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DOCTRINE OF STARE DECISIS



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EVOLUTION:

The doctrine of stare decisis has its root from the 18th century in England common law. In India, the doctrine came into existence during the British Rule. The British Rule establishes the Sardar Diwani Adalats and the Supreme Court at Bombay, Calcutta and Madras.

The High Court Act was enacted to establish High courts where such courts act as an original and appellate courts. Here, introduced the hierarchy of courts and also reporting of decisions. In 1813, Dorin suggested the establishment of the doctrine in India. The Government of India, 1935 gave the statutory recognition to the doctrine.

MEANING:

The doctrine of stare decisis is a legal doctrine to follow the previous case rulings with similar facts and issues. Stare Decisis means to stand by which is decided and the literal sense can be used interchangeably. The prior ruling or judgment is known as precedent. Stare Decisis is that courts look into precedents of the courts when the case pending before the court with similar circumstances.

When a court laid down a principle of law to a certain number of facts, it shall apply to future cases with substantial facts. It is to maintain efficiency, stability and continuity in law. It helps in the integrity of our Constitutional System of government in appearance and facts.

Sec.141 of the Constitution of India deals with the law declared by the Supreme Court to be binding on all courts which states the law declared by the Supreme Court shall be binding on all courts within the territory. The Supreme Court is not bound by its decision and may in proper case reverse its previous decisions.



STARE DECISIS AND PRECEDENT:

The doctrine of stare decisis established in a legal system that obligates to look back at the judicial decision by the superior court while making the decisions. On giving new decisions, if the courts think that the preceding case does not give sound judicial ground then it can be overruled and in such circumstances, this doctrine can be relaxed.

The stare decisis facilitates and obligates to look back into the previous decisions. Though the trial court and appellate court have different powers, they work together to attain justice. When the case is decided, the decision or ruling is deemed to be the precedent or judicial decision. If the precedent is taken from any other than Supreme court in India (U.S Supreme Court) it shall be considered but cannot be followed.

CASE LAWS

Case 1.

Bengal Immunity Co. V. State of Bihar, AIR 1955 SC 661.

Held - There is nothing in the Indian Constitution that prevents the Supreme Court from overruling the previous decision if there is any errors and its beneficial effect on the general interest of the public.

Case 2.

United Motors V. State of Bombay, AIR 1953 SC 352.

Held - The stare decisis is not an inflexible rule of law and cannot be permitted to perpetuate errors of the Supreme Court to the detriment of the general welfare of the



public. The doctrine has hardly any application to an isolated and stray decision of the court very recently made and not followed by a series of decision based thereon.

Case 3.

Golaknath V. State of Punjab, AIR 1967 SC 1643.

Held - The Supreme Court reversed its decision and held that the power to amend the Fundamental Rights is not found in Art. 368 but in the residuary power of Legislation.

Case 4.

Manganese Ore (India) Ltd. V. Regional Asstt. CST, (1976) 4 SCC 124.

Held - The doctrine of stare decisis is a very valuable principle of precedent which cannot be departed from unless there are extraordinary or special reasons to do so.

Case 5.

Waman Rao V. Union of India, (1981) 2 SCC.

Held - It sufficient for invoking the rule of stare decisis that a certain decision was arrived at on a question that arose or was argued, no matter on what reason the decision was pronounced. In other words, to apply the rule of stare decisis, it is unnecessary to enquire or determine as to what was the rationale of the earlier decision which is said to operate as stare decisis.

Case 6.

Union of India & Anr. V. Paras Laminates (P) Ltd., (1990) 4 SCC 453.

Held - The doctrine of stare decisis is the need for continuity, certainty and



predictability in the administration of justice. If the persons affected by the decisions of tribunals or courts have a right to expect that those exercising judicial functions will follow the reason or ground of the judicial decision in the earlier cases on similar matters. It has been stated that in the absence of a strict rule of precedent, litigants would take every case to the highest court, in spite of a ruling to the contrary the decision may be overruled.

Case 7.

Shanker Raju V. Union Of India, 2011 SCC 2 132.

Held - The doctrine of stare decisis is expressed in the maxim stare decisis et non quieta movere, which means "to stand by decisions and not to disturb what is settled". The underlying logic of this doctrine is to maintain consistency and avoid uncertainty. The doctrine shall not be disturbed only because another view is possible.

Case 8.

Desiya Murpokku Dravida V. Election Commission of India, AIR 2012 SC 2191.

Held - There is nothing in the Constitution that prevents the Supreme Court from departing from the previous decision of its own if it is satisfied with its error and of its harmful effect on the general interest of the public.

Case 9.

Rashmi Metaliks Limited And Another V. Kolkata Metropolitan Development Authority And Others, 2013 BC 4 244

Held - The law of precedence and of stare decisis is predicated on the wisdom and salubrity of providing a firmly founded law, without which uncertainty and ambiguity



would cause consternation in society. It garners legal predictability, which simply stated, is essential.

Case 10.

Narinder Singh And Others V. State Of Punjab And Another, 2014 AIR SC 2065

Held - The law declared by this Court in the form of judgments becomes a binding precedent for the High Courts and the subordinate courts, to follow under Article 141 of the Constitution of India. Stare decisis is the fundamental principle of judicial decision-making which requires "certainty" too in law so that in a given set of facts the course of action which law shall take is discernible and predictable. Unless that is achieved, the very doctrine of stare decisis will lose its significance. The related objective of the doctrine of stare decisis is to put a curb on the personal preferences and priors of individual Judges.

DISCLAIMER

This write up has been sent to you for information purposes only and is intended merely to highlight legal maxim. The information and/or observations contained in this issue do not constitute legal advice and should not be acted upon in any specific situation without appropriate legal advice. The views expressed in this issue do not necessarily constitute the final opinion of M/s.Wallcliffs Law Firm and should you have any queries in relation to any of the issues set out herein or on other areas of law, please feel free to contact us on mail@wallcliffs.com.



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