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# **ROLE OF CASE LAW IN LEGAL RESEARCH:** **PRECEDENT METHODOLOGY**

AUTHORED BY - ROSHENI S R

## **Introduction**

Case law plays a vital role in shaping the legal landscape of a jurisdiction. It provides a wealth of information on how courts have interpreted and applied statutory laws, constitutional provisions, and common law principles. As a primary source of law, case law is essential for legal researchers, practitioners, and judges seeking to understand the nuances of the law and its application in various contexts. Precedent methodology, which involves the use of prior court decisions as a guide for deciding similar cases, is a crucial aspect of legal research and analysis.

Legal precedent refers to the use of previous court decisions as a source of guidance or authority for future cases. The doctrine of precedent, also known as stare decisis, is an integral part of the Indian legal system and is followed by all courts in the country. Under this doctrine, decisions made by higher courts are binding on lower courts, and decisions made by the Supreme Court are binding on all other courts in the country. This means that if a particular issue has been decided by a higher court, the lower court must follow the same decision in similar cases that come before it. The use of legal precedent in India helps ensure consistency and predictability in the judicial system. It also helps to reduce the workload of the courts by providing a framework for decision-making. However, there are certain exceptions to the doctrine of precedent, such as when a decision is found to be erroneous or when there is a need to reconsider a previous decision in light of new evidence or changing circumstances. Legal precedent is an important aspect of the Indian legal system that helps ensure consistency, predictability, and fairness in the administration of justice.

## **Precedent Methodology**

Precedent, the life blood of legal system.<sup>1</sup> Also precedent is inevitable. It is a part of every legal system assured of its role by the fundamental percept of justice that like cases should be treated

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<sup>1</sup> C.k allen, *law in the making*, (Oxford University Press, 7<sup>th</sup> edn., 1967)

alike.<sup>2</sup> That is person in similar situation should be treated similar. Precedent is not a uniform Doctrine, however and it is not applied uniformly. The strength with which it is formulated and applied varies from one jurisdiction to another, from court to another and from one judge to another. The coercive element in the common law perception of precedent rest on the theory of stare decisis. Blacks law dictionary translated the phrase: to adhere to precedent and not to and unsettle things which are established.<sup>3</sup>

In legal system based on common law, a precedent or authority is a principle or rule established in a previous legal case that is either binding on or persuasive for a court or other Tribunal when deciding subsequent cases with similar issues or facts, the past decision of court stands as guidance for present and future decision. if they lay down some new rules or principal are called judicial precedents. Doctrine of precedent declares is that cases must be decided the same way then the materials are same. Obviously, it does not require that all the facts should be same. we know that in the flux of the life all the facts of a case will never recur, but the legally material facts may recur and it is with these that the doctrine is concerned.

What facts are legally material? That depends on the particular case, but take as an illustration a “running down” action, that is to say, an action for injuries sustained through the defendant’s negligent driving of a vehicle. The fact that the claimant had red hair and freckles, that her name was Smith, and that the accident happened on a Friday are immaterial, for the rule of law upon which the decision proceeds will apply equally to persons who do not possess these characteristics and to accidents that happen on other days. On the other hand, the fact that the defendant drove negligently, and the fact that in consequence the claimant was injured, are material, and a decision in the claimant’s favour on such facts will be an authority for the proposition that a person is liable for causing damage through the negligent driving of a vehicle.<sup>4</sup>

When a case come before a court, in general terms the judge will follow this approach:

- Ascertain the facts be hearing from all parties, witnesses and reviewing evidence.
- Locate and review legislation that may be relevant and interpret the legislations if necessary.

