

**NATIONAL CONFERENCE FOR HIGH COURT JUSTICES ON JUDGEMENT
WRITING**

[P- 1350]

TABLE OF CONTENTS

Serial No	SESSION 1: ART OF JUDGMENT WRITING AND LISTENING: AN OVERVIEW	Page. No
Articles/Journals		
1.	P.Deepak, <i>Who Reads A Judgment?</i> Available at : https://www.livelaw.in/columns/judgement-writing-141891 , 6 Jan (2019)	
2.	S. Sivakumar , <i>Judgment or Judicial Opinion: How to Read and Analyse</i> , Journal of the Indian Law Institute , July – September 2016, Vol. 58, No. 3 (July – September 2016), pp. 273-312	
3.	Barry Sullivan, <i>Just Listening: The Equal Hearing Principle and the Moral Life of Judges</i> , 48 Loyola University Chicago, School of Law, 351 (2016)	
4.	Paula Lustbader, <i>Listening from the Bench Fosters Civility and Promotes Justice</i> , 13(3) Seattle Journal for Social Justice 903 (2015)	
5.	Jonathan R. Cohen, <i>Open-Minded Listening</i> , 5 Charlotte L. Rev. 139 (2014)	
6.	Hon. Jesse G. Reyes, <i>From the Judge’s Side of the Bench: The Value of Listening</i> Available at: https://www.decaloguesociety.org/assets/docs/Tablets/Spring2021/From%20the%20Judge%E2%80%99s%20Side%20of%20the%20Bench-The%20Value%20of%20Listening.pdf	
7.	David Bell , <i>The Art of Judgement</i> , Mind , Apr., 1987, New Series, Vol. 96, No. 382 (Apr., 1987), pp. 221-244	
8.	William A. Haskins, <i>The Art of Listening</i> , 10(4) Summer pp. 46-48 (1984)	
9.	Cornelius F. Murphy Jr., <i>Justice and Judgment</i> , 23 Buff. L. Rev. 565 (1974) Available at: https://digitalcommons.law.buffalo.edu/buffalolawreview/vol23/iss3/3	
CASE LAW JURISPRUDENCE (<i>Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for a conclusive opinion</i>)		
10.	<i>Shakuntala Shukla v. State of Uttar Pradesh</i> , 2021 SCC OnLine SC 672 (Para 9) “Judgment” means a judicial opinion which tells the story of the case; what the case is about; how the court is resolving the case and why. ... It is also defined as the decision or the sentence of a court in a legal proceeding along with the reasoning of a judge which leads him to his	

	<p><i>decision. ... It is not adequate that a decision is accurate, it must also be reasonable, logical and easily comprehensible. The judicial opinion is to be written in such a way that it elucidates in a convincing manner and proves the fact that the verdict is righteous and judicious. What the court says, and how it says it, is equally important as what the court decides. ... The judgment replicates the individuality of the judge and therefore it is indispensable that it should be written with care and caution. The reasoning in the judgment should be intelligible and logical. Clarity and precision should be the goal. All conclusions should be supported by reasons duly recorded.</i></p>	
11.	<p>CIT v. Saheli Leasing & Industries Ltd., (2010) 6 SCC 384</p> <p>Apex Court laid down guidelines with regards structure of a judgement. These guidelines are only illustrative in nature, not exhaustive and can further be elaborated looking to the need and requirement of a given case :-</p> <ul style="list-style-type: none"> • Every statement should be related to facts and applicable law. • Read and re-read and re-correct the draft. • Should have sustained chronology – perfect sequence of events. • Do not load with legal knowledge –creates confusion rather than clarity. • Easy language – no contrived effort. • Avoid giving instances which would injure any individual or society. <p>Deliver judgment promptly.</p>	
12.	<p>Haryana Financial Corporation v. Jagdamba Oil Mills (2002) 3 SCC 496.</p> <p>Judgments of courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes, their words are not to be interpreted as statutes.</p>	
13.	<p>Gurdit Singh v. State of Punjab (1974) 2 SCC 260</p> <p>A judgment, as the culmination of the action, declares the existence of the right, recognises the commission of the injury, or negatives the allegation of one or the other.</p>	
Additional Readings		
1.	Eliza Hirst, The Art of Listening Effectively , American Bar Association (July 09, 2021).	
2.	Joanna Kalowski, The Art of Courtroom Communication , 47(3) Law Society of NSW Journal (2009)	
SESSION 2		
AN IDEAL JUDGEMENT WRITING- STRUCTURE OF A JUDGEMENT		
Articles/Journals		
1.	Justice R.V.Raveendran, Rendering Judgments- Some Basics , (2009)10 SCC J-1	

2.	Justice Sunil Ambwani, <i>The Art of Writing Judgment</i> , (2009) Available at : https://www.allahabadhighcourt.in/event/Speech_Justice_Sunil_Ambwani_31_01_2009.doc	
3.	Lord Denning, <i>Plain English</i> in 'The Closing Chapter' (Oxford University Press,2011) pp 56-65	
4.	Bharat Chugh & Vishal Vyas, <i>The Art of Writing Orders in Civil Cases</i> , 22 January (2022) Available at: https://www.livelaw.in/columns/the-art-of-writing-orders-in-civil-cases-90081?infinitemscroll=1	
5.	Arun Mohan, <i>The Judgment and the Decree</i> in 'Justice, Courts and Delays' (Universal Law Publishing, 2009), pp.1394-1438	
6.	Andrew Goodman, <i>The use of Language in Judgments</i> in 'How Judges Decide Cases: Reading, Writing and Analysing Judgments' (Universal Law Publishing Co. Pvt. Ltd., 2007), pp.171-198	
7.	Richard A. Posner, " <i>Judges' Writing Styles (And Do They Matter?)</i> ," 62 University of Chicago Law Review 1420 (1995).	
8.	Sir Harry Gibbs , <i>Judgment Writing</i> , (Judges Conference, 19th January 1993)	
9.	Robert. A. Lefler , Quality in Judicial Opinions, 3 Pace L. Rev.579 (1983)	
10.	B. N. Cardozo, ' <i>Law and Literature</i> ' Yale Review 489–507(1925)	
11.	Francis A. Leach, <i>The Length of Judicial Opinions</i> , The Yale Law Journal, Dec., 1911, Vol. 21, No. 2 (Dec., 1911), pp. 141-146	
12.	Justice Oliver Wendell Homes, <i>The Path of the Law</i> , Harvard Law Review , Mar. 25, 1897, Vol. 10, No. 8 (Mar. 25, 1897), pp. 457-478	
CASE LAW JURISPRUDENCE (<i>Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for a conclusive opinion</i>)		
13.	<i>SBI & Another v. Ajay Kumar Sood</i> , (2022) SCC OnLine 1067 <i>The judgment replicates the individuality of the judge and therefore it is indispensable that it should be written with care and caution. The reasoning in the judgment should be intelligible and logical. Clarity and precision should be the goal. All conclusions should be supported by reasons duly recorded. The findings and directions should be precise and specific. Writing judgments is an art, though it involves skillful application of law and logic.</i>	
14.	<i>Ajit Mohan v. Legislative Assembly Delhi</i> , 2021 SCC OnLine SC 495 <i>It is the need of the hour to write clear and short judgments which the litigant can understand. The Wren & Martin principles of precis writing must be adopted.</i>	
15.	<i>State of Bihar v. Nasruddin Mian</i> , 2021 SCC OnLine Pat 1240 <i>Judges must make a dispassionate assessment of evidence and that the Courts and Judges should not be swayed by the horror of crime and the character of the person. The judgment should be made by a Judge uninfluenced by his own imagined norms of the functioning of the society.</i>	

