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CASE LAW UPDATES

Top 5 Landmark Judgements of 2019

Hanspal Bakul · 11 Sep 2026

This list of the top landmark judgements of 2019 takes you through the Supreme Court rulings that reshaped constitutional rights, corporate insolvency law, and the decades-old Ayodhya title dispute, making it essential reading for every CLAT PG aspirant.

<u>Joseph Shine v. Union of India, (2019) 3 SCC 39</u>

Facts

The petitioner, a non-resident Keralite, filed a public interest litigation challenging the constitutional validity of Section 497 of the Indian Penal Code, which criminalised adultery.

Under the provision, only a man who engaged in sexual intercourse with a married woman without her husband's consent could be prosecuted, while the woman herself faced no criminal liability even as an abettor.

Issues

- Whether <u>Section 497 </u>violated the right to equality under<u> Article 14</u> and the right to life and dignity under <u>Article 21 </u>by treating women as the property of their husbands.
- Whether criminalising a private matter between consenting adults served any legitimate state interest.

Judgment

The Supreme Court unanimously struck down **Section 497 as unconstitutional, holding that the provision treated women as chattel and denied them individual agency, thereby violating Articles 14, 15, and 21.**

The Court held that adultery may remain a valid ground for civil divorce but cannot survive as a criminal offence, since the **state has no legitimate interest in policing the intimate choices of consenting adults.**

This ruling marked a significant step toward gender equality within matrimonial and criminal law.

<u>M. Siddiq (D) Thr. LRs v. Mahant Suresh Das, (2020) 1 SCC 1</u>

Facts

The case concerned the centuries-old dispute over 2.77 acres of land at Ayodhya, claimed both as the birthplace of Lord Ram by Hindu parties and as the site of the Babri Masjid by Muslim parties.

The Allahabad High Court in 2010 had divided the disputed land into three parts among the Nirmohi Akhara, the Sunni Central Waqf Board, and the Ram Lalla Virajman deity, and multiple parties appealed this division to the Supreme Court.

Issues

The five-judge Constitution Bench had to *determine title over the disputed land based on evidence of possession, worship, and historical record, rather than solely on questions of faith.*

It also examined whether the High Court's *three-way division of the land was a legally sustainable resolution of a title dispute.*

Judgment

The Supreme Court held that the **disputed site should be handed over to a trust for the construction of a Ram temple, while directing the government to allot five acres of alternative land to the Sunni Central Waqf Board at a suitable location for a mosque.**

The Court found the archaeological and historical evidence insufficient to establish exclusive possession by either side conclusively, **but weighed the evidence of continuous Hindu worship in reaching its conclusion on title.**

The judgment rejected the High Court's three-way partition as legally unsustainable and emphasised that faith and belief cannot themselves confer legal title to land.

<u>Anuradha Bhasin v. Union of India, (2020) 3 SCC 637</u>

Facts

The petitioner, Executive Editor of the Kashmir Times, challenged the communication restrictions imposed in Jammu and Kashmir after the abrogation of Article 370 in August 2019.

The government **suspended internet services, mobile connectivity, and imposed movement restrictions under Section 144 CrPC, citing threats to public order and national security.**

Journalists could not publish newspapers, and a Member of Parliament could not communicate with his constituents, prompting a batch of petitions before the Supreme Court.

Issues

- Whether indefinite suspension of internet services violates the fundamental rights guaranteed under <u>Article 19(1)(a) and Article 19(1)(g) of the Constitution. </u>
- Whether the government must disclose and periodically review suspension orders, and
- What standard governs restrictions imposed in the name of security.

Judgment

The Supreme Court held that **freedom of speech and expression, along with the freedom to carry on trade and business through the internet, enjoys constitutional protection under Article 19.**

It did not declare internet access itself a distinct fundamental right, but it applied the doctrine of proportionality to test the validity of restrictions. The Court directed the government to publish all suspension orders, ensure such restrictions remain temporary and reviewable, and confine them to the minimum necessary to achieve their stated purpose.

Note: the case was decided on 10 January 2020, though it arises directly from the August 2019 events and is frequently grouped with the 2019-2020 batch of landmark rulings for that reason.

<u>Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161</u>

Facts

The Cricket Association of Bengal sought permission to organise cricket matches and have them telecast, but government regulations gave Doordarshan, the state broadcaster, **exclusive control over telecasting and broadcasting rights for such events.**

The Association challenged this monopoly, arguing that it restricted the free flow of information and violated constitutional freedoms.

Issues

- Whether airwaves and the electronic broadcast media constitute public property that cannot be monopolised by the government or any private entity.
- Whether the state's exclusive control over telecasting violated the freedom of speech and expression guaranteed under Article 19(1)(a).