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<sup>2</sup> R. Cross and Harris, *Precedent and the English Law*, (Clendon press, Oxford, 4<sup>th</sup> edn.,1991)

<sup>3</sup> Black’s Law Dictionary,1406 (west publication co, 6<sup>th</sup> edn., 1990)

<sup>4</sup> Glanville Williams, *learning the Law*, 68 (Universal law publishing, New Delhi, 1<sup>th</sup> edn.,1982)

- Locate and review previous rulings, similar cases and precedent that maybe relevant.
- Ascertain whether these precedents may apply to the case and its facts, if so apply the precedent as precedent as previously defined.
- If no precedent applies to the case and it's specifies- make a ruling that establishes a new precedent.
- Include in the judgement a ratio decidendi and providing a reason for the judgement.

Here in this approach, we can clearly see the Re-search conducting by judges as well as the lawyers. Precedents help in legal research by providing foundation of past judicial decision that lawyers and judges can refer when analysing a current case, especially acting as a guide to ensure consistency and predictability in legal ruling by applying similar legal principles to similar factual situations.

Key points of the doctrine of precedent system are:

- Consistency
- Predictability
- Fairness

In almost all legal systems, judges usually decide cases based on how similar cases were decided before. However, the strength of this tendency varies and Some judges may prefer to follow past decisions out of habit. Others may be required to follow them unless there is a strong reason to do otherwise.

### **English precedent system**

It is a basic principle of the administration that like cases should be decided alike and This principle is applied almost everywhere in legal systems, ensuring stability in law. Even if not strictly required, past decisions have persuasive value in guiding judges. What makes the English system unique is that precedent is strongly binding. English judges are sometimes forced to follow previous decisions, even if they personally believe there are good reasons to rule differently.

In 1948, Dr. Goodhart, a leading scholar on precedent, stated: "The English doctrine of precedent is more rigid today than it ever was in the past."<sup>5</sup>

However, after this statement, the system began to relax, leading to the 1966 Practice Statement

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<sup>5</sup> *Supra* note 2 at 5



by the Lord Chancellor. In this Practice Statement, the House of Lords declared that, while it would generally treat its past decisions as binding, it would now allow itself to depart from them when necessary. Before 1966, particularly between 1898 and 1966, the House of Lords considered itself completely bound by its past rulings, and this strict approach had been common throughout the 19th century. The current state of precedent is somewhat flexible, but three key features remain constant:

1. Respect for a single decision of a superior court.
2. A superior court's decision is persuasive even for courts above it.
3. A superior court's decision is binding on lower courts.

### **Doctrine of stare decisis**

The English doctrine of precedent states that a court must follow decisions made by courts above it in the judicial hierarchy. Additionally, appellate courts (except the House of Lords) must follow their own previous decisions. Stare decisis means "to stand by what has been decided before." This principle is applied almost everywhere in legal systems, ensuring stability in law. The obligation to follow a case is not an absolute rule but rather an obligation to follow a well-established legal practice. Judges recognise ratio decidendi as a fundamental part of their role. They see it as a justification for their decisions and expect future judges to follow the same principle. Its effectiveness depends on what Professor Hart terms the 'internal aspect of the rule of stare decisis. Thus, the doctrine of precedent operates because judges respect and apply it, not because there is an external force compelling them to do so.

### **Precedent system in India**

The doctrine of precedent, also known as stare decisis, is an integral part of the Indian legal system and is followed by all courts in the country. Under this doctrine, decisions made by higher courts are binding on lower courts, and decisions made by the Supreme Court are binding on all other courts in the country. In India, the legal system is based on the common law system, which recognizes the importance of legal precedent. The doctrine of precedent in India is based on the principle of stare decisis, which means "let the decision stand."

This principle requires that lower courts follow the decisions of higher courts in similar cases, and that higher courts follow their own previous decisions. By looking to past decisions, judges can see how the law has been applied in similar cases and can apply the same principles to new cases. This helps to promote fairness and equality in the legal system, as similarly situated

parties should be treated similarly under the law. Additionally, legal precedent provides stability and predictability in the legal system.<sup>6</sup>

The doctrine of precedent does not bar judicial creativity where there is occasion for the court as an institution to assist in the task of law reform by freeing the law from the shackles of precedent of petrifying rigidity. The very conceptual vagueness which attends the notion of stare decisis makes it possible for the judges to participate in the creative task of law development without, however, unsettling certainty by openly acknowledging and assuming their social responsibility for the law-making effect of their judicial pronouncements. In any case the doctrine of binding precedent is a myth.

