

Session 2 - HOW TO BRIEF A CASE

I. Distinctions

A. **A case brief** is a dissection of a judicial opinion. It contains a written summary of the essential components of a decision.

- *Example:* In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court ruled on the Basic Structure doctrine. A case brief of this judgment would summarize the essential legal questions, ruling, and reasoning of the judges.

B. **Persuasive briefs** (trial and appellate) are formal documents filed in court to support a client's position.

- *Example:* In *Navtej Singh Johar v. Union of India* (2018), the petitioners filed persuasive briefs arguing against the constitutionality of Section 377 IPC, which criminalized same-sex relationships.

II. Functions of Case Briefing

A. Case briefing helps develop case analysis and legal reasoning skills.

- *Example:* A student analyzing *Vishaka v. State of Rajasthan* (1997) can understand how the Supreme Court interpreted international conventions to frame the Vishaka Guidelines against sexual harassment at the workplace.

B. Case briefing aids memory for:

Final Examinations – Quick recall of landmark judgments

During law exams, students need to quickly recall key judgments, their principles, and their application in different legal contexts. A structured case brief ensures clarity and efficiency in answering legal questions.

Example: *MC Mehta v. Union of India* (1986)

- **Facts:** A gas leak from the **Shriram Food and Fertilizer Plant** in Delhi caused severe environmental damage and affected thousands of people.
- **Legal Issue:** Whether the company could be held strictly liable for the environmental harm.
- **Judgment & Reasoning:**
 - The Supreme Court **expanded environmental jurisprudence** by introducing the **Absolute Liability Doctrine**.
 - Unlike the Strict Liability rule in **Rylands v. Fletcher**, the court held that industries engaged in hazardous activities must be **absolutely liable** for any damage, without exceptions.
 - This case strengthened **public interest litigation (PIL)** and reinforced **the duty of industries** to prevent environmental harm.

3. Writing Legal Analyses – Examining the impact of landmark decisions

Legal writing requires a detailed understanding of **judicial reasoning** and its impact on legal development. Case briefs help in analyzing case law critically, assessing **judicial trends**, and making arguments in legal research and writing.

Example: Shayara Bano v. Union of India (2017)

- **Facts:** Shayara Bano challenged the practice of **Triple Talaq (Talaq-e-Bid'ah)**, arguing that it violated her fundamental rights.
- **Legal Issue:** Whether **Triple Talaq** was unconstitutional under Articles 14 (Right to Equality) and 21 (Right to Life and Personal Liberty).
- **Judgment & Reasoning:**
 - The Supreme Court **struck down Triple Talaq as unconstitutional**.
 - The court reasoned that the practice was **arbitrary**, lacked **legal sanctity**, and violated **women's rights to equality and dignity**.
 - The judgment reinforced the importance of **gender justice and constitutional morality**.
- **Significance in Legal Analysis:**
 - Helps in discussing **gender justice and constitutional interpretation**.
 - Useful in comparing with other **progressive judgments on personal laws**.
 - Highlights the role of **judicial intervention in personal laws and secularism**.

Tip: Do not memorize case briefs; rather, understand the reasoning and how cases fit in the broader legal landscape.

III. Briefing a Case: Steps

1. Read the Opinion/Judgement First

Understanding the entire judgment before summarizing ensures that the core issues and reasoning are grasped properly.

- *Example:* In *State of Tamil Nadu v. Suhas Katti* (2004), one should first read the judgment to understand how cyberstalking was prosecuted under the IT Act.

2. Heading

- a. **Case Name:** *Shreya Singhal v. Union of India*
- b. **Court Name:** Supreme Court of India
- c. **Date of Decision:** 24 March 2015
- d. **Page Number/Citation:** Available in SCC/Manupatra

3. Statement of Facts

- a. Identify the relationship/status of the parties.

- *Example:* In *Lily Thomas v. Union of India* (2000), the petitioner was an advocate challenging the legality of religious conversion for polygamy.

b. Identify legally relevant facts.

- *Example:* In *K.S. Puttaswamy v. Union of India* (2017), the court considered whether privacy was a fundamental right under the Constitution.

c. Identify procedurally significant facts.

- *Example:* In *Mohini Jain v. State of Karnataka* (1992), the petitioner challenged the capitation fee system, leading to the ruling that the Right to Education is a fundamental right.

4. Procedural History (PH)

a. Decision(s) of lower courts.

- *Example:* In *Aruna Shanbaug v. Union of India* (2011), the Bombay High Court first addressed euthanasia before the Supreme Court provided final guidelines.

b. Damages awarded, if relevant.