16.	<i>State of Gujarat v. Justice R.A. Mehta</i> , AIR 2013 SC 693. <i>Judges must not use strong and carping language, rather they must act with sobriety, moderation and restraint, as any harsh and disparaging strictures passed by them, against any person may be mistaken or unjustified, and in such an eventuality, they do more harm and mischief, than good, therefore resulting in injustice.</i>	
17.	<i>Joint Commissioner of Income Tax Surat v. Saheli Leasing and Industries Ltd.</i> (2010) 6 SCC 384 <i>The Apex court laid out the guidelines for writing, these guidelines are only illustrative in nature, not exhaustive and can further be elaborated looking to the need and requirement of a given case.</i> <i>State only what are germane to the facts of the case; Must have correlation with applicable law and facts; Ratio decidendi should be clearly spelt out; Go through the draft thoroughly; Sustained chronology in judgment – perfect sequence of events; Citations should afford clarity rather than confusion; Pronounce judgment at the earliest.</i>	
18.	<i>D. Macropollo and Co. (Private) Ltd. v. D. Macropollo and Co. (Private) Ltd., Employees' Union</i> , AIR 1958 SC 1012 <i>Unbalanced language is out of place in a judicial adjudication</i>	
Additional Readings		
1.	Griffin B. Bell, <i>Style in Judicial Writing</i> , 15 J. PUB. L. 214 (1966)	
2.	Matthew Groves & Russell Smyth, <i>A Century of Judicial Style: Changing Patterns in Judgment Writing on the High Court 1903-2001</i> , 32 FED. L. REV. 255 (2004).	
3.	Plain is Fine: Law, Legislation, and Language' , By Justice Dama Seshadri Naidu	
SESSION 3 JUDICIAL REASONING IN JUDGMENTS		
Articles/Journals		
1.	Lord Burrows, <i>Judgment-Writing: A Personal Perspective</i> (Annual Conference of Judges of the Superior Courts in Ireland, Justice 20 May 2021)	
2.	<i>Editing the Opinion</i> , Judicial Writing Manual: A Pocket Guide for Judges (Second Edition, Federal Judicial Center, 2013)	
3.	Lord Neuberger, <i>No Judgment – No Justice</i> (First annual BAILII Lecture, 20 November 2012)	
4.	Andrew Goodman, <i>Writing Judgments, Decisions and Awards</i> in 'How Judges Decide Cases: Reading, Writing and Analysing Judgments' (Universal Law Publishing Co. Pvt. Ltd., 2007), pp.171-198	
5.	Aharon Barak, <i>The Judgment</i> in 'The Judge in a Democracy' (Princeton University Press, 2006), pp. 205 – 212	

6.	Justice Linda Dessau and Judge Tom Wodak, <i>Seven Steps to Clearer Judgment Writing</i> in 'A Matter of Judgment: Judicial Decision-Making and Judgment Writing' (Judicial Commission of New South Wales, 2003), pp. 117-126	
7.	Justice Roslyn Atkinson, <i>Judgment Writing (AIJA Conference, Brisbane, 13 September 2002)</i>	
8.	Michael Kirby, <i>On the Writing of Judgments</i> 64(11) <i>Australian Law Journal</i> 691 (1990)	
9.	Kenneth J. O'Connell, <i>Taking Process Seriously in Judicial Decision Making</i> , 67 OR. L. REV. 837 (1988).	
10.	Laurence Goldstein, <i>Logic and Reasoning</i> , <i>Erkenntnis</i> (1975-), May, 1988, Vol. 28, No. 3 (May, 1988), pp. 297-320	
11.	Halper, Thomas, <i>Logic in Judicial Reasoning</i> , <i>Indiana Law Journal</i> : Vol. 44: Iss. 1, Article 2 (1968)	
12.	Walker, Vern R. <i>Discovering the Logic of Legal Reasoning</i> , <i>Hofstra Law Review</i> : Vol. 35: Iss. 4, Article 2, (2007)	
13.	George C. Christie, <i>Objectivity in the Law</i> 78 <i>The Yale L. J.</i> 1311 (1969)	
14.	Brian M. Barry, <i>The Psychology of Judicial Decision Making</i> in <i>HOW JUDGES JUDGE: EMPIRICAL INSIGHTS INTO JUDICIAL DECISION-MAKING</i> (2021), pp. 111-163	
15.	Owen M. Fiss, <i>Objectivity and Interpretation</i> 34(4) <i>Stanford Law Review</i> (1982), pp. 739-763	
16.	Timothy J. Capurso <i>How Judges Judge: Theories on Judicial Decision Making</i> 29(1) <i>University of Baltimore Law Forum</i> , Article 2 (1998)	
17.	Quintanilla, Victor D., <i>Judicial Mindsets: The Social Psychology of Implicit Theories and the Law</i> 90 <i>Nebraska Law Review</i> 611 (2012).	
18.	Chinua Asuzu, <i>Logic and Clear Thought</i> in <i>JUDICIAL WRITING: A BENCHMARK FOR THE BENCH</i> , PARTRIDGE PUBLISHING (2016), pp 202-245	
19.	Andrew Goodman, <i>Analysing Judgments: Reasoning, Argument and Legal Logic</i> in <i>HOW JUDGES DECIDE CASES: READING, WRITING AND ANALYSING JUDGMENTS</i> , Wildy, Simmonds & Hill Publishing, Second Edition, pp. 151-168	
20.	Justice Sunil Ambwani, <i>Ethical Reasoning in Judicial Process</i> , (2012) 4 SCC J-35	
CASE LAW JURISPRUDENCE (<i>Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for a conclusive opinion</i>)		
21.	<i>In re A and another (Children) (Judgment: Adequacy of Reasoning)</i> , [2012] 1 WLR 595 <i>Judgments reflect the thinking of the individual judge and there is no room for dogma.</i>	
22.	<i>State of Bihar v. Nasruddin Mian</i> , 2021 SCC OnLine Pat 1240 <i>Reasoning is the mental process through which a Judge reaches to his conclusion. All conclusions should be supported by reasons duly recorded. The finding of fact should be based on legal testimony and should be based</i>	

