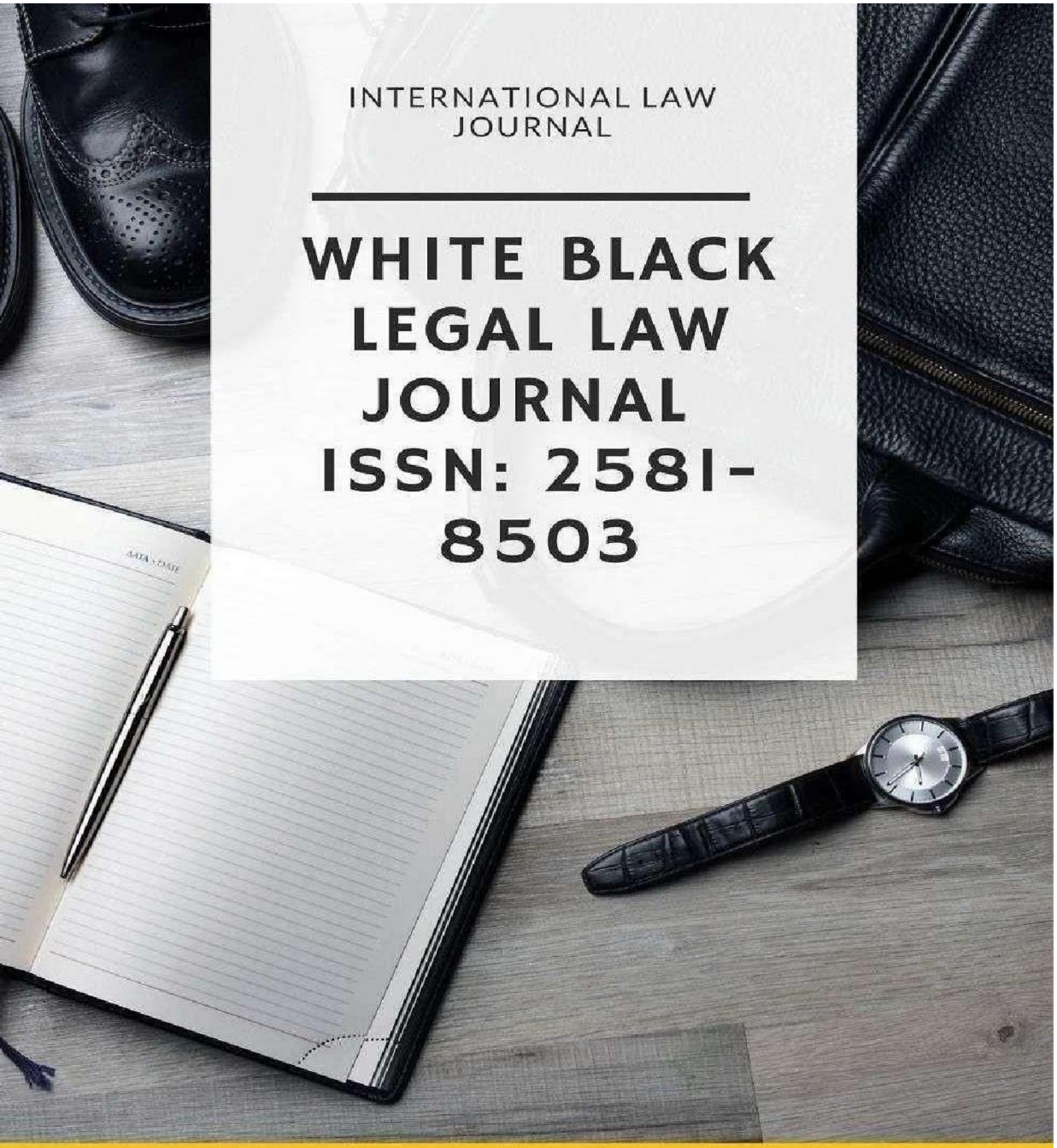


INTERNATIONAL LAW JOURNAL

WHITE BLACK LEGAL LAW JOURNAL

ISSN: 2581-8503

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

WHITE BLACK LEGAL

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

JUDICIAL REASONING: AN ANALYTICAL STUDY OF HOW COURTS ARRIVE AT LEGAL DECISIONS

AUTHORED BY - SAKSHI PRIYA

TBALE OF CONTENT

S. No. Contents Page No.

1. Table of Contents
2. List of Abbreviations
3. Table of Cases
4. Abstract

5 CHAPTER I – INTRODUCTION TO JUDICIAL REASONING

5.1 Background of the Study
5.2 Meaning of Judicial Reasoning
5.3 Importance of Judicial Reasoning
5.4 Literature Review
5.5 Research Questions
5.6 Research Objectives
5.7 Research Methodology
5.8 Judicial Reasoning in India
5.9 Scope and Limitations of the Study
5.10 Conclusion

6 CHAPTER II – THEORIES AND FORMS OF JUDICIAL REASONING

6.1 Theoretical Foundations of Judicial Reasoning
6.2 Major Theories of Judicial Reasoning
6.3 Deductive Reasoning in Judicial Decisions
6.4 Analogical Reasoning and Use of Precedents
6.5 Judicial Discretion and Principle-Based Reasoning
6.6 Conclusion

7 CHAPTER III – SOURCES OF JUDICIAL REASONING AND THE ROLE OF PRECEDENT

WHITE BLACK LEGAL

7.1 Meaning and Sources of Judicial Reasoning

7.2 The Constitution, Statutes and Delegated Legislation

7.2.1 The Constitution

7.2.2 Statutory Law

7.2.3 Delegated Legislation

7.3 Judicial Precedent and Article 141

7.3.1 Meaning and Importance of Judicial Precedent

7.3.2 Constitutional Basis of Binding Precedent

7.3.3 Precedent and the Development of Law

7.4 Stare Decisis, Ratio Decidendi and Obiter Dicta

7.5 Core Legal Principles and Distinguishing Precedents

7.6 Hierarchy of Courts and Conflicting Judicial Decisions

7.7 Persuasive Authorities and Comparative Judicial Reasoning

7.8 Judicial Reasoning in Cases of Legal Conflict and Uncertainty

7.9 Limitations on the Use of Judicial Precedent

7.10 Conclusion

8 CHAPTER IV – JUDICIAL INTERPRETATION AND APPLICATION OF LAW

8.1 Introduction to Judicial Interpretation and Application of Law

8.2 Meaning and Importance of Judicial Interpretation

8.3 Literal Interpretation Rule

8.4 Golden Rule

8.5 Mischief Rule

8.6 Purposive Interpretation

8.7 Harmonious Construction

8.8 Contextual Interpretation

8.9 Application of Law to Facts

8.10 Interpretation in Cases of Ambiguity, Conflict and Modern Developments

8.11Conclusion

9. CHAPTER V – CASE STUDIES, FINDINGS AND CONCLUSION

9.1 Introduction

9.2 Kesavananda Bharati v. State of Kerala (1973)

9.2.1 Background and Facts

9.2.2 Legal Issues

9.2.3 Judicial Reasoning and Decision

9.2.4 Significance of the Judgment

9.3 Maneka Gandhi v. Union of India (1978)

9.3.1 Background and Facts

9.3.2 Legal Issues

9.3.3 Judicial Reasoning and Decision

9.3.4 Significance of the Judgment

9.4 Vishaka v. State of Rajasthan (1997)

9.4.1 Background and Facts

9.4.2 Legal Issues

9.4.3 Judicial Reasoning and Decision

9.4.4 Significance of the Judgment

9.5 Comparative Analysis of the Three Judgments

9.6 Major Findings of the Research

9.7 Suggestions for Improving Judicial Reasoning

9.8 Overall Conclusion

10. Bibliography

WHITE BLACK
LEGAL

ABBREVIATION

LIST OF ABBREVIATION

S. NO.	Abbreviation Full Form
AIR	All India Reporter
Art.	Article
Arts.	Articles
SCC	Supreme Court Cases
SCC Online	Supreme Court Cases Online
SC	Supreme Court
HC	High Court
HCs	High Courts
UOI	Union of India
v.	Versus
Ors.	Others
Ltd	Limited
No.	Number
Para.	Paragraph
Paras.	Paragraphs
Hon`ble	Honourable
Const.	Constitution
IPC	India Penal Code
CrPC	Code of Criminal Procedure
CPC	Code of Civil Procedure
PIL	Public Interest Litigation
FR	Fundamental Rights
DPSP	Directive Principle of State Policy
Art. 14	Article 14 Constitution of India
Art. 21	Article 21 Constitution of India
Art. 32	Article 32 Constitution of India
Art. 141	Article 141 Constitution of India
Art. 368	Article 368 Constitution of India
Ratio Ratio Decidendi	

