

Case-Laws (Constitutional Law):

Name of the case	Ratio of the case
1. Bijoe Emmanuel v State of Kerela 1986	The Court held that the right of free speech and expression also includes the right to remain silent and that only standing for the national anthem showed proper respect.
2. Rajbala v State of Haryana 2015	The constitutionality of the Haryana Panchayati Raj (Amendment) Act 2015 was upheld. The Act disbarred persons in Haryana from the right to contest panchayat elections on the basis of certain restrictions like educational qualifications, arrears clause, etc.
3. K. Veeraswami v Union of India 1991	No FIR against a HC/SC judge unless President consults CJI and CJI allows it
4. Delhi Judicial Service Association v/s State of Gujarat 1991	Guidelines against arrest of a judicial officer; permission of District Judge or HC judge required
5. S.P. Gupta v UOI (First Judges case) 1981	Consultation under A.124 does not mean concurrence
6. Supreme Court Advocates on Record v UOI (Second Judges case) 1993	Consultation under A.124 does not mean concurrence; Collegium system evolved (1 + 2 = CJI + Two senior-most judges)
7. In Re Presidential Reference 1998 (Third Judges case)	Collegium means– CJI + 4 senior-most judges
8. Supreme Court Advocates on Record v UOI (Fourth Judges case) 2015	Primacy of the CJI in judicial appointments upheld. National Appointments Judicial Commission Act struck down as unconstitutional. 99 th Amendment to the Constitution struck down.
9. Naresh Mirajkar v State of Maharashtra 1966	Judiciary a State while performing administrative functions; not while performing judicial functions
10. Vishaka v State of Rajasthan 1997	Guidelines pertaining to sexual harassment of women at workplace (2013 Sexual Harassment at Workplace Act codifies these guidelines)
11. Sahara v SEBI 2012	Doctrine of postponement; Postponing media publications to ensure fair trail

12. Sharaya Bano v Union of India 2017	Triple Talaq unconstitutional
13. NALSA v Union of India 2014	Transgenders as third gender; to be given govt jobs under OBC category
14. Shankari Prasad v Union of India 1951	Parliament can amend Fundamental Rights; Law under Article 13 does not include a constitutional amendment
15. Sajjan Singh v State of Rajasthan 1964	Question posed - can Parliament amend the basic structure?
16. Golak Nath v State of Punjab 1967	Parliament cannot amend Fundamental Rights; Under Article 13(2), law includes a constitutional amendment Doctrine of prospective overruling laid down <i>Diluted by 24th Amendment 1971; Law does not include constitutional amendment as per Article 13(4) and Article 368(3) inserted by 24th Amendment, 1971</i>
17. Keshvananda Bharti v State of Kerela 1973	Parliament can amend Fundamental Rights; cannot amend the basic structure; Part of Article 31C which barred judicial review struck down
18. Minerva Mills v UOI 1980	Articles 368(4) & 368(5) struck down; Part of Article 31C struck down which gave primacy to all Directive Principles over Fundamental Rights ; Harmony between DPSP's and FR's emphasized
19. Ajay Hasia v Khalid Mujib 1980 20. RD Shetty v International Airport Authority 1980	Test for determining 'other authority' under Article 12
21. AK Gopalan v State of Madras 1950	Procedure established by law under A. 21 does not mean due process of law
22. Maneka Gandhi v UOI 1978	Procedure established by law under A. 21 means due process of law; Right to go abroad – a facet of A.21
23. Attorney General of India v Lachma Devi 1985	Public hanging is violative of Article 21
24. K. Puttuswamy v UOI 2017	Right to privacy a facet of A.21
25. Balaji Raghavan v UOI 1995	National awards such as Bharat Ratna, Padma Vibhushan,

