

## Session No.3 -Legal Research in Case Law: An Overview and Approach (India)

Legal research in case law involves identifying, analyzing, and interpreting judicial decisions to apply them effectively to a legal issue or case. It is a crucial aspect of the legal profession, enabling lawyers, judges, and scholars to understand the principles established by courts and to build strong arguments.

### Concept of Case Law

Case law refers to legal principles and rules established in judicial decisions. In India, case law is a primary source of law, supplementing statutes, regulations, and constitutional provisions. The doctrine of **precedent** (stare decisis) plays a vital role, where decisions of higher courts bind lower courts.

### Key Aspects of Case Law in India:

#### 1. Judicial Hierarchy

The Indian judiciary operates under a hierarchical structure. The principle of judicial hierarchy ensures consistency in legal interpretation and application.

#### 1. Binding Nature of Supreme Court Decisions:

As per **Article 141** of the Indian Constitution, the law declared by the Supreme Court is binding on all courts in India.

#### Example:

In **Keshavananda Bharati v. State of Kerala (1973)**, the Supreme Court established the **Basic Structure Doctrine**. This doctrine prevents Parliament from amending the Constitution to destroy its fundamental framework. It is binding on all courts and has been reaffirmed in subsequent cases like **Minerva Mills v. Union of India (1980)**.

#### 2. High Court Decisions:

High Court rulings are binding on subordinate courts within the High Court's territorial jurisdiction. However, High Court judgments are not binding on other high courts.

#### Example:

A decision by the Delhi High Court, such as in **Naz Foundation v. Government of NCT of Delhi (2009)** (which initially decriminalized homosexuality under Section 377 IPC), was binding only on courts within Delhi's jurisdiction before the Supreme Court

revisited the matter in **Navtej Singh Johar v. Union of India (2018)** and decriminalized it nationwide.

## 2. Ratio Decidendi

**Ratio Decidendi** (Latin for "the reason for the decision") refers to the legal principle or rationale that forms the foundation of a judicial decision. It is the binding element of a case and serves as a precedent for future cases with similar legal issues.

### Example:

In **Maneka Gandhi v. Union of India (1978)**, the Supreme Court ruled that the right to personal liberty under Article 21 of the Constitution includes the right to travel abroad. The ratio of this case is the interpretation of **Article 21**, requiring procedures established by law to be fair, just, and reasonable. This ratio became binding and expanded the scope of Article 21.

## 3. Obiter Dicta

**Obiter Dicta** (Latin for "things said by the way") refers to observations, comments, or opinions made by a judge in a judgment that are not essential to the resolution of the case. While not binding as precedent, obiter dicta often hold **persuasive value** and may influence future decisions.

### Example:

**A.K. Gopalan v. State of Madras (1950):**

Obiter Dicta: Justice Fazl Ali observed that the phrase "due process of law" could have been included in the Indian Constitution for better protection of rights. This observation influenced later interpretations of Article 21 in **Maneka Gandhi v. Union of India (1978)**

## 4. Overruling and Distinguishing

- **Overruling:**

A higher court may overrule a precedent set by itself or a lower court when it believes the earlier decision is incorrect. Overruling nullifies the earlier precedent.

### Example:

In **Shankari Prasad v. Union of India (1951)**, the Supreme Court upheld Parliament's power to amend Fundamental Rights under Article 368. However, this was overruled in **Golak Nath v. State of Punjab (1967)**, which held that Fundamental Rights cannot

be amended. Later, **Keshavananda Bharati v. State of Kerala (1973)** partially overruled Golak Nath by introducing the Basic Structure Doctrine.

- **Distinguishing:**

Courts may distinguish a case by identifying significant differences in facts or legal context, rendering an earlier precedent inapplicable.

- **Example:**

In **State of Orissa v. Sudhansu Sekhar Misra (1968)**, the Supreme Court held that a case is a precedent only for what it decides and not for what logically follows. For instance, a ruling on compensation for land acquisition in an urban area may not apply to rural land due to differences in valuation methods and economic contexts.

## Steps to conduct Case Law Research

### 1. Define the Legal Issue

- **Explanation:**

Clearly identify the legal issue you want to address. This involves understanding the facts of your case and formulating the question of law you seek to answer. Also, determine the statutory provisions or area of law relevant to the issue.

- **Example:**

If the issue involves the enforceability of a non-compete clause in an employment agreement, the question could be:

*“Is a non-compete clause valid under Indian contract law?”*

Relevant provisions: Section 27 of the **Indian Contract Act, 1872**, which declares agreements in restraint of trade void.

### 2. Choose Reliable Research Tools

- **Explanation:**

Use trusted sources to access judgments, statutes, and commentaries. Online legal databases, law journals, and digests are indispensable tools for efficient research.

- **Example:**

To research non-compete clauses, use:

- **Manupatra:** Search for landmark cases like *Niranjan Shankar Golikari v. Century Spinning and Mfg. Co. Ltd. (1967)*.

