

FOR INTERNAL CIRCULATION ONLY

SYNOPSIS

OF

CONSTITUTIONAL LAW II

(FOR

IV SEMESTER) (JAN – APR 2009)

The synopsis is divided into three parts. Part I consists of the course content and relevant case laws for Term Test I; Part II consists of the course content and relevant case laws for Term Test II and Part III consists of the balance syllabus which will be taken up after the conclusion of Term Test II.

In the synopsis, the essential case laws in the syllabus have been included topic wise and are underlined.

With regard to those topics where no case law has been prescribed in the syllabus, relevant case laws will be discussed in the class.

Based on the prescribed cases, few more topics will also form part of the syllabus which will also be discussed in the class.

The essential cases laws in the syllabus are not exhaustive of the course content. In addition, students will also be expected to update themselves with other relevant and new case laws which will be discussed in the class lectures.

Students are advised to bring the bare text of the Constitution of India to the classes regularly.

For commentaries on the subject, either of the books authored by Mr M P Jain or edited by Mr M P Singh may be referred to.

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PART I

Unit I – Fundamental Rights

Definition of State for enforcement of fundamental rights (Art 12)

Naresh Shridhar Mirajkar v. State of Maharashtra AIR 1967 SC 1] Whether Judiciary
A R Antulay v. R S Nayak AIR 1988 SC 1531] is a State ?

Union of India v. R C Jain AIR 1981 SC 951 – Test for local authority

Rajasthan State Electricity Board, Jaipur Vs Mohan Lal AIR 1967 SC 1857

Sukhdev Singh v. Bhagatram Sardar Singh Raghuvanshi AIR 1975 SC 1331

Ramana Dayaram Shetty v. International Airport Authority of India AIR 1979 SC 1628

Ajay Hasia v. Khalid Mujib Sehravardi AIR 1981 SC 487

M C Mehta v. UOI AIR 1987 SC 1086

The Mysore Paper Mills Ltd., v. The Mysore Paper Mills Officers Association AIR 2002 SC 609

Pradeep Kumar Biswas v. Indian Institute of Chemical Biology (2002) 3 SCR 100

M/s Zee Tele Films Ltd. v. UOI 2005 AIR SCW 2985

Justiciability of fundamental rights (Art 13)

Doctrine of eclipse

Bhikaji Narain Dhakras v. State of M P AIR 1955 SC 781

Deep Chand v. State of U P AIR 1959 S C 648

Mahendra Lal Jaini v. St of U P & Ors AIR 1963 SC 1962

St of Gujarat & anr v. Shri Ambica Mills Ltd., Ahmedabad AIR 1974 SC 1340

Doctrine of severability

State of Bombay v. Fram Nusserwanji Balsara AIR 1951 SC 318

R M D Chamarbaugwalla v. Union of India AIR 1957 SC 628

Kameshwar Prasad & ors v. St of Bihar & anr AIR 1962 SC 1166

Kihoto Hollohan Vs Zachillhu & Ors (1992) Supp (2) SCC 651

Doctrine of waiver

Behram Khurshid Pesikaka v. State of Bombay AIR 1955 SC 123

Bashesar Nath v. Commissioner of Income-tax, Delhi and Rajasthan AIR 1959 SC 149

Olga Tellis v. Bombay Municipal Corporation AIR 1986 SC 180

Nar Singh Pal Vs UOI & ors AIR 2000 SC 1401

Distinction between pre and post constitutional law

Right to equality (Art 14)

Doctrine of reasonable classification

Charanjit Lal Chowdhury v. UOI AIR 1951 SC 41
St of Bombay v. Fram Nusserwanji Balsara AIR 1951 SC 318
St of West Bengal v. Anwar Ali Sarkar AIR 1952 SC 75
Kathi Raning Rawat v. St of Saurashtra AIR 1952 SC 123
Ameerunnisa Begum v. Mahboob Begum AIR 1953 SC 91
Budhan Choudhry v. St of Bihar AIR 1955 SC 191
Ram Krishna Dalmia v. Justice S R Tendolkar AIR 1958 SC 538
Jyoti Pershad v. Administrator for the U T of Delhi AIR 1961 SC 1602
In re. Special Courts Bill, 1978 AIR 1978 SC 478
Rattan Lal & ors Vs St of Haryana & ors (1985) 4 SCC 43
Deepak Sibal v. Punjab University AIR 1989 SC 903
Comptroller & Auditor General v. Kamlesh Vadilal Mehta AIR 2003 SC 1096
Confederation of Ex-servicemen Association v. UOI 2006 AIR SCW 4209