	Padma Bhushan and Padma Shri (hereinafter called "The National Awards") are "Titles" within the meaning of Article 18(1) of the Constitution of India
26. State of West Bengal v Anwar Ali Sarkar 1951	There must be a nexus between the classification and the object of the Act which makes the classification
27. M.R. Balaji v State of Mysore 1962	A special provision of reservation should be less than 50%. Caste can be one of the criteria with other criteria such as place of habitation, poverty, etc. to determine backwardness but caste cannot be the sole factor
28. Indira Sawhney v Union of India 1993	Reservations in promotion not permissible; <u>diluted by Article 16(4A) via 77th Amendment</u> Creamy layer test not applicable to SC/ST's Reservation beyond 50% not permissible Caste is a predominant test for assessing backwardness Carry-forward rule for vacancies not permissible. <u>Diluted by Article 16(4B) via 81st Amendment</u> Upheld 27% reservation for OBC's in public offices
29. Ajit Singh v State of Punjab 1999	Getting reservation in promotion does not grant consequential seniority for SC/ST candidates; 'Catch up rule' was laid down under which senior general candidates who were promoted after SC/ST candidates would regain their seniority over SC/ST candidates promoted; <u>Diluted by addition of a clause "with consequential seniority" in Article 16(4A) via 85th Amendment</u>
30. M. Nagaraj v Union of India 2006	Reservation in promotion can be allowed if three tests factors are shown: a) Demonstrate backwardness b) Demonstrate inadequacy of representation c) Overall efficiency of the administration should not get compromised <u>Held per incuriam</u> (in Jarnail Singg v Lachmi Narain Gupta) to the extent that it asks for demonstrating backwardness for SC/ST's as it goes against Indira Sawhney finding that there

	need not be shown any data for backwardness for SC/ST's
31. Jarnail Singg v Lachmi Narain Gupta 2018	Holds M Nagraj per incuriam to the extent it asks for data to demonstrate backwardness of SC/ST's
32. Ashok Thakur v Union of India 2008	<p>"Caste" is often used interchangeably with "class" and can be called as the basic unit in social stratification. Creamy layer principle cannot be applied to STs and SCs, as they are a separate backward class by themselves.</p> <p>The question was restricted to whether Article 15(5), insofar as it applied to State institutions, violated the basic structure. That part of Article 15(5) which referred to private, unaided educational institutions was excluded from the scope of the enquiry. Court upheld the application of the provision to State institutions.</p> <p>Upheld 27% quota for OBC's in educational institutions</p>
33. State of Madras v Champakam Dorairajan 1951	<p>Admission to medical and engineering colleges in Madras in a proportion, based upon caste and religion, were challenged. Court rejected the argument that A.46 could be used to provide reservations since Directive Principles could not go against Fundamental Rights of citizens.</p> <p>Diluted by addition of Article 15(4) via the 1st Amendment 1951.</p>
34. Mohini Jain v State of Karnataka 1992	<p>There is a fundamental right to education at all levels (primary, secondary and higher) and that the state was under a constitutional mandate to provide educational institutions at all those levels.</p> <p>The Court held that if government seats are filled by charging X amount, it is the state's responsibility to ensure that all other institutions that are set up with government permission and have obtained recognition from the government, also charge the same amount as fees.</p>
35. Unni Krishnan J.P. v. State of Andhra Pradesh 1993	Reconsidered Mohini Jain. Held that the right to education only extends to children up to the age of 14 years. Private institutions had a right under Article 19(1)(g) that entitled them to complete

	<p>autonomy. Profit making was essential for them to flourish. However, laid down certain restrictions/conditions with respect to fees charged by private educational institutions. These conditions included the fees to be charged and the seat-sharing ratio between the government and private institutions.</p>
36. TMA Pai v State of Karnataka 2002	<p>Setting up of an educational institution would be an “occupation” under Article 19(1)(g). The scheme framed by Unni Krishnan was illegal and unconstitutional. Overruled Unni Krishnan to that extent.</p> <p>State cannot regulate the admission policies of unaided educational institutions run by minorities. However, some rules can be prescribed to maintain academic standards. Minority institutions will have to admit to a reasonable extent non-minority students in their institutions.</p>
37. Islamic Academy of Education v. State of Karnataka 2003	<p>Held that the state can provide reservation in favour of financially or socially backward sections of society. In order to ensure transparency in admission and fee structure, the Court resorted to the setting up of committees to give effect to the judgment in TMA Pai.</p>
38. P.A Inamdar v State of Maharashtra	<p>The bench was set up to clarify</p> <ol style="list-style-type: none"> a) the ratio of TMA Pai (11 judge bench verdict) b) to examine the correctness of Islamic Academy Case <p>Court held that setting up of committees to fix fee structure, seats, etc. in private educational institutions ran contrary to the judgment in TMA Pai. Hence overruled Islamic Academy to that extent.</p> <p>State can't impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges.</p> <p>Incorporation of Article 15(5) via the 93rd Amendment diluted the ratio of PA Inamdar and TMA Pai. State could now provide 'by law' reservations in state as well private (aided or unaided)</p>