	<p><i>on legal grounds. Neither the finding of fact nor the decision should be based upon wild suspicion, hypothetical presumption, surmises and conjectures. Further, while commenting on the parties' conduct, a Judge must be careful to use sober and restrained language. He should avoid use of disparaging and derogatory remarks against any person whose case may be under consideration before him.</i></p>	
23.	<p>U.P.S.C. v. Bibhu Prasad Sarangi and Others (2021) 4 SCC 516 <i>Prolific use of the 'cut-copy-paste' function should not become a substitute for substantive reasoning which, in the ultimate analysis, is the defining feature of the judicial process. Judges are indeed hard pressed for time, faced with burgeoning vacancies and large case-loads. Crisp reasoning is perhaps the answer.</i></p>	
24.	<p>Surjeet Singh v. Sadhu Singh, (2019) 2 SCC 396 <i>... there was no need to cite several decisions and that too in detail. Brevity being a virtue, it must be observed as far as possible while expressing an opinion.</i></p>	
25.	<p>Kanailal v. Ram Chandra Singh, (2018) 13 SCC 715 <i>Reasons are live links between the mind of the decision-maker to the controversy in question and the decision or conclusion arrived; Objectivity in reasons; Adjudging validity of decision; Right to reason is an indispensable part of the sound judicial system; Salutary requirement of natural justice.</i></p>	
26.	<p>Board of Trustees of Martyrs Memorial Trust v. Union of India, (2012) 10 SCC 734 <i>Brevity in judgment writing; Due application of mind; Clarity of reasoning; Focussed consideration; Examination of every matter with seriousness; Sustainable decision.</i></p>	
27.	<p>Chandna Impex (P) Ltd. v. Commr. of Customs, (2011) 7 SCC 289 <i>(para 8) has held asthe High Court should have examined each question formulated in the appeal with reference to the material taken into consideration by the Tribunal in support of its finding thereon and given its reasons for holding that question is not a substantial question of law. It needs to be emphasised that every litigant, who approaches the court for relief is entitled to know the reason for acceptance or rejection of his prayer, particularly when either of the parties to the lis has a right of further appeal. Unless the litigant is made aware of the reasons which weighed with the court in denying him the relief prayed for, the remedy of appeal will not be meaningful. It is that reasoning, which can be subjected to examination at the higher forums."</i></p>	
28.	<p>Asst. Commissioner Commercial Tax v. M/s Shukla and brothers (2010) 4 SCC 785 <i>The Supreme Court has set to terms the procedure required to be observed by all courts in the country. Despite heavy quantum of cases in Courts, in our view, it would neither be permissible nor possible to state as a principle of law, that while exercising power of judicial review on administrative action</i></p>	

	<i>and more particularly judgment of courts in appeal before the higher Court, providing of reasons can never be dispensed with.</i>	
29.	Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity, (2010) 3 SCC 732 <i>An order without valid reasons cannot be sustained as to give reasons is the rule of natural justice. Highlighting this rule, the Court at para 31 to 33 observed as under: 31. It is a settled legal proposition that not only administrative but also judicial order must be supported by reasons, recorded in it. Thus, while deciding an issue, the Court is bound to give reasons for its conclusion. It is the duty and obligation on the part of the Court to record reasons while disposing of the case.</i>	
30.	M/S Kranti Asso. Pvt. Ltd. & Anr. v. Masood Ahmed Khan & Ors. (2010) 9 SCC 496 <i>The Supreme Court has highlighted the importance of giving reasons while passing a judgment / order by any judicial or quasi-judicial body. The Supreme Court has extensively examined the law and various precedents on the subject.</i>	
31.	State of Orissa v. Dhaniram Luhar (2004) 5 SCC 568 <i>The reason is the heartbeat of every conclusion and without the same; it becomes lifeless, observed thus: 8.....Right to reason is an indispensable part of a sound judicial system; reasons at least sufficient to indicate an application of mind to the matter before court. Another rationale is that the affected party can know why the decision has gone against him.</i>	
32.	State of U.P. v. Battan and Ors.(2001) 10 SCC 607:(SCC p.608, para 4) <i>4.The High Court has not given any reasons for refusing to grant leave to file appeal against acquittal. ...The manner in which appeal against acquittal has been dealt with by the High Court leaves much to be desired. Reasons introduce clarity in an order. On plainest consideration of justice, the High Court ought to have set forth its reasons, howsoever brief, in its order. The absence of reasons has rendered the High Court order not sustainable.</i>	
33.	Krishena Kumar & another v. Union of India & Others AIR 1990 SC 1782 (Para 20) : <i>Ratio decidendi has to be ascertained by an analysis of the facts of the case and the process of reasoning involving the major premise consisting of a pre-existing rule of law, either statutory or judge-made, and a minor premise consisting of the material facts of the case under immediate consideration. If it is not clear, it is not the duty of the court to spell it out with difficulty in order to be bound by it.</i>	
34.	State of Orissa v. Sudhanshu Shekhar Mishra, AIR 1968 SC 647 (Para. 12) <i>it was held that a decision is only an authority for what it actually decides. What is of the essence in a decision is its ratio and not every observation found therein nor what logically follows from the various observations made in it.</i>	
35.	Athens v. Randwick City Council [2002] NSWCA 83 <i>Findings on the disputed facts can then be made. There is no need to labour the process by reciting every aspect of the evidence. It is sufficient simply to summarise the area of dispute and to make a finding. Naturally that finding</i>	

	<i>must be supported by reasons. The knack is to give sufficient reasons to clearly and briefly explain the decision. There is no need for the reasons to incorporate “an extended intellectual dissertation upon the chain of reasoning”.</i>	
36.	Botes v. Nedbank 1983(3) SA 27(A) <i>Although, reasons serve other purposes, in particular, to disclose the principle on which the case has been decided which may further provide the authority by which future cases may be determined. But, the fact that a decision has no value of that kind or no general interest does not mean that the parties lose the right to a reasoned judgment.</i>	
37.	Russell v. Russell (1880) LR 14 Ch D 471 <i>The real obligation is to explain, publicly, how a decision has been reached, rather than to persuade the reader.</i>	
38.	Pettitt v. Dunkley [1971] 1 NSWLR 376 <i>This does not, I think, mean that the judge must detail every step in his reasoning to the inference that he has drawn. But he must provide a fair statement of his conclusions and insofar as it is necessary the process by which he has arrived at them.</i>	
39.	Scott v. Scott [1913] AC 417 at 473 <i>The judgment of the Court is then pronounced upon the law and facts of the case, and in discharging this very responsible duty, the judge publicly, in open court, assigns the reasons for his decisions, stating the principles and authorities on which he decides the matters of law, and reciting or adverting to the various parts of the evidence from which he deduces his conclusions of fact; and thus the matter in controversy between the parties becomes adjudged.</i>	
Additional Readings		
1.	Casey, Pamela; Burke, Kevin; and Leben, Steve, Minding The Court: Enhancing The Decision-making Process (2013). Court Review: The Journal of the American Judges Association. 418. https://digitalcommons.unl.edu/ajacourtreview/418	
2.	Hilary Biehler, Upholding Standards in Public Decision-Making: Getting the Balance Right Irish Jurist, New Series, Vol. 57 (2017), pp. 94-118	
3.	Douglas E. Edlin, Subjectivity, Objectivity, Impartiality in COMMON LAW JUDGING: SUBJECTIVITY, IMPARTIALITY, AND THE MAKING OF LAW pp. 20-51 (University of Michigan Press; 2019)	
4.	Diego M. Papayannis, Independence, Impartiality and Neutrality in Legal Adjudication , Journal for Constitutional Theory and Philosophy of Law, 28 2016 Issues in Contemporary Jurisprudence	
5.	Chinua Asuzu, Introduction – Trial Judges face a tougher writing task than appellate Justices ” in JUDICIAL WRITING: A BENCHMARK FOR THE BENCH, PARTRIDGE PUBLISHING (2016), pp 8-11	
6.	S.I. Strong, Writing Reasoned Decisions and Opinions: A Guide for Novice, Experienced, and Foreign Judges , Journal of Dispute Resolution, Vol. 2015, Iss. 1 [2015], Art. 7	