Obiter Obiter Dicta	

TABLE OF CASE LAWS

LIST OF CASES

1) **Bengal Immunity Co. Ltd. v. State of Bihar AIR 1955 SC 661**
2) **Heydon's Case (1584) 3 Co Rep 7a; 76 ER 637**
3) **K.P. Varghese v. Income Tax Officer (1981) 4 SCC 173**
4) **Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225**
5) **Maneka Gandhi v. Union of India (1978) 1 SCC 248**
6) **Reserve Bank of India v. Peerless General Finance and Investment Co. Ltd. (1987) 1 SCC 424**
7) **Tirath Singh v. Bachittar Singh AIR 1955 SC 830**
8) **Venkataramana Devaru v. State of Mysore AIR 1958 SC 255**
9) **Vishaka v. State of Rajasthan (1997) 6 SCC 241**

WHITE BLACK
LEGAL

ABSTRACT

A court judgment involves more than just picking a winner since the reasons behind it matter quite a bit. Judges go over the facts first and then check how the law fits but things get tricky when the rules are not clear or when two ideas seem to pull in different directions. The paper looks at how these issues get handled and what makes the final call seem justified under the law.

It seems the focus stays on why judicial reasoning counts and where judges pull their ideas from when working through a case. Some of the main thinkers mentioned are Hart and Dworkin along with Cardozo and Holmes though the way their views connect to actual decisions is not always spelled out right away. Types of reasoning come up too like using deduction or drawing from similar past situations and sticking to core principles. Precedents play a big part here but there is a split between the key legal point that decides the outcome and the extra remarks that do not really drive it.

The approach used is mostly doctrinal with some analysis of constitutions court rulings and other writings. Three big cases get looked at to see how these ideas play out in practice. Kesavananda Bharati and the others show judges working through tough questions yet the details on exactly how they balanced everything stay a little loose in places. I think maybe the part about discretion being limited by law gets repeated without much new added each time.

Judgments require more than just applying rules since interpretation and weighing old principles always come into it. Discretion has to stay connected to the law itself otherwise it risks feeling too open. This matters for keeping things consistent across cases and for people trusting the system though not every angle gets fully tied together by the end.

WHITE BLACK
LEGAL

CHAPTER-1: INTRODUCTION TO JUDICIAL REASONING

1.1 BACKGROUND OF THE STUDY

When a controversy goes to court the judge must do more than just read the law. The judge must also find a solution to the problem in front of the court. Every case has its unique facts and circumstances. The laws involved may not always provide an answer. That is why a judge must understand the conflict identifies the issues and decide which rules or principles should apply. How the judge thinks about these matters. Explains the decision is known as judicial reasoning.

Judicial reasoning plays a role in the Indian legal system. Indian courts often deal with disputes involving rights. They also handle conflicts between individuals and the government. Sometimes the meaning of a law is unclear. In cases the court must follow a previous decision. The court must decide how a general legal rule applies to a specific situation. For these reasons reasoning is not just useful. It is essential.

Judicial reasoning can also be seen in the judgments that judges write. A judgment gives a decision. The reasons explain how that decision was reached. The reasons show how the court came to its conclusion. They help the parties understand why the court made the decision it did. These reasons also help courts when they face similar issues. They allow others to review how the judge understood the law and whether the facts were properly considered.

This research looks closely at the process of reasoning. It explores the theories that explain how judges' reason. It also examines the sources that shape judicial decisions. The study pays attention to how lawyers interpreted and how past court decisions influence current rulings. Using a selection of judgments from courts the research aims to understand how judges connect the facts of a case with the law. It also focuses on how judges explain their reasoning, in written decisions.

1.2 Meaning of Judicial Reasoning

It is an important to highlight that judicial reasoning is different to judicial decision. Judicial decision is the final decision of the court. Judicial reasoning is the way the ruling is reached and the reasoning for the ruling. When a reasoned judgement is made there will be a detailed explanation of the relevant legal principles and how these have been used to reach a conclusion.

1.3 Importance of Judicial Reasoning

Judicial reasoning is important because a judgment impact upon the rights and duties of the parties to a case. The result is not a reflection of a proper consideration of the law and the facts by the court. The reasons which back that result are thus important part of the judgment.

One of the principal purposes of judicial reasoning is to make the judicial decision comprehensible. If a judge describes the rationale behind the decision and the reasons for accepting or rejecting a logical position, the parties will know the logic of the judge's decision. This is especially crucial if a judgment is issued against one of the parties.

This provides a sense of consistency. Often there are similar legal issues that come up within cases. A judgment can help guide the court by providing the principles that they have used to make their decision which can then be used to help guide future courts on similar issues. The doctrine of precedent can help with this as if a court must follow a decision made by a superior court.

Judicial reasoning provides accountability. Judges have power and their decisions should be based on the law, not just their personal opinions. A reasoned judgment will allow us to know that the court had considered the relevant provisions, followed binding decisions and addressed the main issues.

If there is uncertainty within the law it can be important to use judicial reasoning. Where there is doubt regarding a statute or there are two seemingly conflicting legal principles, the court may have to consider the extent and intention of the stipulation, the context and how it interacts with other provisions. This was not a clear cut process and involves interpretation.

Confidence can be gained from informed decisions. Although people are disagree with the outcome, the reasoning behind the decision can help people to understand. Judicial reasoning is therefore very closely related to notions of fairness, certainty and justice.

1.4 Literature Review

Many legal academics have looked into the idea of judicial reasoning.

In The Concept of Law, H.L.A Hart looks at the way in which laws can sometimes be quite ambiguous and open-textured.[1] This means that there will be a large need for judicial discretion when interpreting the law. However, this theory can help us understand why judicial reasoning is important.

Ronald Dworkin has written about the importance of applying principles in decision making (especially in Taking Rights Seriously and Law's Empire).[2] He believes judges should not only look at the legal rules but apply principles to give an outcome which is fair, protects rights and is consistent. This links to this study as it shows how courts can apply principles to justify there

[1] See H.L.A. Hart, The Concept of Law 124–36 (3d ed. 2012).
[2] See generally Ronald Dworkin, Taking Rights Seriously (1977); Ronald Dworkin, Law's Empire (1986).

decisions.

In The Nature of the Judicial Process, Benjamin N. Cardozo looks at the various factors that affect judicial reasoning.[3] This includes the application of principles, precedent, logical reasoning and practical reasoning. This shows how judges can reason in cases where there are no clear rules in the law.

