Jus Corpus Law Journal
Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rishikesh Dave; Publisher – Ayush Pandey

The Judgments that changed the Legal Structure in India

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Received 22 September 2022; *Accepted* 02 October 2022; *Published* 11 October 2022

Since 1950, India has witnessed many landmark judgments which have shaped and framed the entire legal structure of India. In this article, we have discussed a few landmark judgments in India that have paved the path for cases of similar nature. Landmark judgments act as a precedent in law or determine a new legal principle for other similar cases, and make it easy for judges in High Court and Lower Court to adjudicate the cases properly and deliver justice quickly. Citizens or anyone can approach the Supreme Court for seeking justice and to impose punishments on wrongdoers, and it is the sole duty of the Supreme Court and the judiciary to protect the rights of the citizens which is the basic structure of the Constitution. The Supreme Court has laid proper guidelines and decisions for the parties in cases where no specific legislation existed and imposed punishments for not adhering to the guidelines and the decisions. It cannot be denied that the judiciary plays a distinct role in the lives of citizens.

Keywords: *supreme court, landmark judgments, fundamental rights.*

INTRODUCTION

Cases of different natures have approached the court, but there are cases of extreme nature that have compelled the judicial structure to take fierce decisions, so as to restore the faith of the citizens in the judicial system. Through various landmark judgments, the Supreme Court has once again proved to be the protector, guarantor, and guardian of the Fundamental Rights of

the citizens in India. The Fundamental Rights are the very essence of the Constitution of India and are the basic structure of the Constitution. No authority in India should interfere with the Fundamental Rights or try to infringe any of those rights. The judiciary has always safeguarded the dignity of the people of India and has refrained the Parliament from amending any laws or provisions that have the potential of violating the basic or Fundamental Rights of the citizens. The decision passed by the court in each landmark case helps the citizens to know the scope and significance of each law and article and this creates awareness regarding the rights of the citizens among the general public. It is only because of the faith and trust of the citizens in the judiciary, the citizens even to this day approach the doors of the judiciary with the hope of getting justice and the opportunity of letting other citizens of India know about the injustice faced by the victim.

Kesavananda Bharati Sripadagalvaru v State of Kerala[1]

Kesavananda Bharati is one of the landmark cases that outlined the Doctrine of Basic Structure of the Constitution of India and answered whether the Parliament has the absolute power to amend the Constitution and if yes, then to what extent. This case brings us back to the judgement given in Golaknath v State of Punjab[2], where the Supreme Court held that the Parliament does not have the power to amend the Fundamental Rights of the Constitution as these rights are sacrosanct and any amendment made under Article 368 will be treated as an exception under Article 13. After this, the Parliament passed various amendments to overturn the judgement, and finally the 24th Constitution Amendment Act, 1971 gave Parliament the power to amend any part of the Constitution, and further it made it mandatory for the President to give his assent to a Constitutional Amendment Bill. Following this, the 25th Constitution Amendment Act, 1972 was passed in which the Article the Parliament had the power to acquire private property for public welfare, and that was done in exchange for compensation decided only by the Parliament. Kesavananda Bharati the main petitioner, in this case, belonged to Edneer Mutt, a religious sect situated in the Kasaragod district of Kerala, and had portions of land in that sect that were solely

[1] *Kesavananda Bharati Sripadagalvaru v State of Kerala* [1973] AIR 1461 (SC)
[2] *Golaknath v State of Punjab* AIR 1967 SC 1643