Principle of absence of arbitrariness

E P Royappa v. State of T N AIR 1974 SC 555
Maneka Gandhi v. UOI (1978) 1 SCC 248
Ramana Dayaram Shetty v. International Airport Authority of India AIR 1979 SC 1628
Ajay Hasia v. Khalid Mujib Sehravardi AIR 1981 SC 487

Fundamental freedom (Art 19), reasonable restrictions on the exercise of the freedoms and expansion of freedoms by judicial interpretation

freedom of speech and expression

Sakal Papers (P) Ltd. v. UOI AIR 1962 SC 305) *Press/Media*
Bennett Coleman & Co Ltd. v. UOI AIR 1973 SC 106) *freedom*
S Rangarajan v. P Jagjivan Ram & ors (1989) 2 SCC 574)
Tata Press Ltd v. M T N L JT 1995(5) SC 647)
Hindustan Times v. St of U P AIR 2003 SC 250)
Ajay Goswami v. UOI (2007) 1 SCC 143)

Secy, M/o Information & Broadcasting v. CAB AIR 1995 SC 1236) *Citizen's*
Narmada Bachao Andolan v. UOI & ors AIR 1999 SC 3345) *freedom*
UOI v. Association for Democratic Reforms AIR 2002 SC 2112)
PUCL v. UOI AIR 2003 SC 2363)
UOI v. Naveen Jindal AIR 2004 SC 1559)

freedom of association

OK Ghosh, A G Maharashtra v. E X Joseph AIR 1963 SC 812
Railway Board, New Delhi v. Niranjana Singh AIR 1969 SC 966

Himat Lal K Shah v. Commissioner of Police, Ahmedabad AIR 1973 SC 87

freedom of movement

Kharak Singh v. St. of UP AIR 1963 SC 1295

Govind v. St of MP AIR 1975 SC 1378

freedom to reside and settle

Louis De Raedt v. UOI AIR 1991 SC 1886

freedom of trade, business and profession

Akadasi Pradhan v. St of Orissa AIR 1963 SC 1047

P N Kaushal v. Union of India AIR 1978 SC 1457

UOI v. The Motion Picture Association AIR 1999 SC 2334

Indian Handicrafts Emporium v. UOI AIR 2003 SC 3240

Maharashtra Ekta Hawkers Union v. M C, Greater Mumbai AIR 2004 SC 416

Om Prakash v. St of UP AIR 2004 SC 1896

Godawat Pan Masala Products I P Ltd. v. UOI AIR 2004 SC 4057

Unit II – Fundamental Rights

Right to life and personal liberty (Art 21), scope and content, expansive interpretation

A K Gopalan v. St of Madras AIR 1950 SC 27

Rustam Cavasjee Cooper v. UOI AIR 1970 SC 564

Maneka Gandhi v. UOI (1978) 1 SCC 248

Madhav Hayawadanrao Hoskot v. St of Maharashtra AIR 1978 SC 1548

Sunil Batra v. Delhi Administration AIR 1978 SC 1675

Hussainara Khatoon v. Home Secretary, State of Bihar AIR 1979 SC 1369

Rupinder Singh Sodhi v. Union of India AIR 1983 SC 65

St of H P v. Umed Ram Sharma AIR 1986 SC 847

A P Pollution Control Board II v. Prof M V Nayudu (Retd) (2001) 2 SCC 62

Narinderjit Singh Sahni v. UOI (2002) 2 SCC 210

Rajesh Ranjan Yadav v. C B I (2007) 1 SCC 70

I D P L v. Workmen, I D P L (2007) 1 SCC 408

PART II

Preventive detention (Art 22), policy and safeguards, judicial review

Ram Bali Rajbhar v. State of W B AIR 1975 SC 623

A K Roy v. UOI (1982) 1 SCC 271

Rajammal Vs State of Tamil Nadu & anr AIR 1999 S C 684

R Keshava Vs M B Prakash AIR 2001 SC 301

Sheetal Manoj Gore v. St of Maharashtra 2006 AIR SCW 4361

Senthamilselvi v. St of Tamil Nadu 2006 AIR SCW 4648
Adishwar Jain v. UOI 2006 AIR SCW 5786
Usha Agarwal v. UOI (2007) 1 SCC 295

Right against exploitation, forced labour and child employment (Arts 23 & 24)

PUDR v. UOI AIR 1982 SC 1473
State of Gujarat & anr v. Hon'ble High Court of Gujarat (1998) 7 SCC 392
Secretary, State of Karnataka v. Umadevi 2006 AIR SCW 1991

Freedom of religion (Arts 25 – 28)

