International Journal for Multidisciplinary Research (IJFMR)
E-ISSN: 2582-2160 ● Website: www.ijfmr.com ● Email: editor@ijfmr.com

Morality and Reasoning: An Analysis of Judicial Going Beyond the Delegation

Kishore Chandra Jena

An advocate and a Ph. D. scholar, associated with P. G. Department of Law, Sambalpur University, Odisha.

Abstract

This article discusses the historic relationship between 'morality and reasoning'. It is specifically more about judicial reasoning. At the beginning, this article defines 'morality' and 'reasoning'. It shows how and why reasoning ought not to be dictated in terms of religious morality. A state or the states having their own diversities must have to get rid of religious fundamentalism so far as making the law and its working goes on. It is so as to insure and ensure that constitutionalism does not fall prey to the servitude dominated and imposed by precedents, racial and religious traditions, customs and it is so as to let reasoning evolve independent of any kind of envelopment. This article, for that purpose, studies how a former Chief justice of the Supreme Court reflects on his papal belief being a dominant force in writing his judgement in one of the historic litigations which consequently did not give secularism its due share. Religious considerations in the interpretations of secular laws have caused irreparable damage to the very constitutional fabrics of the nation-states. Shah Bano judgement is an example. The judgements on the de-activation or abrogation of Article 370 of the Constitution of India invites questions in regard to independence of judiciary. Studies show that on certain occasions, the judicial system going beyond the fixed as well as the implied delegation is not free from the politics of the day.

Practices at large in the international communities, even though immoral, have vehemently coined the word 'amoral' which is neither moral nor immoral. When something done is illegal, it is said to be legitimate. So, amoral reasoning in the international political economy is considered as legitimate and the national judiciaries are shaped and educated accordingly.

Introduction

The debate on and around the relationship between morality and reasoning is as old as the written history of human civilization. Religious scriptures have issued ordinances for their followers to abide by them while living their lives. God (Himself) ordained Justice D.Y. Chandrachud (or even let us say, "dictated") the terms of reference while he was spending sleepless nights in regard to how to write the judgement in Babri Musjid title suit. Justice R.F. Nariman says that the Ayodhya Judgement has not given secularism its due share. While discussing judicial reasoning, what Abu al-Fath Jalal al-Din Muhammad Akbar the Mughal emperor had mapped out his policies in regard to keeping his empire integrated and peaceful deserves academic considerations. Akbar the Magnanimous has a thesis that morality can be guided by critical reasoning; in making moral judgement, we must not make reasoning subordinate to religious command, nor rely on 'the marshy land of tradition'.[1] Although Akbar is popularly said to have no formal education, he was assertive on keeping tradition and religion distanced from his management of state as far as possible. Accordingly, tradition and religious commands are assumed to be anathema to reasoning.

Guidance from critical reasoning is necessary while codifying any morality. Akbar was clearly assertive in saying that reasoning is not and cannot be subordinated to religious commands and he took for granted that tradition is a marshy land which is not fit for human habitation. As the head of the state, Akbar went ahead of his time in making rules of management of his empire. In this regard, he buried his own religious identity and came forward to establish a road to peaceful coexistence. A stanza from William Cowper would suffice for better understanding of the contradiction between morality and reason and the stanza is given below:

"The slaves of custom and established mode, With backhorse constancy, We keep the road crooked and straight, Through quags and thorny dells, True to the jingling of our leader's bells.
To follow foolish precedents and wink
With both our eyes is easier than to think."

Therefore, to follow the customs and the established mode is to live as slaves. Further, it is easier to follow foolish precedents than to think. It is, hence, slavery to cling to morality, which is easier than to think. To reason is to think. Traditions and religions are or may be stagnant and static, but reasoning is not. It often goes off the beaten track and the acts of going off the beaten track is treated as the practice of atheism. Ala-ud-din Khilji who was the head of the 14th century Delhi sultanate had proclaimed an ordinance that the religious heads including Islamic priests must have to be kept at bay so far as the affairs of the state were concerned. These facts show that affairs of state ought to be based on reason and morality ordained in the religious scriptures and by traditions cannot dictate it. In this sense, both Akbar and Alauddin Khilji were atheists in the eyes of religions whereas both were personally deeply religious.

