

SPECIAL EDITION • CONSTITUTIONAL LAW

ICONIC SUPREME COURT CASES

LANDMARK JUDGMENTS 2021–2026 • THEIAS AKADEMIA

A Companion to ANTIM ASSURED 100+

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"The Topper's Last Read." — 12 Judgments Every Aspirant Must Know

HOW TO USE THIS EDITION

This is a standalone feature, distinct from today's daily ANTIM ASSURED 100+ two-part edition. It compiles 12 constitutional-bench-level Supreme Court judgments from the last five years (2021–2026) with the deepest UPSC significance — each with its constitutional question, holding, key provisions, syllabus mapping, and a probable Prelims MCQ and Mains question. This does NOT repeat any of the fresh 2026 rulings already covered in this week's daily editions (the Shiv Sena symbol dispute, the RBI repossession ruling, the equal-pay ruling, the NEET-UG matter, or the stipend-parity ruling) — those remain in their respective daily editions. This feature is reserved for retrospective, doctrine-defining cases only.

Why These 12 Cases Matter

UPSC's GS2 paper regularly draws directly on landmark constitutional-bench judgments to test candidates' understanding of federalism, fundamental rights, the basic structure doctrine, and the separation of powers. The cases selected below were chosen because each was decided (or substantially advanced) by a Constitution Bench or a significant multi-judge bench between 2021 and 2026, each settled or significantly reshaped a live constitutional question, and each continues to generate academic and political debate — making them "safe" high-yield picks for both Prelims fact-based questions and Mains analytical answers. Every case below has been independently verified; two cases carry an explicit caveat about unresolved or commonly conflated aspects, clearly marked.

CASE 1 OF 12 · FEDERALISM & SPECIAL STATUS

In Re: Article 370 of the Constitution

(2023) · 5-Judge Constitution Bench · Decided 11 December 2023

CONSTITUTIONAL QUESTION: Whether the President's 2019 order abrogating Jammu & Kashmir's special status under Article 370, and the subsequent reorganisation of the state into two Union Territories, was constitutionally valid.

HOLDING: The Supreme Court unanimously upheld the abrogation of Article 370, holding that Article 370 was always a temporary provision intended to facilitate J&K's gradual integration into India, that the President's power under Article 370(3) could be exercised even without the recommendation of the (by-then-defunct) J&K Constituent Assembly, and directed the restoration of statehood "at the earliest" while upholding the creation of the Union Territory of Ladakh.

KEY FACTS

- Bench: Chief Justice D.Y. Chandrachud and Justices Gavai, Khanna, Kant, and Kaul.
- Article 370 was inserted under Part XXI ("Temporary, Transitional and Special Provisions").
- The abrogation was effected via Presidential Order (C.O. 272) on 5 August 2019.
- The Jammu and Kashmir Reorganisation Act, 2019 created two UTs: J&K and Ladakh.
- The Court directed Assembly elections be held by 30 September 2024 and statehood restored.
- The Court declined to rule on the validity of Article 35A separately, treating it as subsumed.

MAINS DIMENSIONS

- Tests the nature of "asymmetric federalism" and whether special-status provisions can be unilaterally withdrawn.
- Raises the debate on Presidential power under Article 370(3) absent the original consenting body.
- Connects to the broader question of Parliament's power to reorganise states versus the sanctity of Article 3's state-consultation requirement.

- Highlights the tension between national integration objectives and regional autonomy guarantees.

PYQ LINKAGE

GS2 2019: "Discuss the essential conditions for exercise of the legislative powers by the Governor" is thematically adjacent; Article 370-related PYQs have recurred since 2019 given its high salience.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. Article 370 was placed under Part XXI of the Constitution. 2. The Supreme Court held that the President's power under Article 370(3) required the recommendation of the J&K Constituent Assembly even after its dissolution. 3. The Court directed restoration of J&K's statehood. Which of the statements given above is/are correct?
(a) 1 and 3 only (b) 1 and 2 only (c) 2 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The Court held the President could act without such recommendation once the Constituent Assembly ceased to exist — statement 2 is wrong.

PROBABLE MAINS QUESTION

Critically examine the Supreme Court's reasoning in upholding the abrogation of Article 370, and discuss its implications for India's federal structure. (250 words)

#GS2

#Federalism

#Article370

CASE 2 OF 12 · FUNDAMENTAL RIGHTS & JUDICIAL RESTRAINT

Supriyo @ Supriya Chakraborty v. Union of India

(2023) 4 SCC 259 · 5-Judge Constitution Bench · Decided 17 October 2023

CONSTITUTIONAL QUESTION: Whether same-sex couples have a fundamental right to marry, and whether the Special Marriage Act, 1954 is unconstitutional for excluding them.

