CASE LAW UPDATES

Top 7 Supreme Court Judgments of 2023

Shruti chauhan · 25 Aug 2026

2023 was one of the busiest years in the history of the Supreme Court of India. The Court disposed of over 52,000 cases and delivered the highest number of Constitution Bench decisions seen in recent history.

From the abrogation of Article 370 to the same sex marriage verdict, these judgments touched almost every corner of Indian democracy. For CLAT PG, judiciary, and other law entrance aspirants, this year alone can fill an entire section of your current affairs preparation.

In this article, we walk through the most important Supreme Court judgments of 2023 using a simple fact, issue, and judgment format, so you can revise them quickly and recall them confidently.

In Re: Article 370 of the Constitution

Citation: 2023 INSC 1058

Facts

In August 2019, the President issued constitutional orders that effectively abrogated Article 370, which had granted special status and autonomy to the former state of Jammu and Kashmir. Parliament simultaneously passed the Jammu and Kashmir Reorganisation Act, splitting the state into two Union Territories. Multiple petitions challenged these actions before the Supreme Court.

Issue

Did the President have the power to declare Article 370 inoperative without the recommendation of the Jammu and Kashmir Constituent Assembly, which had been dissolved decades earlier? Was the reorganisation of the state into Union Territories constitutionally valid?

Judgment

On December 11, 2023, a five judge Constitution Bench led by Chief Justice D.Y. Chandrachud unanimously upheld the abrogation of Article 370. The Court held that Article 370 was always a

temporary provision meant to ease Jammu and Kashmir's integration into India, and that the President could exercise this power even after the Constituent Assembly ceased to exist.

The Court also directed the Election Commission to conduct assembly elections in Jammu and Kashmir and called for statehood to be restored at the earliest.

Supriyo v Union of India

Citation: 2023 INSC 920

Facts

Several same sex couples approached the Supreme Court seeking legal recognition of their right to marry, along with civil union status and adoption rights, arguing that the current marriage laws unfairly excluded them.

Issue

Does the Constitution guarantee a fundamental right to marry? Can courts read same sex marriage into existing laws like the Special Marriage Act, or extend civil union status to queer couples through judicial interpretation?

Judgment:

On October 17, 2023, a five judge Constitution Bench unanimously held that there is no unqualified fundamental right to marry under the Constitution. By a majority, the Court declined to grant legal recognition to same sex marriages or civil unions, holding that this was a matter for Parliament to decide.

The Court also declined to recognise adoption rights for queer couples under existing rules. It did direct the Union government to set up a high powered committee to examine the rights and entitlements of queer couples.

Anoop Baranwal v Union of India

Citation: (2023) 6 SCC 161, 2023 INSC 190

Facts: A public interest litigation was filed challenging the process of appointing the Chief Election Commissioner and Election Commissioners, arguing that leaving this entirely to the executive, without any law framed by Parliament under Article 324(2), compromised the

independence of the Election Commission of India.

Issue: Does the absence of a parliamentary law governing these appointments violate the Constitution? Can the Court step in to fill this gap without infringing the separation of powers?

Judgment: On March 2, 2023, a five judge Constitution Bench held that until Parliament enacts a law, the Chief Election Commissioner and Election Commissioners shall be appointed by the President on the advice of a three member committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India.

The Court reasoned that free and fair elections form part of the basic structure of the Constitution, and an independent Election Commission is essential to protect this.

Government of NCT of Delhi v Union of India

Citation: 2023 SCC OnLine SC 606, 2023 INSC 517

Facts

A long running dispute existed between the Delhi government and the Union government over who controls administrative services and transfers of civil servants working in the National Capital Territory of Delhi. A 2015 notification had placed services under the Lieutenant Governor acting for the Union.

Issue

Under Article 239AA, does the Delhi government have legislative and executive control over services, or does this power rest exclusively with the Union through the Lieutenant Governor?

Judgment

On May 11, 2023, a five judge Constitution Bench unanimously held that the Delhi government has legislative and executive power over administrative services, except for matters relating to public order, police, and land, which remain with the Union.

The Court reasoned that without control over civil servants, an elected government cannot be held accountable to the people it serves, describing this as a triple chain of accountability running from civil servants to ministers to the legislature.

Shilpa Sailesh v Varun Sreenivasan

Citation: 2023 SCC OnLine SC 544

Facts

This matter arose from a batch of petitions where couples sought divorce by mutual consent, but wished to bypass the mandatory six month waiting period prescribed under the Hindu Marriage Act, 1955, in cases where their marriage had irretrievably broken down.

Issue

Can the Supreme Court use its special powers under Article 142 of the Constitution to grant a divorce directly, dispensing with the statutory waiting period, in cases of irretrievable breakdown of marriage?

Judgment

In May 2023, a Constitution Bench held that the Supreme Court can indeed use its plenary powers under Article 142 to grant a decree of divorce by mutual consent, and can dispense with the statutory cooling off period, where it is satisfied that a marriage has irretrievably broken down.

The Court clarified this power belongs to the Supreme Court alone and cannot be exercised by family courts or High Courts.

Kaushal Kishore v State of Uttar Pradesh

Citation: (2023) 4 SCC 1

Facts

This case arose after a state minister made controversial public remarks about a sensitive incident involving a woman. The question before the Court was broader than the specific remarks and concerned the constitutional limits on free speech made by public functionaries.

Issue

Can additional restrictions be imposed on the freedom of speech and expression under Article 19(1)(a) beyond those already listed in Article 19(2)? Can fundamental rights be enforced against private individuals and non-state actors, not just the state?

Judgment: In January 2023, a five judge Constitution Bench held that the grounds for restricting free speech listed in Article 19(2) are exhaustive, and courts cannot invent additional restrictions

beyond them. However, the Court also held, by majority, that certain fundamental rights, including those under Articles 19 and 21, can be enforced even against non state actors and private individuals, not merely against the government.

Pankaj Bansal v Union of India

Citation: 2023 SCC OnLine SC 1244

Facts

Two individuals were arrested by the Enforcement Directorate in a money laundering investigation under the Prevention of Money Laundering Act. They argued that they were not given the grounds for their arrest in writing at the time of arrest, only informed of them orally.

Issue

Does the law require the Enforcement Directorate to furnish written grounds of arrest to the accused at the time of arrest, or is an oral explanation sufficient compliance?

Judgment

On October 3, 2023, the Supreme Court held that it is mandatory for the Enforcement Directorate to furnish a copy of the written grounds of arrest to the arrested person as a matter of course, without exception. The Court set aside the arrests in question, holding that this procedural safeguard protects the constitutional right to personal liberty and cannot be treated as a mere formality.

Conclusion

The Supreme Court's output in 2023 reflects a year where the Court repeatedly stepped into questions of institutional independence, federalism, and individual rights. Each of these judgments carries lasting significance well beyond the year it was delivered.

Understanding the facts, the core issue, and the final holding in each case, rather than just the outcome, will help you apply this knowledge confidently, whether in an exam hall or in legal practice.