards Lord Ayyappa. The denial of this right to women significantly denudes them of their right to worship. • Court observed that the custom of barring women was in violation of Article 25 (Clause 1) and Rule 3(b) of Kerala Hindu Places of Worship. • Dissenting view: Justice Indu Malhotra said that every individual should be allowed to practice their faith irrespective of whether the practice is rational or logical.
42.	**Adultery 2018 SC Judgement - Joseph Shine**	**Theme: Adultery is not a crime** • The Supreme Court unanimously struck down a 150-

	Vs Union of India	year-old law that considered adultery to be an offence committed against a married man by another man. Defined under Section 497 of the IPC, adultery law came under sharp criticism for treating women as possessions rather than human beings. • The Supreme Court declared Section 497 as unconstitutional. Adultery is no longer a crime but if it leads to someone committing suicide, the act will be treated as a crime - abetment to suicide. • And while, Adultery is no longer a crime, but it will continue to be grounds for divorce.
43.	**Judicial Proceedings - Swapnil Tripathi vs SC - 2018**	**Theme: Transparency in Judicial Proceedings** • Sunlight is the best disinfectant," said the Supreme Court bench and ordered live-streaming and video recording of the court proceedings yesterday, September 26, 2018. • Supreme Court said live streaming of court proceedings will bring transparency. • The Supreme Court said that live streaming would bring in more transparency in judicial proceedings and effectuate the "public right to know".
44.	**SC/ST Reservation case 2018 - Jarnail Singh vs LN Gupta**	**Theme: SC/ST Reservation** • As the Supreme Court has upheld reservation in promotion for SC/ST communities, the court's position on the idea of a creamy layer has put the political class in a dilemma • So far creamy layer is applicable only for OBCs seeking reservation. Last year, the creamy layer ceiling for OBC reservation was raised to Rs 8 lakh per year – families with income above this were not eligible • How will a creamy layer apply to SC/STs is uncharted territory. While the government says it is still "examining" the judgment, SC/ST groups are restive in a poll year that has seen caste protests nationwide.

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45.	**Power tussle between Delhi Government and Lt. Governor - Govt of NCT of Delhi vs UoI - 2018**	**Theme: Federalism** • In this landmark verdict that came as a shot in the arm for the Arvind Kejriwal-led AAP government in its tussle with Lieutenant Governor Anil Baijal for control of Delhi, a five-judge Constitution Bench of the Supreme Court ruled that decisions of the elected government of Delhi do not require the concurrence of the Lt Governor who only needs to be informed. • Calling for Constitutional pragmatism and underlining the clear separation of powers, the bench made it clear that "the status of the Lieutenant Governor of Delhi is not that of a Governor of a State, rather he remains an Administrator, in a limited sense, working with the designation of Lieutenant Governor".
46.	**Verdict on Rohingya Crisis - Md. Salimullah vs UoI (2018)**	**Theme: Deportation vs Refugee Rights** • The Supreme Court Thursday rejected the plea to stop the deportation of seven Rohingya immigrants to Myanmar from Assam. • The bench rejected the plea saying that the seven were found as illegal immigrants by the court earlier and that Myanmar is also ready to accept them as their nationals. "We are not inclined to interfere on the decision taken," the apex court said. • The plea filed by two Rohingya immigrants challenged the Centre's decision to deport over 40,000 refugees who came to India after escaping from Myanmar due to widespread discrimination and violence against the community. • The fresh plea said that the decision to deport was in "grave violation" of India's international obligation and moreover, the situation in Myanmar was extremely dangerous for the Rohingyas to return and they are likely to be subjected to torture and even killed.
47.	**Supreme Court's Order on**	**Theme: Environment vs Tribal Rights**

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	Forest Rights Act (2018)	• The February 13, 2019 order of the Supreme Court to several States to evict lakhs of claimants finally rejected under the Forest Rights Act (FRA) is an outcome of the consistent stand taken by the top court in the case since 2016 that encroachers should be evicted from forest land after due process. • On January 29, 2016, a three-judge Bench of Justices J. Chelameswar (now retired), A.M. Sapre and Amitava Roy (retired) held that "if the claim is found to be not tenable by the competent authority, the result would be that the claimant is not entitled for the grant of any patta or any other right under the Act, but such a claimant is also either required to be evicted from that parcel of land or some other action is to be taken in accordance with law." • The Supreme Court on March 1st, 2019, suspended the implementation of its controversial February 13, 2019, order directing states to evict around 2 million forest-dwellers from forests after the tribal affairs ministry pointed out that the process of settling their claims and rights left a lot to be desired.
48.	**SC/ST Act 1989 - SC Judgement (2018)**	**Theme: Protection for Vulnerable Sections** • In 2018, the Supreme Court had diluted the law's provisions and had said public servants cannot be arrested immediately after a complaint is filed against them under the law. • It also allowed for anticipatory bail which wasn't the case in the SC/ST Act 1989. • However, the Parliament passed an amendment bill in August 2018 to reverse the verdict.
49.	**Public Interest Foundation v. Union of India (2018)**	**Theme : Criminalisation of Politics** • SC directed political parties to publish the criminal details of their candidates in their respective websites and print as well as electronic media for public awareness. • The published information on the criminal antecedents of a candidate should be detailed and