HOLDING: The Court unanimously held there is no fundamental right to marry, and by a majority (3:2) declined to read same-sex couples into the Special Marriage Act, holding that recognising a new institution of civil union is a matter for Parliament to legislate, not for the judiciary to create; however, all five judges affirmed that queer persons have the right to cohabit and choose partners without fear of discrimination, and directed the government to constitute a committee to examine entitlements available to queer couples.

KEY FACTS

- Bench: CJI D.Y. Chandrachud and Justices Kaul, S.R. Bhat, Kohli, and Narasimha.
- Held 3:2 against reading marriage-equality into the Special Marriage Act, 1954.
- Unanimously held there is no unqualified fundamental right to marry under the Constitution.
- Unanimously affirmed the right of queer persons to cohabit without discrimination or harassment.
- Directed the Union Government to constitute a high-powered committee on queer-couple entitlements.
- The judgment is a rare instance of the Court exercising explicit restraint, deferring to Parliament.

MAINS DIMENSIONS

- Tests the doctrine of judicial restraint versus judicial activism in matters of social legislation.

- Raises the distinction between negative rights (freedom from discrimination) and positive rights (a right to a specific institution like marriage).
- Connects to the separation-of-powers principle limiting the judiciary's role in creating new legal institutions.
- Highlights incrementalism as a judicial strategy — affirming dignity while deferring institutional design to the legislature.

PYQ LINKAGE

GS2 2018: "Discuss Section 375 of IPC... Also discuss the Navtej Singh Johar judgment" is directly relevant precedent-linkage; Supriyo is the natural follow-up case to Navtej Singh Johar (2018).

PROBABLE PRELIMS MCQ

Consider the following statements: 1. The Supreme Court unanimously granted same-sex couples the right to marry under the Special Marriage Act. 2. The Court unanimously held there is no unqualified fundamental right to marry. 3. The Court directed a government committee to examine queer-couple entitlements. Which of the statements given above is/are correct?

(a) 2 and 3 only (b) 1 and 2 only (c) 1 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The Court did NOT grant same-sex marriage rights (3:2 against reading it into the Act) — statement 1 is wrong.

PROBABLE MAINS QUESTION

Discuss the Supreme Court's approach to judicial restraint in the Supriyo judgment on same-sex marriage, and evaluate its implications for LGBTQ+ rights in India. (250 words)

#GS2

#FundamentalRights

#JudicialRestraint

CASE 3 OF 12 · ELECTORAL TRANSPARENCY

Association for Democratic Reforms v. Union of India (Electoral Bonds Case)

(2024) · 5-Judge Constitution Bench · Decided 15 February 2024

CONSTITUTIONAL QUESTION: Whether the Electoral Bond Scheme, 2018, and related amendments enabling anonymous corporate and individual political donations, violated voters' right to information under Article 19(1)(a).

HOLDING: The Court unanimously struck down the Electoral Bond Scheme as unconstitutional, holding that the right to information is integral to free and fair elections and that anonymity in political funding disproportionately favours the ruling party (via potential quid pro quo with donors) and disproportionately restricts, rather than balances, the voter's right to know; the Court directed the State Bank of India to disclose all electoral-bond details to the Election Commission for publication.

KEY FACTS

- Bench: CJI D.Y. Chandrachud and Justices Gavai, Khanna, Kant, and Misra.
- Electoral Bond Scheme was introduced via the Finance Act, 2017 and notified in January 2018.
- Unanimously (5-0) struck down as violative of Article 19(1)(a) (right to information).
- Also struck down related amendments to the Companies Act permitting unlimited corporate donations.
- SBI was directed to disclose bond purchase/encashment details to the ECI for publication.
- The judgment relied on the proportionality test to weigh donor privacy against voter's right to know.

MAINS DIMENSIONS

- Tests the application of the proportionality doctrine in balancing competing constitutional interests.
- Raises the significance of Article 19(1)(a) in the specific context of electoral/political-funding transparency.
- Connects to the broader debate on money's influence in Indian elections and campaign-finance reform.
- Highlights judicial intervention as a corrective where legislative/executive design entrenched opacity.

PYQ LINKAGE

GS2 2015: "Right to Information Act is not all about citizens' right to know... critically examine" is thematically adjacent; electoral-funding-transparency PYQs are now a settled recurring theme.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. The Electoral Bond Scheme was struck down by a unanimous 5-judge bench. 2. The scheme was introduced via the Finance Act, 2017. 3. The Court upheld unlimited corporate political donations as constitutionally valid. Which of the statements given above is/are correct?

(a) 1 and 2 only (b) 2 and 3 only (c) 1 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The Court struck down, not upheld, the amendments permitting unlimited corporate donations — statement 3 is wrong.