However, judicial creativity in the sense of a meaningful freedom for the court to expound and authoritatively lay down the law according to the changing necessities of social life arises not only at the level of the conceptual vagueness inherent in the notion of ratio decidendi, but also from a bold assertion by the highest appellate court in the common-law world that it is not obliged to follow a precedent which contains an erroneous statement of law or a statement of the law which is rendered obsolete by the changed circumstances of social life.

In legal systems like ours with a written constitution which mandates judicial review of the constitutionality of state action including, in appropriate cases, laws enacted by the legislature, the role of the judiciary cannot be limited to the orthodox function of dispensing justice in cases and controversies in the typical adversary setting. In the extended setting of judicial review, as delineated in the constitutional context, the court must also keep the charter of the Government in tune with the times and not allow it to become anachronistic or out of step with the needs of the day.<sup>7</sup>

### **Ratio Decidendi**

Courts are obliged to follow previous decisions of English courts defined limits. This is called the doctrine of precedent. Within more or less well this part of a case that is said to possess binding authority is the ratio decidendi, that is to say, the rule of law upon which the decision

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<sup>6</sup> Lingala Moksha, "Concept Of Legal Precedent And Its Importance In Common Law Systems: With Special Reference To Human Rights", 3 (2) *Indian Journal of Legal Review (IJLR)*, 247-248 (2023)

<sup>7</sup> A. Laxminath, "Judicial Process: Precedent in the Indian legal system" 3 (Eastern book co., Lucknow, 3rd edn., 2009)

is founded. Finding the ratio decidendi of a case is an important part of the training of a lawyer. It is not a mechanical process but is an art gradually acquired through practice and study. One can, however, give a general description of the techniques involved.<sup>8</sup>

Even when the ratio decidendi of a previous case is merely a persuasive authority it must be followed in later cases unless the judge has a good reason to disapprove of it. And we also know that finding a ratio from the judgement is a very difficult one and here we can clearly understand the research conducted by judges in finding a ratio. There are different methods to find out the ratio decidendi they are:

- Wambaugh's Test
- Lord Halsbury Test
- Goodhart method

### **Deductive reasoning**

From the title we understand that this method is about deduction of conclusions, assumptions and both of them collectively. It is a process that gives reasoning and its principle varies from general to particular hence makes the base broader. It provides the premise because of its vast reasoning. It has other components such as analytical, abstract and a priori method. What the abstract method indicates is the ideology and the approach for the study. It is the rational approach that qualifies it as scientific. It is basically a rational approach in accordance with the tenets of deductive logic. It is the logic that uses a general statement as the basis of argument. If we focus on syllogism of this method, its major components consist of a major premise, a minor premise, and a conclusion.

A major premise is the principle that states a general rule. During the legal research this premise states generally a statement of law. A minor premise is the part which makes a factual statement of the facts of the research. During the legal research and arguments, this premise states the statement of fact. The role of conclusion is to connect the major and minor premise through a statement and hence the relation established further provides a general rule that applies to the facts and during the legal research it can be said that it is the Step of instating the law to the facts.

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<sup>8</sup> *Supra* note 2

## Inductive reasoning

Scientific method of research emphasizes and works on the principle of induction. It is the process which involves the reasoning from particular cases to whole group of cases, from specific instances of the concerning law. It can also be called the historical or empirical or a posteriori method. It can be also said that it is a practical ideology to legal work, study and research problems. It is that bridge which covers the gap in between theoretical and practice. It ignites the chain reaction between the causes and further establishes the relation in between them. It is a collective of instances and facts also known as raw data of experience, that is the reason it is called as empirical. The data is can be of various field and background such as statistics, historical records, etc. as long as it related.<sup>9</sup>

## Examples of legal reasoning

We can see deductive reasoning in *A.K Gopalan v. State of Madras*<sup>10</sup>, In this case, A. K. Gopalan challenged the legitimacy of the order under Section 3(1) of the Preventive Detention Act, 1950 Act on the grounds that the Act violates the Fundamental Rights as the provisions contradict Article 13, 19 & 21, and the Provisions Act 4 of 1950 does not comply of Article 22 of the Indian Constitution.

