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Book Review: 10 Judgements that changed India

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INTRODUCTION

10 Judgements that changed India is an authoritative yet accessible read perfect for anyone keen to understand India's legal system.¹ It gives a detailed analysis of the ten most significant landmark judgments in Indian history a must-read for not only the people from the legal fraternity but also for the people who wish to know about how our legal system works and impacts the society at large. The design of the cover is taken from the Preamble of India which surely attracts the readers to dig deep and see what is written inside this masterpiece.

ABOUT THE AUTHOR

Zia Mody² is the co-founder and managing partner of one of the most eminent corporate law firms AZB & Partners and serves as a senior partner in its Mumbai branch. She is considered amongst India's topmost corporate attorneys. Known to be the best Mergers and acquisitions and commercial arbitration lawyer and the strongest CEO not only in India but all over Asia, she has created a name for herself in the world of Law. Zia is an alumnus of the University of

¹ Zia Mody, *10 Judgements That Changed India* (Penguin India 2013)

² *Ibid*

Cambridge and Harvard Law School and is enrolled in the New York State Bar. Mody has been recognized as one of the 25 most powerful businesswomen in India by Business Today.

ABOUT THE BOOK

10 Judgements that changed India is a non-fictional book that beautifully describes the 10 crucial landmark judgments in Indian history. It's a parable about the Indian judiciary reclaiming its power to change the course of history. The book begins with a foreword by none other than Soli J. Sorabjee, Former Attorney-General of India and father of the author where he beautifully explains the transaction of the judiciary from being mistaken as the weakest branch to now being considered the supreme body of the nation. He further appreciates the manner in which the book is written and its importance for the public at large.³ The prologue of the book explains the significance of the Indian Judicial System and appreciates the Indian democratic system. The author tells her plight in selecting ten judgments out of the several Landmark judgments of our Hon'ble Court.⁴ The book contains landmark judgments including four women lead judgments⁵ that needed to be instantly addressed to provide justice to society in a concise manner. Mody has described these judgments in a manner that is reader-friendly and relatable to the cultural and societal norms. These judgments form precedents of various cases, national and international to date. For instance, in the year 2021, the Kenyan Court Of Appeal quoted Keshvananda Bharti Judgement and relied on the basic structure doctrine.⁶

SUMMARY OF THE BOOK

Through the book 10 Judgements That Changed India, Mody has described the all-time favourite landmark judgments in an easy-to-understand manner for the public. The book is divided into ten brief chapters which make it readable. The first chapter of the book describes the landmark case of *Keshvananda Bharti v the State of Kerala*(1973)⁷, a case unique in the history of international constitutional law. With more than 800 pages and 420,000 words, this

³ *Ibid*

⁴ *Ibid*

⁵ *Ibid*

⁶ *David Ndii v Attorney General* (2021) eKLR 420

⁷ *Keshvananda Bharti v the State of Kerala* (1973) 4 SCC 225

judgment is known to be the longest appellate decision of the last century. A 13 judge bench having several opinions decided on the issue raised by Shri Keshvanada Bharti. Mody discussed amending powers under Article 368 of the Constitution and the doctrine of the basic structure of the constitution in detail. She further explained the criticisms and appreciations faced by this doctrine. The second chapter gives insight into *Maneka Gandhi v Union of India*(1978)⁸which paved the way for a more expansive interpretation of fundamental rights. The case questioned an Indian citizen's fundamental right to travel abroad.

The golden triangle of Articles 14, 19, and 21⁹ of the Indian Constitution are given the most attention in the given chapter. The third chapter of the book is about *Mohammed Ahmed Khan v Shah Bano Begum*(1985)¹⁰which explains the right of a Muslim woman to claim maintenance beyond the iddat period after divorce under Section 125¹¹ of Cr. P.C and Muslim Women (Protection of Rights on Divorce) Act, 1986. The author gives a short analysis of feminism and secularism in the given case. The fourth chapter of the book deals with the case *Olga Tellis v Bombay Municipal Corporation*(1985)¹². Mody explains the first-generation and second-generation rights. The reason behind the Inclusion of the Right to Shelter within the scope of the Right to life is further explained. In this case, the Supreme Court held that it was the responsibility of the State to provide shelter to the people living on the streets rather than displacing them. Mody summarizes the chapter by giving a brief about the Right to Housing in the 21st Century in India. The fifth chapter of the book is about the case *Union Carbide Corporation v Union of India*(1989)¹³in which the leakage of Methyl Isocyanate caused the loss of life as well as genetic mutations in the further generations in Bhopal. Mody explained the role played by the Indian court in determining the jurisdiction in the said case. Further, she stated the amendments made in the Environment Protection Act, 1986 after the decision of the said case. She concludes the chapter by saying that the plight of the people is yet to be completely decided as the entire compensation is not yet received. The sixth chapter of the book analysis