owned by him, but as per the Kerala Land Reforms Amendment Act, 1969, the government of Kerala was entitled to acquire some portions of the sect's land owned by Kesavananda Bharati and he was the chief of that sect. On 21st March 1970, Kesavananda Bharati moved the Supreme Court by filing a writ petition under Article 32 of the Constitution of India, to enforce his rights guaranteed by Article 14 which states the right to equality, Article 19(1)(f) which states for the freedom to acquire property, Article 25 which provides for the right to practise and propagate religion, Article 26 which guarantees the right to administer religious affairs, and Article 31 which states for compulsory acquisition of property. The seven-judge bench on the majority, of the Supreme Court, held that the Parliament has the authority and power to introduce, amend, change or appeal any of the clauses or provisions of the Constitution, but that should not violate the Basic Structure of the Constitution, that is the basic Fundamental Rights of the citizens enshrined in the Constitution of India, as this would destroy the very essence of the Constitution. The judgment strengthened the roots of the foundation of the Constitution and restored the faith of the citizens in the judiciary. The Kesavananda Bharati judgment is one of the most powerful and binding precedents in the Constitution of India.

Maneka Gandhi v Union of India[3]

Maneka Gandhi's judgment changed the scope of the expression "personal liberty" under Article 21 of the Constitution. Maneka was the petitioner, who was issued a passport under the Passport Act, 1967, but the Regional Passport Officer through a letter asked her to surrender her passport under section 10(3)(c) in the public interest. After receiving the letter, Maneka wrote to the Officer about the reason behind such an order, but the Officer due to reasons best known to him failed to provide Maneka with any reason for surrendering her passport. Due to this, Maneka filed a writ petition in the Supreme Court under Article 32 of the Constitution challenging the order of the Regional Passport Officer. The legal issue framed under the case was whether the right to travel abroad falls under the ambit of personal liberty under Article 21, whether section 10(3)(c) of the Passport Act, 1967 violates Articles 14, 19, and 21, and whether the order passed by the Officer contravenes the principle of natural justice. In this case, it was

[3] *Maneka Gandhi v Union Of India* [1978] AIR 597 (SC)

held that "personal liberty" guaranteed under Article 21 is comprehensive and includes the right to travel abroad, and section 10(3)(c) does not violate the Fundamental Rights under the Constitution. The bench quashed the order passed by the Regional Passport Officer and directed the Passport Authority to return the passport to the petitioner.

Bachan Singh v State of Punjab[4]

The landmark judgment in Bachan Singh v State of Punjab was given by a five-judge bench of the Supreme Court and introduced the death penalty in the rarest of rare cases. In this case, the appellant Bachan Singh was convicted of murdering his wife and was sentenced to life imprisonment. After he got released, he stayed in the house of his cousin Hukam Singh with his family. At the midnight, Vidya Bai saw the appellant attacking her sister Veeran Bai with an axe on her face, and on the verge of saving her sister, Vidya bai got blown on her face and ear with the axe, as a result of which she got injured and became unconscious. Diwan Singh and Gulab Singh who were sleeping at a distance were awakened by the incident and saw the appellant's axe on Desa Singh's face. Diwan Singh and Gulab Singh tried to chase him but eventually failed. Later, Bachan Singh was convicted and sentenced death penalty under section 302 of the Indian Penal Code for murdering Veeran Bai, Durga Bai, and Desa Singh by the sessions court. Bachan Singh appealed to the High Court, but the High Court confirmed his death sentence and further rejected his appeal. Bachan Singh also, by Special Leave, appealed to the Supreme Court, where the question was raised regarding whether the facts on the basis of which the lower court awarded the death penalty can be considered as "special reasons" and whether the death penalty awarded under section 302 of the Indian Penal Code is unconstitutional. By a majority of a four-judge bench of the Supreme Court, it was held that the punishment of the death penalty for murder under section 302 of the Indian Penal Code was reasonable and is not against the public interest. The Supreme Court reaffirmed the decision taken earlier and declared it to be constitutionally valid and it does not violate the principles of Article 19 of the Constitution of India. The expression "Special reason" under section 354(3) of the Code of Criminal Procedure means exceptional reasons or exceptional grave circumstances where the death penalty or life

[4] *Bachan Singh v State of Punjab* [1980] AIR 898 (SC)

imprisonment is awarded and the Supreme Court has laid down the principle of rarest of the rare cases, upon which the death penalty shall be given, and those awarded with the death penalty are totally exceptional cases.