AK Gopalan judgement was contended by a bench of six judges where the major and primary opinion in the matter was that Article 21 which covered procedure established by law would simply mean to established by the state. The term Law is intended upon, and it is confined to hold that it would provide a wide understanding of reading it within rules prescribed of natural justice as the implication of natural justice leaving them formerly undefined. This verdict moves forward from the notion of law and morals which are unclear. The court well quoted that law was meant to be “jus” that is, a law in the abstract sense of principles of natural justice, and not as “rex” that is, enacted law. The true form of legitimacy for any law is the recognition of the principles of natural justice. Though all six judges gave a different understanding of the same. However, the vast majority held that Section 14 of the Act, which restrained disclosure of the grounds of detention, was unconstitutional. Justice Fazal Ali wrote a dissenting judgement.<sup>11</sup>

<sup>9</sup> Jayesh Rao, “legal reasoning” available at: <https://www.legalserviceindia.com/legal/article-7194-legal-reasoning.html>, (last visited on March 12, 2025)

<sup>10</sup> 1950 AIR 27

<sup>11</sup> Om Ram, “AK Gopalan vs. State of Madras Case Summary 1950 SC”, available at: <https://lawplanet.in/ak-gopalan-vs-state-of-madras/> (last visited on March 12, 2025)

And after 28 years in *Menaka Gandhi vs. Union of India*<sup>12</sup>, Maneka Gandhi, filed a writ petition under Article 32 of the Constitution of India stating the seizure of her passport as the violation of her fundamental rights; specifically, Article 14 (Right to Equality), Article 19 (Right to Freedom of Speech and Expression) and Article 21 (Right to Life and Liberty) guaranteed by the Constitution of India.

While delivering the landmark judgment the court altered the face of the Constitution by stating that though the maxim used in Article 21 is “procedure established by law” rather than “due process of law” nevertheless, the procedure mentioned therein must necessarily be free from the vices of irrationality and arbitrariness. The court overruled *Gopalan* by stating that there is a unique relationship between the provisions of Article 14, 19 & 21 and every law must pass the tests of the said provisions.

Earlier in *Gopalan* case, the majority held that these provisions in itself are mutually exclusive. Therefore, to correct its earlier mistake the court held that these provisions are not mutually exclusive and dependent on each other. The court held that the scope of “personal liberty” is not to be construed in narrow and stricter sense. The court said that personal liberty has to be understood in the broader and liberal sense. Therefore, Article 21 was given an expansive interpretation. The court obligated the future courts to expand the horizons of Article 21 to cover all the Fundamental Rights and avoid construing it in narrower sense. The right to travel abroad as held in *Satwant Singh* is within the scope of guarantees mentioned under Article 21.<sup>13</sup>

**In Inductive reasoning**, we can see the example in *Donoghue v. Stevenson*,<sup>14</sup> The House of Lords rendered the momentous decision in *Donoghue v. Stevenson* on May 26, 1932, with a 3:2 majority. This case is regarded as a cornerstone of modern tort law, as it established both the theory of negligence and the concept of a duty of care. The House of Lords ruled that the maker owed the consumer a duty of care even in the absence of a direct contractual relationship. Lord Atkin introduced the neighbour concept, which emphasizes that individuals must take reasonable precautions to avoid acts or omissions that could potentially damage others. He defined a “neighbour” as someone who is “closely and directly affected” by one’s conduct, to

