

BROAD CATEGORIZATION OF LEADING CASES

SR.NOS	CATEGORY
1	<p>Category-I <u>Constitutional Law</u></p> <p>(A) <u>Basic Structure Doctrine</u></p> <p>[i] His Holiness Kesavananda Bharati Sripadagalavaru v. State of Kerala (1973) 4 SCC 225 [13 Judges] Majority 7; Minority 6</p> <p>[ii] Minerva Mills Ltd &Ors v. Union of India &Ors (1980) 3 SCC 625 [5 Judges] [Article 368(4) & (5) struck down as depriving Court to question amending powers of Parliament]</p> <p>[iii] I.R. Coelho (Dead) By LRs v. State of Tamil Nadu [2007] 1 SCR 706 : (2007) 2 SCC 1 [9 JUDGES] [Judicial review is a fundamental feature of the Constitution, and no statute can be exempted from it by adding a clause to the 9th Schedule]</p> <p>(B) <u>Right to Privacy and Validity of AADHAR Act</u></p> <p>[iv] Justice K.S. Puttaswamy (Retd) and Anr v. Union of India and Ors [2017] 10 SCR 569 : (2017) 10 SCC 1 (9 Judges)</p> <p>[v] Justice K.S. Puttaswamy (Retd) & Anr v. Union of India &Ors [2018] 8 SCR 1 : (2019) 1 SCC 1 (5 Judges)</p> <p>[vi] National Legal Services Authority v. Union of India and Others (2014) 5 SCC 438 (Transgender equality)</p> <p>(C) <u>Statutory Provisions Struck Down</u></p> <p>vii] Navtej Singh Johar & Ors v. Union of India Thr. Secretary Ministry of Law and Justice [2018] 7</p>

SCR 379: (2018) 10 SCC 1
SECTION 377 OF IPC (HOMOSEXUALITY)

[viii] Shreya Singhal v. Union of India [2015] 5
SCR 963 : (2015) 5 SCC 01 [2 Judges]
SECTION 66A OF IT ACT STRUCK DOWN

(ix) Shayara Bano v. UOI (2017) 09 SCC 1 :
(2017) 09 SCR 797

x] Joseph Shine v. Union of India [2018] 11 SCR
765 : (2019) 3 SCC 39 [5 Judges]

SECTION 497 (ADULTERY)

The judgment held Section 497 to be “manifestly
arbitrary”

(D) Education Matter/Minority Institution:

[xi] T.M.A. Pai Foundation and Ors v. State of
Karnataka and Ors [2002] 3 Suppl. SCR 587 :
(2002) 8 SCC 481

[xii] P.A.Inamdar v. State of Maharashtra (2004) 8
SCC 139

[xiii] Pramati Educational & Cultural Trust &Ors v.
Union of India &Ors (2014) 8 SCC 1

(E) Power of Speaker:

[xiv] Keisham Meghachandra Singh v. The Hon’ble
Speaker Manipur Legislative Assembly &Ors
[2020] 2 S.C.R. 132 : 2020 (2) SCALE 329

(G) Reservation:

[xv] Indra Sawhney and Ors Etc. Etc. v. Union of
India and Ors Etc. Etc [1992] 2 Suppl. SCR 454 :
1992 Supp 217 (3) SCC [Nine Judges]

[xvi] Jarnail Singh & Others v. LachmiNarain
Gupta & Others [2018] 10 SCR 663 : (2018) 10
SCC 396 (5 Judges)

(H) Right to Die with Dignity

[xvii] Common Cause (A Regd. Society) v. Union of India & Another [2018] 6 SCR 1: 2018 (5) SCC 1 [5 Judges]

(I) “State” under Article 12

[xviii] Pradeep Kumar Biswas and Ors v. Indian Institute of Chemical Biology and Ors [2002] 3 SCR 100 : (2002) 5 SCC 111
[Financial, Functional and Administrative, deep and pervasive control would determine “State” under Article 12]

(J) Curative Petition/Article 142 Ex Debetio Justitiae

[xix] A.R.Antulay v. R.S. Nayak & Anr [1988] 1 Suppl. SCR 1 : (1988) 2 SCC 602

[xx] Rupa Ashok Hurra v. Ashok Hurra and Anr [2002] 2 SCR 1006: (2002) 4 SCC 388

(K) Public Interest Litigation

[xxi] Vellore Citizens Welfare Forum v. Union of India and Ors [1996] 5 Suppl. SCR 241 : (1996) 5 SCC 647
[Polluter Pays Principle]

[xxii] Common Cause (A Regd Society) v. Union of India & Ors [2008] 6 SCR 262: (2008) 5 SCC 511

[xxiii] State of West Bengal & Ors v. The Committee for Protection of Democratic Rights, West Bengal & Ors [2010] 2 SCR 979 : (2010) 3 SCC 571

(L) Presidential reference under Article 143(1); Principles for disposal of natural resources.