	educational institutions. However, minority educational institutions were left out.
39. L. Chandra Kumar v UOI	Judicial review is a part of the basic structure of the Constitution. Held 323A Clause 2(d) and 323B Clause 3(d) struck down as it affected powers of High Court of judicial review
40. Waman Rao v Union of India 1981	All laws put under the 9th Schedule of the Constitution before the date of Kesavananda Bharti's decision i.e. April 24th, 1973 will be immune from judicial review. All laws put under the 9th Schedule after Keshvananda Bharti will be open to challenge on the ground of violation of basic structure doctrine.
41. I.R Coelho v State of Tamil Nadu 2007	Twofold test laid down to determine the validity of any law put under the 9 th Schedule: a) Whether the law violates Fundamental Rights? b) Whether the violation also results in violation of the basic structure of the Constitution? If yes, the law will be struck down. Held some fundamental rights to be part of the basic structure of the Constitution but stopped short of holding all fundamental rights to be part of the basic structure.
42. P Rathinam v UOI 1994	S. 309 of IPC is a a cruel and irrational provision, and it may result in punishing a person again (doubly) who has suffered agony and would also be suffering ignominy because of his failure to commit suicide. Consequently, it was held that the section was violative of Article 21, hence unconstitutional. However, the bench did not favour euthanasia.
43. Gian Kaur v State of Punjab 1996	"Right to life" under Article 21 is inherently inconsistent with the "right to die" as is "death" with "life". In furtherance, the right to life, which includes right to live with human dignity, would mean the existence of such a right up to the natural end of life. It may further include "death with dignity" but such existence should not be confused with unnatural extinction of life curtailing natural span of life. Overruled P. Rathinam v UOI.

44. Aruna Shanbaug v UOI 2011	The SC issued a set of broad guidelines legalizing passive euthanasia in India. It held that the decision to withdraw treatment, nutrition, or the decision to discontinue life support must be taken by parents, spouse, or other close relatives, or in the absence of them, by a "next friend". This decision requires approval from the concerned High Court.
45. Common Cause v UOI 2018	<p>Right to die with dignity is a fundamental right. Passive euthanasia is permissible, not active euthanasia. The difference between 'active' and passive' euthanasia is that in active euthanasia something is done to end the patient's life while in passive euthanasia, something is not done that would have preserved the patient's life.</p> <p>Court also upheld the validity of a living will. Living will is a written document that allows a patient to give explicit instructions in advance about the medical treatment to be administered when he or she is terminally ill or no longer able to express informed consent. It includes authorizing their families to switch off life support in case a medical board declared that they were beyond medical help.</p> <p><i>(Mental Healthcare Act under S. 115 decriminalizes suicide)</i></p>
46. Kihoto Hollohan v Zachillu 1992	Held para 7 of the 10 th Schedule (inserted by 52 nd Amendment 1985) of the Constitution as ultra vires as it excluded judicial review.
47. Indira Nehru Gandhi v Raj Narain 1975	Held 39 th Amendment (A.329A) as unconstitutional and violative of basic structure.
48. People's Union for Democratic Rights v UOI 1982	Where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words 'forced labour' under Article 23.
49. Santosh Kumar v Secretary, Ministry of HRD 1995	Teaching of Sanskrit alone as an elective subject in CBSE can in no way be regarded as against secularism. Indeed, our Constitution requires giving of fillip to Sanskrit because of what has been stated in Article 351, in which while dealing with the

	duty of the Union to promote the spread of Hindi it has been provided that it would draw, whenever necessary or desirable, for its vocabulary, primarily on Sanskrit. Encouragement to Sanskrit is also necessary because of it being one of the languages included in the Eighth Schedule.
50. Rev. Stanislaus v State of M.P 1977	The right to propagate religion under Article 25 does not include the right to convert by fraud or deceit or allurement and therefore upheld the constitutional validity of the laws enacted by Madhya Pradesh and Orissa legislatures prohibiting conversion by force, fraud or allurement.
51. Association for Democratic Reforms v. Union of India 2002	Court mandated the disclosure of information relating to criminal antecedents, educational qualification, and personal assets of a candidate contesting elections.
52. Lok Prahari v UOI 2018	Centre directed to amend the rules as well as the disclosure form filed by candidates along with their nomination papers, to include the sources of their income, and those of their spouses and dependants and disclosure of government contracts where candidates or their associates have direct or indirect interests.
53. Lily Thomas v UOI 2013	S. 8(4) of the Representation of People Act, 1951 was prospectively (i.e. from the date of the decision) struck down as unconstitutional being beyond the legislative competence of the Parliament. Section 8(4) provided that if a MP or a MLA has been convicted of a criminal offence, such MP or MLA can continue to remain, and discharge his or her duties as, a member of the House, if within three months of the conviction, he or she has filed an appeal or a revision against such conviction. This protection is no more available to MP's and MLA's and thus on conviction they lose their seat.
54. Abhiram Singh v C.D. Commachen 2017	Section 123 (3) of the Act prohibits any candidate, his agent, or any person consented by such candidate or his agent, from soliciting votes, or discouraging voters against voting for a rival candidate, on grounds of religion, race, caste, community or language, by declaring such conduct as a 'corrupt practice'. The