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<sup>12</sup> 1978 AIR 597

<sup>13</sup> Amritesh panda, “Case Summary: Maneka Gandhi vs. Union Of India (1978)”, available at: <https://lawlex.org/lex-bulletin/case-summary-maneka-gandhi-vs-union-of-india-1978/19368> (last visited on March 13, 2025)

<sup>14</sup> [1932] UKHL 100



the point where they should be considered while acting. Lord Atkin emphasized that the respondent, as a manufacturer of food and drink goods for public consumption, had a responsibility to assure their safety.<sup>15</sup>

This case has been used as a precedent judicial for instance in the case of *Grant v. Australian Knitting Mill Ltd*<sup>16</sup>. Australian Knitting Mills and John Martin & Co. filed an appeal in the High Court, arguing that the duty to care articulated in the case of *Donoghue v Stevenson*, was limited to "the manufacture of an article of food, medicine, or the like", and not in the case of a garment worn externally.

The court held that the manufacturer owed a duty of care to the consumer because Australian Knitting mills knew that the consumer's health would be jeopardized if the clothing were not prepared with reasonable care. Moreover, the court reiterated that no distinction can be drawn between an article of food or medicine that causes injury to the consumer or an external clothing that does the same, and stated that *Donoghue's* case still stands in this context.<sup>17</sup>

### Obiter dicta

In contrast with the ratio decidendi is the obiter dictum. The latter is a mere saying "by the way", a chance remark, which is not binding upon future courts, though it may be respected according to the reputation of the judge, the eminence of the court, and the circumstances in which it came to be pronounced. An example would be a rule of law stated merely by way of analogy or illustration, or a suggested rule upon which the decision is not finally rested.

The reason for not regarding an obiter dictum as binding is that it was probably made without a full consideration of the cases on the point, and that, if very broad in its terms, it was probably made without a full consideration of all the consequences that may follow from it, alternatively the judge may not have expressed a concluded opinion.<sup>18</sup>

The distinction between ratio decidendi and obiter dictum, the differentiation of cases on facts,

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<sup>15</sup> "Case Brief: *Donoghue V. Stevenson*", available at: <https://thelegallock.com/case-brief-donoghue-v-stevenson> (last visited on March 13, 2025)

<sup>16</sup> [1933] HCA 35

<sup>17</sup> "*Grant v Australian Knitting Mills* [1936] AC 85", available at: [https://www.oxbridgenotes.co.uk/law\\_cases/grant-v-australian-knitting-mills](https://www.oxbridgenotes.co.uk/law_cases/grant-v-australian-knitting-mills). (last visited on March 13, 2025)

<sup>18</sup> *Supra* note 4 at 77

the reliance on one or other judgment in a decision by Higher Court and many other factors give a choice vastly wider than is apparent on the surface. The rules and principles of case law are not final truths-they are working hypotheses. They are to be tested and retested continually in the Court of Law. The principle of stare decisis which set certain limits to judicial law-making which are apparent in the face of the doctrine of common employment. The House of Lords, though whittled down the doctrine, could not abolish it. But the shift of emphasis by the Courts in moulding the law towards development of the principles of absolute responsibility or strict liability through *Rylands v. Fletcher*<sup>19</sup> and the concept of manufacturers' responsibility towards the consumer in *Donoghue v. Stevenson*<sup>20</sup> are remarkable.<sup>21</sup>

Although non-binding, a well-reasoned obiter dictum from higher court can be highly persuasive and considered by judges and they can conduct a legal-research and considered in future cases when deciding similar issues.

### **Dissenting opinion**

The dissenting opinion will create a scope for judges to conduct a legal-research and to apply those dissenting opinion in future cases and create a new ratio decidendi. The establishment of the ratio decidendi is more complicated when different members of a composite court express different opinions. The problem is particularly acute for the decisions of the House of Lords and the Supreme Court, where the members not uncommonly express separate opinions, which may show great diversity. As a result, their Lordships not infrequently make the law more uncertain than it was before the appeal.

