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JUDICIAL PRECEDENT: AS SOURCE OF LAW

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Abstract:

“Judicial precedent is not only binding but also necessary for consistency.”

The Concept of judicial precedent constitutes a foundational source of law in common law systems, ensuring continuity, uniformity, and predictability in legal decision-making. Originating in England under the principle of stare decisis et non quita movere “to stand by what is decided”, the doctrine was transplanted into Indian jurisprudence during the colonial period and now enjoys constitutional sanction under Article 141 of the Indian Constitution, which declares that “the law declared by the Supreme Court shall be binding on all courts within the territory of India.”

At the core of the doctrine lie two jurisprudential tools: ratio decidendi and obiter dictum. This distinction is critical, as the binding force of precedent is confined to the ratio, while the obiter may inspire judicial reasoning but lacks compulsion.

Precedents are classified into various types including binding and persuasive, declaratory and original, authoritative and conditional each performing a unique function in shaping the law. Landmark cases such as Keshavananda Bharati v. State of Kerala (1973), Indira Nehru Gandhi v. Raj Narain (1975), and Union of India v. Raghubir Singh (1989) demonstrate the Indian judiciary’s reliance on precedents for constitutional interpretation, basic structure doctrine, and legal innovation.

A comparative analysis reveals India’s borrowed legacy from English and American jurisprudence particularly the analytical methods of ratio extraction and the technique of distinguishing cases. Yet, the Indian Supreme Court has often indigenized these doctrines to reflect constitutional morality and socio-political realities. Precedent in India is thus not

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merely retrospective but dynamic, balancing judicial creativity with constitutional supremacy.

In conclusion, precedents, through the interplay of ratio decidendi and obiter dicta, function both as a stabilizing force and as a catalyst for progressive change. They stand as a vital source of law, an interpretative authority, and a mechanism of constitutional dialogue within India's democratic framework.

Keywords: Judicial precedent, Article 141, ratio decidendi, obiter dictum, stare decisis, case law, comparative jurisprudence, Indian Constitution.

I. Introduction

In common law regimes, judicial precedent which is typically based on the principle of stare decisis is a fundamental source of law. It embodies the idea that earlier court rulings have normative power and should be followed when deciding new cases with comparable factual matrices. Judicial precedent holds a special place in jurisprudence at the nexus of positivist authority, interpretivist reasoning, and realism critique. Ronald Dworkin opposes the positivist detachment by arguing that judges must make use of legal principles ingrained in society morality, whereas legal positivists like H.L.A. Hart have emphasized the role of precedent as a secondary rule granting validity inside the legal system.

Legal formalism had firmly established a strict commitment to precedent, considering court rulings to be declarative rather than innovative. Historically, the authority of precedent developed naturally within the English common law tradition. Precedent is still a crucial source of law in the modern legal system, but it faces new challenges. Rapidly changing technological, environmental, and socio political environments are posing challenges for courts, making strict adherence to earlier rulings problematic.

This paper examines the development, jurisprudential underpinnings, and current difficulties of judicial precedent as a source of law, critically analysing its function in forming legal systems in the face of shifting global, technical, and social environments.

II. Review of literature

● *Julius Stone (1947) -The Province and Function of Law: Law as Logic, Justice and Social Control, A Study in Jurisprudence (2nd edition, reprint 1973) - Wm. S. Hein Publishing; ISBN-13: 978-0930342753.* By analyzing the philosophical, sociological, and practical roles

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that judicial precedent plays in the legal system, Julius Stone made a significant addition to the field of judicial precedent studies. He maintained that precedent serves two purposes: first, it limits judicial creativity by requiring judges to follow pre existing rules, which fosters stability, predictability, and legal certainty; second, it permits the law to evolve naturally by offering a framework for judicial interpretation and innovation.

●*Aharon Barak (2006) - The Judge in a Democracy*, Princeton, NJ & Oxford: Princeton University Press. ISBN-13: 978-0-691-12017-1. In his thoughts on precedent, noted jurist and former Israeli Supreme Court President Aharon Barak examined the fine line between judicial innovation and democratic legitimacy. He maintained that by encouraging judges to follow accepted norms, precedent acts as an essential restraint on judicial subjectivity and protects against irrational decision-making. In addition, it permits the law to develop gradually, guaranteeing that legal frameworks continue to adapt to societal shifts. Barak underlined that following precedent fosters equality, uniformity, and predictability, all of which increase public confidence in the judiciary. However, he recognized that strict obedience can occasionally prolong injustice, highlighting the significance of precisely calibrated judicial judgment.

