

List of landmark court decisions in India

Landmark court decisions in India substantially change the interpretation of existing law. Such a landmark decision may settle the law in more than one way. In present-day common law legal systems it may do so by:^{[1][2]}

- Establishing a significant new legal principle or concept;
- Overturning prior precedent based on its negative effects or flaws in its reasoning;
- Distinguishing a new principle that refines a prior principle, thus departing from prior practice without violating the rule of *stare decisis*;
- Establishing a "test" (that is, a measurable standard that can be applied by courts in future decisions).

In India, landmark court decisions come most frequently from the Supreme Court of India, which is the highest judicial body in India. High courts of India may also make such decisions, particularly if the Supreme Court chooses not to review the case or if it adopts the holding of the lower court.

Individual rights

| Name of the case | Year | Judgement |
|---|------|---|
| <i>Romesh Thappar vs State of Madras</i> ^[3] | 1950 | Ban on dissenting media under the Section 9 (1-A) of the Madras Maintenance of Public Order Act, 1949 struck down as unconstitutional. This in-turn led to formulation of the 1st amendment of the <u>Constitution of India</u> which clarified <i>public order</i> can form grounds for reasonable restrictions of free speech. |
| <i>Stanislaus v. State of Madhya Pradesh</i> ^[4] | 1977 | Right to propagate religion does not include the right to convert by force, fraud or allurement. |
| <i>Mohd. Ahmed Khan v. Shah Bano Begum</i> ^[5] | 1985 | Upheld the payment of maintenance and <u>alimony</u> to <u>Shah Bano</u> and hence to Muslim women by Muslim Husbands. The Rajiv Gandhi ministry passed the Muslim Women (Protection of Rights on Divorce) Act 1986 which diluted this judgement and restricted the right to maintenance and alimony which was heavily criticized as a move to appease Muslims opposing the judgement. ^{[6][7][8][9][10][11]} The Supreme court later through <i>Danial Latifi v. Union of India</i> case and <i>Shamima Farooqui v. Shahid Khan</i> upheld the Shah Bano judgement effectively nullifying the Muslim Women Act 1986. |
| <i>National Legal Services Authority v. Union of India</i> ^[12] | 2014 | Recognised transgender as 'third gender' in law and affirmed that the fundamental rights granted under the <u>Constitution of India</u> will be equally applicable to them. |
| <i>ABC v. The State (NCT of Delhi)</i> ^[13] | 2015 | Unwed woman belonging to the Christian faith can become a legal guardian of her child without the father's consent. |
| <i>Shreya Singhal v. Union of India</i> ^[14] | 2015 | Struck down restrictions on online speech introduced in Section 66A of the <u>Information Technology Act, 2000</u> . |
| <i>Justice K. S. Puttaswamy v. Union of India</i> ^[15] or <i>The Right to Privacy verdict</i> | 2017 | Right to privacy is protected as a fundamental right under Articles 14, 19 and 21 of the <u>Constitution of India</u> thus overruling ADM Jabalpur vs Shivkant Shukla. ^[16] This judgement thus overruled the <i>ADM Jabalpur v. Shivkant Shukla (1976)</i> . ^[17] A person's right to not be unlawfully detained (i.e. <u>habeas corpus</u>) can be suspended during <u>emergency</u> . |
| <i>Navtej Singh Johar v. Union of India</i> ^[18] | 2018 | Decriminalisation of acts of <u>Oral sex</u> and <u>Anal sex</u> which effectively decriminalised Homosexual sex. This judgement thus overruled Suresh Kumar Koushal v. Naz Foundation (2013). ^[19] Upheld and reinstated the <u>Section 377</u> of the <u>Indian Penal Code</u> criminalising <u>Anal sex</u> This judgement thus overruled Naz Foundation v. Govt. of NCT of Delhi (2009). ^[20] Decriminalization of homosexual acts involving consenting adults throughout India. |
| <i>Deepika Singh v. Central Administrative Tribunal</i> ^[21] | 2022 | Atypical families and same-sex couples are deserving of equal protection under law and benefits available under social welfare legislation. |
| Janhit Abhiyan vs Union of India or EWS Reservation Case. | 2022 | The legality of the 103rd Amendment of the Constitution, which provides reservation in educational institutes as well as in jobs for the economically weaker sections, was upheld. |

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| <u>Supriyo v. Union of India</u> | 2023 | The right to marry is a statutory right, not a constitutional right. Therefore, only Parliament can recognize the marriage between non-heterosexual couples. |
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Criminal law

| Name of the case | Year | Judgement |
|--|------|---|
| <u>Maneka Gandhi v. Union of India</u> ^[22] | 1978 | A 'procedure' under Article 21 of the Constitution cannot be arbitrary, unfair, oppressive, or unreasonable. A law depriving a person of 'personal liberty' must not violate any of the Articles 14, 19, and 21 of the Constitution. |
| | | This judgement thus overruled <u>A. K. Gopalan v. State of Madras (1950)</u> ^[23] Court upheld the validity of the Preventive Detention Act, 1950, with the exception of Section 14, which restricted disclosure of the grounds of detention, which was deemed unconstitutional. |
| <u>Vishakha v. State of Rajasthan</u> ^[24] | 1997 | Establishment of the <i>Vishakha Guidelines</i> to handle sexual harassments of women at workplace until sufficient legislature is implemented for the purpose. |
| | | This ruling was superseded by the <u>Sexual Harassment of Women at Workplace Act, 2013</u> |
| <u>Om Prakash v. State of Uttar Pradesh</u> ^[25] | 2006 | A person is not convictable under Section 376 2e (Raping a pregnant women) if he had certain knowledge of the fact that the victim is pregnant. The knowledge of the fact must be proven to certainty and not possibility. Consequently, in this case, the accused was sentenced under Section 376 (1), and was sentenced to milder punishment. |
| <u>Armesh Kumar vs State of Bihar</u> ^[26] or <i>The Armesh Kumar Guidelines</i> | 2014 | Arrests should be an exception, in cases where the punishment is less than seven years of imprisonment. ^[27] |