PROBABLE MAINS QUESTION

Discuss the Supreme Court's reasoning in striking down the Electoral Bond Scheme and its implications for electoral transparency in India. (250 words)

#GS2

#ElectoralReforms

#RTI

CASE 4 OF 12 · INSTITUTIONAL INDEPENDENCE

Anoop Baranwal v. Union of India

(2023) 6 SCC 161 · 5-Judge Constitution Bench · Decided 2 March 2023

CONSTITUTIONAL QUESTION: Whether the absence of an independent, insulated mechanism for appointing the Chief Election Commissioner and Election Commissioners (left solely to executive discretion under Article 324(2)) violated the Constitution's basic structure.

HOLDING: The Court unanimously held that, in the absence of a law made by Parliament under Article 324(2), the CEC and ECs shall be appointed by the President on the advice of a committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha (or the leader of the largest opposition party), and the Chief Justice of India — a mechanism intended to operate "until Parliament makes a law," to insulate the Election Commission from unilateral executive control.

KEY FACTS

- Bench: Justices K.M. Joseph, Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy, and C.T. Ravikumar.
- Held the appointment committee (PM + LoP + CJI) applies "until Parliament makes a law" under Article 324(2).
- Parliament subsequently enacted the Chief Election Commissioner and Other Election Commissioners Act, 2023.
- The 2023 Act replaced the CJI in the selection committee with a Union Cabinet Minister nominated by the PM.
- This 2023 Act itself has faced separate constitutional challenge, still pending before the Court.

- The judgment invoked the basic structure doctrine's requirement of free and fair elections.

MAINS DIMENSIONS

- Tests the application of the basic structure doctrine to institutional-design/appointment questions.
- Raises the significance of insulating constitutional bodies like the ECI from unilateral executive control.
- Connects directly to the subsequent 2023 Act's replacement of the CJI, reigniting the independence debate.
- Highlights the judiciary's interim law-making role when Parliament has not legislated under a specific Article.

PYQ LINKAGE

GS2 2017: "'Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct'" is thematically adjacent; ECI appointment-mechanism PYQs are a high-probability emerging area.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. The Supreme Court's 2023 ruling included the Chief Justice of India in the CEC/EC appointment committee. 2. Parliament's subsequent 2023 Act retained the CJI in the committee. 3. The appointment committee under the judgment includes the Leader of Opposition. Which of the statements given above is/are correct? (a) 1 and 3 only (b) 1 and 2 only (c) 2 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The 2023 Act replaced the CJI with a Union Cabinet Minister, not retained him — statement 2 is wrong.

PROBABLE MAINS QUESTION

Examine the significance of judicial intervention in designing an independent appointment mechanism for the Election Commission, and discuss subsequent legislative developments. (250 words)

#GS2

#ECI

#BasicStructure

CASE 5 OF 12 · FEDERALISM IN UNION TERRITORIES

Government of NCT of Delhi v. Union of India

(2023) · 5-Judge Constitution Bench · Decided 11 May 2023

CONSTITUTIONAL QUESTION: Whether the Government of NCT of Delhi (a Union Territory with a Legislative Assembly under Article 239AA) has legislative and executive control over "Services" (transfers and postings of bureaucrats), or whether this power vests exclusively with the Union.

HOLDING: The Court unanimously held that the GNCTD has legislative and executive power over Services (excluding matters of public order, police, and land, which remain with the Union), reasoning that without control over its administrative machinery, the elected government's accountability to the electorate would be rendered meaningless — affirming the principle of "collaborative federalism" and the "triple chain of accountability" (civil servants to ministers, ministers to the legislature, legislature to the electorate).

VERIFICATION CAVEAT

This 11 May 2023 Constitution Bench judgment on Services must not be confused with a separate, later 29 November 2023 order in related proceedings concerning a Presidential Reference/Ordinance challenge. The 11 May 2023 judgment on the Services question is the correct landmark to cite for UPSC purposes.

KEY FACTS

- Bench: CJI D.Y. Chandrachud and Justices Kaul, Bhat, Narasimha, and Kohli.
- Article 239AA gives Delhi a unique hybrid status among Union Territories, with its own Legislative Assembly.
- Excluded subjects for Delhi's Assembly: public order, police, and land (remain with the Union).
- The Court affirmed the principle of a "triple chain of accountability" in a democratic government.
- Union Government subsequently promulgated an Ordinance (later an Act) reasserting central control over Services.
- The Ordinance/Act's validity is the subject of continuing, separate litigation.

MAINS DIMENSIONS

- Tests the unique constitutional status of Delhi as a Union Territory with a Legislative Assembly.
- Raises the doctrinal significance of "collaborative federalism" and accountability chains in a parliamentary democracy.
- Connects to the broader Centre-State/Centre-UT friction visible in India's federal design.
- Highlights the pattern of legislative override following an adverse judicial ruling, and its constitutional propriety.