●*H.L.A. Hart, The Concept of Law*, Oxford: Clarendon Press, 1961 - By proposing the idea of the “rule of recognition,” a fundamental principle that identifies legitimate legal principles within a system, H.L.A. Hart transformed legal philosophy. Hart emphasized in his explanation of judicial precedent that implementing prior rulings necessitates interpretive thinking rather than rigorous mechanical deduction. Judges are required to determine the binding ratio decidendi from past instances, which is frequently a difficult undertaking. Hart emphasized that in order to maintain coherence, the legal profession has institutionalized the practice of precedent, which acts as a secondary rule. Using his notion of fundamental and secondary norms to place precedent, Hart demonstrated how legal systems preserve order while allowing for interpretive freedom.

●*Ronald Dworkin (1986) -Law’s Empire*, Cambridge, MA: Harvard University Press. Ronald Dworkin’s unique theory of precedent was developed by placing it within his idea of "law as integrity." According to Dworkin, judges examine precedents as a component of the legal system’s moral narrative rather than just following them without question. In order to attain legal coherence, precedents must be interpreted to reflect moral and political values. As a

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result, judicial decisions ought to be supported by both prior decisions and the integrity of the legal profession in general. Dworkin famously compared judges to writers of a chain novel, adding to and interpreting previous “chapters” while maintaining the story's coherence. By guaranteeing that like situations are handled similarly and that court rulings exhibit philosophical consistency, precedent upholds the integrity of the law in this framework.

III. Research Methodology

The jurisprudential basis of judicial precedent as a source of law are the main emphasis of this study's doctrinal and analytical research methods. It uses a qualitative methodology, consulting primary sources including common law court rulings, statute frameworks, and constitutional requirements. The theoretical foundation is derived from secondary sources, such as books, journal articles, and commentary written by legal experts such as Ronald Dworkin, Julius Stone, and H.L.A. Hart. The function of precedent in common law and civil law systems has been determined using a comparative method, emphasizing variations in persuasive power and binding authority. The cornerstone of this study is case law analysis, which looks at how courts actually interpret, apply, differentiate, or overturn precedents. The study also incorporates a socio-legal viewpoint, evaluating how precedent influences the development of legislation and strikes a balance between certainty and flexibility. The methodology seeks to clarify precedent as a dynamic source of law from a conceptual and practical standpoint.

IV. Problem statement

A basic jurisprudential issue is brought up by judicial precedent as a source of law: how can a legal system provide equality, consistency, and clarity through legally binding prior rulings while also permitting flexibility to adjust to evolving social, moral, and political realities? While precedent encourages consistency and predictability, overly strict rules can inhibit judicial innovation and make it more difficult to administer justice in evolving situations. On the other hand, an over-reliance on judicial discretion might compromise democratic legitimacy and the rule of law. Determining how much previous decisions should influence current decisions without hindering the advancement of law is a constant concern for courts as a result of this tension.

V. Objectives

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1. To investigate how common law court precedent has changed over time.
2. To examine jurisprudential viewpoints of Hart, Dworkin, Mac Cormick, and Stone about precedent.
3. To research the role that judges play in creating and implementing precedents.
4. To contrast common law and civil law states' use of precedent as a source of law.
5. To assess precedent's advantages and disadvantages as a source of law in contemporary jurisprudence.

VI. Judicial precedent in common law tradition

Judicial precedent, sometimes referred to as case law in the common law system, is the idea that courts are bound by earlier rulings (precedents) from higher courts when delivering decisions in situations that are comparable. Under this system, judges interpret the law and apply earlier decisions to novel circumstances, resulting in a body of law that develops via judicial decisions rather than just codified statutes. From a jurisprudential standpoint, judicial precedent reveals the dual function of law: as a mechanism of order and as an instrument of justice. While Julius Stone stressed precedent's use in social engineering, modifying legal doctrines to meet novel circumstances, scholars such as H.L.A. Hart emphasized how precedent establishes “*rules of recognition*” that direct judicial thinking. As a result, precedent is a live source of law that changes as a result of judicial interpretation in addition to being a storehouse of earlier decisions. In common law systems like those in England, the US, and India are prime examples of how precedent is used to establish doctrines in situations when statutes are silent or unclear. Prominent rulings like *Brown v. Board of Education* in the US and *Donoghue v. Stevenson* in England serve as examples of how precedent can increase rights and promote justice. In the end, common law judicial precedent is essential to contemporary legal systems because it represents the harmony between progressive jurisprudence and legal certainty.