- **Commentaries:** Refer to leading books on contract law by authors like Pollock & Mulla.

### 3. Identify Key Terms and Keywords

- **Explanation:**

Pinpoint keywords related to your issue, including legal phrases, synonyms, and statutory references. This ensures a focused and comprehensive search.

- **Example:**

For non-compete clauses, relevant keywords may include:

- "Non-compete agreement"
  - "Restraint of trade"
  - "Reasonable restriction"
  - "Section 27 Indian Contract Act"
- Use these terms to conduct searches like:  
*“(non-compete OR restraint of trade) AND Section 27.”*

### 4. Search for Relevant Judgments

- **Explanation:**

Begin with decisions from higher courts, as they carry more authority. Examine the facts, principles, and reasoning applied in judgments. Verify whether the case is still valid by checking if it has been overruled, affirmed, or cited subsequently.

- **Example:**

- Search for **Supreme Court** judgments such as *Superintendence Company v. Krishan Murgai (1980)*, which discusses restraints of trade.
- Check the status of cases using tools like the "Citing References" feature in Manupatra to ensure they have not been overruled.

### 5. Analyze the Case

- **Explanation:**

Once you have the judgment, analyze its key elements:

- **Facts:** Understand the background of the case and the dispute.
- **Ratio Decidendi:** Extract the legal principle applied to resolve the issue.
- **Obiter Dicta:** Note non-binding observations that may provide persuasive value.

- **Applicability:** Determine how closely the case aligns with your issue.
- **Example:**  
In *Niranjan Shankar Golikari v. Century Spinning (1967)*:
  - **Facts:** The employee left the employer prematurely, violating a non-compete clause.
  - **Ratio Decidendi:** Non-compete clauses tied to the duration of employment and protecting legitimate business interests are enforceable.
  - **Obiter Dicta:** The court observed that post-employment restrictions are generally viewed more critically.

## 6. Look for Analogous Cases

- **Explanation:**  
Identify cases with similar facts or legal issues to strengthen your argument. Distinguish cases that appear similar but have significant factual differences.
- **Example:**  
Compare cases like:
  - *Gujarat Bottling Co. v. Coca-Cola Co. (1995)*: The Supreme Court upheld a non-compete clause as reasonable because it was essential to protect the business.
  - Distinguish *Superintendence Company v. Krishan Murgai (1980)*: The court invalidated a non-compete clause, finding it too broad and unnecessary to protect legitimate interests.

## 7. Trace Precedents and Subsequent Citations

- **Explanation:**  
Study the case's reliance on earlier judgments (precedents) and check how it has been cited in later cases. This helps in understanding the judgment's authority and relevance.
- **Example:**
  - In *Shreya Singhal v. Union of India (2015)*, the Supreme Court struck down Section 66A of the IT Act for being unconstitutional.
  - Trace its reliance on earlier free speech cases like *Romesh Thappar v. State of Madras (1950)*.
  - Check subsequent cases like *Facebook v. Union of India (2019)* to understand its impact on intermediary liability laws.

## 8. Organize and Present Findings

- **Explanation:**

Structure your research to present it clearly. Use headings, summaries, and charts to articulate key points and their relevance to your issue.

- **Example:**

If researching non-compete clauses:

- **Introduction:** Brief overview of the issue (validity under Section 27).
- **Case Law Analysis:** Summarize key judgments in tabular form:

| Case                                    | Facts   | Ratio Decidendi                                    | Outcome             |
|---|---|--|---------------------|
| <i>Niranjan Shankar Golikari (1967)</i> | Non-compete during employment was challenged. | Enforceable if tied to the duration of employment. | Clause upheld.      |
| <i>Superintendence Co. (1980)</i>       | Broad post-employment restriction challenged. | Overly restrictive clauses are void under Sec. 27. | Clause invalidated. |

## Part 2- Legal Case Law Research Through Legal Citation

Legal citations are references to case laws, statutes, or other legal authorities in a standardized format. They act as a key to locating judgments and understanding their relevance. Here's how you can effectively conduct case law research using legal citations:

### 1. Understand the Components of a Legal Citation

A legal citation typically includes:

- **Case Name:** The parties involved in the case (e.g., *Kesavananda Bharati v. State of Kerala*).
- **Year:** The year of the judgment.
- **Court Name or Abbreviation:** Indicates where the case was decided (e.g., SC for Supreme Court, HC for High Court).
- **Volume and Reporter Name:** Indicates the publication where the judgment is reported (AIR, SCR etc.).

- **Page Number:** The starting page of the case.
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## 2. Choose a Legal Research Platform

Use legal databases that support citation-based searches, such as:

- **Manupatra**
- **LexisNexis**

**Example:** Manupatra directly input the citation (MANU/SC/0126/2000) retrieve the case details.

## 3. Search the Case Using Citation

- Input the complete citation into the search bar of a legal database.
- If only a partial citation is available, filter the search by court, year, or volume.

