**Interpretation of Precedents in Indian legal System**

Typically the Common law system as followed in India requires that a judge must interpret the Constitution as written, informed by history and tradition and precedent.

Precedents are employed when the concepts underlying the earlier decision are applied to the issues in the latter case. The concept of precedent is clearly mentioned in Article 141 of the Indian Constitution of 1950. According to Article 141, the Supreme Court's decisions are binding on all courts within India's borders. Although there is no statutory requirement, High Court judgements are binding on all lower courts within the High Court's territorial jurisdiction. A higher Bench's ruling is also binding on the lower Bench.

The Supreme Court has held that binding precedent must be maintained in order to ensure uniformity in judicial decisions and allow for organic evolution of the law. It also gives an individual assurance about the outcome of transactions that are part of his daily life. Consequently, lower courts must adhere to the legal principles established by higher courts in prior rulings. This provides legal stability and clarity.

A precedent is always based on two factors:

* the ratio decidendi, which is the decision's basis, and
* the obiter dictum, which is anything said in passing.

**For the purpose of Rhetorical Roles**

1. **Precedent Relied  
   *The precedents which have been relied upon by the present court for adjudication. These may or may not have been raised by the advocates of the parties.***

It is critical to understand that a decision is just an authority for what it determines. What matters in a choice is the ratio, not every observation or what logically follows from the multiple facts contained inside it. The ratio of any decision must be understood in light of the facts of the case.

1. **Precedent overruled**  
   ***Any precedents on the same issue which have been overruled by the current judgment of the court*.**

When a similar issue comes before a higher court, a judge in that court can override a precedent established in a lower court. Because the higher court is not compelled to follow the lower court's precedent, it may establish a new precedent that will be followed by all lower courts in the same hierarchy. The most compelling justification for an overruling is that a decision is clearly incorrect, and its continuation is harmful to the public interest. Only if it can be demonstrated that the decision was manifestly incorrect and that it has been followed by this Court in other cases would it be in the public's interest to reverse it.

1. **Precedent Distinguished -   
   *These are the precedents which does not fall to the above categories and the precedents which courts have either criticised, clarified, modified or corrected*.**

If the principles underlying the preceding judgement are deemed to be particular to, or based on, specific factual scenarios, and are not applicable to the succeeding case due to the lack or major variation in the latter's facts; it is a Precedent that is distinguished.

**Precedent Citations**

All precedents are identified by their citations which is marker as to in which publication the precedent could be searched and found.

The publications listed in the chart below reflect some of the common sources of publications where our judgments are reported

|  |  |  |  |
| --- | --- | --- | --- |
| **Publications** | **Name of the Journal** | **Publication** | **Name of the Journal** |
| ACC | Accident and Compensation Cases | FLR | Factories and Labour Reports |
| ACJ | Accident Claims Journal | FJR | Factories Journal Reports |
| ATC | Administrative Tribunal Cases | HLR | Hindu Law Reporter |
| All ER Rep | All England Reports | ITR | Income Tax Reports |
| ALLER | All England Reports | JCC | Journal of Criminal Cases |
| AIR(SC) | All India Reporter (Supreme Court) | JT | Judgments Today |
| AD(SC) | Apex Decision (Supreme Court) | KLT | Kerala Law Times |
| AD(SC) | Apex Decision (Supreme Court) | KB | Kings Bench |
| AC | Appeal Cases | LIC | Labour and Industrial Cases |
| App Cas | Appeal Cases | LLJ | Labour Law Journal |
| ArbLR | Arbitration law Reporter | LLN | Labour Law Notes |
| BankJ | Bankers Journal | Lloyd's Rep | Lloyd's Reports |
| BC | Banking Cases | MLR | Matrimonial Law |
| BankCLR | Banking Commercial Law Reporter | RAJ | Recent Arbitration Judgments |
| Ch | Chancery | RecentCR | Recent Criminal Reports |
| Ch D | Chancery Division | RCJ | Rent Control Journal |
| CLT | Civil Law Times | RCR | Rent Control Reporter |
| CC | Company cases | RentLR | Rent Law Reporter |
| CompLJ | Company Law Journal | RLT | Revenue Law times |
| Crimes | Crimes | STC | Sales Tax Cases |
| CAR | Criminal Appeals Reporter | SLJ | Services Law Journal |
| CrLJ | Criminal Law Journal | SLR | Services Law Reporter |
| CrLR(SC) | Criminal Law Reporter (SC) | Supreme | Supreme |
| CCC | Current Civil Cases | Scale | Supreme Court Almanac |
| CCR | Current Criminal Reports | SCC | Supreme Court case supplements |
| DMC | Divorce and Matrimonial cases | SCC | Supreme Court cases |
| ECR | Excise and Customs Reporter | SCC(Cr) | Supreme Court cases (Criminal) |
| ELT | Excise Law Times | SCC(L&S) | Supreme Court cases (Labour & Services) |
| SLT | Supreme Law Times | SCJ | Supreme Court Journal |
| UJ | Unreported Judgments | SCR | Supreme Court Reports |
| WLR | Weekly Law Reports |  |  |