In The Common Law , Oliver Wendell Holmes Jr looks at the importance of understanding the law in relation to practical reasoning. He encourages looking at how rules in the law actually work in practice.[4]

There are many cases to look at in the Indian legal system. The Supreme Court looked at the extent of Parliament applying amendments to the constitution in Kesavananda Bharati v. State of Kerala [1973].[5] This leads to the creation of the basic structure doctrine. In Maneka Gandhi v. Union of India 1978 the Court applied a broad interpretation of personal liberty and procedural fairness.[6] In Vishaka v. State of Rajasthan 1997 the Court created guidelines to tackle problems of sexual harassment in the workplace as there was no specific legislation.[7]

This shows that judicial reasoning is not simply about applying the law to the facts. There is often interpretation of the law, applying precedents, principles and justifying the final decision.

Research Gap

This research will bring together the various theories on judicial reasoning found in the literature and landmark cases. This research will show how courts in India will look at cases to identify issues, interpret the law, apply precedents and justify their decisions. This will show how rules in the law will affect judicial reasoning and the extent of discretion that judges have. This will be identified through looking at some landmark cases.

1.5 Research Questions

The research aims to answer the following questions:

What is judicial reasoning and why is it important?

What are the main steps taken when making a legal decision?

How do statutory law and constitutional provisions impact judicial reasoning?

How do courts overcome ambiguity or conflicts in the law?

To what extent do courts take into account previous judgements?

[3] See generally Benjamin N. Cardozo, The Nature of the Judicial Process (1921).
[4] See generally Oliver Wendell Holmes, Jr., The Common Law (1881).
[5] Kesavananda Bharati v. Kerala, (1973) 4 S.C.C. 225 (India).
[6] Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).
[7] Vishaka v. Rajasthan, (1997) 6 S.C.C. 241 (India).

How do judges identify the main principle of law in judgements?

To what extent do judges have discretion when there is no clear answer to a legal question?

1.6 Research Objectives

The main objectives of this research are:

1)To provide an understanding of the significance and meaning of judicial reasoning in the decision, making process.

2) To analysis the fundamental approaches to judicial reasoning and the various approaches of the judges.

3) To explore the impact of the constitutional provisions, statutes and judicial precedents on judicial decisions.

4) To appreciate the literal and contextual meanings of legal provisions when they are ambiguous or controversial.

To develop an understanding of the difference between ratio decidendi and obiter dicta and the significance in judicial decisions.

6) To evaluate the application by judges of legal principles to the facts in a case and give reasons for their findings.

7) To learn about selected judgments of the supreme court of India with a view to appreciating the judicial reasoning in action.

8) To identify the importance of logical analysis, consistency and judicial accountability in giving reasoned judgment

1.7 Research Methodology

The research is doctrinal and analytical as laws, legal principles, constitutional provisions, statutory law and cases are referred to throughout. There is no data collection from surveys and interviews. The analysis looks how the courts have interpreted and applied the law to reach the conclusion.

The research will mainly focus around court reasoning with in the Indian legal system. Relevant constitutional provisions will be referred to from the Constitution of India, statutory law and decided cases. Secondary sources will also be used such as books, commentaries and articles concerning jurisprudence to gain an understanding of court reasoning and opinions.

Some judgments have been analysed and linked to the theory.

The selection of these cases (Kesavananda Bharati v. State of Kerala, Maneka Gandhi v. Union of India and Vishaka v. State of Rajasthan) is due to the fact that they give rise to significant issues in constitutional interpretation, the role of courts in resolving legal issues and legal principles.

This topic is focused around legal analysis. It will consider the interpretation of law and the cases used. This will therefore be a partial overview of the theories of judicial reasoning.

1.8 Judicial Reasoning in India

Judicial reasoning takes place within the Indian legal system where the Constitution, laws and case law are the basis of the system. The Courts will use their own interpretation of these sources to try to resolve any dispute. They will explain how they have interpreted the law. Their arguments are of significance in constitutional contexts, where issues might come into play with regard to basic rights and the scope of governmental power and legislative authority.

Courts have their powers within the framework set out in the Constitution. For instance, Article 14 provides equality before the law. Equal protection of the laws and Article 21 is the one that protects life and personal liberty.[8] Where conflicts arise regarding these provisions courts will review them. Decide how to interpret them as they pertain to the cases before them.

The case of Maneka Gandhi v Union of India (1978) is a case of constitutional reasoning.[9] The question raised was the right to personal liberty and the procedure laid down under the law in Article 21. The Court reviewed the connection between Article 14 Article 19 and Article 21. Had a rather fair interpretation in legal procedure. The opinion provides an example of how constitutional text can be interpreted as a whole and not in isolation.[10]

Another key component of judicial reasoning is judicial precedent. According to Article 141 of the Constitution the Supreme Court's interpretation of the law will be binding on all courts in India.[11] A judge when deciding a case then looks at cases and the legal principles set forth in them. When applying precedent however care must be taken to the facts, issues and reasoning of the previous case.

At times Indian courts also find themselves in a situation where there is no legislation that applies to a situation or the interpretation of a provision is part of a dispute. In instances judges can take into account the purpose and context of the legislation as well, as constitutional and legislative limits. Vishaka v. State of Rajasthan (1997) is a case concerning sexual harassment in the workplace where the Supreme Court applied constitutional principles and the international conventions to set guidelines when there was no relevant legislation to provide for the issue at the time.[12]

Judicial reasoning in India follows the process of interpreting texts, applying precedent, and

[8] India Const. arts. 14, 21.
[9] Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).
[10] India Const. arts. 14, 19, 21.
[11] India Const. art. 141.
[12] Vishaka v. Rajasthan, (1997) 6 S.C.C. 241 (India).

considering constitutional principles, as seen in these examples. It also illustrates the importance of judges articulating their reasoning clearly, especially when the findings can have implications other than those of the actual case.

1.9 Scope and Limitations of the Study

Scope of the Study

The scope of this study will be to explore judicial reasoning and its application within the Indian Judiciary. why it is important and how it is mainly applied. This will involve the understanding and interpretation of legislation and case law.

This study will be based primarily on the constitutional principles, statutory provisions, case law and academic writing. I'll be discussing about significant Supreme Court of India cases such as Kesavananda Bharati v. State of Kerala, Maneka Gandhi v. Union of India and Vishaka v. State of Rajasthan.

This will give examples of how constitutional principles have been used by the courts. It will show examples of principles and offer insight into matters related to rights and government.

The research will use an analytical method. This will involve research, such as constitutional principles and case law. It will also include research, like textbooks, articles and commentaries. This will help show how laws and principles can be interpreted but will not give any information regarding how judges act based on surveys and interviews.

Limitations of the Study

There are certain limitations to this study. Firstly there will be a sample of judgements looked at so not all judicial reasoning and areas of law in India will be covered. Secondly the analysis will be based on public legal sources and academic work which has been published. This could cause interpretations by legal scholars and professionals.

Judicial reasoning depends on the facts, issues and circumstances of a case. Therefore the conclusions made from a sample of cases cannot be applied to all decisions. Lastly as this is a study no empirical data will be collected. Therefore interviews, questionnaires or observing judges will not be used.

This study will therefore provide a logical understanding of judicial reasoning.

CHAPTER – 2 : THEORETICAL FOUNDATIONS OF JUDICIAL REASONING

2.1 THEORETICAL FOUNDATIONS OF JUDICIAL REASONING

The meaning of judicial reasoning has been explored by legal scholars from varying angles. Some focus on legal rules and others on legal principles, on judicial discretion, on the facts and context of judicial decisions. The various perspectives help to account for the fact that judicial

decision making is not necessarily a matter of following a set of standard rules.

A key point to consider is H.L.A. Hart in his book 'The Concept of Law'. "We cannot predict all situations that will come up in society as a legal rule."[13] He explained that although the everyday application of the rules can be clearly understood, sometimes in new or unusual situations the rules are unclear. This is often linked with the idea of the openness of law. If the legal rule is not clearly answered then the judge may need to define what they mean and how they apply to the situation. This requires some discretion in difficult situations.