Minerva Mills Ltd. v Union of India[5]

Minerva Mills is one of the landmark judgments in the constitutional history of India. In the case, Minerva Mills was the petitioner, which was a textile industry involved in the large-scale production of silk cloth and situated in the State of Karnataka. The government, at that time, was working towards the model of socialism and was acquiring the inoperative and sick companies for public use. The government declared Minerva Mills as a sick and inoperative company under section 15 of the Industries Development and Regulations Act, 1951. Unfortunately, the petitioner could not challenge the decision of the government in the court because of section 4 of the 42nd Constitutional Amendment Act 1976, which makes all the acts undertaken to promote and enforce the model of socialism, out of the ambit of judicial review, but the petitioner challenged the validity of section 4 and 55 of the 42nd Constitutional Amendment Act, 1976. Two legal issues came before the court, whether section 4 and section 55 of the 42nd Constitutional Amendment act, 1976 violate the basic structure of the Constitution and whether the Directive Principles of State Policy under Part IV have primacy over the Fundamental Rights enshrined under Part III of the Constitution. Five judges in a majority of four held that section 55 is void and removes all the restrictions that are imposed on the Parliament and gives absolute authority to the Parliament, and also this section has the potential of changing the nature of the constitution to a dictatorship where no one will have the power to challenge their actions in the court. The court considered section 4 of the 42nd Constitutional Amendment Act, 1976 as violative of Fundamental Rights, as Article 14 and Article 19 were kept away from determining the constitutional validity, so the court struck down it down. The court emphasized the importance of Part III and Part IV of the Constitution and that giving sole primacy over one another, is not only against the Constitution but will damage the basic structure of the Constitution. In order to avoid conflicts, harmonious relationships should be

[5] *Minerva Mills Ltd. v Union Of India* [1980] AIR 1789 (SC)

maintained between both of them, and should cooperate with each other, and there should not be any sense of superiority between them.

M C Mehta v Union of India & Others[6]

The M.C. Mehta case is a landmark case in the field of environmental activism. A writ petition was filed by social activist lawyer M.C. Mehta for the closure of a privately owned company named Shriram Food and Fertilizer Industry, engaged in the manufacturing of chlorine and oleum gas, which was situated and carrying its operation in Delhi in a place which was densely populated. The petition was still pending, and at the time on the 4th and 6th December 1985, there was a major leakage of petroleum gas from one of the units of the Shriram Food and Fertilizer Industry in that city of Delhi, due to which one person died and many people suffered health issues. The inspector of Factories and the Assistant Commissioners of Factories issued two orders for shutting down the plant on the 7th and 24th of December, under the Factories Act 1948. However, Shriram filed a writ petition for nullifying both the orders and for reopening the plant, to which the Delhi Legal Aid and Advice Board and the Delhi Bar Association filed for compensation along with the original petition of M.C. Mehta on behalf of the victims, and further pleaded to the court to not allow the company to restart its manufacturing operation to start its business again. The court held it is the duty of the State to take measures to improve the standard of living and healthcare of the citizens, as these are not enforceable in court and the court should not adjudicate on the matter raised by the petitioner, regarding the need for compensating the victims by Shriram Industries under Article 21. The court further directed to file the case on behalf of the victims of the gas leak, in an appropriate court within two months of its judgments, and the amount to be compensated to the victims should be equal to the harm caused so as to have a deterrent effect. Also, the court ordered Shriram to comply with the recommendations given by Nilay Choudhury and Manmohan Singh Committees and failure to comply with the given recommendations will lead to the immediate closure of the plant.