SESSION 4
LAW OF PRECEDENTS AND STARE DECISIS IN JUDGMENT WRITING

Articles/Journals

1.	Sir Paul Vinogradoff, <i>Judicial Precedents</i> in COMMON SENSE IN LAW, Law & Justice Publishing Co. (Indian Reprint 2023), pp. 169-207	
2.	Justice R.V. Raveendran, <i>Precedents – Boon or Bane?</i> in ANOMALIES IN LAW AND JUSTICE, 363 Eastern Book Company, (2021)	
3.	Satyam Tandon et al., <i>Sub-silentio and per incuriam: The art of distinguishing a judgment</i> , Bar and Bench columns, (2021) Available at : https://www.barandbench.com/columns/sub-silentio-per-incuriam-the-art-of-distinguishing-a-judgment	
4.	(i) Bryan A. Garner, <i>Nature and Authority of Judicial Precedents (A.)</i> in THE LAW OF JUDICIAL PRECEDENT, Thomas Reuters, United States (2016), pp. 35-43 (ii) Bryan A. Garner, <i>Weight of Decisions (B.)</i> in THE LAW OF JUDICIAL PRECEDENT, Thomas Reuters, United States (2016), pp. 155-172	
5.	Chintan Chandrachud, <i>The Precedential Value of Solitary High Court Rulings in India: Carving an Exception to the Principle of Vertical Stare Decisis</i> , Lawasia Journal 25 (2011).	
6.	Prof. Dr. A. Lakshminath, <i>Stare Decisis in the Indian Courts – Institutional Aspects</i> in JUDICIAL PROCESS – PRECEDENT IN INDIAN LAW, 3rd Edn. 13 (Eastern Book Company, 2009)	
7.	Edmund Heward, <i>Precedent</i> in LORD DENNING: A BIOGRAPHY, Universal Law Publishing (2003), ed. 2, pp. 91- 98	
8.	Benjamin N. Cardozo, <i>Adherence to Precedent – The Subconscious Element in the Judicial Process</i> in The Nature of the Judicial Process 142 (Oxford University Press , 1928)	
9.	Keith E. Spero, <i>Judicial Comity and State Judgments</i> , 7 W. Rsrv. L. Rev. 462 (1956)	

CASE LAW JURISPRUDENCE (*Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for a conclusive opinion.*)

1.	<i>Trimurthi Fragrances (P) Ltd. v. Government of N.C.T. of Delhi</i> , 2022 SCC OnLine SC 1247 <i>A decision delivered by a Bench of largest strength is binding any subsequent Bench of lesser or coequal strength. It is the strength of the Bench and not number of Judges who have taken a particular view which is said to be relevant - A Bench of lesser quorum cannot disagree or dissent from the view of law taken by a Bench of larger quorum. Quorum means the bench strength which was hearing the matter - The numerical strength of the Judges taking a particular view is not relevant, but the Bench strength is determinative of the binding nature of the Judgment.</i>
2.	<i>Gregory Patrao v. Mangalore Refinery & Petrochemicals Ltd.</i> , 2022 SCC OnLine SC 830

	<i>Subsequent Supreme Court Decisions which have considered & distinguished earlier judgments are binding on High Courts.</i>
3.	Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana (2021) 6 SCC 230 <i>The bench noted that “the observation that order shall not be considered as a precedent for any other person who is accused in the FIR on the grounds of parity does not constitute judicially appropriate reasoning.” It was emphasised that whether an order is a precedent or not is a matter of future adjudication, and the observation of the judge ‘caveating’ the order was inappropriate and erroneous.</i>
4.	Union of India v. R. Thiyagarajan , (2020) 5 SCC 201 <i>Judgment of High Court applicable only to the State(s) within its jurisdiction. Pan-India application of the order of the High Court would tantamount to usurpation of the jurisdiction of the other High Courts.</i>
5.	Shah Faesal v. Union of India , (2020) 4 SCC 1 <i>Per incuriam rule is strictly and correctly applicable to the ratio decidendi and not to obiter dicta. Earlier precedent can be overruled by a larger Bench if - (i) it is manifestly wrong, or (ii) injurious to public interest, or (iii) there is a social, constitutional, or economic change necessitating it. A coordinate Bench of the same strength cannot take a contrary view and cannot overrule the decision of earlier coordinate bench. No doubt it can distinguish the judgment of such earlier Bench or refer the matter to a larger Bench for reconsideration in case of disagreement with the view of such earlier Bench.</i>
6.	S.E. Graphites (P) Ltd. v. State of Telangana , (2020) 14 SCC 521 <i>Even brief judgments of Supreme Court passed after grant of Special Leave are binding precedents.</i>
7.	Kaikhosrou (Chick) Kavasji Framji v. Union of India , (2019) 20 SCC 705 <i>Views in Lead Judgment are binding precedents if concurring judgments did not express any contrary opinion on it.</i>
8.	M/s Bhati v. National Insurance Co. Ltd. , (2019) 12 SCC 248 <i>The law laid down by a three Judge Bench of Supreme Court in Mukund Dewangan vs Oriental Ins. Co. Ltd. (2017) as against the conflict between two judge bench decision binds this, Court. As a matter of judicial discipline, the court is bound to follow that decision which continues to hold the field.</i>
9.	State of Gujarat v. Utility Users Welfare Association , (2018) 6 SCC 21 <i>It is mandatory that there should be a person of law as a Member of the Commission, which requires a person, who is, or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge.</i>
10.	Court on its Own Motion v. Jayant Kashmiri , 2017 SCC OnLine Del 7387 <i>The judgments of the High Court would bind the trial courts. If an unnecessary reference to a judicial precedent or erroneous submission in law is made, the Judge considering the matter would reject the reliance thereon or the submission made. However, certainly reference to a judicial precedent cannot be termed a contumacious act.</i>
11.	Union of India v. P. Shyamala , 2017 SCC OnLine Mad 6715 <i>Exposition of law and ratio decidendi, to be accepted as a binding precedent, should be based on issues raised and argued by both sides. A mere observation without reasons is distinguishable, from a ratio decidendi.</i>