VII. Role in English legal system

The theory of judicial precedent emerged in the English legal system, which is also the standard for the majority of common law jurisdictions. Precedent, which has its roots in centuries of judicial practice, guarantees that courts adhere to accepted norms in order to preserve legal consistency and certainty. While rulings from courts of equal standing typically have persuasive authority, the idea of stare decisis mandates that subordinate courts

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accept the rulings of higher courts. This hierarchy maintains deference to judicial authority while ensuring consistency in judicial reasoning. The House of Lords concluded that it was strictly bound by its own earlier rulings in the seminal case of *London Street Tramways v. London County Council* (1898), which helped to shape the rigidity of precedent. This increased certainty, but it also ran the risk of making the legislation obsolete. The 1966 Practice Statement was released in response to this, permitting the House of Lords now the UK Supreme Court may deviate from its previous decisions “when it appears right to do so.” This brought back adaptability and illustrated how justice and consistency may coexist. The Supreme Court overturned *Plessy v. Ferguson* (1896) and its “**separate but equal**” theory in *Brown v. Board of Education* (1954), one of the most notable examples. Similar to this, the Court reversed *Adkins v. Children’s Hospital* (1923) in *West Coast Hotel Co. v. Parrish* (1937), indicating a move away from strict laissez-faire constitutionalism and toward support for minimum wage legislation. The Court also emphasizes the significance of continuity. Even in the face of controversy, the Court upheld the fundamental principle of *Roe v. Wade* (1973) in *Planned Parenthood v. Casey* (1992), emphasizing adherence to precedent to maintain institutional legitimacy and public trust. As a result, American stare decisis represents a pragmatic and balanced jurisprudence. Although precedent is important for maintaining consistency, the Supreme Court maintains the power to overturn old or unfair rulings as necessary to uphold constitutional values and advance society. By doing this, the American legal system illustrates how morality, the law, and changing democratic values interact dynamically.

VIII. U.S. Approach to Stare Decisis

The U.S. Supreme Court and other American courts stress the importance of following precedent in order to guarantee the validity, equity, and predictability of court rulings. However, the Court recognizes that precedent can be overturned if it turns out to be at odds with changing social norms or constitutional principles. From the perspective of jurisprudence, the U.S. system exhibits a practical equilibrium between legal positivism and realism. H.L.A. Hart and other positivist thinkers would contend that precedent-based principles structure judicial authority by acting as a “**rule of recognition**.” However, American courts frequently take a realist stance, acknowledging that the law needs to change to reflect the moral, social, and economic realities of the modern world. This is demonstrated by significant overturning like *Brown v. Board of Education* (1954), in which

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the Court abolished racial segregation by overturning *Plessy v. Ferguson* (1896). In this case, constitutional morality and the need for real justice prevailed over precedent.

IX. Evolution of Precedent in India

India's specific journey of merging common law customs with constitutional objectives is reflected in the development of its judicial precedent. When precedent was first introduced during colonial authority, it was used through the British-established judicial hierarchy. As the highest appellate body, the Privy Council established guidelines that Indian courts had to abide with. The Supreme Court of India became the supreme court when the country gained independence in 1947 and the Constitution was ratified in 1950. Its rulings were given binding force by Article 141, which established precedent as a major source of law. The Indian method exhibits both originality and continuity. Due to the strictness of precedent, early instances like *A.K.Gopalan v. State of Madras* (1950) demonstrated a limited, positivist construction of fundamental rights. However, the Supreme Court made a major move toward judicial dynamism in 1978 when it broadened the definition of personal liberty in *Maneka Gandhi v. Union of India*. This development is consistent with Julius Stone's theory that precedent serves as a tool for "social engineering," enabling courts to modify legal concepts to meet the needs of justice in evolving situations. India's adaptive use of precedent is further demonstrated by the theories of overruling and prospective overruling. In *Golaknath v. State of Punjab* (1967), prospective overruling, a concept taken from American jurisprudence was initially used to stop the retroactive invalidation of constitutional modifications. Later, the Court established the Basic Structure Doctrine in *Kesavananda Bharati v. State of Kerala* (1973), a landmark decision defining constitutional identity.