In *Raj Narain v. Patna Administration Committee*<sup>22</sup>. It is perhaps to some extent inevitable that judges of the same Bench may differ in their reasons for arriving at the decision. But then the question immediately arises as to whether all the reasons given by the different judges leading to the same decision are a part of the ratio of that decision.

Another example of dissenting opinion that later became a judgement is:

In *Shankari Prasad Singh Deo v. Union of India*,<sup>23</sup> In this case, the Supreme Court held that

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<sup>19</sup> (1968) LR 3 HL 330

<sup>20</sup> *Supra* note 20

<sup>21</sup> *Supra* note 10 at 14- 15

<sup>22</sup> 1954 AIR 569

<sup>23</sup> AIR 1951 SC 458

the power of Parliament to amend the Constitution was without any limitation.

Then *Sajan Singh v. State of Rajasthan*,<sup>24</sup> By 3:2 the majority held that the parliament could amend the fundamental rights and did not go into the question of any limitation on the amending power.

There is a two path breaking judgements, The danger of giving Parliament unfettered power to amend the Constitution was considered by Justice Hidayatullah and Justice Mudholkar who were the two-member minority. Justice Hidayatullah, while upholding the Seventeenth Amendment, expressed reservation as to whether fundamental rights could be taken away by a simple majority in Parliament. Although Article 368 gave the power to amend any provision of the Constitution, Justice Hidayatullah observed that he was not inclined to play the role of a 'grammarian'. The power to make amendments ought not to be used ordinarily to escape from absolute constitutional restrictions.

Justice Mudholkar's judgment is extremely elegant and deserves to be carefully read. He expressed doubt on whether the word law occurring in Article 13(2) would exclude a constitutional amendment. When Parliament amends the Constitution, it does not act in a different capacity. An amendment of the Constitution is equally a law just as any other legislation. It was necessary to consider whether certain fundamental rights are the minimum rights reserved by people to themselves and are, therefore, unalterable. The view that legislative reforms would be hampered if fundamental rights were treated as unalterable was also not correct. Justice Mudholkar pointed out that the Directive Principles are equally fundamental in the governance of the country and the provisions of Part II (Fundamental rights) had to be interpreted harmoniously with Part IV (Directive Principles).

And after that *I.C Golaknath v. State of Punjab*<sup>25</sup>, Chief Justice Subba Rao gave another reason for constituting a Bench of eleven judges. He pointed out that the correctness of the decision in the *Shankari Prasad* case had not been questioned in the *Sajan Singh* case. Indeed, Chief Justice Gajendragadkar had held that there was no reason to reconsider the earlier decision rendered in 1951. At the same time, there was a conflict between the views taken by the majority and the minority in the *Sajan Singh* case which had to be resolved. In *Sajjan Singh's*

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<sup>24</sup> AIR 1965 SC 845

<sup>25</sup> 1967 AIR 1643

case, as we have just seen, two of the judges (Hidayatullah and Mudholkar JJ) expressed grave doubts as to whether Parliament could be treated as having unlimited power to amend the Constitution. Thus, the reason for setting up an eleven-judge Bench was really to define the limits of the powers of Parliament to amend the Constitution and, in particular, Fundamental Rights.

The majority held that the amending power would not enable Parliament to override all express or implied limitations on that power and that Parliament could not amend Part III (Fundamental Rights) of the Constitution. Thus, the pendulum swung to the opposite extreme: while Shankari Prasad and Sajjan Singh cases had held that Parliament had unlimited power to amend the Constitution, the majority in Golak Nath held that Parliament could not amend any part of the Constitution in Part III that dealt with Fundamental Rights. The majority judgment delivered by Chief Justice Subba Rao reflected his serious concern at the erosion of Fundamental Rights. This was justified because of the misuse of the Ninth Schedule and the frequent constitutional amendments.<sup>26</sup>