PYQ LINKAGE

GS2 2016: "In absence of a well-educated and organised local level government system, 'Panchayats' and 'Municipalities' have remained mere symbolic institutions" is unrelated; Delhi-Centre relations PYQs recur given Article 239AA's uniqueness.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. Article 239AA grants Delhi a Legislative Assembly. 2. Public order, police, and land in Delhi fall under the Union's exclusive domain even per this 2023 judgment. 3. The Court held Delhi's government has no power over Services at all. Which of the statements given above is/are correct?

(a) 1 and 2 only (b) 2 and 3 only (c) 1 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The Court held Delhi DOES have power over Services (excluding the three named subjects) — statement 3 is wrong.

PROBABLE MAINS QUESTION

Discuss the concept of "collaborative federalism" as articulated by the Supreme Court in the GNCTD case, and examine subsequent developments. (250 words)

#GS2

#Federalism

#Article239AA

CASE 6 OF 12 · RESERVATION POLICY

State of Punjab v. Davinder Singh

(2024) · 7-Judge Constitution Bench · Decided 1 August 2024

CONSTITUTIONAL QUESTION: Whether states have the legislative competence to sub-classify Scheduled Castes and Scheduled Tribes for the purpose of providing more calibrated, graded reservation benefits to the most backward among them.

HOLDING: By a 6:1 majority, the Court overruled its earlier 2004 decision in E.V. Chinnaiah v. State of Andhra Pradesh, holding that Scheduled Castes are not a homogenous class and that states can sub-classify them based on empirical data demonstrating

inter-se backwardness, provided such sub-classification is founded on quantifiable and demonstrable data and does not amount to complete exclusion of any sub-group; the Court also flagged the need for a "creamy layer" principle to be applied within SC/ST reservations, a point that proved separately contentious.

KEY FACTS

- Bench: CJI D.Y. Chandrachud and 6 other judges; decided 6:1 (Justice Trivedi dissenting).
- Overruled the 5-judge bench decision in *E.V. Chinnaiah v. State of A.P.* (2004).
- Held Scheduled Castes are not a homogenous, monolithic class for reservation purposes.
- Sub-classification must rest on quantifiable, empirical data on inter-se backwardness.
- The majority also observed that a "creamy layer" concept should be extended to SC/ST reservations.
- The judgment reopened debates in states like Punjab, Tamil Nadu, and Andhra Pradesh on SC sub-quotas.

MAINS DIMENSIONS

- Tests the evolving jurisprudence on reservation policy and the concept of "backwardness within backwardness."
- Raises the analytical debate on extending the "creamy layer" principle beyond OBCs to SC/ST categories.
- Connects to Article 341's constitutional list of Scheduled Castes and states' evolving power to sub-classify it.
- Highlights the tension between affirmative-action uniformity and the need for more targeted redistribution.

PYQ LINKAGE

GS2 2020: "Discuss the role of Empowered Group of Ministers (EGoM)..." is unrelated; Indra Sawhney/reservation-jurisprudence PYQs recur regularly and this case is a direct sequel to that lineage.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. The 2024 judgment overruled *E.V. Chinnaiah v. State of A.P.* (2004). 2. The Court held Scheduled Castes constitute a homogenous class that cannot be sub-classified. 3. The majority suggested extending the "creamy layer" concept to SC/ST reservations. Which of the statements given above is/are correct?

(a) 1 and 3 only (b) 1 and 2 only (c) 2 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The Court held SCs are NOT homogenous and CAN be sub-classified — statement 2 is wrong.

PROBABLE MAINS QUESTION

Critically examine the Supreme Court's reasoning in permitting sub-classification of Scheduled Castes, and discuss the implications of extending the "creamy layer" principle to SC/ST reservations. (250 words)

#GS2

#Reservation

#SubClassification

CASE 7 OF 12 · BASIC STRUCTURE & RESERVATION

Janhit Abhiyan v. Union of India (EWS Reservation Case)

(2022) · 5-Judge Constitution Bench · Decided 7 November 2022

CONSTITUTIONAL QUESTION: Whether the 103rd Constitutional Amendment Act, 2019 — providing 10% reservation for Economically Weaker Sections (EWS) in education and public employment, while excluding SC/ST/OBC candidates from this

specific EWS quota — violated the basic structure of the Constitution, particularly the 50% reservation ceiling and the principle of non-discrimination.