Ronald Dworkin argued that there is a principle element to legal reasoning. In some of his other writings he suggested that judges should consider the principles built into the legal system when making hard decisions. (Taking Rights Seriously and Law's Empire).[14] The theory is focused on certainty and justification. There must be certainty in the judges decision and he must be able to justify his interpretation of the law. This is particularly important in Constitutional cases where there may be two rights to consider.

Benjamin Cardozo looked at the many practical problems judges would face in his book 'The Nature of the Judicial Process'. He discusses how judges will decide issues, how they have been trained in law, how strong precedent is and the importance of social welfare and history. This recognises that the judge will be applying the law within boundaries however this does not mean there is no discretion and that he cannot make a decision, particularly if there are no clear guidelines.

Another theory associated with Oliver Wendell Holmes Jr is Legal realism. This looks at the practical aspect of the law and how the judge would be in certain situations. This therefore looks at how cases are decided practically. Whilst this doesn't give the judges discretion based on their own opinions it looks at decisions practically.

Overall these theories look at how judges reason. Hart looks at the uncertainty in the language used within law, Dworkin looks at principles and justification, Cardozo looks at how judges make decisions and Legal realism looks at practical problems. This provides a useful structure when analysing how judges interpret laws, deal with complex issues and justify their decisions. This shows clearly that it is important to undertake some theoretical study into how judges reason.

2.2 Major Theories of Judicial Reasoning

Number of theories have been offered concerning the understanding of the law by judges.

[13] See Hart, supra note 1, at 124-36.
[14] See generally Dworkin, Taking Rights Seriously, supra note 2; Dworkin, Law's Empire, supra note 2.

In his book The Concept of Law, H.L.A Hart described the use of legal rules as being open textured, such that in not all circumstances is it clear how a rule is applied. In a case where there is a grey area of laws, judges may have to make some allowances.[15]

Ronald Dworkin stressed the need to stress principles in addition to rules in the law. His philosophy was that more attention should be paid to principles of fairness, equality and justice, rather than to rules, in judicial decisions.[16]

In The Nature of the Judicial Process, Benjamin Cardozo studied how judges decide cases using legal concepts, previous rulings, reasoning and social impact of their decisions.[17]

Oliver Wendell Holmes Jr. played a role in the development of legal realism, which focuses on the realities of law in practice and the need for understanding the nature of judicial decision-making.[18]

Theories provide various views on judicial decision-making. This is therefore the reason why judges take decisions based on laws, interpretations, principles and logic.

2.3 Deductive Reasoning

Logical inferring on the basis of a general rule, based upon facts; the kind of reasoning used to arrive at conclusions. When applying deductive reasoning in order to make decisions judges will identify what the relevant law is, what the facts are and then what the conclusion of the law will be.

The court will review the facts in the case if there is a law that says that if someone commits an offence, he/she will be punished with a certain punishment. Where it has been established that the accused is the culprit (on the basis of proof), he will be punished according to the law. This will ensure consistency/comprehensibility of decisions. May aid in the connection of legal theory with the facts of the case. This can be particularly useful if there is a clear law and facts. However, this may not always be possible. Some cases can have unclear wording within the statute, conflicting judgements and constitutional issues which need to be interpreted. Therefore, the judge has to interpret what the law means and how far it should be applied.

Overall deductive reasoning is an important method of making decisions however it can only be effective if the law is correctly identified and interpreted.

2.4 Analogical Reasoning and Precedent

[15] See Hart, supra note 1, at 124-36.
[16] See generally Dworkin, Taking Rights Seriously, supra note 2.
[17] See generally Cardozo, supra note 3.
[18] See generally Holmes, supra note 4.

Analogical reasoning compares the facts and legal issues of previous cases with the current case to see if similar legal principles should be applied. This is very important within a country like India due to precedent being very important within the legal system.

When making a decision judges may look at previous cases with similar circumstances. If the key facts and legal principles are similar enough then the court can apply the principle to the current case. However, if there are key differences then the judge may decide to distinguish the case and come to a different conclusion.

The doctrine of precedent promotes consistency, predictability, and stability in the legal system. Article 141 of the Constitution of India provides that the law declared by the Supreme Court is binding on all courts within the territory of India.[19]

Nevertheless, analogical reasoning requires careful analysis. Two cases may appear similar but differ in legally significant ways. Judges must therefore identify the relevant similarities and differences instead of relying merely on superficial comparisons.

Analogical reasoning enables courts to apply established legal principles to new situations while maintaining continuity in the development of law. It also allows judicial decisions to evolve when the circumstances or legal issues of a case justify a different approach.

2.5 Judicial Discretion and Principle-Based Reasoning

Judicial discretion refers to the authority of judges to choose between legally permissible alternatives when the law does not provide a single clear answer. It becomes particularly important when statutory provisions are ambiguous, legal principles conflict, or a dispute raises questions that existing rules do not expressly resolve.

However, judges will make a decision based on their own personal preference but their decisions will have to be in line with the Constitution, relevant laws, case law and legal principles. They will need to give reasons to support their decision.

This would involve using legal principles such as equality, fairness, justice, human dignity and freedom of the individual. Using these legal principles can help the courts to deal with complex cases and issues surrounding constitutional rights.

For example, in Maneka Gandhi v. Union of India [1978] the supreme court interpreted article 21 in relation to articles 14 and 19.[20] This reinforced the principle that procedures impacting on an individual's liberty must be fair, just and reasonable.

Similarly, in Vishaka v. State of Rajasthan (1997) the court used constitutional rights to create

[19] India Const. art. 141.
[20] Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).

guidelines on how to deal with sexual harassment at work.[21]

This demonstrates that sometimes judges will have to use their discretion to interpret legal provisions using constitutional principles. This discretion must be justified by legal backing.

CHAPTER – 3: SOURCES OF JUDICIAL REASONING AND THE ROLE OF PRECEDENT

3.1 Meaning and Sources of Judicial Reasoning

Judicial reasoning is the process by which judges will consider facts, rules of law and precedent to make a reasoned decision. It helps to understand how a court has reached their decision and why an area of law applies to that case. Judicial reasoning involves analysing arguments, establishing principles and considering uncertainty in the law.

The main sources of judicial reasoning in India are the constitution, statutes, delegated legislation, precedent and legal principles. How important these sources are depends on the nature of the case.

3.2 Constitution, Statutes and Delegated Legislation

3.2.1 Constitution of India

The Constitution of India is a primary source of law and judicial reasoning. These laws will be applied by the courts to protect rights, make laws valid and understand what powers Governments have. Articles 14, 19 and 21, are an important part of the Constitution.[22]

In the case of Maneka Gandhi v. Union of India (1978), the Supreme Court concluded that 'Any procedure established by law under article 21 shall be fair, just and reasonable'[23] This shows that constitutional provisions can be applied together to give real protection for individuals.

Also, in the case of Kesavananda Bharati vs. State of Kerala (1973), The Supreme Court established the concept of 'basic structure'. It was held that Parliament could not use its constitutional power to amend the Constitution, to destroy the basic structure.[24] This shows that constitutional principles can be applied when making judicial decisions.

[21] Vishaka v. Rajasthan, (1997) 6 S.C.C. 241 (India).
[22] India Const. arts. 14, 19, 21.
[23] Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).
[24] Kesavananda Bharati v. Kerala, (1973) 4 S.C.C. 225 (India).

3.2.2 Statutory Law.

Statutory Law is laws made by the Parliament or State Legislatures. This is a significant source of law as judges need to interpret these laws. Occasionally the wording of a provision can be ambiguous and have a number of meanings. In this situation the courts will look at what the intention of the law was based on what the law actually says, its context and intention. However it should not go beyond the boundaries of the law.
The reasons why the provision applies will need to be explained.