12.	State of U.P. v. Ajay Kumar Sharma , (2016) 15 SCC 289 <i>If binding precedents even of co-ordinate strength are not followed, the roots of continuity and certainty of law which should be nurtured, strengthened perpetuated and proliferated will instead be deracinated...</i>
13.	P Suseela v. University Grants Commission , (2015) 8 SCC 129 para 25: <i>A Division Bench judgment of the same High Court is binding on a subsequent Division Bench. The subsequent Division Bench can either follow it or refer such judgment to the Chief Justice to constitute a Full Bench if it differs with it.</i>
14.	Vedica Procon Pvt. Ltd. v. Balleshwar Green (Pvt.) Ltd. , (2015) 10 SCC 94 <i>The Supreme Court found inconsistency in two judgments of the court of equal strength on the issue of opening of sale in liquidation proceedings in Navalkha & Sons v. Sri Ramanya Das & Others, (1969) 3 SCC 537 and Divya Manufacturing Company (P) Ltd. v. Union Bank of India & Others, (2000) 6 SCC 69, observing that in the latter case, the Supreme Court departed from the principle laid down in 1969 case unnecessarily, thus 11969 cases followed.</i>
15.	Hyder Consulting (UK) Ltd. v. State of Orissa , (2015) 2 SCC 189 <i>A prior decision of this Court on identical facts and law binds the Court on the same points of law in a later case. In exceptional circumstances, where owing to obvious inadvertence or oversight, a judgment fails to notice a plain statutory provision or obligatory authority running counter to the reasoning and result reached, the principle of per incuriam may apply.</i>
16.	Rajbir Singh Dalal (Dr.) v. Chaudhari Devlal University, Sirsa & Anr. , (2008) 9 SCC 284 <i>The decision of a Court is a precedent, if it lays down some principle of law supported by reasons. Mere casual observations or directions without laying down any principle of law and without giving reasons do not amount to a precedent.</i>
17.	Pradip J. Mehta v. CIT , (2008) 14 SCC 283 <i>The judgment of the other High Courts, though not binding, have persuasive value which should be taken note of and dissented from by recording its own reasons.</i>
18.	Union of India v. Major Bahadur Singh , (2006) 1 SCC 368 <i>Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of courts are neither to be read as Euclid's theorems nor as provisions of the statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated...Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes.</i>
19.	State of Haryana v. Ranbir , (2006) 5 SCC 167 <i>Court discussed the concept of Obiter dictum- A decision, it is well settled, is an authority for what it decides and not what can logically be deduced there from.</i>
20.	Central Board of Dawood Bohra Com v. State of Maharashtra , (2005) 2 SCC 673 , [Refer paras 8 & 12] <i>A Bench of lesser quorum cannot disagree or dissent from the view of the law taken by a Bench of larger quorum. In case of doubt all that the Bench of lesser quorum can do is to invite the attention of the Chief Justice and request for the matter being placed for hearing before a Bench of larger quorum than the Bench whose decision has come up for consideration.</i>

21.	Union of India v. Amritlal Manchanda , AIR 2004 SC 1625 <i>The Courts should not place reliance on the decisions without discussing as to how the situation fits in with the factual 12 situation. Circumstantial flexibility, one addition or a different fact, makes a difference between conclusions in two cases.</i>
22.	State of Bihar v. Kalika Kuer , (2003) 5 SCC 448 <i>The Court elaborately considered the principle of per incuriam and held that the earlier judgment by a larger Bench cannot be ignored by invoking the principle of per incuriam and the only course open to the coordinate or smaller Bench is to make a request for reference to the larger Bench.</i>
23.	Megh Singh v. State of Punjab , (2003) 8 SCC 666 <i>Circumstantial flexibility, one additional or different fact may make a world of difference between conclusion in two cases or between two accused in the same case. Each case depends on its own facts and a close similarity between one case and another is not enough because a single significant detail may alter the entire aspect.</i>
24.	Suganthi Suresh Kumar v. Jagdeeshan , (2002) 2 SCC 420 <i>It is impermissible for the High Court to overrule the decision of the Apex Court on the ground that the Supreme Court laid down the legal position without considering any other point. It is not only a matter of discipline for the High Courts in India, it is the mandate of the Constitution as provided in Article 141 that the law declared by the Supreme Court shall be binding on all courts within the territory of India.</i>
25.	Director of Settlements A.P. & Ors. v. M.R. Apparao & Ors , (2002) 4 SCC 638 <i>An “obiter dictum” as distinguished from a “ratio decidendi” is an observation by the Court on a legal question suggested in a case before it but not arising in such manner as to require a decision. Such an obiter may not have an effect of a binding precedent but it cannot be denied that it is of considerable weight.</i>
26.	Delhi Administration (Now NCT of Delhi) v. Manohar Lal , (2002) 7 SCC 222 <i>The court said that the ratio decidendi had to be ascertained by the analysis of the facts of the case. The court needs to find the major premise and minor premise of the case. The major premise consists of the pre-existing rule of law. The minor premise is “the material fact of the case under immediate consideration”.</i>
27.	Dhanna Lal v. Kalawatibai , (2002) 6 SCC 16 <i>Held, in the absence of precedents, courts must be guided by sound logic, rational thinking, common sense, and the urge to act for public good. Held, Procedural law cannot betray the substantive law by submitting to subordination of complexity. Courts equipped with power to interpret law are often posed with queries that may be ultimate. The judicial steps of judge then do stir to solve novel problems by neat innovations.</i>
28.	Vishnu Traders v. State of Haryana , 1995 Supp (1) SCC 461 <i>In the matters of interlocutory orders, principle of binding precedent will not apply. However, the need for consistency of approach and uniformity in the exercise of judicial discretion respecting similar causes and the desirability to eliminate occasions for grievances of discriminatory treatment requires that all similar matters should receive similar treatment except where factual differences require a different treatment so that there is assurance of consistency, uniformity, predictability and certainty of judicial approach.</i>
29.	Hari Singh v. State of Haryana , (1993) 3 SCC 114 <i>The doctrine of precedent is not applicable to an order passed by this Court rejecting a Special Leave Petition. Any such order cannot be held to be stare decisis so that it is a binding on us.</i>