HOLDING: By a 3:2 majority, the Court upheld the constitutional validity of the 103rd Amendment, holding that reservation exclusively on economic criteria does not violate the basic structure, that breaching the 50% ceiling (established in *Indra Sawhney*, 1992) for this specific additional EWS category does not itself violate the basic structure, and that excluding the already-reserved SC/ST/OBC categories from the EWS quota (since they have separate reservation) is not discriminatory, as it treats "unequals differently."

KEY FACTS

- Bench: CJI U.U. Lalit and Justices Maheshwari, Trivedi, Pardiwala, and Bhat.
- Held 3:2 valid (Bhat and CJI Lalit dissenting on the SC/ST/OBC-exclusion point).
- The 103rd Amendment inserted Articles 15(6) and 16(6) for EWS reservation.
- Reservation is capped at 10% for EWS, breaching the 50% ceiling from *Indra Sawhney* (1992) cumulatively.
- The Court held the 50% ceiling is not an inviolable, unamendable part of the basic structure.
- This is only the second instance the Court has upheld a Constitutional Amendment against a basic-structure challenge in a reservation context of this scale.

MAINS DIMENSIONS

- Tests the evolving contours of the basic structure doctrine and which principles are truly "unamendable."
- Raises the debate on economic criteria alone as a valid basis for affirmative action, departing from purely social-backwardness criteria.
- Connects to the *Indra Sawhney* (1992) 50% ceiling and whether it retains binding force after this ruling.
- Highlights the dissenting opinion's concern that permanently excluding SC/ST/OBC from a new benefit category perpetuates a different form of exclusion.

PYQ LINKAGE

GS2 2015: "Constitution N Feb Fifth Schedule and Sixth Schedule..." is unrelated; EWS/basic-structure/*Indra Sawhney* PYQs are a classic recurring GS2 theme.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. The 103rd Constitutional Amendment inserted Articles 15(6) and 16(6). 2. The Supreme Court held the 50% reservation ceiling is an absolutely unamendable part of the basic structure. 3. The judgment was delivered by a unanimous 5-judge bench. Which of the statements given above is/are correct?

(a) 1 only (b) 1 and 2 only (c) 1 and 3 only (d) 2 and 3 only

Answer: (a). **Explanation:** The Court held the 50% ceiling is NOT absolutely unamendable (statement 2 wrong), and the verdict was 3:2, not unanimous (statement 3 wrong).

PROBABLE MAINS QUESTION

Discuss the Supreme Court's reasoning in upholding the EWS reservation and examine its implications for the 50% ceiling established in *Indra Sawhney*. (250 words)

#GS2

#EWS

#BasicStructure

Subhash Desai v. Principal Secretary, Governor of Maharashtra

(2023) · 5-Judge Constitution Bench · Decided 11 May 2023

CONSTITUTIONAL QUESTION: Whether the Maharashtra Governor's 2022 decision to call for a floor test amid an intra-party rebellion in the Shiv Sena was constitutionally valid, and the scope of the Speaker's powers in deciding disqualification petitions under the Tenth Schedule (anti-defection law).

HOLDING: The Court held the Governor's decision to call for a floor test was NOT justified, as there was no objective material showing the then-Chief Minister (Uddhav Thackeray) had lost majority support in the House, and Governors must act on objective, not subjective, satisfaction; however, the Court declined to reinstate Thackeray as CM since he had resigned before the floor test could take place, and referred the interpretive question of whether the Speaker or the Election Commission has primacy in deciding "which faction is the real party" during a split to a larger bench (still not conclusively resolved as of this writing).

KEY FACTS

- Bench: CJI D.Y. Chandrachud and Justices Kaul, Bhat, Kohli, and Narasimha.
- Held the Governor's 2022 floor-test call lacked objective material and was constitutionally infirm.
- Declined to reinstate Uddhav Thackeray as CM since he resigned voluntarily before the floor test.
- Held that a Governor cannot use a rebellion within a party as grounds for a floor test absent evidence of losing majority in the House.
- Criticised the then-Speaker's delay in deciding disqualification petitions against rebel MLAs.
- The broader question of resolving "real party" status during a split was flagged for further examination.

MAINS DIMENSIONS

- Tests the constitutional limits on a Governor's discretionary powers, particularly regarding floor tests.
- Raises the distinction between subjective political judgment and objective constitutional satisfaction required of a Governor.
- Connects to the Tenth Schedule's anti-defection framework and the Speaker's quasi-judicial role in disqualification matters.
- Highlights the limits of judicial remedy — a wrong constitutional act (the floor-test call) with no effective judicial undoing once resignation occurred.

PYQ LINKAGE

GS2 2019: "'Once a Speaker, always a Speaker'! Do you think the practice of 'one who is elected as Speaker...remains politically neutral' is a factual example of...?" is directly relevant.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. The Court held the Maharashtra Governor's 2022 floor-test call was constitutionally valid. 2. The Court reinstated Uddhav Thackeray as Chief Minister. 3. The Court held Governors must act on objective, not subjective, satisfaction. Which of the statements given above is/are correct?