	<p>court has read this provision to disallow any reference to the religion, race, caste, community or language, <u>of the candidate, or of his rivals, or of the voters to secure votes</u>, or prejudice the electorate against a rival in an election.</p>
55. Ashwini Kumar Upadhyay v UOI 2018	<p>MP's or MLA's cannot be barred from practising in courts. Legislators cannot be styled or characterized as full-time salaried employees for there is no relationship of employer and employee.</p> <p>(Bar Council of India Rules prohibit an advocate from being a full time salaried employee of any person, government, firm, corporation or concern, so long as he continues to practice.)</p>
56. Public Interest Foundation v UOI 2018	<p>Politicians cannot be barred from contesting elections on framing of charges.</p> <p>Guidelines issued to prevent criminalisation of politics: First, while filing their nominations, the candidates must declare if there are pending criminal cases against them in courts. Second, political parties are also responsible for putting up details of criminal cases filed against their candidates on their websites. Third, Parliament must legislate on the matter to ensure that candidates with criminal antecedents do not enter public life or become lawmakers.</p>
57. Sarla Mudgal v UOI 1995	<p>Emphasized on the need for a Uniform Civil Code</p>
58. In Re Keshav Singh 1965	<p>It could not be disputed that in the matters of privileges, the House was the sole and exclusive Judge provided such privilege could be found in Article 194(3). The question whether a privilege as claimed by the House was provided by Article 194(3) or not, was a matter for the Court to decide. The nature and scope of Article 194(3), was thus, to be determined by the Court.</p> <p>The Court also observed that such privileges were necessarily subject to Article 21 and 22 of the Constitution.</p>
59. P.V Narsimha Rao v State 1998	<p>The court held that those who took bribe but did not vote will be liable for prosecution under the Prevention of Corruption Act as</p>

	they were not protected or entitled to the immunity under A. 105(2) of the Constitution, whereas those who voted will be protected even though they had taken bribes.
60. Swapnil Tripathi v Supreme Court of India 2018	Supreme Court allowed live-streaming of court proceedings
61. Shreya Singhal v UOI 2015	SC struck down Section 66A of the Information Technology Act, 2000, relating to restrictions on online speech, on grounds of violating the freedom of speech guaranteed under Article 19(1)(a) of the Constitution of India.
62. Joseph Shine v UOI 2018	Section 497 (adultery) of the Indian Penal Code is a codified rule of patriarchy. The Bench held Section 198 (2) of the CrPC, which gives the husband the exclusive right to prosecute his wife's lover, manifestly arbitrary.
63. K. Puttuswamy v UOI 2018	Upheld Aadhaar as a reasonable restriction on individual privacy. Upholding the passage of the Aadhaar Act as a Money Bill the majority opinion upheld the PAN-Aadhaar linkage, but declared linking Aadhaar with bank accounts and mobile SIM cards unconstitutional. The card was not necessary for children aged between six and 14 under the Sarva Shiksha Abhiyan as right to education was a fundamental right. Statutory bodies like CBSE and UGC cannot ask students to produce their Aadhaar cards for examinations like NEET and JEE. Section 57 of the Aadhaar Act was struck down as it was used by the government to compel private companies to demand Aadhaar verification for services.
64. Indian Young Lawyers Association v State of Kerala 2018	Exclusion of women from the temple of Lord Ayappa was a discriminatory practice which violates the freedom of religion of women devotees. Devotees of Lord Ayyappa do not constitute a separate religious denomination and the prohibition on women is not an essential part of Hindu religion. Also exclusion based on the notion of impurity (menstruation) is a form of untouchability.
65. Navtej Johar v UOI	S. 377 IPC is irrational, indefensible and arbitrary. The sexual orientation of each individual in the society must be protected on