Judgment

The Supreme Court **held that airwaves are public property and must be utilised to advance free speech and expression for the benefit of the public at large, rather than being monopolised by the government or private bodies.**

It ruled that the **right to impart and receive information through the electronic media falls squarely within the ambit of Article 19(1)(a), and government control over broadcasting must remain reasonable and non-monopolistic.**

This judgment later paved the way for the establishment of an independent regulatory body for the broadcasting sector.

Note: this ruling was delivered in 1995, well before 2019, though it remains one of the most frequently cited precedents in later broadcasting and internet-freedom cases, including the Anuradha Bhasin judgment covered earlier in this series.

<u>Swiss Ribbons Pvt. Ltd. v. Union of India, (2019) 4 SCC 17</u>

Facts

Several corporate debtors and stakeholders challenged the constitutional validity of the Insolvency and Bankruptcy Code, 2016, arguing that the Code arbitrarily distinguished between financial and operational creditors, granted disproportionate power to the Committee of Creditors, and imposed unreasonable restrictions on directors and promoters of defaulting companies.

The petitioners contended that these provisions violated Articles 14 and 19 of the Constitution.

Issues

- whether the differential treatment of financial and operational creditors under the Code amounted to unconstitutional discrimination.
- whether provisions barring promoters from bidding for their own insolvent companies, and the overall resolution process timeline, imposed unreasonable restrictions on fundamental rights.

Judgment

The Supreme Court upheld the **constitutional validity of the Insolvency and Bankruptcy Code in its entirety, holding that financial and operational creditors are not similarly situated and therefore differential treatment does not violate Article 14.**

It found the restriction on promoters bidding for their defaulting company reasonable, since it **prevents unscrupulous promoters from regaining control at a reduced price after running the company into insolvency.**

The Court described the Code as an economic legislation entitled to greater latitude from judicial interference, given its object of reviving distressed companies and protecting the broader financial ecosystem.

<u>Indore Development Authority v. Manoharlal, (2020) 8 SCC 129</u>

Facts

The dispute arose from conflicting interpretations of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, *which provides that land acquisition proceedings lapse if compensation remains unpaid or possession is not taken within five years.*

An earlier three-judge bench ruling in Pune Municipal Corporation v. Harakchand Misirimal Solanki had held that mere deposit of compensation in the government treasury did not amount to payment, causing acquisitions to lapse in numerous cases across the country.

Issues

- whether depositing compensation in the government treasury, as opposed to the landowner's account or a court, satisfies the requirement of payment under Section 24(2).
- whether a subsequent bench of equal strength could overrule an earlier decision without referring the matter to a larger bench

- whether physical possession must accompany payment for proceedings to survive.

Judgment

The Supreme Court overruled Pune Municipal Corporation, holding that once compensation has been validly tendered and the **landowner refuses to accept it, the obligation under [Section 31 of the Land Acquisition Act, 1894], stands discharged and the proceedings do not lapse.**

The 2020 judgment ruled that the word "or" in Section 24(2) must be read conjunctively as "nor".

This means a land acquisition lapses only if BOTH conditions are met: the state has failed to take physical possession *AND* **failed to pay compensation. If the state fulfills even** *one* **of these conditions, the acquisition is protected.**

They unanimously held that Section 24 does not revive stale or time-barred claims nor reopen concluded proceedings merely because **compensation went into the treasury instead of a court deposit.**

Justice Shantanagoudar dissented in the 2018 ruling, and the ruling significantly narrowed the circumstances under which decades-old land acquisitions could be challenged as lapsed.

Top 5 Landmark Judgments of 2019

1 Joseph Shine v. Union of India (2019)

Judgment:

Section 497 IPC struck down as unconstitutional. It treated women as chattel and violated Articles 14, 15 and 21. Adultery cannot be a criminal offence; the state has no legitimate interest in policing the private lives of consenting adults.

2 M. Siddiq (D) Thr. LRs v. Mahant Suresh Das (2020)

Judgment:

Disputed land in Ayodhya to be handed over to a trust for a Ram temple; 5 acres to be allotted to the Sunni Waqf Board for a mosque. High Court's three-way partition rejected. Faith alone cannot confer legal title.

3 Anuradha Bhasin v. Union of India (2020)

Judgment:

Freedom of speech and expression, along with the freedom to carry on trade and business through the internet, are protected under Article 19. Restrictions must satisfy the doctrine of proportionality, be temporary, reviewable and limited to the minimum necessary.

4 Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal (1995)

Judgment:

Airwaves are public property and must be used to advance free speech and expression. The State cannot have a monopoly over broadcasting and telecasting rights.

5 Secretary, Ministry of I&B v. Cricket Association of Bengal (1995)

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