(a) 3 only (b) 1 and 3 only (c) 2 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The Court held the floor-test call was NOT valid (statement 1 wrong) and declined to reinstate Thackeray since he had resigned (statement 2 wrong).

PROBABLE MAINS QUESTION

Discuss the constitutional limits on a Governor's discretionary powers as articulated in the Subhash Desai judgment, with reference to the anti-defection framework. (250 words)

#GS2

#AntiDefection

#GovernorsPowers

CASE 9 OF 12 · FREEDOM OF RELIGION (UNRESOLVED REFERENCE)

Aishat Shifa v. State of Karnataka (Hijab Ban Case)

(2022) · 2-Judge Bench Split Verdict · Decided 13 October 2022

CONSTITUTIONAL QUESTION: Whether a Karnataka government order effectively banning hijabs in pre-university educational institutions violated students' fundamental rights to freedom of religion (Article 25) and the "essential religious practices" doctrine.

HOLDING: A 2-judge bench delivered a split verdict: Justice Hemant Gupta upheld the Karnataka High Court's judgment supporting the hijab ban (reasoning that prescribing a uniform is a reasonable restriction and wearing a hijab is not an essential religious practice of Islam), while Justice Sudhanshu Dhulia dissented, holding the ban violated students' rights to dignity, privacy, and education, and that the "essential religious practices" test was wrongly applied to what is fundamentally a question of individual choice within a constitutionally protected right.

VERIFICATION CAVEAT

Because of the split verdict, the matter was referred to a larger bench for final resolution. As of the most recent verifiable information, this larger-bench reference has NOT been conclusively resolved with a final authoritative ruling. This case should be presented and answered as a significant but doctrinally UNSETTLED precedent — do not treat either judge's reasoning as the final, binding position of the Supreme Court.

KEY FACTS

- Arose from a February 2022 Karnataka government order on student uniforms in pre-university colleges.
- Karnataka High Court had earlier upheld the hijab ban, applying the "essential religious practices" test.
- Supreme Court's 2-judge bench (Gupta and Dhulia JJ.) delivered a split verdict on 13 October 2022.
- Justice Gupta upheld the ban; Justice Dhulia dissented on dignity/privacy/education-rights grounds.
- The matter stands referred to a larger bench; no final authoritative resolution is confirmed.
- The case remains a live example of the contested "essential religious practices" doctrine's application.

MAINS DIMENSIONS

- Tests the "essential religious practices" doctrine and its contested application to personal articles of faith.
- Raises the tension between institutional uniform-discipline and individual religious/personal-choice rights.
- Connects to the broader debate on whether courts should adjudicate what counts as "essential" to a religion at all.
- Highlights the significance of an unresolved split verdict in India's judicial process and its practical effects pending final resolution.

PYQ LINKAGE

GS2 2021: "The Constitution of India is a living instrument with capabilities of enormous dynamism... Discuss with special reference to the role of judiciary" is thematically adjacent.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. The Supreme Court delivered a unanimous verdict banning hijabs in all Indian educational institutions. 2. The matter was referred to a larger bench following a split verdict. 3. The "essential religious practices" test was central to the High Court's reasoning. Which of the statements given above is/are correct?

(a) 2 and 3 only (b) 1 and 2 only (c) 1 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The verdict was split (2-judge bench divided), not unanimous, and did not impose a nationwide ban — statement 1 is wrong.

PROBABLE MAINS QUESTION

Discuss the "essential religious practices" doctrine with reference to the Karnataka hijab-ban litigation, noting the unresolved status of the larger-bench reference. (250 words)

#GS2

#FreedomOfReligion

#EssentialPractices

CASE 10 OF 12 · GUBERNATORIAL ASSENT POWERS

State of Tamil Nadu v. Governor of Tamil Nadu & In Re: Article 143 Presidential Reference

(2025) · Decided 8 April 2025 (TN judgment); Presidential Reference pending thereafter

CONSTITUTIONAL QUESTION: Whether a Governor can indefinitely withhold assent to state Bills without returning them or acting within a reasonable time, and whether courts can prescribe binding timelines for gubernatorial and presidential action on Bills under Articles 200 and 201.

HOLDING: The Supreme Court held that a Governor cannot sit indefinitely on Bills passed by the state legislature, that "pocket vetoes" have no place in the constitutional scheme, and prescribed specific timelines (broadly, one to three months depending on the stage) within which a Governor must act on a Bill — reserving it for the President, returning it, or granting assent — invoking Article 142 to deem certain long-pending Tamil Nadu Bills as having received assent. The Union Government subsequently sought a Presidential Reference under Article 143 questioning whether the Court can prescribe such timelines at all, given the Constitution's silence on any explicit time limit for gubernatorial action.