30.	<p>CIT v. Sun Engineering Works (P) Ltd., (1992) 4 SCC 363</p> <p><i>While applying the decision to a latter cases, the court must carefully try to ascertain the true principle laid down by the decision of Supreme Court and not to pick out words or sentences from the judgments divorced from the context of question under consideration by the court to support their reasoning.</i></p>
31.	<p>Krishena Kumar v. Union of India, (1990) 4 SCC 207</p> <p><i>The doctrine of precedent that is, being bound by a previous decision is limited to the decision itself and as to what is necessarily involved in it. It does not mean that this Court is bound by the various reasons given in support of it, especially when they contain "propositions wider than the case itself required." [374A-B]. the enunciation of the reason or principle upon which a question before a court has been decided is alone binding as a precedent. The ratio decidendi is the underlying principle, namely, the general reasons or the general grounds upon which the decision is based on the test or abstract from the specific peculiarities of the particular case which gives rise to a decision. ...When court has once laid down a principle of law as applicable to certain state of facts, it will adhere to that principle, and apply it to all future cases where facts are substantially the same.</i></p>
32.	<p>Union of India v. Raghubir Singh, AIR 1989 SC 1933</p> <p><i>The doctrine of binding precedent has the merit of promoting a certainty and consistency in judicial decisions, and enables an organic development of the law, besides providing assurance to the individual as to the consequence of transaction forming part of his daily affairs...the doctrine of binding precedent is circumscribed in its governance by perceptible limitations, limitations arising by reference to the need for re- adjustment in a changing society, a re-adjustment of legal norms demanded by a changed social context.</i></p>
33.	<p>Empire Industries Ltd. v. Union of India, (1985) 3 SCC 314</p> <p><i>Different courts sometimes pass different interim orders as the courts deem fit. It is a matter of common knowledge that the interim orders passed by particular courts on certain considerations are not precedents for other cases which may be on similar facts.</i></p>
34.	<p>Regional Manager v. Pawan Kumar Dubey, (1976) 3 SCC 334</p> <p><i>It is the rule deducible from the application of law to the facts and circumstances of a case which constitutes its ratio decidendi and not some conclusion based upon facts which may appear to be similar. One additional or different fact can make a world of difference between conclusions in two cases even when the same principles are applied in each case to similar facts.</i></p>
35.	<p>Waman Rao & Ors v. Union of India, (1981) 2 SCC 362</p> <p><i>A deliberate judicial decision made after hearing an argument on a question which arises in the case or is put in issue may constitute a precedent, and the precedent by long recognition may mature into stare decisis. But these cases cannot be considered as having decided, reasons apart, that the 1st Amendment which introduced Article 31A into the Constitution is valid. ... Every new discovery or argumentative novelty cannot undo or compel reconsideration of a binding precedent.</i></p>
36.	<p>Valliamma Champaka Pillai v. Siuvathanu Pillai, (1979) 4 SCC 429</p> <p><i>It was held that the decision of one High Court is not binding precedent upon another High Court and at best can only have persuasive value. However, at the cost of repetition we must emphasize that the decision of another High Court rendered in the context of an all-India Act would have persuasive value and normally to maintain uniformity and certainty we would adopt the view of the High Court.</i></p>

37.	Commissioner of Income Tax v. Godavari Devi Saraf , 1977 SCC Online Bom 215 <i>Until contrary decision is given by any other competent High Court, which is binding on a Tribunal in the State of Bombay, it has to proceed on the footing that the law declared by the High Court, though of another State, is the final law of the land.</i>
38.	Baradakanta Mishra v. Bhimsen Dixit AIR 1972 SC 2466 <i>Where it stated that it would be anomalous to suggest that a Tribunal over which a High Court has superintendence can ignore the law declared by it and if a Tribunal can do so, all the subordinate courts can equally do so, for there is no specific provision as in respect of Supreme Court, making the law declared by the High Court binding on subordinate Courts. The court further observed that it is implicit in the power of supervision conferred on a superior Tribunal that all the Tribunals subject to its supervision should confirm to the law laid down by it. If the Tribunals defy their jurisdictional High Court, there would be confusion in the administration of law and respect for law would irretrievably suffer.</i>
39.	State of Orissa v. Sudhansu Sekhar Misra , (1968) 2 SCR 154 <i>A decision is only an authority for what it actually decides. The essence in a decision is its ratio and not every observation found therein nor what logically follows from the various observations made in it. It is not a profitable task to extract a sentence, here and there from a judgment and to build upon it.</i>
40.	East India Commercial Co., Ltd., Calcutta & Ors v. Collector of Customs, Calcutta , AIR 1962 SC 1893 <i>The Supreme Court, on consideration of Articles 215, 226 and 227 of the Constitution of India came to the conclusion that the cumulative effect of the above noted provisions of the Constitution is that the decisions of the High Court have binding effect upon the subordinate judiciary and the tribunals.</i>
41.	State of Gujarat vs Gordhandas Keshavji Gandhi and others , AIR 1962 Guj 128 <i>The principles of judicial comity and legal propriety require, in order to avoid conflict of authority and to secure certainty, uniformity and continuity in the administration of justice, that one Judge of a High Court sitting singly should follow the decision of another Judge of the same High Court sitting singly, and that a Division Bench of a High Court should follow another Division Bench of the same High Court, that a decision of a Full Bench consisting of the same number of Judges should follow the decision of a Full Bench of equal number of Judges and that a decision of a larger Full Bench should be considered authoritative and binding on all other benches constituted of a lesser number of judges.</i>
42.	K.T.M.T.M. Abdul Kayoom v. CIT , 1962 Supp (1) SCR 518 <i>Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect. In deciding such cases, one should avoid the temptation to decide cases (as said by Cardozo) by matching the colour of one case against the colour of another. To decide, therefore, on which side of the line a case falls, the broad resemblance to another case is not at all decisive.</i>
43.	Mahadeolal Kanodia v. Administrator General of West Bengal , AIR 1960 SC 936 <i>Judicial decorum no less than legal propriety forms the basis of judicial procedure. If one thing is more necessary in law than any other thing, it is the quality of certainty. That quality would totally disappear if judges of co-ordinate jurisdiction in a High Court start overruling one another's decisions. If one Division Bench of a High Court is unable to distinguish a previous decision of another Division Bench, and holding the</i>

	<i>view that the earlier decision is wrong, itself gives effect to that view, the result would be utter confusion. The position would be equally bad where a judge sitting singly in the High Court is of opinion that the previous decision of another single judge on a question of law is wrong and gives effect to that view instead of referring the matter to a larger Bench. (refer paras 19 & 20)</i>
44.	<i>Atma Ram v. State of Punjab</i> , AIR 1959 SC 519. (Page 527) <i>...the better course would have been to constitute a larger Bench, when it was found that a Full Bench of three Judges, was inclined to take a view contrary to that of another Full Bench of equal strength. Such a course becomes necessary in view of the fact that otherwise the subordinate Courts are placed under the embarrassment of preferring one view to another both equally binding upon them."</i>
45.	<i>Bengal Immunity Co Ltd v. the State of Bihar</i> , AIR 1955 SC 661 <i>The question of whether the Supreme Court is bound by its judgment under Article was challenged. In that instance, it was determined that the Supreme Court is not bound by its earlier decision and is free to reconsider it in appropriate cases. When two Supreme Court decisions disagree, the decision of the larger Bench takes precedence over the decision of the smaller Bench. This principle applies to High Courts as well.</i>
46.	<i>Bank of Pennsylvania v. Commonwealth</i> , 19 Penn. st. 151 <i>The course of action of the courts, and the code upon which rests the power of judicial decisions as precedents in successive litigations, is embodied in the dictum, stare decisis et non quieta movere to stand by the precedents and not to upset settled points.</i>