3.2.3 Delegated Legislation

Delegated legislation contains rules, regulations, orders and notices created by an authorised body. It allows the government and other authorised bodies to create detailed procedures.
The courts will consider if the delegated legislation is within the powers of the parent statute and if it abides by the Constitution. If a rule goes beyond the legal powers of the authorised body or breaches a provision in the Constitution it can be challenged in a competent court. Delegated legislation is an important source of legal rules but still comes under higher legal authority.

3.3 Precedent and Article 141

3.3.1 Meaning and Importance of Precedent

A precedent is a principle created by a judgement that can be used to help decide a case with similar legal issues. Precedents help to provide consistency, certainty and equality between cases.
Precedents can help lawyers and citizens to understand how the law may apply. However previous judgements need to be considered in terms of the facts, issues and reasoning behind them.

3.3.2 Binding Precedents

Under Article 141 of the Constitution of India the law declared by the Supreme Court is binding on all the courts within India.[25] This provides the Supreme Court with authority to declare law and makes sure there is consistency.
With this it gives the Supreme Court the authority to declare law, and assures uniformity.
Generally, the binding part of the judgement would be based on the principle of law (ratio decidendi). The lower courts are required to implement the appropriate binding principle

[25] India Const. art. 141.

3.3.3 Development of Law

Precedents can help to develop law by providing clarity, reducing uncertainty and using established principles. While generally speaking, courts will follow the letter of the law, it is still possible for law to change through recognised court proceedings

An example of this can be seen in the basic structure doctrine from Kesavananda Bharati v. State of Kerala. This judgement has therefore created a constitutional principle which can be used by the courts to help decide the extent of Parliaments constitutional amending power.[26]

3.4 Role of Precedent (Stare Decisis, Ratio Decidendi and Obiter Dicta)

3.4.1 Stare Decisis

Stare decisis is a principle that courts usually follow previous judgements to create consistency. The problem with this is that just because there is a similar case with similar facts it does not necessarily mean that there is a binding principle. The court must consider if there is.

3.4.2 Ratio Decidendi

Ratio Decidendi

This is the legal principle which must be applied to the legal issue in order to reach a decision. This is what the judgment is binding on. In order to find out what the ratio decidendi is the court will look at the facts, issues, rule of law and reasoning behind the case. Not everything said will be part of the ratio. It is important to get an accurate ratio to ensure that future courts apply the binding principle.

3.4.3 Obiter Dicta

These are comments made by the judge in the case which are not necessary to reach a decision. These may comment on broad areas of law or issues which are not needed to be concluded. Usually these can be easily identified from the binding ratio decidendi. However comments made by the Supreme Court can be highly persuasive. If they help to explain a principle of law then courts may refer to them.

3.5 Key Principles of Law

3.5.1 Rule of Law and Constitutional Supremacy

The rule of law is that all people, including the government, obey the law. Constitutional supremacy is the concept that the Constitution is the supreme law of the nation and that other laws should be harmonious with it. In India, these principles are followed in deciding cases in court. Courts review the articles of constitutionality of government action and legislation. The

[26] Kesavananda Bharati v. Kerala, (1973) 4 S.C.C. 225 (India).

courts can declare a law to be unconstitutional, subject to their legal jurisdiction, if it is a constitutional violation.

The student will apply the law to specific facts.

Judicial reasoning involves a component of applying the law to facts. A judge has to first know the facts as well as to understand the legal issues that have been raised in the case. The relevant legal provisions and precedents are then explored to ascertain how it would apply to the situation. Two cases can present similar laws and facts, and have different outcomes. It is therefore important for a judge to provide a link between the facts, the law and the judgment.

3.5.2 Natural Justice, Equality and Fairness

Natural justice, equality and fairness are important principles that are used by the courts. Natural justice generally relates to a right to a fair trial and no bias. They help to avoid arbitrary decisions being made and ensure those affected have a fair opportunity.

Article 14 provides the right to equality before the law and equal protection of the laws.[27] The courts may consider if a classification in law is allowed or if the government is acting arbitrarily. These principles are often applied.

3.5.3 Distinguish, Overrule and Reverse

Distinguish occurs where previous decisions do not apply to the present case as there are material differences between the facts or issues. The previous decision was still valid but does not apply on this case.

Overrule occurs where a competent court decides that a principle of law established in a previous case has become invalid. The rule will have been changed.

Reverse is usually when a higher court reverses a decision made by a lower court in the same case on appeal. Unlike overrule this applies only to decisions which have been appealed.

These help provide an explanation as to how the courts can keep consistency but still develop the law in a known way.

3.6 Hierarchy of Courts

The hierarchy of courts will determine how authoritative a decision is made in India. The Supreme Court are the most authoritative, followed by the High Courts and then the subordinate courts. The precedent will be binding depending on the court and rules of judicial authority.

Under Article 141, the law declared by the Supreme Court is binding on all the courts in India.[28]

[27] India Const. art. 14.
[28] India Const. art. 141.

Decisions made by the High Courts are generally binding on the subordinate courts within their territories. There may be other decisions from the High Court which have a persuasive authority.

There may be inconsistencies between different benches. The bench should therefore have enough weight. Generally, if the smaller bench has made a decision then the larger bench will have to abide by their decision. If the smaller bench feel unsure about the decision made by the larger bench then this needs to be properly handled.

Judicial reasoning means that the judges need to know what legal principle applies and what the authority they have.

3.7 Persuasive Authorities

A persuasive authority is a document that the court may find helpful but is not legally binding. This could be decisions from other High Courts, foreign judgements and scholarly texts.

Foreign case law can be useful as it could help you understand various legal issues. This is because there may have been similar issues in cases from foreign jurisdictions. They need to be applied while considering the Indian Constitution, legislation and social factors. They cannot override binding law.

Scholarly texts can be useful as they can help you understand theories and doctrines. They can also provide alternative interpretations. The court will come to a conclusion. Persuasive authority can be used to help with reasoning but is not binding.

3.8 Judicial Reasoning in Cases of Conflict/ Uncertainty

Sometimes the courts will face conflict in the law, unclear wording in statutes or cases that do not clearly fall under any precedents. Judicial considerations

If there were conflicting rules then the courts would take into consideration the hierarchy of the laws and any constitutional/statutory provisions. Delegated legislation can never override the constitution or go beyond the powers that are allowed under the parent statute. The principle of the supreme court cannot be disregarded by inferior courts even if they wish to be interpret them differently.

If there are no direct precedents then the judge will look at relevant provisions in the law, consider the principles and give reasons as to why they are interpreting it in the way that they do. This must comply with any binding laws.

This shows how important judicial reasoning is in cases.

CHAPTER – 4: JUDICIAL INTERPRETATION AND APPLICATION OF LAW

4.1 Introduction

Interpretation of law is an essential part of the judicial process. Laws are created as general rules so that they can apply to many situations. However, issues will arise in which the facts and circumstances will not have been specifically thought about by the legislators. The judge, therefore, must interpret the law and apply it to the situation in front of them.

4.2 What is Interpretation of Law and Why is it Important?

Interpretation of law is the process of deciding what a provision means, how wide it is and how it can be applied. Can help the judge understand what they need to do with specific words, phrases, sections or constitutional provisions.

Interpretation helps the judge decide how best to apply the law to a situation where the wording is unclear, inconsistent or if they need to apply the law to a new situation. There may not be an obvious answer so the judge will look at the wording, context, intention of the provision and how it fits with other areas of law.

The judge cannot interpret the law how they want. They will take into account how much power they have. The judge will look at the Constitution, think about this, and look at public laws, past binding laws and principals of the law.