⁸ *Maneka Gandhi v Union of India* (1978), AIR 597

⁹ Constitution of India, 1950, art. 14, art. 19, and art. 21

¹⁰ *Mohammed Ahmed Khan v Shah Bano Begum* (1985), AIR 945

¹¹ Code of Criminal Procedure, 1973, s 125

¹² *Olga Tellis v Bombay Municipal Corporation* (1985), AIR 180

¹³ *Union Carbide Corporation v Union of India* (1989), AIR 248

the famous reservation case, *Indra Sawhney v Union of India* (1992).¹⁴ Mody gives clarity about the meaning of reservations and their link with the varna system of Hindus. Further, she takes the help of cases like *M.R. Balaji v the State of Mysore* and *K.C. VasanthKumarthe v the State of Karnataka* to explain the post-constitutional developments concerning reservations. Sawhney filed a Public Interest Litigation (PIL) questioning the constitutional status of reservations and the reason for the exclusion of the creamy layer from the ambit of reservation. Mody concludes the given chapter by discussing the future of the caste system in India. The seventh chapter of the book discusses the case *Nilabati Behera v State of Orissa* (1993),¹⁵ where the right to compensation was granted by the Court to the person detained illegally. Mody explains the evolution of Law after the judgment of *D.K. Basu v State of West Bengal*. Further, she briefs up the need of compensating cautiously. The eight-chapter of the book deals with *Supreme Court Advocates-on-Record Association v Union of India* (1993).¹⁶ Mody gives the reasons stating the importance of appointment Hon'ble Judges. The matter dealt with in the case i.e., getting clarity concerning the authority appointing the judges to the Supreme Court and High Court (Legislature or Judiciary) is still unanswered. The ninth chapter of the book mentions the remarkable case of *Vishakha v State of Rajasthan* (1997)¹⁷ concerning sexual harassment in the workplace. The author explains the need to have a pan-India Law concerning sexual harassment. The tenth chapter of the book states the case, *Aruna Ramchandran Shaunbaug v Union of India* (2011)¹⁸ in which passive euthanasia was legalized. The Suicide Law and Right to Die are concisely mentioned in this chapter. Mody clearly discourages the practice used in this case and indirectly supports the practice of active euthanasia.

ANALYSIS OF THE BOOK

10 Judgements That Changed India is a must-read book for all the law-abiding citizens compulsorily people belonging to the legal fraternity. The book has been written in a language easily understood by a layman. Mody has done justice to the title of the book by selecting the

¹⁴ *Indra Sawhney v Union of India* (1992) Supp 2 SCR 454

¹⁵ *Nilabati Behera v State of Orissa* (1993), AIR 1960

¹⁶ *Supreme Court Advocates-on-Record Association v Union of India* (1993) Writ Petition (Civil) No. 1303/1987

¹⁷ *Vishakha v State of Rajasthan* AIR 1997 SC 3011

¹⁸ *Aruna Ramchandran Shaunbaug v Union of India* (2011) Writ Petition (Criminal) No. 115/2009

ten most significant landmark judgments to ever exist in the post-independence democratic era of India. She has given a detailed analysis of all the ten judgments in a well-structured manner not only from the legal point of view but from the point of view of the society at large. She has not shunned away from keeping up her opinion regarding each and every judgment and its use in the present context. The book has succeeded in answering a lot of questions concerning law.

CONCLUSION

The book is written by the Goddess of corporate Law, Zia Mody herself. It makes the readers aware of various judgments which play an important part in our day-to-day lives. After reading the book one learns about a wide range of legal spectrums including illegal detention, custodial deaths, environmental jurisprudence, reservations, laws concerning sexual harassment in the workplace, Muslim women's rights post-divorce, and democracy, etc. If you are interested in knowing more about your country and its laws, this book is for you.