(xxiv) Spl.Ref.No.1 of 2012 (2012) 10 SCC 1 = (2012) 09 SCR 311

2

Category-II

(A) Separation of Power and Judicial Review/activism:

[i] Kihoto Hollohan v. Zachillhu and Others (1992) Supp 2 SCC 651 (5 Judges)
52nd amendment] (anti defection law) struck down

[ii] S.R. Bommai and Ors v. Union of India and Ors (1994) 3 SCC 1
[Proclamation issued by President subject to judicial review]

[iii] L Chandra Kumar v. Union of India and Others (1995) 1 SCC 400
[Power of judicial review of Constitution Court]

(B) Independence of Judiciary and appointment of Judges.

[iv] Supreme Court Advocates-on-Record Association and Another v. Union of India (2016) (5) SCC 1
[Also known as National Judicial Appointment Commission Judgment (also known as NJAC Judgment)
[Independence of judiciary is the basic structure of the constitution]

[v] Rojer Mathew v. South Indian Bank Limited and Ors [2019] 16 S.C.R. 1 : (2020) 6 SCC 1
[The CB struck down the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2017]

[vi] Madras Bar Association v. Union of India &Anr [2020] 2 S.C.R. 246: 2020 (13) SCALE 443
[Tribunal reforms ordinance considered in the realm of separation of power, judicial review and independence of judiciary]

[vii] Dr.Ashwani Kumar v. Union of India and Another [2019] 12 SCR 30: (2019) SCC 1144

	<p>Online SC</p> <p>[viii] Rameshwar Prasad v. UOI (2006) 1 S.C.R. 562 [Issue of proclamation, subjective satisfaction of President, scope of judicial review]</p>
3	<p>Category-III <u>Judicial Legislation:</u></p> <p>[i] Maneka Gandhi v. Union of India [1978] 2 SCR 621 : (1978) 1 SCC 248 [RIGHT TO TRAVEL ABROAD]</p> <p>[ii] Vishaka and Ors v. State of Rajasthan and Ors [1997] 3 Suppl. SCR 404 : (1997) 6 SCC 241 SEXUAL HARASSMENT AT WORK PLACE</p> <p>[iii] D.K.Basu v. State of West Bengal [1996] 10 Suppl. SCR 284 : (1997) 1 SCC 416 CUSTODIAL DEATHS/TORTURES</p>
4	<p>Category-IV <u>Cases under Criminal Law:</u></p> <p>[i] P.Rama Chandra Rao v. State of Karnataka [2002] 3 SCR 60: (2002) 4 SCC 578 [7 JUDGES]</p> <p>TRIAL CANNOT BE TERMINATED ON ACCOUNT OF LAPSE AND DELAY. COURTS CANNOT PRESCRIBE ANY OUTER LIMIT FOR COMPLETION OF TRIAL.</p> <p>[ii] State of West Bengal &Ors v. The Committee for Protection of Democratic Rights, West Bengal &Ors [2010] 2 SCR 979 : (2020) 3 SCC 57 [5 JUDGES]</p> <p>POWER OF HIGH COURT UNDER 226 DIRECT CBI INVESTIGATION IN ABSENCE OF STATE CONSENT.</p> <p>[iii] Smt.Selvi & Ors v. State of Karnataka [2010] 5 SCR 381 : (2010) 7 SCC 263 [3 Judges]</p> <p>INVOLUNTARY ADMINISTRATION OF POLYGRAPHY/ BRAIN ELECTRICAL ACTIVATION/ LIE DETECTOR PERMISSIBILITY</p>

[iv] Republic of Italy and Ors v. Union of India and Ors [2013] 4 SCR 595 : (2013) 4 SCC 721 [2 Judges]

[ITALIAN MARINE CASE]

[v] Lalita Kumari v. Govt. of U.P. and Ors [2013] 14 SCR 713: (2014) 2 SCC 1 [5 Judges]

1. Mandatory Registration of FIR
2. Preliminary Enquiry in selected cases
3. Preliminary enquiry when delay in registration of FIR
4. Case diary to be maintained by every police station and entry be made thereunder.

[vi] Union of India v. V. Sriharan @ Murugan & Ors [2015] 14 SCR 613: 2016 (7) SCC 1 [5 Judges]
Meaning of "Imprisonment for Life"

Per Sapre and Lalit, JJ. (concurring on meaning of "life sentence" but dissenting on issue of special category sentences)

[vii] Shakti Vahini v. Union of India & Others [2018] 3 SCR 770: (2018) 7 SCC 192

KHAP PANCHAYAT/ HONOUR KILLING

Preventive Steps
Remedial Measures
Punitive Measures

[viii] Sushila Aggarwal and Others v. State (NCT of Delhi) and Another [2020] 2 S.C.R. 1 : (2020) 5 SCC 1 [5 Judges] LIFE OF ANTICIPATORY BAIL

[ix] Sharad Birdhi Chand Sarda v. State of Maharashtra [1985] 1 SCR 88 : (1984) 4 SCC 116 (Three Judges)

Relevance of circumstantial evidence.