There are many ways to interpret so this chapter will look at some basic ways and why they are important. This will consider the position of the judge and how they can create and apply the law. As well as dealing with unclear wording.

Interpretation is needed as sometimes there is no obvious answer. There could be more than one meaning or it may not fit with the literal meaning. The judge will need to look closely at the text and explain how they have interpreted it.

Interpretation of law is important for several reasons:

It provides clarity. By interpreting the law, individuals, government bodies and legal professionals can understand what their rights and duties are.

It provides consistency. Courts will often interpret provisions so that similar situations can be decided using established principles.

It protects constitutional rights. Courts may need to interpret the law to decide whether a law or government action is in line with constitutional guarantees.

It allows existing laws to be applied. As society, technology and economics develop, there may be situations that have not been specifically thought about when the statute was created.

It creates accountability. Judges must provide a legal reason for their decisions. The decision must explain how they interpreted the provision and how this supports their conclusion.

Interpretation is not a separate process and is one of the main ways that courts can turn legal

rules into legally justifiable decisions**.**

4.3 Literal Rule of Interpretation

The literal rule of interpretation (also known as the plain meaning rule) means that the statute must be interpreted using the ordinary meaning of the words. Where the wording is clear and does not create an absurd situation, the words would be interpreted literally.

This means that you are respecting the actions of the legislature. The judge won't be trying to sway the decision made by the legislature and will interpret the words literally as possible. This means it can be useful and informative to people because they can look at the wording of the statute and see what they have to do to comply with the law.

If there was a University rule stating a certain date the application had to be in by, however it clearly says no exceptions can be made, then generally the authority would have to comply with the deadline.

However sometimes the words can be interpreted specifically in the statute. Whilst we want to know what the words mean within the provision, the judge should focus on the provision itself and any definitions.

Sometimes issues can occur if the literal rule is applied strictly. If the words don't make sense or don't fit within the structure of the legislation the court may have to use another recognised method of interpretation.

Overall the literal rule is an important principle.

4.4 The Golden Rule

The golden rule is a variation of the literal rule. As a general rule the words of the legislation will be interpreted in their ordinary sense, however this prevents unreasonable situations being created by the legislation.

This is a useful principle to consider as it can be applied where there is more than one possible interpretation of the words within the provision. When applying this principle the judge will look at the words within the legislation and interpret them in a way that does not lead to an absurd situation.

A common example of this principle is in Tirath Singh vs Bachittar Singh, AIR 1955 SC 830.[29] The supreme court reviewed this case looking at whether the notice provision would be interpreted in a wide or narrow sense. This case is often referred to when discussing this

[29] Tirath Singh v. Bachittar Singh, A.I.R. 1955 S.C. 830 (India).

principle.

This principle helps to find a balance between interpreting the wording of the legislation and allowing it to be applied legally. But the court shouldn't take the meaning of the words out of context simply because they don't want an outcome they would rather avoid. An interpretation problem should arise.

4.5 Mischief Rule

This looks at the intention behind the law, and the issue that it is trying to resolve.

Previously called Heydon's Case (1584).[30] The court will look at what the previous law was, what issue the legislation was trying to resolve, what remedy the legislature provided and why. This can be helpful as many laws are put in place to solve certain issues. If this is not considered when interpreting a provision then it may not be interpreted the way that the legislature intended.

For example if a law was to be created which stopped employers from illegally withholding wages from their employees. If there were any issues with the interpretation of the provision then the courts would look at what the issue was.

In India there is a case called Bengal Immunity Co. Ltd. vs. State of Bihar.[31] This is an important constitutional and tax case. It can be looked at when considering interpreting provisions of law. However, this case is detailed and relates to constitutional interpretation as a whole. This case shows how it is important to consider specific provisions of law in relation to the relevant provisions.

The mischief rule doesn`t allow the court to ignore clear wording in the legislation due to there being a better route. The intention behind the law must be found in the legislation and legitimate sources of interpretation. This helps the court understand the legal issue whilst still following their powers of interpretation.

4.6 Purposive Interpretation

Under the purposive approach the court considers the intention behind the provision. At times the provisions may not be clear.

This will involve looking at the language of the statute, the intention behind it when it was created, the structure of the act and the intention of the law. This will ensure that the court

[30] Heydon's Case, 76 Eng. Rep. 637 (Exch. 1584).
[31] Bengal Immunity Co. v. Bihar, A.I.R. 1955 S.C. 661 (India).

interpret the law in a logical manner without contradicting any part of the text.

Applying this principle is important within welfare legislation, constitutional cases and legislation regarding complicated social/economic problems. This can help the court to interpret the law in a way that does not contradict the intention of the law.

A key case to consider within India is K.P Varghese v. Income Tax Officer, (1981) 4 SCC 173.[32] In this case the Supreme Court examined a provision within income tax law. The purpose of the provision was considered. Due to how the statute was structured and the intention and context of the legislation this was used as an example of how the words should be interpreted.

4.7 Harmonious Construction

Harmonious construction is used when there appears to be an inconsistency between two or more provisions of law. The court will try to interpret the provisions so that they can both be applied.

This is based on the principle that provisions within the same statute or constitutional provisions within the same constitution should generally be interpreted together. The legislature/Constitution are generally presumed to have created a coherent system.

For example, if a provision gives a general right and another provision creates a specific restriction or process, the court may need to consider whether both provisions can be applied. The court should not create an inconsistency where a reasonable interpretation can be made.

In Venkataramana Devaru v. State of Mysore, AIR 1958 SC 255.[33] The Supreme Court looked at the relationship between constitutional provisions relating to religious freedom and provisions allowing social reform and public access to Hindu religious institutions. The Court tried to interpret the provisions to ensure they did not go against each other.

This rule is important to consider in constitutional cases. Different rights and principles may be in place. The court will need to look at the whole text of the constitution and explain how the provisions can be applied together.

However, this rule cannot be used to create an interpretation that makes a clear provision meaningless. If there truly is an irreconcilable inconsistency the court will apply these rules to ensure a legally acceptable interpretation of the law can be applied.

4.8 Contextual Interpretation

Contextual interpretation: The meaning of the words will be taken into account, this is because

[32] K.P. Varghese v. Income Tax Officer, (1981) 4 S.C.C. 173 (India).
[33] Venkataramana Devaru v. Mysore, A.I.R. 1958 S.C. 255 (India).

the meaning of the words can differ depending on what the provision refers to, the intention, other provisions and circumstances.

The judge will take into account the "tone" of the provision in the statute. This could be a review of the definitions provided in the statute, other sections of the statute, the structure of the statute and the issue it is addressing.

This is particularly important if the word has an ambiguous meaning. The Court will need to identify exactly what meaning of the word fits with the provision and the statute as a whole.

In the well, known Reserver Bank of India v. Peerless General Finance and Investment Co. Ltd. (1987) 1 SCC 424 the Supreme Court stressed the importance of interpreting the words of the statute in context.[34]

This rule can be important when applying old legislation to new circumstances. As technology, business and society develop new problems may arise that were not specifically considered in making the statute. The court will need to look at the existing legal wording and consider whether it can be reasonably applied.

But the judge cannot interpret it in any way they want to. They need to accept that they can justify their interpretation with the text and it is in keeping with binding law. Although the context can sometimes be used to determine the meaning of the words, there are constraints due to the legislation.

CHAPTER – 5: CASE STUDIES, FINDINGS AND CONCLUSION

5.1 Introduction

When looking at judicial reasoning, it becomes easier to understand when considering actual judgments. While theories of law and methods of interpretation will provide information on how judges will approach legal issues, looking at cases will show how these methods are actually put into practice. Courts will identify the legal issues, applying a method of interpretation to constitutional or statutory provisions, then considering arguments, previous cases and providing reasoning behind the conclusion.