- *Example:* In *Nilabati Behera v. State of Orissa* (1993), the Supreme Court granted compensation for custodial death under Article 32.

c. Who appealed and why?

- *Example:* In *ADM Jabalpur v. Shivkant Shukla* (1976), habeas corpus petitions were filed during the Emergency against preventive detention orders.

5. Issues

1. Substantive Issue

A **substantive issue** in a case relates to the core **legal question** concerning the rights, duties, or legal principles in dispute. It involves **constitutional interpretation, statutory validity, or fundamental rights**.

Example: Shayara Bano v. Union of India (2017) – Triple Talaq Case

Facts of the Case:

- Shayara Bano, a Muslim woman, was given **instant triple talaq (Talaq-e-Bid'ah)** by her husband.
- She challenged this practice as unconstitutional, arguing that it violated her **fundamental rights**.

Substantive Issue:

- Whether the practice of **instant triple talaq** violates Articles **14 (Right to Equality)**, **15 (Non-discrimination)**, and **21 (Right to Life and Dignity)** of the Indian Constitution.
- Whether **triple talaq** is an **essential religious practice** under **Article 25 (Freedom of Religion)** and therefore protected from judicial interference.

Court's Decision & Reasoning:

- The Supreme Court **invalidated** the practice of **instant triple talaq**, holding that it was **arbitrary and unconstitutional**.
- The majority ruled that it **violated gender justice, equality, and dignity** under **Article 14 and 21**.
- The ruling reinforced that religious practices must conform to **constitutional values** and cannot be **arbitrary or discriminatory**.

2. Procedural Issue

A **procedural issue** concerns whether the court or legal process **followed the correct procedures**, including:

- **Jurisdictional questions** (whether a court has the authority to hear a case).
- **Errors in legal procedure** (such as improper evidence, incorrect application of law, or judicial review limitations).
- **Re-examination of decisions** (whether a higher or the same court can revisit its own ruling).

Example: Rupa Ashok Hurra v. Ashok Hurra (2002) – Can the Supreme Court Reconsider Its Own Judgment?

Facts of the Case:

- Rupa Ashok Hurra challenged a Supreme Court decision in a **matrimonial dispute**.
- She argued that the earlier judgment had caused **gross miscarriage of justice** and requested the Supreme Court to **reconsider its own ruling**.

Procedural Issue:

- Can the **Supreme Court review or reconsider its own final judgment** under **Article 32 (Right to Constitutional Remedies)**?
- Can a **curative petition** be filed after a review petition has already been dismissed?

Court's Decision & Reasoning:

- The Supreme Court ruled that while it **cannot normally reopen final judgments**, it may do so **in rarest of rare cases** where there is a **miscarriage of justice**.
- The court introduced the **Curative Petition Doctrine**, allowing a party to seek **reconsideration of a Supreme Court judgment even after a review petition is dismissed**, but only under **exceptional circumstances**.
- A curative petition must be based on:
 - **Violation of natural justice.**

- **Evidence that the judgment was obtained through fraud or suppression of material facts.**

6. Judgment

- *Example: In Maneka Gandhi v. Union of India*, the Supreme Court held that Article 21 includes the right to a fair procedure and struck down arbitrary passport impoundment.

7. Holding

- *Example: Vishaka v. State of Rajasthan* – The Court held that sexual harassment at the workplace violates fundamental rights, leading to Vishaka Guidelines.

8. Rule of Law or Legal Principle Applied

- *Example: MC Mehta v. Union of India* – The "Absolute Liability" principle was applied in the Oleum gas leak case, establishing strict liability for hazardous industries.

9. Reasoning

- *Example: K.S. Puttaswamy v. Union of India* – The Court reasoned that privacy is an intrinsic part of Article 21 and essential for dignity and liberty.

10. Concurring/Dissenting Opinions

- *Example: A.K. Gopalan v. State of Madras (1950)* – Justice Fazl Ali dissented, arguing for a broader interpretation of personal liberty, which later influenced *Maneka Gandhi*.
- *Example: Kesavananda Bharati* – Justice H.R. Khanna's opinion was crucial in establishing the Basic Structure doctrine.

11. Additional Comments/Personal Impressions

- Was the reasoning sound?
- Could there be a better interpretation?
- What are the social/political impacts?

Example: In Navtej Singh Johar v. Union of India, the decriminalization of homosexuality had far-reaching social implications.