	<p>an even platform, for the right to privacy and the protection of sexual orientation lies at the core of the fundamental rights guaranteed by Articles 14, 15 and 21 of the Constitution. Respect for individual choice is the very essence of liberty under law. Section 377 IPC assumes the characteristic of unreasonableness, for it becomes a weapon in the hands of the majority to seclude, exploit and harass the LGBT community</p>
66. Olga Tellis v Bombay Municipal Corporation 1985	<p>Right to livelihood is a facet of Article 21 of the Constitution</p>
67. John Vallotam v UOI 1997	<p>Court declared S.118 of the Indian Succession Act unconstitutional as violating of Article 14 of the Constitution. It restricted the right of a Christian having a nephew or niece or any other relative as regards his power to bequeath his property for religious or charitable purposes.</p>
68. D.C Wadhwa v State of Bihar 1987	<p>The power to make an ordinance is to meet an extraordinary situation and it should not be made to meet political ends of an individual. Re-promulgation from time to time is a subversion of the democratic process and a fraud on the Constitution. If Ordinance making was made a usual practice, creating an ‘Ordinance raj’ the courts could strike down re-promulgated Ordinances.</p>
69. Krishna Kumar Singh vs. State of Bihar 2017	<p>The Court held that the requirement of placing the ordinance before the Legislature is mandatory. re-promulgation of ordinances is a fraud on the Constitution and a subversion of democratic legislative processes. The court also held that the satisfaction of the President under Article 123 and of the Governor under Article 213 while issuing ordinances is not immune from judicial review.</p>
70. A.K Roy v UOI 1982	<p>President’s Ordinance making power is not beyond the scope of judicial review however the need to exercise judicial review over the President’s decision arises only when there were substantial grounds to challenge the decision, and not at “every casual and passing challenge”.</p>

71. ADM Jabalpur v Shivkant Shukla 1976	<p>The issue was whether an order issued by the President under Article 359(1) of the Constitution suspends the right of every person to move any Court for the enforcement of the right to personal liberty under Article 21 upon being detained under a law providing for. The court answered in the affirmative.</p> <p><i>Overruled in K Puttuswamy v UOI.</i></p>
72. B.P Singhal v UOI 2010	<p>The President, in effect the central government, has the power to remove a Governor at any time without giving him or her any reason, and without granting an opportunity to be heard. However, this power cannot be exercised in an arbitrary, capricious or unreasonable manner. The power of removing Governors should only be exercised in rare and exceptional circumstances for valid and compelling reasons. The mere reason that a Governor is at variance with the policies and ideologies of the central government, or that the central government has lost confidence in him or her, is not sufficient to remove a Governor. Thus, a change in central government cannot be a ground for removal of Governors, or to appoint more favourable persons to this post. A decision to remove a Governor can be challenged in a court of law.</p>
73. Society for Un-aided Private Schools of Rajasthan v. Union of India 2012	<p>Every citizen has a right to establish and administer schools under Article 19(1)(g) so long as the activity remains charitable. Such an activity undertaken by private schools supplements the primary obligation of the State. The State can regulate by law the activities of private schools, including admission, by imposing reasonable restrictions in the public interest under Article 19(6) of the Constitution. The quota obligation imposed on private unaided non-minority schools is in the public interest and is a reasonable restriction for the purposes of Article 19(6). Therefore, the Right to Education Act shall apply to private unaided non-minority schools. Regarding unaided minority schools, Article 29(1) of the Constitution protects the right of minorities to conserve their language, script or culture, and Article 30(1) protects their right to establish and administer</p>