Additional Readings

1.	Santiago Legarre & Christopher R. Handy, <i>Overruling Louisiana: Horizontal Stare Decisis and the Concept of Precedent</i> , 82 LA. L. REV. 41 (2021).	
2.	Prof. Dr. A. Lakshminath, <i>Stare Decisis in the Indian Courts – Institutional Aspects</i> in JUDICIAL PROCESS – PRECEDENT IN INDIAN LAW, 3 rd Edn. 13(Eastern Book Company, 2009).	
3.	Benjamin N. Cardozo, <i>Adherence to Precedent – The Subconscious Element in the Judicial Process</i> in THE NATURE OF THE JUDICIAL PROCESS 142 (Oxford University Press, 1928).	
4.	Mark Alan Thurmon, <i>When the Court Divides: Reconsidering the Precedential Value of Supreme Court Plurality</i> , Duke Law Journal, Vol. 42, No. 2 (Nov. 1992), pp. 419-468.	
5.	Nina Varsava, <i>How to Realize the Value of Stare Decisis: Options for following Precedent</i> , 30 YALE J.L. & HUMAN. 62 (2018).	

SESSION 5

GENDER SENSITIVITY IN JUDGMENTS & ORDERS

1.	Jody Armour, <i>Stereotypes and Prejudice: Helping Legal Decision makers Break the Prejudice Habit</i> , California Law Review , May, 1995, Vol. 83, No. 3 (May, 1995), pp. 733-772	
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2.	Casey, Pamela M, Warren, Roger K, Cheesman, Fred L, and Elek, Jennifer K., " <i>Addressing Implicit Bias in the Courts</i> " (2013). Court Review: The Journal of the American Judges Association. 442.	
3.	SabineSczesny, MagdaFormanowicz and FranziskaMoser, <i>Can Gender-Fair Language Reduce Gender Stereotyping and Discrimination?</i> Frontiers in Psychology, 2016, Vol. 7, Article 25	
4.	Jhuma Sen, <i>Feminist Judgments Project India</i> , LiveLaw News Network, 15 February (2018), Available at: https://www.livelaw.in/feminist-judgments-project-india-promising-future-shadow-judgment-writing-india-says-academic-scholar-jhuma-sen/	
5.	Judith D. Fischer, <i>Framing Gender: Federal Appellate Judges' Choices About Gender-Neutral Language</i> , University of San Francisco Law Review, Vol. 43	
6.	Justin D. Levinson, Mark W. Bennett, and Koichi Hioki, <i>Judging Implicit Bias: A National Empirical Study of Judicial Stereotypes</i> , 69 Fla. L. Rev. 63 (2017).	
7.	<i>Gender Stereotyping and the Judiciary: A Workshop Guide</i> , Professional Training Series No. 22, Office of the United Nations High Commissioner for Human Rights (OHCHR)(United Nations,2020)	
8.	Leslie M. Rose, <i>The Supreme Court and Gender-Neutral Language: Setting the Standard or Lagging Behind?</i> , 17 Duke J. Gender Law & Pol. 81 (2010)	
9.	Honourable Beverley McLachlin PC, <i>Judicial Impartiality: The Impossible Quest?</i> A Matter of Judgment: Judicial Decision-Making and Judgment Writing. Available at : https://www.judcom.nsw.gov.au/wp-content/uploads/2016/07/education-monograph-2.pdf	

CASE LAW JURISPRUDENCE (*Judgments mentioned below includes citation and short note for reference and discussion purpose during the course of the programme. Please refer the full judgment for a conclusive opinion.*)

10.	<i>Kamla Neti (Dead) through LRs v. The Special Land Acquisition Officer & Ors.</i> , 2022 SCC OnLine SC 1694 <i>A female tribal member is entitled to an equal share of the family property.</i>	
11.	<i>X v. Health & Family Welfare Department</i> , 2022 SCC OnLine SC 905 <i>All Women are entitled to Safe & Legal Abortion, the Distinction Between Married & Unmarried Women is Unconstitutional and Right to Dignity/Self-determination.</i>	
12.	<i>Smruti Tukaram Badade v. State of Maharashtra</i> , 2022 SCC OnLine SC 78 <i>The Supreme Court expanded the definition of vulnerable witness and has made it age and gender-neutral.</i>	
13.	<i>Aparna Bhat v. State of M.P.</i> (2021) SCC OnLine SC 230 <i>This Judgement has highlighted Judicial stereotyping which ultimately leads to the Judges arriving at decision on preconceived notions. Court to make sure survivor can rely on their impartiality and neutrality. Sensitivity in judicial approach/language/reasoning. Sensitivity to the concerns of survivors of sexual offences. An embargo on orders that reflect adversely on the judicial system/undermining the guarantee to fair justice. Removing gender bias.</i>	

14.	Patan Jamal Vali v. The State of Andhra Pradesh , Criminal Appeal No 452 of 2021 (Arising out of SLP(Crl) No 1795 of 2021) <i>Intersectional analysis requires an exposition of reality that corresponds more accurately with how social inequalities are experienced. Such contextualized judicial reasoning is not an anathema to judicial inquiry.</i>
15.	Ranjeet Naik v. State (NCT of Delhi) and Prem Chamar v. State of U.P. on 22 January, 2021 <i>The evidence of the prosecutrix should be appreciated on the basis of the probability and conviction can be based solely on such testimony if her evidence is credible, unimpeachable, and inspires confidence.</i>
16.	Kirti v. Oriental Insurance Co. Ltd. , (2021) 2 SCC 166 <i>The value of a woman's work is no less than her office going husband. Conception that House Makers do not "Work" or that they do not add economic value to the household is a problematic idea.</i>
17.	Ministry of Defence v. Babita Puniya , (2020) 7 SCC 469 <i>Notion that women are weaker sex is constitutionally flawed. The Court has called for the change in mindset. The absolute exclusion of women from command appointment in Army is illegal.</i>
18.	Vineeta Sharma v. Rakesh Sharma (2020) 9 SCC 1 <i>The Supreme Court has extended equal coparcenary rights to daughters in Hindu Undivided Family (HUF) property by virtue of her birth.</i>
19.	Joseph Shine v. Union of India , (2019) 3 SCC 39 <i>Decriminalization of Adultery- Women are not the property of their Husband. Struck down Section 497 IPC. The said section violated the right to privacy as well as the liberty of women by discriminating against married women and perpetuating gender stereotypes.</i>
20.	Navtej Singh Johar v. Union of India , (2018) 10 SCC 1 <i>Unique Judicial Approach of Contextual Reading of Law in the Background of asymmetry of power in Social Order- Judiciary's Assault on Codified Patriarchy and Gender Stereotypes.</i>
21.	State of H.P. v. Sanjay Kumar , (2017) 2 SCC 51 <i>A centric Approach towards rape victims and of sexual violence is need of the hour through significant reforms in the criminal justice system, keeping in view the traumatic long-lasting effects on such victims.</i>
22.	Charu Khurana v. Union of India , (2015) 1 SCC 192 <i>Gender Justice, provision for, under the constitution, discussed. Equal Opportunity for women, held essential attainment of equality.</i>
23.	K. V. Rami Reddy v. Prema (2009) 17 SCC 308 <i>The suit was filed by the present respondent for specific performance to enforce a sale agreement dated 20-10-1988. The suit is stated to have been decided on 24-3-1999. According to the present respondent, who was the petitioner in the civil revision petition, even without dictating the judgment to the stenographer, transcribing and signing the same, simply an endorsement in the plaint docket sheet was made to the effect that the plaintiff in the suit was not entitled to the relief of specific performance to enforce a sale agreement but was entitled to refund of Rs. 2, 00,000. Stand in the revision petition was that there was no judgment in the eye of the law. It was pointed out that only the</i>