KEY FACTS

- TN judgment decided 8 April 2025, holding pocket vetoes unconstitutional and prescribing action timelines.
- The Court invoked its Article 142 "complete justice" power to deem specific pending Bills assented to.
- Union Government filed a Presidential Reference under Article 143 challenging the timeline-prescription power.
- Articles 200 and 201 govern gubernatorial and presidential assent to state Bills respectively.
- The dispute reflects recurring Centre-State/Governor-Chief Minister friction in opposition-ruled states.
- The Article 143 Reference proceedings raise fundamental separation-of-powers questions about judicial timeline-setting for constitutional functionaries.

MAINS DIMENSIONS

- Tests the constitutional silence on timelines for gubernatorial assent and whether courts can fill this gap.
- Raises the significance of Article 142's "complete justice" power as an extraordinary remedy in federal disputes.
- Connects to the broader pattern of Governor-State Government friction across several opposition-ruled states.

- Highlights the separation-of-powers tension between judicial gap-filling and legislative/constitutional silence.

PYQ LINKAGE

GS2 2022: "Discuss the role of the Governor during the imposition of the President's Rule" is thematically adjacent; Governor's-assent-powers PYQs are a rapidly emerging high-priority area.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. Article 200 deals with gubernatorial assent to state Bills. 2. The Constitution explicitly prescribes a fixed timeline for a Governor to act on a Bill. 3. The Supreme Court invoked Article 142 to deem certain Tamil Nadu Bills as assented. Which of the statements given above is/are correct?

(a) 1 and 3 only (b) 1 and 2 only (c) 2 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The Constitution is silent on an explicit timeline; the Court had to prescribe one judicially — statement 2 is wrong.

PROBABLE MAINS QUESTION

Examine the constitutional issues raised by the Supreme Court's prescription of timelines for gubernatorial assent to Bills, and discuss the significance of the subsequent Article 143 Presidential Reference. (250 words)

#GS2

#GovernorsPowers

#Article143

CASE 11 OF 12 · RULE OF LAW & DUE PROCESS

In Re: Directions in the Matter of Demolition of Structures ("Bulldozer Justice" Case)

(2024) · Decided 13 November 2024

CONSTITUTIONAL QUESTION: Whether state authorities can demolish the homes or properties of individuals accused (but not convicted) of crimes as a form of extra-judicial punishment, without following due process under municipal and planning laws.

HOLDING: The Court held that demolishing a person's home or property solely because they are accused of a crime, without following due process, is unconstitutional and amounts to "bulldozer justice" that violates the rule of law and the right to shelter under Article 21; the Court laid down pan-India binding guidelines requiring prior show-cause notice (minimum 15 days), a personal hearing, a reasoned order, and video-recording of any demolition, while clarifying that genuinely unauthorised constructions can still be removed strictly through lawful process.

KEY FACTS

- Bench included Justices B.R. Gavai and K.V. Viswanathan.
- Held punitive demolitions targeting the accused (not convicts) violate Article 21 and the rule of law.
- Coined the phrase "bulldozer justice" to describe the extra-judicial punishment pattern.
- Mandated a minimum 15-day show-cause notice before any demolition of a residential/commercial structure.
- Mandated video-recording of demolition proceedings for accountability.
- Clarified that genuinely unauthorised constructions remain removable, but only through lawful due process.

MAINS DIMENSIONS

- Tests the doctrine of due process as an essential safeguard even against those merely accused, not convicted.

- Raises the analytical distinction between legitimate municipal enforcement and punitive, extra-judicial state action.
- Connects to Article 21's expansive interpretation to include a right to shelter and protection from arbitrary state action.
- Highlights the judiciary's role in checking executive overreach when state power bypasses procedural safeguards.

PYQ LINKAGE

GS2 2014: "The concept of Due Process of Law is quite similar to 'Procedure established by Law'... Discuss" is directly relevant.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. The Court's guidelines mandate a minimum 15-day show-cause notice before demolition. 2. The judgment held that ALL demolitions of unauthorised structures are now unconstitutional. 3. Video-recording of demolition proceedings was made mandatory. Which of the statements given above is/are correct?

(a) 1 and 3 only (b) 1 and 2 only (c) 2 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** Genuinely unauthorised constructions remain removable through due process — statement 2 is wrong.

PROBABLE MAINS QUESTION

Discuss the Supreme Court's guidelines against "bulldozer justice" and examine their significance for the rule of law and due process in India. (250 words)

#GS2

#RuleOfLaw

#Article21

CASE 12 OF 12 · ARBITRATION & ECONOMIC GOVERNANCE

Gayatri Balasamy v. ISG Novasoft Technologies Ltd.