	<p>schools of their choice. Imposing a quota on such schools would result in changing their character and would therefore violate these minority rights. Therefore, the RTE Act shall not apply to unaided minority schools. Regarding government-aided minority schools, Article 29(2) of the Constitution protects every citizen's right of admission into a State-aided school. Accordingly, the RTE Act shall apply to aided minority schools.</p>
<p>74. Pramati Educational & Cultural Trust v UOI 2014</p>	<p><i>Society for Unaided Private Schools of Rajasthan v. Union of India & Anr. insofar as it holds that the 2009 Act is applicable to aided minority schools is overruled.</i> Constitution (93rd Amendment) Act, 2005 inserting clause (5) of Article 15 of the Constitution and the Constitution (86th Amendment) Act, 2002 inserting Article 21A of the Constitution do not alter the basic structure or framework of the Constitution and are constitutionally valid. RTE Act is not ultra vires Article 19(1)(g) of the Constitution.</p>
<p>75. S.R Bommai v UOI 1994</p>	<p>The SC laid down certain guidelines so as to prevent the misuse of A356 of the constitution. Based on the report of the Sarkaria Commission on Centre–state Relations(1988), the Supreme Court enlisted the situations where the exercise of power under Article 356 could be proper or improper. Iso held that Secularism is one of the basic features of the Constitution. Secularism is a positive concept of equal treatment of all religions. Any State government which pursues nonsecular policies or nonsecular course of action acts contrary to the constitutional mandate and renders itself amenable to action under Article 356.</p>
<p>76. Ismail Faruqui v UOI 1995</p>	<p>The power of acquisition is the sovereign or prerogative power of the State to acquire property. Such power exists independent of Article 300A of the Constitution or the earlier Article 31 of the Constitution which merely indicate the limitations on the power of acquisition by the State. Such acquisition per se does not violate Articles 25 or 26 of the Constitution. What is protected under Articles 25 and 26 is a religious practice which forms an essential and integral part of religion. A practice may</p>

	<p>be a religious practice but not an essential part of religious practice. While offer of prayer or worship is a religious practice, its offering at every location where such prayers can be offered would not be an essential or integral part of such religious practice unless the place has a particular significance for that religion so as to form an essential or integral part thereof.</p>
77. S.P. Mittal v UOI 1983	<p>The words "religious denomination" in Article 26 of the Constitution must take their colour from the word 'religion' and if this be so, the expression religious denomination" must also satisfy three conditions:</p> <p>(i) It must be a collection of individuals who has a system of beliefs or doctrine which they regard as conducive to their spiritual well-being, that is, a common faith;</p> <p>(ii) Common organisation: and</p> <p>(iii) Designation by a distinctive name.</p>
78. The Commissioner, Hindu Religious Endowments, Madras v. Shri Lakshmindar Thirtha Swamiyar of Shri Shirur Mutt 1954	<p>The Court, laid down the essential practice test. It observed what constitutes an essential part of a religion will be ascertained with reference to the tenets and doctrines of that religion itself.</p> <p>The essential religious practise test means that any religious practise which forms the basis or is so essential to that religion that it will fall within the protection of Article 25 and 26 should be protected as such. Any other activity not an essential practice does not require protection and will be covered in exceptions to the right to religion. There are certain exceptions which are given in the Constitution itself like economic, political, and financial or other secular activity which may be associated with religious practice.</p>
79. Selvi v State of Karnataka 2010	<p>Court declared that three prominent police interrogation techniques narco-analysis, the lie-detector test, and brain-mapping - violated an accused person's right against self-incrimination under Article 20(3), and her right to life and personal liberty under Article 21 of the Constitution. A forcible administration of the above tests would be an unjustified intrusion into mental privacy and could lead to further stigma for</p>

	the victim.
80. M.C. Mehta v UOI 1986	Laid down the concept of Public Liability and Absolute Liability.
81. Rural Litigation and Entitlement Kendra, Dehradun v State of Uttar Pradesh 1987	Laid down the concept of sustainable development.
82. Indian Council for Enviro-Legal Action v Union of India 1999	Laid down Polluter Pays principle.
83. Animal Welfare Board of India v A. Nagaraj 2014	Court prohibited Jallikattu and other animal races and fights. Held that animal fights incited by humans are illegal, even those carried out under the guise of tradition and culture.
84. Subhash Kumar vs. State of Bihar 1991	Right to life includes the right of enjoyment of pollution free water and air for full enjoyment of life.
85. D.K Basu v State of West Bengal 1997	Court laid down specific guidelines required to be followed by police while making arrests
86. Sheela Barse vs. State of Maharashtra 1983	Court laid down guidelines conferring protection to women prisoners in police lock ups
87. Prem Chand Garg v. Excise Commissioner, U.P. Allahabad 1963	The court held that an order which this Court can make in order to do complete justice under Article 142 between the parties, must not only be consistent with the fundamental rights guaranteed by the Constitution, but it cannot even be inconsistent with the substantive provisions of the relevant statutory laws.
88. Union Carbide Corpn. v. Union of India 1991	The court held that prohibitions or limitations or provisions contained in ordinary law cannot, ipso facto, act as prohibitions or limitations on the constitutional powers under Article 142
89. Supreme Court Bar Assn. v. Union of India 1998	Court observed that powers under Article 142 cannot, in any way, be controlled by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject. It was said that the said article could not be used to supplant the existing law, but only to supplement the law.
90. Subhash Mahajan v State of	Court laid down guidelines to prevent abuse of the Scheduled

