

# E-BOOK ON 30 LANDMARK CASES

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# PREFACE

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A great step to directly delve into the dynamic realm of the legal system, this eBook has been curated with the landmark 25 cases that have shaped the legal landscape.

This eBook unfolds the interesting stories behind the legal intricacies and the crucial points that laid down the foundational pillar of the great precedents.

Kudos! And humble respect to the jurists and the brilliant minds of the honorable judges throughout the globe for defining these unforgettable moments of landmark cases. Their commitment to uphold justice can very well be inferred through the pages of this eBook. Get ready to embark upon intellectually inspired, motivated, and intrigued magical moments of judicial history.

Happy Reading

PRASHANT PRASAD

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## CONSTITUTIONAL LAW

1. **KESHVANAND BHARTI V. STATE OF KERALA, 1973** – The question concerning the parliament's power to amend the fundamental right was taken into consideration. After a thorough discussion, it was held by the Supreme Court of India that no part of the constitution is beyond parliament amending power. However, the "basic structure of the constitution" cannot be abrogated.
2. **S.R BOMMAI V. UNION OF INDIA, 1994** – This case was regarding the states and central government power during the proclamation of emergency. It was held in this case that the Supreme Court and the High Court can end the proclamation or can strike down the proclamation if it is found that the proclamation is based on mala fide intention.
3. **A.D.M JABALPUR V. SHIVKANT SHUKLA (HABEAS CORPUS CASE), 1976** – Under this case, the matter was evoked whether the right guaranteed under Article 21 can be suspended during the emergency or not. The Supreme Court of India delivered a split verdict and the majority held that the right guaranteed under Article could be curtailed. However, Justice H.R. Khanna dissented from the majority opinion.
4. **A.K GOPALAN V. STATE OF MADRAS, 1950** – In this case, the court of law did not take into consideration if any law suffers from the rigid and inflexible procedure established by law. A.K. Gopalan a communist leader was detained under the Preventive Detention Act, 1950, he challenged that his civil liberty was being hampered because of the detention; the Supreme Court of India held that he was detained according to the procedure established by law.
5. **MANEKA GANDHI V. UNION OF INDIA, 1978** – The Supreme Court of India overruled the case of A.K Gopalan and held that the law should be just fair, and reasonable. It was further added that Article 21 can be evoked against any decision which seems to be arbitrary.

6. **SUPREME COURT ADVOCATE ON RECORD ASSOCIATION V. UNION OF INDIA, 2015** – In this case National Judicial Appointment Commission (NJAC) was held to be violative of the principle of judicial independence as a fundamental feature. Further, it was held that the collegium system should operate for the appointment and removal of judges.
7. **MOHINI JAIN V. STATE OF KARNATAKA, 1992** – It was held in this case that education is the Fundamental Right at all levels.
8. **NAVTEJ SINGH JOHAR V. UNION OF INDIA, 2018** – Section 377 of IPC was held violative of Article 14 of the Indian Constitution as it criminalizes homosexual activities between consenting adults.
9. **UNNI KRISHNAN V. STATE OF A.P, 1993** – The Supreme Court in this case held that the Right to Education is a Fundamental Right under Article 21 of the Indian Constitution until they have completed the age of 14 years.
10. **INDIAN YOUNG LAWYER'S ASSOCIATION V. STATE OF KERALA, 2018** – In this case, the Supreme Court held unconstitutional the Sabarimala temple's custom of prohibiting the entry of women during the menstruation period.

## **LAW OF CONTRACT**

1. **LALMAN SHUKLA V. GAURI DUTT, 1913** – In this case, the importance of acceptance which consequently gives rise to a valid contract was taken into consideration. It was held that if a person is acting ignorant to the offer it does not amount to acceptance and hence there is no valid contract.
2. **CARLIL V. CARBOLIC SMOKE BALL COMPANY** – The advertisement was considered as an offer to the general public and if anyone accepts that according to the terms and conditions, it leads to the formation of a valid contract.