Here we can see a classic example of judges conducting legal research to deliver a judgement. The power of the Supreme Court and the high courts to overrule their own precedents by acting through larger benches. this is an inevitable result of the system of judicial precedents to be worked in a changing society. Afterall the courts work within a socio-economic system to render justice. The precise contours of justice are bound to differ according to the socio-economic changes. Therefore, precedents which are no longer harmonious with such changes are bound to be overruled. To overrule a decision, it is always necessary to point out that it was wrong. The doctrine of calling such a decision per incuriam is only a hyper-bole. It amounts to saying that the decision was obviously wrong because it failed to take note of a statutory provision or a previous decision of the court.<sup>27</sup>

### Identifying legal principles

- Case laws reveal underlying legal principles and doctrines that can be applied to new cases.

For example, Basic Structure Doctrine developed as a result of legal research conducted by the

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<sup>26</sup> Soli J Sorabjee, "Nani Palkhivala Courtroom Genius", (lexis Nexis, Haryana, 1<sup>st</sup> edn.,2012)

<sup>27</sup> *Supra* note 10 at 214

judges as well as the advocates.

## ANALAYZING JUDICIAL TRENDS

By examining case laws, researchers can identify the judicial trends, shifts in judicial thinking and emerging legal issues.

This is very clear by analyzing the judicial trend in Art 21<sup>28</sup> of Indian Constitution.

It can be seen from *A.K Gopalan v. State of Madras*<sup>29</sup>, the court held that Article 21 which covered procedure established by law would simply mean to established by the state.

Then One of the most important precedents in Indian human rights law is the Supreme Court's decision in the case of *Maneka Gandhi v. Union of India*<sup>30</sup> (1978), which established the principle that the right to life and personal liberty under Article 21 of the Constitution is not limited to mere animal existence, but also includes the right to lead a life of dignity. This decision has been relied upon in countless subsequent cases to protect a wide range of individual rights, from freedom of speech and expression to the right to a fair trial.

The *MC Mehta v. Union of India*<sup>31</sup> case is one of the most significant environmental law cases in India. It was a series of cases that were brought by environmental activist MC Mehta against the Union of India and other parties to seek remedies for environmental degradation and pollution in the country. also known as the "oleum gas leak case." In this case, the Supreme Court of India issued several directions to prevent industrial pollution and protect the environment and the health of the citizens. The judgment also established the concept of "absolute liability" for hazardous industries, which held that those who engage in hazardous activities are strictly liable for any harm caused by such activities, regardless of whether they had taken adequate precautions to prevent the harm. This principle has had far-reaching implications for environmental law in India and has been used in subsequent cases to hold polluters accountable for their actions.

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<sup>28</sup>The Constitution of India

<sup>29</sup> *Supra* note 15

<sup>30</sup> *Supra* note 17

<sup>31</sup> (1987) SC 1086



*Vishaka v. State of Rajasthan*<sup>32</sup> is a landmark case in India that established the guidelines to prevent sexual harassment and to ensure the safety of women in the workplace. The case involved the gang rape of Bhanwari Devi, a social worker in Rajasthan, who was trying to prevent a child marriage in her village. The Supreme Court held that sexual harassment of women at the workplace violated their fundamental rights under Article 14, 19, and 21 of the Indian Constitution, which guarantee the right to equality, freedom of speech and expression, and the right to life and personal liberty. The Court further held that it was the duty of the employer to prevent sexual harassment and to provide a safe working environment for women. The Court also laid down guidelines for preventing sexual harassment in the workplace, which are known as the Vishaka Guidelines. The guidelines included measures such as setting up a complaints committee, conducting awareness programs, and providing support to victims of sexual harassment.