Maharashtra 2018	Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 (SC/ST Act). Held no absolute bar on anticipatory bail, arrest to be made after a preliminary inquiry, public servant cannot be arrested without prior sanction. <i>Diluted by amendments made to the Act in 2018.</i>
91. Govt. of NCT Delhi v UOI 2018	The Court held that Lieutenant Governor of NCT of Delhi is bound by the aid and advice of the elected Government of Delhi except in matters of land, police and public order. While holding so, the Court has observed that in a democracy, real power must vest in the elected representatives and Lt. Governor cannot interfere in every decision of the Delhi Government. The words “any matter” employed in the proviso to clause (4) of Article 239AA cannot be inferred to mean “every matter”.
92. Maru Ram v Union of India 1980	Court held that the power under Article 72 is to be exercised on the advice of the Central Government and not by the President on his own, and that the advice of the Government binds the head of the Republic.
93. Kehar Singh v Union of India 1989	The court laid down that the order of the President cannot be subjected to judicial review on its merits except within the strict limitations defined in <i>Maru Ram</i> .
94. Epru Sudhakar v Govt of A.P. 2006	It is a well-set principle that a limited judicial review of exercise of clemency powers is available to the Supreme Court and High Courts. Granting of clemency by the President or Governor can be challenged on the following grounds: The order has been passed without application of mind. The order is mala fide. The order has been passed on extraneous or wholly irrelevant considerations. Relevant material has been kept out of consideration. The order suffers from arbitrariness
95. Triveniben v State of Gujarat 1989	An undue long delay in execution of the sentence would entitle the convict to approach the Supreme Court under Article 32 or the

	High Court under Article 226 and get his sentence commuted.
96. Shatrughan Chauhan v UOI 2014	The court observed that an inordinate and inexplicable delay in execution would preclude carrying out the sentence even in cases where the convict in question had committed an offence of terrorism. <i>Overruled Devender Singh Bhullar v. State of NCT Delhi 2013</i> which had ruled that a delay in disposing of a mercy petition was, by itself, insufficient ground for commuting the sentence of those convicted to death under anti-terrorism statutes.
97. Union of India v. Tulshiram Patel 1985	The Court held that the dismissal, removal or reduction in rank of a person convicted on criminal charges is in public interest, and therefore not violative of Art. 311(2) or Article 14 of the Constitution
98. Parshottam Lal Dhingra v. Union of India 1957	Article 311 is available only when ‘dismissal, removal, reduction in rank is by way of punishment.’ So it is difficult to determine as to when an order of termination of service or reduction in rank amounts to punishment. The Supreme Court laid down 2 tests to determine when termination is by way of punishment – Whether the servant had a right to hold the post or the rank? Whether he has been visited with evil consequences? If a government servant had a right to hold the post or rank under the terms of any contract of service, or under any rule, governing the service, then the termination of his service or reduction in rank amounts to a punishment and he will be entitled to protection under Article 311. Articles 310 and 311 apply to Government servants, whether permanent, temporary, officiating or on probation. The procedure laid down in Article 311 is intended to assure, first, a measure of tenure to government servants, who are covered by the Article and secondly to provide certain safeguards against arbitrary dismissal or removal of a government servant or reduction to a lower rank.
99. Union of India v. Balbir Singh 1998	The Supreme Court held that the Court can examine the circumstances on which the satisfaction of the president or

	Governor is taken under proviso to Article 311(2). If the Court finds that the circumstances have no bearing whatsoever on the security of State, the Court can hold that satisfaction of the President or the Governor which is required for passing such an order has been vitiated by wholly extraneous or irrelevant considerations.
100. Campaign for Judicial Accountability and Reforms v. Union of India 2017	Chief Justice is the master of the roster. Followed the ratio of State of Rajasthan v. Prakash Chand (1998).

Disclaimer: Any error in analysis is purely mine.

Prepared by: ANUBHAV VERMA