3. **MOHORI BIBEE V. DHARMODAS GHOSH** – This is the landmark case under the realm of contract law which held that a minor is incompetent to contract and any contract done by a minor is *void ab initio*.
4. **JAMES CUNDY V. THOMAS LINDSAY, 1877** – The court of law in this case held that *consensus ad idem* i.e. meeting of mind is essential to give rise to a valid contract.
5. **CHIKKAM AMMIRAJU V. CHIKKAM SHESHMA, 1918** – If the contract is done between the parties to do an illegal act which is forbidden by law under the various statutes and provisions of law does not give rise to a valid contract and it will be a void contract.

## **LAW OF TORTS**

1. **STATE BANK OF INDIA V. SHYAMA DEVI, 1978** – This case is with regards to the vicarious liability under the law of torts, wherein it was held that if the act done by the employee which is not authorized by the employer does not give rise to vicarious liability and employer will not be liable.
2. **KASTURI LAL V. STATE OF U.P** – It was held by the Supreme Court of India in this case that the state is not vicariously liable for discharging the sovereign functions. However, after some time this judgment was bypassed and the courts after the year 1965 in many cases held that the state is vicariously liable while performing the sovereign functions.
3. **DONOGHUE V. STEVENSON, 1932** – A girl while drinking ginger beer found decomposed Snell and hence got sick, as a result, she sued the company for negligence. The court held that the company is liable for the negligence and compensation must be paid.
4. **BEZLUM BIBI V. RURAL TRANSPORTATION CORPORATION U.P, 1960** – The concept of contributory negligence was led in this case it was held that if the plaintiff has also committed the negligence then the compensation would be given to him at the reduced cost.

5. **RYLAND V. FLETCHER** – The concept of "no-fault liability" was evolved in this case. In this case, it was held that even though there was no negligence on the part of the defendant, he could not escape the liability because it might be his duty to protect the harm.

## **FAMILY LAW**

1. **SARLA MUDGAL V. UNION OF INDIA** – It was held in this case that unless the first marriage is dissolved by the decree of the Hindu Marriage Act, 1955, the Second marriage would be void.
2. **ASHA QURESHI V. AFAQ QURESHI, 2002** – marriage performed when one of the partners is in an intoxicated state or by way of misrepresentation of fact does not give rise to a valid marriage.
3. **SHAYARA BANO V. UNION OF INDIA, 2017** – Talaq-ul-biddat or triple talaq was held unconstitutional in this case.
4. **MOHD. AHMED KHAN V. SHAH BANO BEGUM, 1985** – In this case, it was held that every woman is entitled to maintenance under section 125 of Cr.P.C. However, under Muslim law maintenance was not granted beyond the iddat period as a result aftermath of this judgment The Muslim Women (Protection of Rights on Divorce) Act, 1986 was enacted.
5. **DANIEL LATIFI V. UNION OF INDIA, 2001** – It was held in this case that maintenance should be given to Muslim women should be as such that it can be utilized during their lifetime.

## ENVIRONMENTAL LAW

1. **SUBHASH KUMAR V. STATE OF BIHAR, 1991** – it was held in this case that the right to life under Article 21 includes the right to live in a healthy and pollution-free environment.
2. **VELLORE CITIZEN WELFARE FORUM V. UNION OF INDIA, 1996** – In this case, the Supreme Court of India directed the closure of 148 industries that were discharging untreated effluents to the river of Palar.
3. **NARMADA BACHAO ANDOLAN V. UNION OF INDIA** – The Supreme Court in this case held that the construction of the Sardar Sarovar dam over the Narmada River would require the Environmental Impact Assessment (EIA) and also clearance must be given by the pollution control board.
4. **M.C. MEHTA V. UNION OF INDIA, 2002 (VEHICULAR POLLUTION CASE)** – in this case, it was held that Article 39(c), 47, and 48A case a duty upon the state to secure the health and protect and improve the environment.
5. **M.C MEHTA V. UNION OF INDIA, 1988 (THE GANGA POLLUTION CASE)** – The Supreme Court of India ordered the closure of industries that were discharging untreated effluent to the holy river of Ganga.