*National Legal Service Authority (NALSA) V. Union of India*<sup>33</sup>, This case was a significant milestone in India's history of Human Rights, especially for transgender individuals who were previously not legally recognized as persons. This marginalized population faced numerous inequalities and human rights violations. The National Legal Service Authority of India filed the case to argue that transgender individuals should be legally recognized as a third gender, distinct from male or female. The court recognized the fundamental rights of transgender persons under both the Indian Constitution and International Laws. The judgment ensured that transgender individuals have equal rights to other citizens, including the right to equality, freedom of expression, and the right to life. The court also referred to International Human Rights Treaties and the Yogyakarta Principles to recognize the Human Rights of transgender people. The court ordered that transgender individuals should be treated as minorities and given reservations in jobs, education, and other sectors when necessary.

*Navtej Singh Johar v. Union of India*<sup>34</sup>, landmark case heard by the Supreme Court of India in 2018. The case challenged the constitutional validity of Section 377 of the Indian Penal Code, which criminalized consensual homosexual acts between adults. The Supreme Court, in a historic decision, struck down Section 377, thereby decriminalizing consensual homosexual acts between adults. The court held that Section 377 violated the fundamental rights of

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<sup>32</sup> (1997) 6 SCC 241

<sup>33</sup> AIR 2014 SC 1863.

<sup>34</sup> AIR 2018 SC 4321

individuals, including the right to equality, dignity, privacy, and autonomy. The court also noted that the provision discriminated against the LGBTQ+ community and perpetuated stigma and prejudice against them. The court's decision was widely celebrated by activists and members of the LGBTQ+ community in India and was seen as a significant step towards promoting inclusivity and equal rights for all individuals, regardless of their sexual orientation or gender identity.

*Naz Foundation v. Government of NCT of Delhi*<sup>35</sup>, in this case, the Delhi High Court decriminalized homosexuality and upheld the right to privacy and non-discrimination under Articles 14, 15, and 21 of the Constitution. This decision was a landmark moment for the LGBTQ+ community in India and affirmed the importance of human dignity and equal treatment under the law.

*Puttaswamy v. Union of India*<sup>36</sup>, this case recognized the right to privacy as a fundamental right under the Constitution and established a robust framework for the protection of personal data. The decision was a significant milestone for privacy rights in India and reinforced the principle of individual autonomy and dignity.

Overall, these landmark cases and influential precedents have had a profound impact on the development of constitutional law and from these cases we can analyse the judicial trends.

## Conclusion

In conclusion, case law is a cornerstone of legal research, offering valuable insights into the interpretation and application of the law. Through case law, researchers can gain a deeper understanding of the legal principles, concepts, and rules that govern a particular jurisdiction. By analyzing case law using precedent methodology, researchers can identify relevant precedents, distinguish between binding and persuasive authorities, and apply the principles of stare decisis to guide their analysis.

The precedent methodology approach allows flexibility and adaptability in the law, as courts can update and refine legal principles over time. The evolution of legal precedent involves several key factors. One of the most important is the concept of stare decisis, which means "let

<sup>35</sup> (2009) 160 Delhi Law Times 277

<sup>36</sup> ((2017) 10 SCC 1

the decision stand." This principle requires courts to follow prior decisions in similar cases, unless there is a compelling reason to depart from them. Over time, legal precedent can evolve as new cases present different fact patterns or legal issues. When a court is faced with a new issue, it may rely on prior decisions to establish a framework for its analysis, but it may also distinguish those prior decisions or even overrule them if they are no longer considered valid or relevant. Another factor that can influence the evolution of legal precedent is changes in societal norms and values. As society evolves, legal principles may need to be updated to reflect new understandings of fairness, justice, and equality.

The evolution of legal precedent is also influenced by legal practitioners and advocacy. Lawyers, judges, and legal scholars can contribute to the development of legal principles through their arguments and analysis in court cases, legal practitioners and advocacy for changes to the law

As the legal landscape continues to evolve, the role of case law in legal research will remain essential, providing a rich source of knowledge, guidance, and precedent for legal scholars, practitioners, and judges alike. By mastering precedent methodology, legal researchers can harness the power of case law to inform their arguments, advice, and decision-making.