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		include the nature of their offences, charges framed against him, the court concerned, case number, etc. • A political party should explain to the public through their published material how the "qualifications or achievements or merit" of a candidate, charged with a crime, impressed it enough to cast aside the smear of his criminal background. • A party would have to give reasons to the voter that it was not the candidate's "mere winnability at the polls" which guided its decision to give him ticket to contest elections.
50.	**Association for Democratic Reforms v. Union of India (2019)**	**Theme : Electoral bonds** The 3-judge bench of Ranjan Gogoi, CJ and Deepak Gupta and Sanjiv Khanna, JJ has directed all the political parties who have received donations through Electoral Bonds to submit, • detailed particulars of the donors as against each Bond; • the amount of each such bond and the full particulars of the credit received against each bond, namely, the particulars of the bank account to which the amount has been credited and the date of each such credit. to the Election Commission of India in sealed cover
51.	**BhimaKoregaon Arrest verdict - RomilaThapar vs UoI (2019)**	**Theme: Dissent vs Law and Order** • A three-judge bench of the Supreme Court refused to interfere in the arrests of five rights activists in the Bhima-Koregaon violence case in a 2:1 verdict. • The activists — poet VaraVara Rao, lawyer Sudha Bhardwaj, activists Arun Ferreira, Vernon Gonsalves and GautamNavlakha — were arrested by Maharashtra Police in cross-country raids in connection with the Bhima-Koregaon violence probe. • The Supreme Court, however, extended the house arrest of the activists. Justice Chandrachud dissented with the majority verdict.
52.	**Anuradha Bhasin vs Union**	**Theme : Fundamental right**

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	of India (2020) **(Also in Faheema Shirin vs State of Kerala , had same judgement)**	• In a significant ruling, the Supreme Court on Friday said that access to the Internet is a fundamental right under Article 19 of the Constitution, and asked the Jammu and Kashmir administration to review within a week all orders imposing curbs in the Union Territory. • Section 144 CrPC (prohibitory orders) cannot be used indefinitely to suppress freedom of speech and expression and difference of opinion. • The bench said access to Internet is a fundamental right under Article 19 of the Constitution, subject to some restrictions and said freedom of press is a valuable and sacred right. It said magistrates, while passing prohibitory orders, should apply their mind and follow doctrine of proportionality.
53.	**National Federation Of Societies For Fast Justice & Anr. Vs. Union of India (2020)**	**Theme : Gram Nayalayas** • The Supreme Court has directed all the states to come out with notifications for establishing 'Gram Nyayalayas' within a month and has asked the High Courts to expedite process of consultation with state governments on this issue. • The bench in January 2020, noted that certain states including Haryana, Gujarat, Uttarakhand, WestBengal, Telangana, Odisha and Chhattisgarh have not yet filed their affidavits on the issue despite the court's direction last year.
54.	**Punjab v. Davinder Singh (2020)**	**Theme : Reservations** • A five-judge Bench of the Supreme Court has held that States can sub-classify Scheduled Castes and Scheduled Tribes in the Central List to provide preferential treatment to the "weakest out of the weak". • Sub-classifications within the Presidential/Central List does not amount to "tinkering" with it. No caste is excluded from the list. The States only give preference to weakest of the lot in a pragmatic manner based on statistical data. • It fully endorses the push to extend the creamy layer concept to the Scheduled Castes and Scheduled Tribes. • The judgment records that "Citizens cannot be treated to be socially and educationally backward till

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		perpetuity; those who have come up must be excluded like the creamy layer".
55.	**The Secretary, Ministry of Defence Vs Babita Puniya (2020)**	**Theme : Women Empowerment** The Supreme Court, in a landmark judgment on 17 February, granted permanent commission to women officers in the Army irrespective of their number of years of service. The women officer-litigants had been fighting the case for 14 years.
	THE HINDU SUCCESSION (AMENDMENT) ACT, 2005	
56.	**Prakash v Phulwati (2015)**	A two-judge Bench headed by Justice A K Goel held that the benefit of the 2005 amendment could be granted only to "living daughters of living coparceners" as on September 9, 2005 (the date when the amendment came into force). **Note** : In February 2018, contrary to the 2015 ruling, a two-judge Bench headed by Justice A K Sikri held that the share of a father who died in 2001 will also pass to his daughters as coparceners during the partition of the property as per the 2005 law. Then in April that year, yet another two-judge bench, headed by Justice R K Agrawal, reiterated the position taken in 2015. These conflicting views by Benches of equal strength led to a reference to a three-judge Bench in 2020.
57.	**Batch of appeals against the 2015 verdict (2020)** **3 judge bench headed by Justice Arun Mishra**	• A three-judge Bench headed by Justice Arun Mishra ruled that a Hindu woman's right to be a joint heir to the ancestral property is by birth and does not depend on whether her father was alive or not when the law was enacted in 2005. • The Hindu Succession (Amendment) Act, 2005 gave Hindu women the right to be coparceners or joint legal heirs in the same way a male heir does. "Since the coparcenary is by birth, it is not necessary that the father coparcener should be living as on 9.9.2005," the ruling said.

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