

Importan Judgements

Golakhnath vs State of Punjab 1967

- Supreme court ruled that Parliament could not restrict any of the Fundamental Rights of individuals enshrined in the constitution
- even during emergency, article 19 stands to be suspended by article 358 while all other fundamental rights are available except those suspended specifically by President under article 359 while proclaiming emergency
- it's parliament's duty to enforce **DPSP** without affecting ambit of **FR**
- article 368 merely prescribes procedure for amendment, it can't be source of power to amend constitution

Keshavananda Bharti vs State of Kerala 1973

- Biggest case for constitution of india
- saved indian constitution from totalitarian encroachment of constitution by parliament
- SC pronounced - constitution superior over parliament
- Golakhnath case was overruled
- Parliament recaptured the power of amending and by virtue of the amending power cannot change the basic structure of the constitution
- prevention of judicial review was declared unconstitutional

Menaka Gandhi vs Union of India 1978

- passport of Menaka gandhi was impounded by Gol
- declared personal liberty is not just right to life but it is of wildes amplitude covering variety of basic rights to live with dignity
- SC declared following right as part of Article 21
 - right to live with human dignity
 - right to decent environment
 - right to livelihood
 - right to privacy
 - right to shelter
 - right to health
 - right to free education upto 14 years of age
 - right to free legal aid
 - right against solitary confinement
 - right to speedy trial
 - right against handcuffing
 - right against inhuman treatment
 - right against delayed execution
 - right to travel abroad
 - right against bonded labour
 - right against custodial harassment
 - right to emergency medical aid

- right to timely medical treatment in gov. hospital
- right not to be driven out of a state
- right to fair trial
- right of prisoner to have necessities of life
- right of women to be treated with decency and dignity
- right against public hanging
- right to hearing
- right to information
- right to reputation

Minerva Mills vs Union of India 1980

- SC held that
 - any act of parliament can't take away judicial review as it is basic feature of constitution
 - there shall be limit to power of parliament to amend constitution
- Fortified the idea of the basic structure which was put forward earlier in Keshavananda Bharti case

Waman Rao vs Union of India 1981

- Facilitated in determining a satisfactory way of addressing grievances pertaining to the violation of fundamental rights

Mohd Ahmed Khan vs Shah Bano Begum 1985

- Challenged the Muslim petition law

MC Mehta vs Union of India 1986

- Enlarged the scope and sphere of Article 32 and Article 21 to incorporate the **Right to healthy and pollution-free environment**

Indra Sawhney vs Union of India 1992

- Defined the **creamy layer** criteria and uphold the execution of the recommendations made by Mandal Commission

S.R. Bommai vs Union of India 1994

- petition against president rule proclamation in karnataka under recommendation of governor
- challenged misuse of article 356
- it refined federal character of constitution
- court may interfere
 - if proclamation is mala fide
 - reasons disclosed for making proclamation
 - have no reasonable nexus with satisfaction of president
- article 356 is justified only when there is a breakdown of **constitutional machinery** and **not administrative machinery**

Basic structure of constitution

- supremacy of constitution
- sovereign, democratic and republican nature
- secular character of constitution
- separation of powers b/w legislature, executive and judiciary
- federal character of constitution
- unity and integrity of nation
- parliamentary system
- welfare state
- judicial review
- freedom and dignity of the individual
- rule of law
- harmony and balance b/w FR and DPSP
- free and fair elections
- independent judiciary
- limited power of parliament to amend the constitution
- effective access to justice
- principle of reasonableness
- power of SC u/a 32, 136, 141, 142