## 4. Analyze the Case

Once you locate the case:

- **Read the Judgment:** Focus on the facts, ratio decidendi, and obiter dicta.
- **Check Precedents and Citations:** Use the database's "Cited By" or "Referring Cases" feature to identify judgments that have relied on this case.
- **Verify Case Validity:** Ensure the case has not been overruled or modified.

**Example:**

- *Keshavananda Bharati v. State of Kerala (1973)* cites numerous precedents on constitutional amendments.
- Tools like "Cited in Para" on Manupatra will display all cited and citing cases.

## 5. Use Parallel Citations

In India, the same judgment may be reported in multiple law reporters. These are known as parallel citations. If a specific reporter isn't accessible, search using another.

**Example of Parallel Citations for the Same Case:**

*Kesavananda Bharati v. State of Kerala:*

- MANU/SC/0445/1973
- AIR 1973 SC 1461

## **6. Conduct Case Law Research Without a Complete Citation**

If you only have partial information (e.g., party names or year):

- Use wildcard searches (e.g., "*Maneka Gandhi*" AND 1978).
- Input known keywords or phrases from the judgment into advanced search tools.

**Example:**

Searching and putting up a keyword as "*personal liberty Article 21*" Manupatra will lead you to *Maneka Gandhi v. Union of India (1978)*.

## **7. Cross-Verify Citations in Judicial Pronouncements**

Judgments often reference other case laws. Use these references to:

- Trace the development of legal principles.
- Identify related judgments.

**Example:**

In *Vishaka v. State of Rajasthan (1997)*, the court cited international conventions and earlier cases to frame guidelines on sexual harassment at the workplace.

## **8. Organize the Research**

Once you've gathered the case laws:

- Create a summary with key points, such as:
  - Facts



- Ratio Decidendi
- Obiter Dicta
- Relevance to your issue
- Cross-check the relevance and applicability of each judgment to your research.

## Tips for Effective Legal Research in India

### Tips for Effective Legal Research in India (For Law Students)

#### 1. Understand the Basics of Case Law

- Learn to differentiate between **ratio decidendi** (binding principles) and **obiter dicta** (persuasive but non-binding).
- Understand the importance of precedents and how they apply based on judicial hierarchy.

#### 2. Start with a Clear Question

- Clearly define the legal issue you're researching. Break it into simple components (e.g., legal principle, facts, and jurisdiction).

#### 3. Choose the Right Database

- Begin with easy-to-use platforms like **Indian Kanoon** for free access, and gradually explore paid databases like **Manupatra**, or **LexisNexis** for detailed analysis.

#### 4. Use Keywords Effectively

- Combine keywords with Boolean operators (AND, OR, NOT) for precise results.

Example: To find cases on “dowry harassment,” use phrases like “**Section 498A AND cruelty**” or “**dowry prohibition**”.

#### 5. Focus on Leading Judgments

- Look for landmark or seminal cases first to understand the core principles before diving into subsequent judgments.

Example: For constitutional rights, start with cases like **Maneka Gandhi v. Union of India (1978)** or **Kesavananda Bharati (1973)**.

#### 6. Utilize the "Cited By" Feature

- Manupatra, use the “Cited in” feature to trace how a case has been interpreted in subsequent judgments.

## 7. Check for Validity

- Ensure the judgment is still good law. Look for annotations or updates indicating whether it has been overruled or modified.

## 8. Refer to Parallel Citations

- Use parallel citations when a preferred law reporter is unavailable.

## 9. Summarize Cases for Easy Reference

- Create a short summary for each case, including the facts, issue, ratio decidendi, and conclusion.

Example:

- **Case Name:** Maneka Gandhi v. Union of India (1978).
- **Facts:** Passport impounded without hearing.
- **Ratio:** Article 21 includes the right to travel abroad, and laws must be fair and reasonable.

## 10. Ask Professors and Seniors for Guidance

- Seek recommendations on books or commentaries (e.g., **M.P. Jain for constitutional law** or **Ratanlal & Dhirajlal for criminal law**) and advice on research tools.

## 11. Stay Organized

- Maintain a notebook or digital file to track your research. Group cases by topic for easy reference in exams or moot courts.

## 12. Practice Regularly

- Regularly research topics assigned in class, even for hypothetical problems, to develop familiarity with legal research tools and methodologies.

## 13. Use Summaries and Headnotes

- Start by reading the headnotes of a case to understand its essence, and dive into the full judgment for a deeper analysis when required.

## 14. Refer to Law Journals and Commentaries

- Supplement case law with insights from law journals and leading commentaries to understand judicial trends and interpretations.

## 15. Develop a Research Plan

- Allocate specific time to legal research, and approach it systematically by narrowing down from broader principles to specific case laws.