Additional Points to Consider

1. **Comparative Analysis** – How does the case relate to similar rulings in other jurisdictions?
 - *Example: The Indian ruling in Shreya Singhal v. Union of India* on free speech can be compared to the U.S. case *Brandenburg v. Ohio*.
2. **Impact on Future Cases** – How does the ruling shape jurisprudence?

- *Example: K.S. Puttaswamy* laid the foundation for later cases like *Internet Freedom Foundation v. Union of India* (Aadhaar challenges).
3. **Statutory Interpretation** – Was the court interpreting a statute or the Constitution?
- *Example: Lalita Kumari v. Govt. of UP* clarified mandatory FIR registration under Section 154 CrPC.

How to Brief a Case – Example: **Kesavananda Bharati v. State of Kerala (1973)**

Steps in Case Briefing	Application in Kesavananda Bharati Case
1. Read the Opinion First	<p>Before briefing, read through the entire judgment to understand its facts, legal issues, and reasoning.</p> <ul style="list-style-type: none"> - Case Name: Kesavananda Bharati v. State of Kerala (1973)
2. Heading	<ul style="list-style-type: none"> - Court: Supreme Court of India - Date of Decision: April 24, 1973 - Citation: AIR 1973 SC 1461
3. Statement of Facts	<ul style="list-style-type: none"> - Kesavananda Bharati, a religious leader (pontiff of Edneer Mutt, Kerala), challenged the Kerala government's land reform laws, which placed restrictions on the management of his religious institution's property. - He filed a petition under Article 32 of the Indian Constitution, arguing that the Kerala Land Reforms Act violated his fundamental rights under Articles 14, 19, 25, and 26. - The case was heard by a 13-judge Constitution Bench, the largest bench in Indian judicial history.
4. Procedural History	<ul style="list-style-type: none"> - It reconsidered the earlier ruling in Golaknath v. State of Punjab (1967), which held that Parliament could not amend Fundamental Rights. - The court had to determine whether the 24th, 25th, and 29th Constitutional Amendments were valid. <p>Substantive Issues:</p> <ul style="list-style-type: none"> - Does Parliament have unlimited power to amend the Constitution under Article 368? - Can Parliament amend or alter Fundamental Rights, including the Right to Property (Article 31)?
5. Issues	<ul style="list-style-type: none"> - Is there a limitation on Parliament's power to amend the Constitution? <p>Procedural Issue:</p> <ul style="list-style-type: none"> - Was the Supreme Court correct in revisiting its earlier decision in Golaknath?
6. Judgment	<ul style="list-style-type: none"> - The Supreme Court ruled by a 7:6 majority that while Parliament has the power to amend the Constitution, it cannot alter the "Basic Structure" of the Constitution. - The court partially upheld and partially struck down the 24th, 25th, and 29th Amendments.

Steps in Case Briefing

Application in Kesavananda Bharati Case

7. Holding

- **Basic Structure Doctrine:** Parliament **cannot amend the basic structure** of the Constitution, even under **Article 368**.
- **Fundamental Rights can be amended**, but not in a manner that **damages or destroys the Constitution's core principles**.

8. Rule of Law or Legal Principle Applied

- The **Basic Structure Doctrine** was introduced, ensuring that certain essential features of the Constitution (like democracy, secularism, federalism, judicial review) **remain intact**.

9. Reasoning

- The ruling overruled **Golaknath** to the extent that it allowed amendments to Fundamental Rights but imposed **limitations** on Parliament's power.
- The Supreme Court reasoned that **unrestricted amendment power could lead to authoritarian rule** and destroy the democratic nature of the Constitution.

10. Concurring/Dissenting Opinions

- The court emphasized that **the Constitution is not just a political document but a social contract**, and therefore, its fundamental principles must remain inviolable.
- **Majority (7 Judges):** Parliament's power to amend is **not unlimited**, and the **basic structure must be preserved**.
- **Dissenting (6 Judges):** Parliament should have the power to amend any part of the Constitution, including Fundamental Rights.

11. Additional Comments/Personal Impressions

- This case strengthened **judicial supremacy** over constitutional amendments.
- It serves as the foundation for several later rulings, including **Indira Gandhi v. Raj Narain (1975)** and **Minerva Mills v. Union of India (1980)**.
- The case ensured that democracy, rule of law, and separation of powers remain **protected from arbitrary amendments**.

Conclusion

Case briefing is a crucial skill for law students and professionals. Using Indian cases makes the process more relevant. Each case brief should focus on legal reasoning, precedent, and the impact of the ruling. The below mentioned tabular form aptly summarises as to how to brief a case.