[x] Mukesh Vs State of NCT 2017 (6) SCR 1
Nirbhaya Case

5	<p>Category-V <u>Arbitration:</u></p> <p>[i] M/s S.B.P. and Co. v. M/s Patel Engineering Ltd and Anr [2005] 4 Suppl. SCR 688: (2005) 8 SCC 618</p> <p>POWER OF COURT U/S 11 FOR APPOINTMENT OF ARBITRATOR</p> <p>[ii] Ssangyong Engineering & Construction Co. Ltd v. National Highways Authority of India (NHAI) [2019] 7 SCR 522 : 2019 (15) SCC 131</p> <p>[SCOPE AND POWERS OF COURT UNDER SECTION 34]</p>
6	<p>Category-VI <u>Insolvency and Bankruptcy Code</u></p> <p>[i] Swiss Ribbons Pvt Ltd & Anr v. Union of India &Ors [2019] 3 SCR 535: (2019) 4 SCC 17</p> <p>[Two Judges]</p> <p>[CONSTITUTIONALITY OF IBC PROVISIONS UPHELD]</p> <p>[ii] Committee of Creditors of Essar Steel India Limited Through Authorized Signatory v. Satish Kumar Gupta and Others [2019] 16 S.C.R. 275 : (2020) 8 SCC 531 [Three Judges] [Primacy of commercial wisdom of the committee of creditors (CoC) reinforced]</p>
7	<p>Category-VII <u>Land Acquisition</u></p> <p>[i] Indore Development Authority v. Manoharlal and Others Etc [2020] 3 S.C.R. 1 : (2020) 8 SCC 129 [Five Judges]</p>
8	<p>Category-VIII <u>Contract/Commercial/Banking/ Competition Law</u></p>

	<p>[i] M/s Kailash Nath Associates v. Delhi Development Authority &Anr [2015] 1 SCR 627: (2015) 4 SCC 136 [Principles of forfeiture of earnest money/Sec. 74 of Contract Act considered]</p> <p>[ii] Gujarat Urja Vikas Nigam Limited v. EMCO Limited & Others [2016] 1 SCR 857 : (2016) 11 SCC 182 [Electricity Law]</p> <p>[iii] Excel Crop Care Limited v. Competition Commission of India and Another [2017] 5 SCR 901 : (2017) 8 SCC 47 [Imposition of penalty for anti-competitive practice/ test of proportionality] (Competition Act)</p> <p>[iv] Competition Commission of India v. Bharti Airtel Limited and Others [2018] 14 SCR 489 : (2019) 2 SCC 521</p> <p>[v] Technip SA v. SMS H.Pt.Ltd (2005) 08 SCC 465 : (2005) 01 S.SCR 223 [SEBI, Indirect Acquisition, Foreign Law]</p> <p>[vi] CCI v. Bharti Airtel Ltd (2019) 02 SCC 521 : (2018) 14 SCR 489 [Jurisdiction of TRAI]</p> <p>[vii] Internet Mobile Asco. India v. RBI (2020) 10 SCC 274 : (2020) 02 SCR 297 [Crypto Currency]</p> <p>[viii] Municipal Corporation, Ujjain and Anr Vs BVG India Limited and Ors [2018] 6 SCR 861 : [2018] (5) SCC 462 Government Contract/ Tender</p>
9	<p>Category-XI <u>Tax Matters</u></p> <p>[i] Mafatlal Industries Ltd Etc Etc. v. Union of India EtcEtc [1996] 10 Suppl. SCR 585: (1997) 5 SCC 536</p>

10	<p>Category-X <u>Right to Information</u></p> <p>[i] Central Public Information Officer Supreme Court of India v. Subhash Chandra Agarwal [2019] 16 S.C.R. 424 : (2020) 5 SCC 481</p>
11	<p>Category-XI Civil Jurisprudence / Review</p> <p>[i] Githa Hariharan v. RBI (1999) 02 SCC 228: (1999) 01 SCR 669 (Issue of Guardianship)</p> <p>[ii] M/s Shanti Conductors Private Limited v. Assam State Electricity Board and Others [2019] 16 S.C.R. 252 : (2020) 2 SCC 677</p>
12	<p>Category-XII <u>Appointment of Judicial Officer</u></p> <p>[i] Dheeraj Mor v. Hon'ble High Court of Delhi [2020] 2 S.C.R. 161 : (2020) 7 SCC 401</p>
13	<p>Category-XIII <u>IPR/Consumer Protection Act</u></p> <p>[i] Novartis AG v. Union of India & Others [2013] 13 SCR 148 : (2013) 6 SCC 1</p> <p>[ii] Dr.Balram Prasad v. Dr.Kunal Saha & Ors [2013] 12 SCR 30 : (2014) 1 SCC 384</p>

**PREPARED BY JAY SAVLA
SENIOR ADVOCATE**