	<i>operative portion was dictated on 25-3-1999 during lunchtime and, therefore, the decision rendered on 24-3-1999 was non est in the eye of the law and a nullity.</i>
24.	Anuj Garg v. Hotel Assn. of India , (2008) 3 SCC 1 <i>The Supreme Court examined and struck down a protective discrimination provision that restricted women's right to employment and equal treatment.</i>
25.	Bhupinder Sharma v. State of HP (2003) 8 SCC 551 and State of Karnataka vs. Puttaraja (2004) 1 SCC 475 <i>The Supreme Court observed that keeping in view the object of preventing social victimization or ostracism of the victim of a sexual offence found it was appropriate that in the judgments, be it Supreme Court, High Court or District Courts, the victim's name should not be indicated. It is sufficient to refer to her as a victim.</i>
26.	Anil Rai v. State of Bihar (2001) 7 SCC 318 <i>The Supreme Court took notice of the observations of the Arrears Committee constituted by Govt. of India on the recommendation of Chief Justices Conference. The Committee recommended that the reserved judgments should ordinarily be pronounced within six weeks from the conclusion of the arguments.</i>
27.	Municipal Corpn. of Delhi v. Female Workers (Muster Roll) , (2000) 3 SCC 224 <i>Achievement of just social order through obliteration of Gender Inequalities. Whatever be the nature of their duties, their avocation and the place where they work; Women must be provided all the facilities to which they are entitled and Equal Pay.</i>
28.	State of Andhra Pradesh vs. Gangula Satya Murthy (1997) 1 SCC 272 <i>A judge should refrain from giving stigmatic observations on the character of the prosecutrix. The Courts must deal with rape cases with utmost sensitivity and appreciate the evidence of the totality on the background of the entire case and not in isolation.</i>
29.	Vishaka v. State of Rajasthan , (1997) 6 SCC 241 <i>Supreme Court laid down the guidelines and norms to be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women.</i>
30.	Madhukar Narayan Mardikar , (1991) 1 SCC 57 <i>The Supreme Court observed that even a woman of easy virtue is entitled to privacy and cannot be invaded. She is equally entitled to the protection of law and her evidence cannot be thrown overboard.</i>
31.	Mary Roy v. State of Kerala , (1986) 2 SCC 209 <i>There can be no discrimination between son and daughter in case of intestate succession.</i>
Additional Readings	
1.	Bangkok General Guidance For Judges on Applying a Gender Perspective in South east Asia Available at : https://www.icj.org/wp-content/uploads/2018/06/Southeast-Asia-Bangkok-Guidance-Advocacy-2016-ENG.pdf
2.	Judicial Decision-Making with a Gender Perspective: A Protocol , Making Equal Rights Real (2013)

3.	Committee on the Elimination of Discrimination against Women (CEDAW Committee), <i>Draft General Recommendation on Women's Access to Justice</i> (1 April 2014)
4.	Background paper on the <i>Role of the Judiciary in Addressing the Harmful Gender Stereotypes related to Sexual and Reproductive Health and Rights</i> (OHCHR)
5.	Women's Court of Canada launched "Rewriting Equality" symposium - A bold initiative in pursuit of equality rights, the Women's Court of Canada (WCC), was launched on March 6, 2008. The Women's Court of Canada is a group of academics, activists, and litigators who have undertaken to rewrite Supreme Court of Canada equality judgments in order to challenge conventional thinking about equality. They have started with six significant cases that deal with child care, equal pay, pension rights, social assistance, and participation in constitutional negotiations, and integration of children with disabilities in public schools.
6.	The Feminist Judgments Project - The Feminist Judgments Project is a unique, imaginative, collaboration in which a group of feminist academics, activists and legal practitioners are engaged in writing alternative feminist judgments in a series of significant cases in English law. Rather than simply critiquing existing judgments, the participants have embarked on a practical, 'real world' exercise of judgment-writing, subject to the various constraints that bind appellate judges. In this way, the project seeks to demonstrate in a sustained and disciplined way how, with a differently constituted judiciary, judgments could have been written and cases could have been decided differently.
Speeches:	
Supreme Court of Canada	
1.	<p style="text-align: center;">https://www.scc-csc.ca/judges-juges/spe-dis/index-eng.aspx</p> <p>(i) The Role of Judges in Modern Society, Remarks of the Right Honourable Beverley McLachlin, P.C. Chief Justice of Canada https://www.scc-csc.ca/judges-juges/spe-dis/bm-2001-05-05-eng.aspx</p> <p>(ii) Judging in a Canada Democratic State, Remarks of the Right Honourable Beverley McLachlin, P.C. Chief Justice of https://www.scc-csc.ca/judges-juges/spe-dis/bm-2004-06-03-eng.aspx</p>
Supreme Court of United Kingdom	
2.	<p>The Supreme Court Justices of UK are among the highest profile legal professionals in the world and leaders in their field. They are invited regularly to speak on topics including education, private law and climate change at a wide range of events.</p> <p style="text-align: center;">https://www.supremecourt.uk/news/speeches.html</p> <p>(i) 'Judge not, that ye be not judged' 1: Judging Judicial Decision-Making FA Mann Lecture 20152 Lord Neuberger https://www.supremecourt.uk/docs/speech-150129.pdf</p> <p>(ii) Lord Neuberger, President of The Supreme Court, First annual BAIL II Lecture, No Judgment – No Justice, 20 November 2012 https://www.supremecourt.uk/docs/speech-121120.pdf</p>
Plain English Movement	
3.	Plain English Movement, The Plain English Movement: Panel Discussion, 6 Can. Bus. L.J. 408 (1981-1982) - One of the dominant events between 1975 and today in United States consumer law was the birth of what has become known as the "plain

	English movement". For centuries lawyers have been derided for the nature of their prose. A word will not suffice where two or even three can take its place; long sentences are preferable to short ones; Latin, or perhaps medieval French, are preferable to English. The plain English movement is the name given to the first effective effort to change this and to write legal documents, particularly those used by consumers, in a manner that can be understood, not just by the legal technicians who draft them, but by the consumers who are bound by their terms.
4.	Denning Society Lecture Judgment and Judgments - The Art of Forming and Writing Judicial Decisions