However with the growth of internet some entities have adopted a medium neutral citation format. For a note on medium neutral citations which is used by India Law Online (ILO) please see the nore below -

# Medium-Neutral Citations

All judgments reported in ILO is classified under a medium neutral citation formula specifically devised for huge database like that of ILO. The citation formula devised by ILO permits the reader to identify the court which delivered the judgment and the year of the judgment.

As far as possible, ILO provides comparative citations to cases published on its database so that the same could also be accessed through offline media. The same citation would continue even where the decision itself has not been published in the printed law reports. ILO advises that in all proceedings before Courts / Tribunals, the citation provided by ILO should be retained wherever reference is made to the contents of the database.

The new medium-neutral citation is based on the following format:

*(parties) [year of decision] ILO (Court abbreviation) (sequential judgment number)*

For example the sixth Supreme Court judgment in the year 1998 appears as:

*K. V. Iyer vs. Union of India [1998] ILO SC 6*

See ILO's List of court abbreviations ( hyperlink)

#### COURT ABBREVIATIONS

|  |  |  |  |
| --- | --- | --- | --- |
| Serial No | **State** | **High Court** | **Bench** |
| 1 | Uttar Pradesh **(UP)** | Allahabad **(ALL)** | Lucknow **(LK(B))** |
| 2 | Andhra Pradesh **(AP)** | Hyderabad **(HYD)** |  |
| 3 | Maharastra **(MAH**) | Bombay **(MUM)** | Nagpur **(NAG(B))** |
|  |  |  | Aurangabad **(AUR(B))** |
|  |  |  | Panaji **(GOA(B))** |
| 4 | West Bengal **(WB)** | Calcutta **(CAL)** | Andaman & Nicobar Island **(AND(B))** |
| 5. | State Of Delhi | Delhi **(DEL)** |  |
| 6. | Guwahati **(GUW)** | Guwahati **(GUW)** | Imphal **(IMP(B))** |
|  | Kohima **(KOH(B))** |  |  |
|  | Agartala **(AGR(B))** |  |  |
|  | Aizwal **(AIZ(B))** |  |  |
|  | Shillong **(SHL(B))** |  |  |
| 7 | Gujarat **(GUJ)** | Ahmedabad **(AHM)** |  |
| 8. | Himachal Pradesh **(HP)** | Shimla **(SHM)** |  |
| 9 | Jammu & Kashmir **(JK)** | Jammu **(JAM)** |  |
|  |  | Srinagar **(SRI)** |  |
| 11. | Karnataka **(KAR)** | Bangalore **(BAN)** |  |
| 12. | Kerala **(KER)** | Cochin **(COC)** |  |
| 13. | Tamil Nadu **(TN)** | Chennai **(CHE)** |  |
| 14. | Madhya Pradesh **(MP)** | Jabalpur **(JAB)** | Indore **(IND(B))** |
|  | Gwalior **(GWA(B))** |  |  |
| 15. | Orissa **(ORI)** | Cuttack **(CUT)** |  |
| 16. | Bihar **(BIH)** | Patna **(PAT)** |  |
|  | Ranchi **(RAN(B))** |  |  |
| 17 | Punjab& Haryana **(PNH)** | Chandigarh **(CHD)** |  |
| 18. | Rajasthan **(RAJ)** | Jodhpur **(JOD)** | Jaipur **(JAI(B))** |
| 19. | Sikkim **(SIK)** | Gangtok **(GAN)** |  |

**Paragraph Numbers**

ILO has incorporated paragraph numbers into the body of the reported judgments so that references to the content in the Judgment Text are easier. Thus where necessary, a specific location within the judgment can be identified with the additional reference to the applicable paragraph number. For example, the seventeenth paragraph in *K. V. Iyer vs. Union of India* would be cited as: *K. V. Iyer vs. Union of India [1998] ILO SC 6 at [17]*