X. Article 141 & Binding Nature of SC Judgments

"The law declared by the Supreme Court shall be binding on all courts within the territory of India," according to Article 141 of the Indian Constitution. This clause makes judicial precedent a constitutional requirement as opposed to just a common law custom. It maintains the Supreme Court's authority as the ultimate interpreter of the law and guarantees consistency in the legal system by avoiding divergent interpretations across several jurisdictions. The jurisprudential stated that Article 141 upholds the Supreme Court's authority to enact laws while additionally adopting the stare decisis theory. Judicial interpretation frequently fills in the blanks, resolves ambiguities, and modifies statutory or

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constitutional provisions to meet modern demands, even if legislators technically originate laws. Judges “***make law interstitially***,” according to thinkers like Salmond, and this is demonstrated in India, where judicial innovation has extended fundamental rights and constitutional principles through legally binding precedents. However, Article 141 only covers the *ratio decidendi* of judgments *not obiter dictum*. This distinction guarantees that only the fundamental legal rationale establishes legally binding precedent, while subsidiary observations continue to hold weight. The Court’s proclamation of the Basic Structure Doctrine became binding law in *Kesavananda Bharati v. State of Kerala* (1973), limiting parliamentary supremacy. This is just one example of a landmark case that demonstrates its revolutionary effect. Similarly, Indian constitutional doctrine was altered in *Maneka Gandhi v. Union of India* (1978) by the enlarged definition of “personal liberty” under Article 21. Article 141, however, also sparks discussions about judicial activism vs restraint. If courts take on a legislative role, binding precedent could lead to judicial overreach even while it fosters predictability. However, Article 141 has solidified the Supreme Court as a defender of constitutionalism and a dynamic source of law in Indian jurisprudence by striking a balance between stability and progressive interpretation.

XI. Ratio Decidendi in Indian Courts

Ratio decidendi, the “***reason for the decision***,” is the binding element of judicial judgments and serves as the core of precedent in Indian courts. It represents the legal principle or rule of law that is essential for deciding a case and distinguishes it from obiter dicta, which are incidental observations or comments made by judges. While obiter dicta may carry persuasive value, only the ratio decidendi has a binding effect on lower courts. The doctrine of ratio decidendi embodies both stability and adaptability in law. Thus, ratio decidendi is viewed by Indian courts as a fluid notion that develops through interpretation rather than as a rigid adherence to earlier rulings. To derive ratio from complex verdicts, Indian courts frequently use techniques like deductive reasoning, differentiating, and harmonizing. For instance, the Supreme Court’s ruling on the Basic Structure Doctrine in *Kesavananda Bharati v. State of Kerala* (1973) has been legally enforceable and has influenced constitutional interpretation ever since. Similarly, the Court’s expansive interpretation of **Article 21** in *Maneka Gandhi v. Union of India* (1978) expanded the concept of personal liberty and influenced hundreds of other rulings. Ratio decidendi is hence both fundamental and dynamic in Indian jurisprudence. It strikes a balance between the dual goals of certainty and

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progressive legal evolution in a complex, dynamic constitutional system by guaranteeing that precedent functions as a trustworthy source of law while permitting judicial innovation.

XII. Overruling & Prospective Overruling

Overruling is the legal process by which a judge declares that a previous ruling or a portion of it is flawed and should no longer be regarded as a legally binding precedent. According to Article 141 of the Constitution, the Supreme Court of India has the primary authority to overrule, which reflects the Court's position as the last arbiter of the law. With this authority, the judiciary can verify that the law is fair and current, correct mistakes, and modify legal doctrines to reflect modern situations. By carefully applying precedent, overruling allows the legal system to change while preserving stability. It is a crucial component of judicial creativity in the common law tradition. Conversely, the jurisprudential innovation known as prospective overruling restricts the overruling's retroactive impact. In contrast to traditional overruling, which applies retroactively, impacting both past and future cases, prospective overruling changes the new legal principle's effect so that it only applies from the judgment date forth. In *Golaknath v. State of Punjab* (1967), the Supreme Court of India first acknowledged this idea, which was taken from American jurisprudence, when it stopped the retroactive invalidation of constitutional revisions that affected basic rights. Some constitutional revisions were later subject to future overruling in *I.R. Coelho v. State of Tamil Nadu* (2007), guaranteeing continuity and equity without undermining preexisting rights and transactions. These theories serve as an example of how Indian law strikes a balance between stability and forward advancement. The history of constitutional interpretation following *Kesavananda Bharati v. State of Kerala* (1973), in which the Court established the boundaries of parliamentary power through the Basic Structure Doctrine, demonstrates how overruling enables the judiciary to correct older or unfair rulings. Although sudden changes in legal principles can have disruptive social and economic effects, prospective overruling acknowledges these factors and demonstrates attention to reliance interests, legal certainty, and public policy. Judiciary responsibility in forming common law and constitutional jurisprudence is further evidenced by overruling and prospective overruling.