The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt (1954) SCR 1005
Sri Venkataramana Devaru & ors v. The St of Mysore & ors (1958) SCR 895
Sardar Syedna Taher Saifuddin Saheb v. St of Bombay AIR 1962 SC 853
Durgah Committee, Ajmer v. Syed Hussain Ali AIR 1962 SC 1402
Rev Stainislaus v. St of M P AIR 1977 SC 908
Bijoe Emmanuel v. St of Kerala AIR 1987 SC 748
Dr M Ismail Faruqui & ors v. UOI & Ors (1994) 6 SCC 360
S R Bommai v. Union of India AIR 1994 SC 1918
Aruna Roy & ors v. UOI & ors AIR 2002 SC 3176
Commissioner of Police & Ors v. Acharya Jagadishwarananda Avadhuta AIR 2004 SC 2984
M P Gopalakrishnan Nair & anr v. St of Kerala & ors 2005 AIR SCW 2292

Cultural and Educational Rights (Arts 29-30)

In re. Kerala Education Bill (1959) SCR 965
Rev Sidhajibhai Sabhai v. St of Bombay (1963) 3 SCR 837
Rev Father W Proost v. St of Bihar (1969) 2 SCR 73
DAV College, Bhatinda v. St of Punjab (1971) 2 SCC 261
DAV College v. St of Punjab (1971) 2 SCC 269
The Ahmedabad St Xavier's College Society v. St of Gujarat (1974) 1 SCC 717
Gandhi Faiz-e-Am College, Shahjahanpur v. Univ of Agra (1975) 2 SCC 283
St Stephen's College v. The Univ of Delhi AIR 1992 SC 1630
T M A Pai Foundation v. St of Karnataka AIR 2003 SC 355
P A Inamdar & ors v. St of Maharashtra & ors 2005 AIR SCW 3923
Secy. Malankara Syrian Catholic College v. T Jose (2007) 1 SCC 386

Unit III – Right to Constitutional remedies

Right to constitutional remedies, judicial review, Arts 32 & 226

State of Haryana v. Haryana Co-operative Transport Ltd. AIR 1977 SC 237

Writs

Habeas Corpus

Mandamus

Saraswati Industrial Syndicate Ltd. v. Union of India AIR 1975 SC 460
Anandi Mukta Sadguru Shree Muktajee Vandasjiswami Suvarna Jayanti Mahotsav
Smarak Trust & ors v. V R Rudani & ors AIR 1989 SC 1607
UOI & ors v. C Krishna Reddy 2003(10) SCALE 1050

Certiorari

Province of Bombay v. Khushaldas S Advani AIR 1950 SC 222
Syed Yakoob v. K S Radhakrishnan AIR 1964 SC 477

Prohibition

East India Commercial Co. Ltd., M/s. Calcutta v. Collector of Customs, Calcutta AIR
1962 SC 1893

Quo Warranto

University of Mysore v. C D Govinda Rao AIR 1965 SC 491
B R Kapur v. St of Tamil Nadu AIR 2001 SC 3435

PART III

Unit IV – Directive Principles, Fundamental Duties and Social Justice

Directive Principles of State Policy, Nature and justiciability of the Directive Principles, inter-relationship between Fundamental Rights and Directive Principles (Part IV)

St of Madras v. Champakam Dorairajan (1951) SCR 525
In re. Kerala Education Bill (1959) SCR 965
H H Sri Kesavananda Bharati Sripadgalvaru v. State of Kerala AIR 1973 SC 1461
Minerva Mills Ltd. v. Union of India (1980) 3 SCC 625
St of T N v. Abu Kavur Bai AIR 1984 SC 326
MRF Ltd. v. Inspector, Kerala Govt AIR 1999 SC 188
Javed & ors v. State of Haryana & ors AIR 2003 SC 3057
State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & ors 2005 AIR SCW 5723
I R Coelho (Dead) by LRS. v. State of T N (2007) 2 SCC 1

Fundamental Duties (Part IVA)

Dr Dasarathi v. St of A P AIR 1985 AP 136
AIIMS Students' Union v. AIIMS (2002) 1 SCC 428

Social Justice under the Constitution, compensatory discrimination for backward classes, Mandal Commission's case and other cases, Protective discrimination doctrine (Arts 15, 16)

M R Balaji v. St of Mysore AIR 1963 SC 649

R Chitralakha v. St of Mysore AIR 1964 SC 1823

St of A P v. P Sagar AIR 1968 SC 1379

Air India Statutory Corporation v. United Labour Union (1997) 9 SCC 377

Dr Preeti Srivastava v. St of M P AIR 1999 SC 2894

Ashok Kumar Thakur v. UOI & ors (2008) 6 SCC 1

Indira Sawhney v. UOI AIR 1993 SC 477

Indira Sawhney v. UOI AIR 2000 SC 498

M Nagaraj v. UOI 2006 AIR SCW 5482