This section will look at three landmark cases from the Supreme Court of India. These cases were selected as they highlight various elements of judicial reasoning such as constitutional interpretation, fundamental rights and filling a legal gap.

This section will then discuss key findings from the research undertaken. Limitations of judicial reasoning will be discussed, alongside suggestions for how it can be improved. An overall conclusion will be drawn**.**

[34] Reserve Bank of India v. Peerless Gen. Fin. & Inv. Co., (1987) 1 S.C.C. 424 (India).

5.2 Case Study I- Kesavananda Bharati v. State of Kerala [1973]

5.2.1 Background & Facts

This case was brought due to constitutional issues with regards to land reform in the state of Kerala and the extent of Parliaments power to amend the constitution.[35] It was brought by Kesavananda Bharati who was the head of a religious institution. This case brought forward issues around Parliament power to amend fundamental rights.

Previous constitutional cases had considered the extent of Parliaments power to amend. The Court needed to identify if there was unlimited power or if certain aspects of the constitution needed to remain untouched.

This case was listed for hearing by a thirteen judge's bench. It is one of the most significant and important constitutional cases within Indian legal history.

5.2.2 Legal Issue

Whether parliamentary power to amend under article 368 meant they had unlimited power to amend any part of the constitution including parts of the constitution that affect the fundamental structure.[36]

5.2.3 Judicial Reasoning & Decisions

This case was decided by the Supreme Court with a majority vote. The majority ruled that Parliament has broad powers to amend but cannot amend the basic structure.[37]

The court had considered the wording of the constitution, the nature of the amending power and the overall structure of the constitution. The majority interpreted article 368 as part of the overall constitution.

The case created the basic structure doctrine. The judges' reasoning varied and which aspects of the constitution were seen as part of the basic structure. This does not mean that constitutional amendments cannot be made, but only that amendments cannot be made that would cause damage or destruction to the basic structure.

5.2.4 Significance of Judicial Reasoning

This indicates that the Courts have to consider the connection between the various parts of the constitution, it provides excellent guidance when considering constitutional provisions through principles.

Whilst the Court had taken in to consideration the Parliaments' power, they had attempted to

[35] Kesavananda Bharati v. Kerala, (1973) 4 S.C.C. 225 (India).
[36] India Const. art. 368.
[37] Kesavananda Bharati v. Kerala, (1973) 4 S.C.C. 225 (India).

uphold what the essential nature of the constitution actually was. This also provides us with an example of constitutional principles,

which can help guide those who make decisions in the future.

This also goes to show just how complex certain constitutional issues can be during cases. It gives you the opportunity as a Court to look at the interpretation of not just the

one part of the constitution but acknowledge what exactly they mean and how far they should be able to go.

This indicates that the Courts have to consider the connection between the various parts of the constitution, it provides excellent guidance when considering constitutional provisions through principles.

Whilst the Court had taken in to consideration the Parliaments' power, they had attempted to uphold what the essential nature of the constitution actually was. This also provides us with an example of constitutional principles,

which can help guide those who make decisions in the future.

This also goes to show just how complex certain constitutional issues can be during cases. It gives you the opportunity as a Court to look at the interpretation of not just the

one part of the constitution but acknowledge what exactly they mean and how far they should be able to go.

This indicates that the Courts have to consider the connection between the various parts of the constitution, it provides excellent guidance when considering constitutional provisions through principles.

Whilst the Court had taken in to consideration the Parliaments' power, they had attempted to uphold what the essential nature of the constitution actually was. This also provides us with an example of constitutional principles,

which can help guide those who make decisions in the future.

This also goes to show just how complex certain constitutional issues can be during cases. It gives you the opportunity as a Court to look at the interpretation of not just the

one part of the constitution but acknowledge what exactly they mean and how far they should be able to go.

This case therefore highlights how judicial reasoning can be used to define the constitutional boundaries**.**

5.3 Case Study II - Maneka Gandhi v. Union of India [1978]

5.3.1 Background & Facts

Maneka Gandhi had her passport confiscated by the Government under the Passports Act 1967.[38] She was not given full reasons for this due to the wording of the statute. She brought this case to the Supreme Court.[39]

The Court needed to consider if the action taken by the Government was justified as there was a procedure in place even though it may not be fair.

5.3.2 Legal Issue

Interpretation of article 21, which states "No person shall be deprived of his life or personal liberty except according to procedure established by law."[40]

The Court also needed to consider the relationship between articles 14, 19 and 21. Whether they should be interpreted individually or as a whole.

5.3.3 Judicial Reasoning & Decision

The Supreme Court in Maneka Gandhi v Union of India (1978) considered the balance between personal liberty and the procedure laid down by the law in Article 21. The Court also took into account the Articles 14 and 19 of the Constitution, which the Court highlighted should not be read in isolation. Its logic provided a greater understanding about the safeguarding of personal liberty and its need for fairness in legal proceedings[41]

5.3.4: Judicial Reasoning is important

The Maneka Gandhi judgment explains why reasoning in constitutional cases is crucial. The Court did not restrict its analysis to a narrow interpretation of Article 21, but also examined how Article 21 is connected with other fundamental rights. This was used to help define the boundaries of constitutional protection. The case illustrates the importance of interpreting with care and the consequences that this could have on the law and the safeguarding of individual rights.

5.4 Case Study III - Vishaka v. State of Rajasthan [1997]

5.4.1 Background & Facts

This case was brought due to sexual harassment of women in the workplace. There was no specific piece of comprehensive legislation to protect the petitioners so they went to the Supreme Court.[42]

This case raised an important issue of how constitutional rights can be protected when there is

[38] Passports Act, 1967, No. 15 of 1967, India Code.
[39] Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).
[40] India Const. art. 21.
[41] Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).
[42] Vishaka v. Rajasthan, (1997) 6 S.C.C. 241 (India).

no adequate legislation.

5.4.2 Legal Issue

Whether the Supreme Court could provide guidelines to combat sexual harassment in the workplace.

The Court needed to consider how the fundamental rights of women relate to what the State owes them and what can be done to protect them from harassment in the workplace.5.4.3 Judicial Reasoning & Decision

The Supreme Court referred to constitutional protections. These include article 14 (equality), article 15 (prohibits discrimination), article 19(1)(g) (freedom to practise profession) and article 21 (life and personal liberty).[43]

The Court also looked at international conventions relating to women. This included the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).[44]

As there was no specific legislation the Court provided guidelines to prevent and tackle sexual harassment in workplaces. These guidelines were known as the Vishaka Guidelines.[45]

This showed how constitutional principles can be applied to fill a serious gap in the law. It also recognised that even though there was no detailed legislation, fundamental rights still needed to be protected.

5.4.4 Significance of Judicial Reasoning

This case shows how purposive and principle-based reasoning can be used. As there was no detailed legal solution the Court related constitutional protections to the need to protect in the workplace.

This case also shows how judicial discretion can be used in difficult cases. The Court didn't ignore the lack of legislation but used the constitutional provisions and relevant international principles to provide guidelines.

This case also raises important issues relating to the limits of judicial power and the relationship between the judiciary and legislature. While the Court can use constitutional interpretation to fill legal gaps, it is an important role of Parliament to create long lasting legislation.

5.5 Comparison Between the Three Cases

These cases all show different ways that the Supreme Court has approached complex legal issues.

[43] India Const. arts. 14, 15, 19, cl. 1(g), 21.
[44] Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.
[45] Vishaka v. Rajasthan, (1997) 6 S.C.C. 241 (India).

Kesavananda Bharati looked at the limits of Parliaments constitutional amending powers. This created the basic structure doctrine. The Court considered the structure of the constitution and the need to preserve certain aspects.