XIII. Interaction of Precedent with Legislation

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A particular trait of contemporary legal systems, especially in common law nations like India, is the interplay between legislation and court precedent. Although legislation is the basic source of law, judicial precedent serves as a supplement and occasionally a remedy by interpreting statutes, clearing up ambiguities, and addressing gaps left by the legislature's silence. This dynamic guarantees uniform application of the law while maintaining its flexibility in response to evolving social, political, and economic circumstances. This relationship is particularly important in India since the Constitution gives judges the ability to align laws with constitutional values by providing a strong system of judicial review in addition to a codified framework. The dual nature of law as a directive and a tool of justice is illustrated by this interaction. The practical embodiment of legislative intent is provided by precedent, as H.L.A. Hart highlighted that the law is only effective when it is interpreted and enforced by courts. Julius Stone also maintained that courts operate as social engineers, modifying the law to suit changing social demands. In actuality, Indian courts frequently follow constitutional directives when interpreting laws to make sure they don't violate fundamental rights or the Basic Structure Doctrine, which was established in *Kesavananda Bharati v. State of Kerala* (1973). The Supreme Court broadened the application of Article 21 in the 1978 case of *Maneka Gandhi v. Union of India*, ruling that any legislation impacting individual freedom must pass the due process, fairness, and rationality considerations. Judicial interpretation in this case improved legislative measures while guaranteeing commitment to constitutional norms. Similar to this, the Court read down specific entries of the Ninth Schedule in *I.R. Coelho v. State of Tamil Nadu* (2007) to make sure that laws did not infringe upon basic rights. This case serves as an example of the judiciary's corrective role in striking a balance between legislative authority and constitutional supremacy.

XIV. Role of High Court Decisions

In India, the decentralized operation of precedent is demonstrated by the role of High Courts. Here, H.L.A. Hart's view of the law as a set of fundamental and secondary norms makes sense: In order to interpret and apply core legal norms, High Court rulings serve as secondary rules. Furthermore, High Courts' innovation in areas without legislative guidance demonstrates Julius Stone's notion of precedent as "instruments of social engineering." For example, before many cases made it all the way to the Supreme Court, High Courts played a significant role in the development of environmental jurisprudence and the extension of

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Article 21. By interpreting *Section 377 of the Indian Penal Code*, the Delhi High Court decriminalized consenting gay conduct in *Naz Foundation v. Government of NCT Delhi* (2009). This landmark decision influenced later Supreme Court decisions. The Kerala High Court and the Madras High Court have also rendered important rulings on privacy, environmental preservation, and gender rights, frequently establishing the groundwork for national legal norms. Indian jurisprudence is also enhanced by the inter-court interplay. Various interpretations of a legal subject by various High Courts lead to a discussion of precedents, which frequently ends with the Supreme Court settling the dispute where rulings from the High Court greatly influence the development of jurisprudence.

XV. Innovation and Social Justice Jurisprudence

The High Courts' function serves as an example of how precedent in India operates decentralized. In this case, H.L.A. Hart's view of the law as a set of primary and secondary norms makes sense: Secondary rules that aid in the interpretation and application of main legal norms are High Court rulings. Furthermore, when High Courts take the initiative in areas where legislative guidance is insufficient, Julius Stone's concept of precedent as "instruments of social engineering" is clearly visible. Before many cases made it all the way to the Supreme Court, for example, High Courts played a significant role in the development of environmental jurisprudence and broadened the application of Article 21. By interpreting Section 377 of the Indian Penal Code, the Delhi High Court decriminalized consenting gay conduct in *Naz Foundation v. Government of NCT Delhi* (2009). This landmark decision influenced later Supreme Court decisions. The Kerala High Court and the Madras High Court have also rendered important rulings on privacy, environmental preservation, and gender rights, frequently establishing the groundwork for national legal norms.