Constitutional jurisprudence

The Supreme Court of India, which is the highest judicial body in India, has decided many leading cases of Constitutional jurisprudence, establishing Constitution Benches for hearing the same. Given below are a list of some leading cases.

| Name of case | Year | Judgement |
|--|------|---|
| <u>State of Madras v. Champakam Dorairajan</u> ^[28] | 1951 | Struck down the Communal G.O. of 1927 by the Madras government rejecting caste-based reservations in government jobs and college seats. This in-turn led to formulation of the 1st Amendment of the Constitution which clarified that right to equality does not bar the enactment of laws which provide "special consideration" for weaker sections of society. |
| <u>Golaknath v. State Of Punjab</u> ^[29] | 1967 | Struck down Parliament's power to amend all parts of the Constitution, including Part III related to Fundamental Rights. The judgement left Parliament with no power to curtail Fundamental Rights. |
| <u>Kesavananda Bharati v. State of Kerala</u> ^[30] | 1973 | Formally outlined and adopted the <u>Basic structure doctrine</u> . |
| <u>Minerva Mills v. Union of India</u> ^[31] | 1980 | Added clarifications about the Basic Structure doctrine. Court ruled that the power of the parliament to amend the constitution is limited by the constitution. Hence the parliament cannot exercise this limited power to grant itself an unlimited power. |
| <u>Olga Tellis Vs. BMC</u> ^[32] | 1985 | The right to life under Article 21 of the <u>Constitution of India</u> includes the right to livelihood. |
| <u>Mohini Jain v. State of Karnataka</u> ^[33] | 1992 | Established right to education as an integral part of the right to life guaranteed under Article 21. |
| <u>Indra Sawhney & Others v. Union of India</u> ^[34] | 1992 | Upheld that caste was an acceptable indicator of backwardness. |
| <u>S. R. Bommai v. Union of India</u> ^[35] | 1994 | Court discussed at length provisions of Article 356 of the Constitution of India (President's Rule) and related issues. This helped put an end to the arbitrary impositions seen until then. |
| <u>Sarla Mudgal, & others. v. Union of India</u> ^[36] | 1995 | Principles against the practice of solemnizing second marriage by conversion to Islam, with first marriage not being dissolved. It highlighted the need for a uniform civil code. |
| <u>Three Judges Cases</u> | 1981 | <u>S.P. Gupta v. Union of India</u> ^[37] Established the Collegium system of the <u>Indian Judicial System</u> . |
| | 1993 | <u>Supreme Court Advocates-on-Record Association v. Union of India</u> ^[38] Struck down the <u>99th Amendment of the Constitution of India</u> and the proposal of the <u>National Judicial Appointments Commission</u> . |
| | 1998 | <u>In re Special reference 1</u> ^[39] Reply by the Chief Justice of India to the questions raised by President of India <u>K. R. Narayanan</u> regarding the Collegium system. |
| <u>M. C. Mehta v. Kamal Nath</u> ^[40] | 1996 | Established that the <u>Public trust doctrine</u> applied in India. |
| <u>Mohammad Salimullah v. Union of India</u> ^[41] | 2021 | Rejected appeals to provide relief to <u>Illegal Rohingya immigrants</u> from deportation. |
| <u>Association for Democratic Reforms vs Union of India & Ors.</u> | 2024 | Struck down the Union's 2018 <u>Electoral Bonds</u> scheme. The Court held that the scheme violated the voters' right to information enshrined in Article 19(1)(a) of the Constitution, and that the scheme could lead to <u>Quid pro quo</u> situations. ^[42] |

Policy and Administration

| Name of the case | Year | Judgement |
|---|------|--|
| <i>T. S. R. Subramanian v. Union of India</i> ^[43] | 2013 | Officers of the IAS, other All India Services and other civil servants are not bound to follow oral directives, as they "undermine credibility". |
| <i>Lily Thomas v. Union of India along with Lok Prahari v. Union of India</i> ^[44] | 2013 | MP, MLA/MLC who is convicted of a crime and given a minimum of two years', loses membership of the House with immediate effect. |
| <i>Government of NCT of Delhi v. Union of India</i> ^[45] | 2018 | Chief Minister and not the Lieutenant Governor of Delhi the executive head of the National Capital Territory (NCT) government This overruled the <i>Government of NCT of Delhi v. Union of India</i> in the Delhi High Court (2016) : The Lt Governor of Delhi exercised complete control of all matters regarding National Capital Territory of Delhi. |

Established new tests and regulations

| Name of the case | Year | Judgement |
|---|------|--|
| <i>RG Anand v. Deluxe Films</i> ^[46] | 1978 | Copyright protection does not extend to mere ideas. Where theme is same but presented differently, there can be no question of infringement. |
| <i>Ajay Hasia v. Khalid Mujib</i> ^[47] | 1981 | Laid down a test to determine whether an individual, corporation, or society was an instrumentality or agency of the government. |
| <i>Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd.</i> ^[48] | 2004 | The Indian Trade Marks Act, 1999 is applicable to the regulation of domain names. |
| <i>Swasthya Adhikar Manch v. Union of India</i> ^[49] | 2013 | Laid down the regulations regarding Clinical trials held by Contract research organizations to protect participants. |

See also

- [Judiciary of India](#)

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