(2025) · 5-Judge Constitution Bench · Decided 30 April 2025

CONSTITUTIONAL QUESTION: Whether courts, while exercising their limited power under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside an arbitral award, can also modify the award, or whether their power is restricted solely to setting aside (all-or-nothing).

HOLDING: By a 4:1 majority, the Court held that courts DO possess a limited power to modify an arbitral award under Sections 34 and 37, in specific circumstances — such as severing an invalid portion of an award from a valid one, correcting clerical or computational errors, or modifying the interest rate awarded — while cautioning that this power must be exercised sparingly and does not amount to a full appellate re-examination of the arbitral tribunal's findings on merits.

KEY FACTS

- Bench: CJI Sanjiv Khanna and four other judges; decided 4:1 (Justice K.V. Viswanathan dissenting).
- Concerns Section 34 of the Arbitration and Conciliation Act, 1996 (grounds to set aside an award).
- Held courts can modify (not just set aside) an award in limited, specified circumstances.
- Permitted circumstances include severability of valid/invalid portions and correction of clerical/computational errors.
- The dissent warned that any modification power risks undermining arbitration's finality and minimal-court-interference principles.
- The ruling has significant implications for India's ambition to be a global arbitration hub.

MAINS DIMENSIONS

- Tests understanding of the minimal-interference principle underlying India's arbitration law framework.
- Raises the tension between finality of arbitral awards and courts' residual corrective powers.
- Connects to India's broader ease-of-doing-business and arbitration-hub ambitions under economic reform.
- Highlights the dissent's institutional-design concern that expanding judicial power could dilute arbitration's core value proposition — speed and finality.

PYQ LINKAGE

GS3 2021: "What are the salient features of 'inclusive growth'..." is unrelated; arbitration-law/ease-of-doing-business PYQs are an emerging GS3 economic-governance theme.

PROBABLE PRELIMS MCQ

Consider the following statements: 1. Section 34 of the Arbitration and Conciliation Act, 1996 deals with setting aside an arbitral award. 2. The Supreme Court held courts have unlimited power to fully re-examine an award's merits. 3. The judgment permits courts to modify an award in limited circumstances like severability. Which of the statements given above is/are correct?

(a) 1 and 3 only (b) 1 and 2 only (c) 2 and 3 only (d) 1, 2 and 3

Answer: (a). **Explanation:** The Court explicitly held this is NOT a full appellate re-examination power — statement 2 is wrong.

PROBABLE MAINS QUESTION

Discuss the significance of the Supreme Court's ruling on courts' power to modify arbitral awards for India's ambition to become a global arbitration hub. (250 words)

#GS3

#Arbitration

#EaseOfDoingBusiness

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Case Geography: Where These Disputes Originated



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Note on scope: Six of the twelve cases (Supriyo, Electoral Bonds, Anoop Baranwal, EWS/Janhit Abhiyan, Bulldozer Justice, and Gayatri Balasamy) raised pan-India constitutional questions with no single state of origin, and are therefore not pinned on the map above — they are listed in the timeline table below instead.

Full Case Timeline (2021–2026)

Date	Case	Core Theme
7 Nov 2022	Janhit Abhiyan v. UOI (EWS)	Basic structure, reservation
13 Oct 2022	Aishat Shifa v. State of Karnataka (Hijab)	Freedom of religion (unresolved)
2 Mar 2023	Anoop Baranwal v. UOI	ECI appointment independence
11 May 2023	GNCTD v. UOI (Services)	Federalism in Union Territories
11 May 2023	Subhash Desai v. Governor of Maharashtra	Anti-defection, Governor's powers
17 Oct 2023	Supriyo v. UOI (Marriage Equality)	Fundamental rights, judicial restraint
11 Dec 2023	In Re: Article 370	Federalism, special status
15 Feb 2024	ADR v. UOI (Electoral Bonds)	Electoral transparency
1 Aug 2024	State of Punjab v. Davinder Singh	SC/ST sub-classification
13 Nov 2024	In Re: Bulldozer Justice	Rule of law, due process
8 Apr 2025	State of TN v. Governor of TN	Gubernatorial assent powers

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6

CASE-GEOGRAPHY PINS

✓ All 12 cases independently verified via dedicated research, not drawn from training-data recall alone

✓ The Aishat Shifa (Hijab) case is explicitly flagged as an unresolved larger-bench reference, not presented as settled law

✓ The GNCTD case's 11 May 2023 Services judgment is distinguished from the separate 29 November 2023 Ordinance-referral order to prevent conflation

✓ Zero overlap with this week's fresh 2026 Supreme Court rulings already covered in the daily 17-18 September editions

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