XVI. Jurisprudential Foundations

Hart clarified that each legal system needs a foundational principle that recognizes legitimate legal sources. In India, all lower courts within a High Court's jurisdiction are bound by its rulings as authoritative sources of law. This guarantees that disagreements are settled in accordance with uniform criteria and provides legal actors with clarity. Moreover, Julius Stone's theory that precedents are tools of "**social control**" is also pertinent. High Court decisions uphold the integrity of the legal system by preventing legal ambiguity and arbitrariness by binding lower courts.

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XVII. Advantages of Judicial Precedent in India

One of the most important sources of law in India's common law history is judicial precedent. It is not only a jurisprudential weapon of fairness, certainty, and adaptation, but also a system of legal consistency. Supreme Court decisions are legally binding throughout the country by virtue of Article 141 of the Constitution, whilst High Court decisions are only applicable within their respective jurisdictions. From a jurisprudential perspective, India's legal system is strengthened by the numerous benefits that judicial precedent offers. By establishing predictability for future events, precedent guarantees legal stability. By understanding the thinking of judges, attorneys, and citizens in comparable circumstances, arbitrariness is lessened. This is in line with John Austin's positivism, which places a strong emphasis on deference to established legal authority.

XVIII. Limitations & Challenges of Judicial Precedent in India

The Indian legal system has restrictions when it comes to the use of judicial precedent, despite the fact that it is praised for maintaining consistency and stability. Confusion rather than clarity is frequently brought about by the intricacy of India's judicial system, the variety of High Court decisions, and the sheer number of judgments. There are intrinsic conflicts between hierarchy and decentralization, certainty and flexibility, and law and justice that are shown by the notion of precedent from a jurisprudential perspective. It becomes difficult to determine the binding ratio decidendi because of the thousands of rulings that are rendered each year, particularly by High Courts. Sometimes, this uncertainty causes inconsistent application in lower courts. In this case, Hart's comment regarding the "*open texture of law*" is relevant since precedents frequently leave ambiguities that judges read differently, undermining the exact certainty that precedent is supposed to provide. Conflicting interpretations from High Courts result in yet another restriction. Different governments may apply different principles to comparable legal situations because verdicts are only binding within their territorial jurisdiction. Until the Supreme Court settles the dispute, this threatens national unity. The authority of precedent as a source of universal direction may be weakened by such variation. In this case, scattered rulings undermine legal predictability, challenging Julius Stone's view that precedents serve as tools of "*social control*." Furthermore, the precedent doctrine occasionally has the potential to uphold injustice. Delays in necessary improvements might result from blindly adhering to out-of-date rulings

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that freeze the law in antiquated forms. This emphasizes the conflict between justice and stability, which Ronald Dworkin highlighted when he insisted that the law be understood in its “best moral light.”

XIX. Comparative Insights with Civil Law Systems

Civil law states operate significantly unlike from common law systems like India, which rely heavily on the notion of judicial precedent. France, Germany, and Japan are examples of civil law nations that mostly rely on codified statutes, where legislation is regarded as the ultimate source of law. It is expected of courts in these systems to enforce the law, not make it. From the perspective of jurisprudence, this disparity demonstrates the divergent ideologies that underlie legal traditions: civil law prioritizes clarity by codification, whereas common law promotes continuity through precedent. In civil law systems, rulings made by judges are not legally binding outside of the current case. In most cases, judges are expected to interpret statutes differently in each instance, so the principle of stare decisis is not applied. In reality, nevertheless, decisions made by higher courts particularly those of the highest or constitutional courts have de facto binding power. In Germany, for example, decisions from the Federal Constitutional Court have a significant impact on judicial practice, while in France, lower courts are guided by the decisions of the Cour de Cassation.

XX. Conclusion

A key role in Indian jurisprudence is played by judicial precedent as a source of law. Consistent judicial reasoning fosters certainty, equity, and stability in society, according to the common law tradition. While permitting variety among jurisdictions, precedent maintains consistency within the legal system through the persuasive power of High Court verdicts and the binding authority of Supreme Court decisions under Article 141. It serves as an example of Dworkin's moral view of law, Austin's positivism, Stone's social engineering, and Hart's rule of recognition in terms of jurisprudence. The study shows that precedent in India is a dynamic tool of justice rather than just a memorization of past decisions. Overruling and prospective overruling are two doctrines that enable error rectification and flexibility in response to shifting social conditions, while High Court innovations emphasize the judiciary's function as a social justice catalyst. Nevertheless, constraints like contradictory decisions, an overabundance of case law, and sporadic

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inflexibility serve as a reminder that precedent needs to be balanced with judicial accountability and structural ethics.

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