[6] *M.C. Mehta v Union Of India And Others* [1987] 1 SCR 819

Vishakha & Ors. v State of Rajasthan[7]

Vishakha v State of Rajasthan is the first landmark case to deal with the issue of sexual harassment of women in the workplace. The petition was filed by some social activists and NGOs in the wake of justice for all the social workers in Rajasthan, who were raped, which revealed the toxicity of the working environment against women. They were subjected to sexual harassment at the workplace. The court after observing the whole situation held that there was no specific legislation to deal with this issue, so the court has the power under Article 32 of the Constitution to enforce any Fundamental Rights. The court laid down various guidelines with respect to the protection of women against sexual harassment in the workplace, also known as the "Vishakha Guidelines". The guidelines state that it s the duty of the employer to prevent the commission of such acts of sexual harassment and the employer has to take appropriate disciplinary actions if any misconduct happens at the workplace and if the misconduct happened constitutes an offence under the Indian Penal Code, then the employer has to take suitable legal actions. Also, in no way the victims should be discriminated against or victimized at the workplace. Moreover, there should a complaint mechanism to ensure remedies to the complaints so received, and also setting up a complaint committee which should be headed by a woman special counsellor and women should not be less than half of the members present in the committee. In addition, the employer and the committee should submit a report annually regarding the complaints and the actions taken against those complaints to the government department.

Prakash Singh & Ors. v Union of India[8]

In Prakash Singh v Union of India, Prakash was a retired Indian Police Service (IPS) officer who served as DGP in UP and Assam. He filed a public interest writ petition in 1996 before the Supreme Court of India, with an aim to free the police from the clutches of political control, especially in transfer and posting matters. On 22nd September 2006, a three-judge bench issued

[7] *Vishakha And Others v State Of Rajasthan* [1997] AIR 3011 (SC)
[8] *Prakash Singh And Others v Union Of India* [2006] 8 SCC 1

directions to be followed by the Central Government, State Government, and Union Territories, till appropriate legislation is not framed.

First, the State Government has to constitute a State Security Commission headed by the Chief Minister or Home Minister as the Chairman along with the DGP of the State to act as its ex-officio Secretary, in every state in order to check the unwarranted influence of the State Governments on the State Police and the State Police act in accordance with the laws and the Constitution of India.

Second, the State Government should select the DGP of the state among the three senior-most officers of the Department who have been promoted to that rank by the Union Public Service Commission, and also the minimum tenure should be of two years irrespective of the date of superannuation.

Third, the minimum tenure of the Inspector General and other officers should be two years and if any disciplinary proceedings are initiated against them, then they will be removed prematurely.

Fourth, to ensure speedy and proper investigation and better expertise, the investigating officer should be separated from the law and order police.

Fifth, every state should institute a Police Establishment Board that acts as a departmental body, deciding all transfers, postings, promotions and other service-related matters of the officers and the state can interfere with the decisions taken by the Board only in exceptional cases by recording proper reasons.

Sixth, to look into the complaints against police officers at the district level and state levels, a Police Complaints Authority should be established.

Seventh, a National Security Commission should be set up by the Central Government at the Union level to prepare a panel to be placed before the appropriate Appointing Authority for selecting and placement of Chiefs of the Central Police Organisations (CPO), and a minimum tenure of two years should be given.

CONCLUSION

With so many passing years, we have seen how the judiciary has played a pivotal role in shaping the legal framework in India and safeguarding the rights and interests of the citizens. The Supreme Court is the highest judicial court in India and has marked a commendable role in declaring landmark judgments. Through its landmark judgments, the Supreme Court has not only protected the rights and interests of the citizens but has also protected the rights and powers of the Parliament. The judiciary has always tried to maintain a healthy balance between all three organs of the Constitution that is the Legislature, Executive, and Judiciary, and has always resorted to amicably settling the disputes between the parties involved and acts as an arbitrator between the Union and States. It is the sole interpreter of the Constitution of India and is also the highest authority in India to interpret the Constitution. Thus, we can see how vital and significant the judiciary is for the citizens and for India, and through interpreting and applying the laws, has given proper and equal justice to the citizens irrespective of caste, creed, colour, sex, or any other form of discrimination.