Maneka Gandhi looked at how fundamental rights should be interpreted together. This increased the need for procedures affecting personal liberty to be fair, just and reasonable. This case shows how constitutional interpretation can be contextual and how protection can be provided against arbitrary actions by the state.

Vishaka looked at how the Court could fill a gap in the law. This was done by referring to constitutional rights and relevant international principles. This case shows how purposive reasoning can be used and how judicial power can be used to protect fundamental rights.

All of these cases share some common themes. They all required the Court to not take a narrow approach to individual legal provisions. All of the cases involved identifying relevant constitutional principles, considering conflicting legal issues and providing reasoning.

Overall, these cases show that judicial reasoning isn't purely mechanical and that it has limits. Judges must carefully interpret legal provisions, provide reasoning and stay within the confines of the constitution.

5.6 Key Findings from Research

By analysing the theories of law, sources of law, methods of interpretation and landmark cases the following findings can be made.

5.6.1 Judicial Reasoning is Important

A judicial reasoning is a statement that helps explain why a court reached a decision. This helps to understand the principles of the law and relate the facts to the law. If there is no reasoning provided it can be difficult to determine whether the law has been correctly applied. Using reasoning is therefore a vital part of a fair and just judicial system. Constitution and Legislation Provide Rule.

5.6.2 Constitution & Legislation Provide Rules

The Constitution and law are used to provide a resolution to cases within court. Judges will refer to these to determine which rules should apply. Some of these provisions may not be clear or easy to apply to certain facts. Therefore the court will look to the aims of the legislation and constitutional principles.

5.6.3 Precedents Provide Consistency

Judicial precedent can be used to ensure consistency. However it is important that the correct

principle is identified. They should also be applied appropriately to the case and are not always an authoritative source as they rely on the rules of judicial hierarchy.

5.6.4 Interpretation

There is not one way to interpret to answer all legal problems. Each method of interpretation (Literal, Golden Rule, Mischief Rule, Purposive, Harmonious Construction and Contextual) have their own purpose. Therefore the correct method will depend on how the question is phrased, context and type of legal issue.

5.6.5 Judicial Discretion

Sometimes judges may need to use judicial discretion in complex situations. This is usually because the legal provisions are not clear. However this does not mean they can use their own opinions as the conclusion must be backed up by legal sources, constitutional principles and reasoning.

Helps to understand the principles of the law and relate the facts to the law. If there is no reasoning provided it can be difficult to determine whether the law has been correctly applied. Using reasoning is therefore a vital part of a fair and just judicial system. Constitution and Legislation Provide Rule.

5.6.2 Constitution & Legislation Provide Rules

The Constitution and law are used to provide a resolution to cases within court. Judges will refer to these to determine which rules should apply. Some of these provisions may not be clear or easy to apply to certain facts. Therefore the court will look to the aims of the legislation and constitutional principles.

5.6.3 Precedents Provide Consistency

Judicial precedent can be used to ensure consistency. However it is important that the correct principle is identified. They should also be applied appropriately to the case and are not always an authoritative source as they rely on the rules of judicial hierarchy.

5.6.4 Interpretation

There is not one way to interpret to answer all legal problems. Each method of interpretation (Literal, Golden Rule, Mischief Rule, Purposive, Harmonious Construction and Contextual) have their own purpose. Therefore the correct method will depend on how the question is phrased, context and type of legal issue.

5.6.5 Judicial Discretion

Sometimes judges may need to use judicial discretion in complex situations. This is usually because the legal provisions are not clear. However this does not mean they can use their own opinions as the conclusion must be backed up by legal sources, constitutional principles and

reasoning.

5.6.6 Fundamental Rights and Constitutional Reasoning

The cases of Kesavananda Bharati and Maneka Gandhi highlight the importance of constitutionalism to safeguard the legal order and freedom of people. Vishaka can also be seen to demonstrate this. 5.6.7 Justification leads to accountability

A reasoned decision will make the judge accountable for their decision as they will provide justification for their decision. This can help the parties and higher courts to ensure the facts, legal provisions and arguments have been properly considered. Having a clear justification will also mean any mistakes can be picked up on and ensure consistency in the application of the law.

5.7 Ways of improving judicial reasoning

Being clear in your writing, careful consideration of the legal provisions and relevant cases will help to improve judicial reasoning.

The judges must clearly explain the facts of the case. They should explain how the facts relate to the law. Also they should consider the key arguments from both sides.

Regular application of law and correct citation of previous decisions can also enhance decisions.

These practices can help to improve the readability of decision-making and boost citizens' trust in the judiciary

WHITE BLACK LEGAL

BIBLOGRAPHY

I. PRIMARY SOURCES

A. Constitutional Provisions

1. The Constitution of India, 1950, Article 14 Equality before law.

2. The Constitution of India, 1950, Article 21 Protection of life and personal liberty.

3. The Constitution of India, 1950, Article 32 Remedies for enforcement of fundamental rights.

4. The Constitution of India, 1950, Article 141 Law declared by the Supreme Court to be binding on all courts.

5. The Constitution of India, 1950, Article 368 Power of Parliament to amend the Constitution and procedure therefor.

B. Judicial Decisions

1. Bengal Immunity Co. Ltd. v. State of Bihar, AIR 1955 SC 661.

2. Heydon's Case (1584) 3 Co Rep 7a; 76 ER 637.

3. K.P. Varghese v. Income Tax Officer, (1981) 4 SCC 173.

4. Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225.

5. Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

6. Reserve Bank of India v. Peerless General Finance and Investment Co. Ltd., (1987) 1 SCC 424.

7. Tirath Singh v. Bachittar Singh, AIR 1955 SC 830.

8. Venkataramana Devaru v. State of Mysore, AIR 1958 SC 255.

9. Vishaka v. State of Rajasthan, (1997) 6 SCC 241.

II. SECONDARY SOURCES

A. Books and Legal Commentaries:

1) Cardozo, Benjamin N., The Nature of the Judicial Process (Yale University Press, 1921)

2)Dworkin, Ronald, Law's Empire (Harvard University Press, 1986)

3) Dworkin, Ronald, Taking Rights Seriously (Harvard University Press, 1977)

4) Hart, H.L.A., The Concept of Law (3rd edn Oxford University Press, 2012)

5) Holmes, Oliver Wendell Jr., The Common Law (Little, Brown, and Company, 1881)

6) Levi, Edward H., An Introduction to Legal Reasoning (University of Chicago Press, 1949)

B. Articles and Academic Literature:

1) Articles about the nature, importance and basis of judicial reasoning.

2) Articles about H.L.A. Hart's rules theory of law and the indeterminacy of law.

3) Articles about Ronald Dworkin and his theory of principle.

4) Articles about legal realism.

5) Articles about deductive reasoning, analogical reasoning and principle-based reasoning.

6) Articles about statutory interpretation including literal, golden, mischief, purposive and harmonious construction.

7) Commentaries about judicial precedent, stare decisis, ratio decidendi and obiter dicta.

8) Articles about judicial discretion, constitutional interpretation and how principles have been developed through landmark judgements.

III. ELECTRONIC SOURCES

1. India Code, Government of India. The Constitution of India. Available at: https://www.indiacode.nic.in/

2. Supreme Court of India. Official website. Available at: https://www.sci.gov.in/

3. Indian Kanoon. Kesavananda Bharati v. State of Kerala. Available at: https://indiankanoon.org/

4. Indian Kanoon. Maneka Gandhi v. Union of India. Available at: https://indiankanoon.org/

5. Indian Kanoon. Vishaka v. State of Rajasthan. Available at: https://indiankanoon.org/

WHITE BLACK
LEGAL