What is this atheism anyway? The overwhelming majority of the leading representatives of Indian traditional wisdom were not only simply indifferent to the questions on and about God, but also were they committed atheists.[2] The questions on and about God involve various elements of morality and the questions are classified into two groups in general such as the questions in support of God and the questions derived from those who stand opposed to God. So, the morality revolving around God is often made to confront multitude questions. Hence, morality of all shades and hues are questionable. The morality involved in atheism as well as in theism is questionable. The morality that stands supporting God and its counterpart opposing God are all questionable. It is questionable because it lacks sufficient reasoning to sustain itself. On the other hand, if studied with seriousness, the majority of the representatives of Indian philosophy have reached the reasoned conviction that God's existence is and can be admitted only at the cost of clear logic[3]. By that way, the morality centering around God is and can be sustained only at the cost of clear logic. Morality wants logic not to come in its way. The philosophies of faith in God and the morality derived therefrom stand on fiction, and never based on facts. One of such fictions is spiritualism and in India, we witness God-based spiritualism and God-less spiritualism. The latter is based on facts and atheism which is based on reason which is based on facts is based on logic. Historically, atheism is an accusation, not for defying God, but for the fact that the accused persons stood opposed to the imperial cult that they refuted loyalty to the royalty. The Christians at the early stages used to be tried and even executed by Romans. Anaxagoras was persecuted for he thought of the Sun as a material body. His theory of the universe was that everything in the universe is composed of tiny individual particles which are called seeds or homoeomeries which are invisible but if they are placed in different arrangements, they create different objects[4]. Anaxagoras was not anti-God, but his research finding was against the royal belief and morality. One of the charges for which Socrates was condemned to death was atheism. He was not anti-God, but he questioned the morality of the Athenian state which

was feared to have caused damage to citizen's loyalty to the state's morality in Athens. Anaxagoras and Socrates and a lot more who were persecuted for atheism had definitely brought up some new knowledge which was not in the public domain then and there and which stood opposed to what the ruling classes during that epoch used to hold as absolute knowledge. The new knowledge came from the examination of facts and reasoning was the mechanism for the examination of facts from which knowledge is derived and drawn. So, persecution of philosophers was the persecution of knowledge. Thus, knowledge derived from examination of facts based on reasoning stands anathema to the knowledge drawn from fictions such as spiritualism. Logically, it may be said that reasoning discovers and uncovers newer horizons of knowledge whereas morality based on religion as well as the marshy land of tradition deprives humanity of the human right of acquisition of knowledge.

Morality Defined

Two words- 'morale' and 'moral' come afore while defining the word 'morality. The French equivalent of morale is moral[5]. Suppose the morale of our army is excellent. Here, the determination and mental capacity of our army is depicted. Suppose the moral lesson of a story or of a maxim teaches us to be good to others. For example, *mora debitors non debt esse creditori damnosa*[6]. It means that delay on the part of a debtor ought not to be injurious to a creditor. The morality derived from the said maxim is a rule that binds a debtor to a fixed or certain way of conduct towards his creditor that the debtor's delay in repayment of the debt-money ought not to cause any damage to the creditor's interest. But this morality is not static and it has its limitation recognized by law that if a debtor is declared bankrupt, he can't be compelled to repay as demanded by his creditor. This theme has been reflected in Mr. Kras v. the USA, 409 U.S. 434 (1973).[7] Shakespear's 'Merchant of Venice' has debated on the morality involved in the law of contract. So, morality changes in accord with changes in the character of the state. In the United Kingdom during seventeenth and eighteenth centuries, Christianity used to be held a part of common law. Any advised writing against the religion was held to be a crime and formation of a trust to maintain an assembly meant for reading Jewish law was considered invalid. But, in nineteenth century England, the act of reverent criticism of Christianity was not held blasphemous nor was it an offence. So, the morality
contained in the law regarding Christianity changed. Maybe it was so due to changes in international relations or due to domestic compulsions. Even twentieth century was witness to the fact that a trust for propagation against Christianity was upheld.[8]

The term 'morality' is a subjective one. It varies across cultures and with changes in cultures at the lapse of time, it takes different shapes. Fundamentally, it lies in the distinction between bad conduct and good conduct of persons, groups and societal structures. Take for example, the morality of marriage. According to Hindu law, 'sapinda' or 'sagotra' marriages fall within the category of prohibited marriage. But, Odisha, a province in south-east India, is witness to its exceptions. Marriages are held between sister's son and brother's daughter. In the southern part of Odisha, maternal uncle (mother's brother) marries his sister's daughter. Centering on and around the distinction between the good and the bad does stand morality. Muslims in India have prohibited marriage if it is between brothers and sisters born off the same womb. So, the practice of morality differs from person to person. Principles of inheritance differ from community to community. Muslims and Hindus have their respective system of inheritance. The status of married women in regard to maintenance in Hindu community is not the same as in Muslims. Therefore, the evaluation of superior morality and inferior morality is not based on any reasoning of facts but only on fiction. Universally, adultery is considered a bad conduct. "The Oblonsky home was in turmoil. The wife

had discovered that her husband was having a love affair with their former French governess and she told him she could no longer live with him under the same roof."[9] Some (immoral) conduct is common to all humanities. Lev Tolstoy says, "All happy families resemble one another; every unhappy family is unhappy in its own way." So, the morality of happiness is all the same in all the happy families, but the morality of sorrows differs from one unhappy family to another.

"The pathos of nobility and distance, the chronic and despotic *esprit de corps* (a feeling of pride and mutual loyalty shared among the members of a group) and fundamental instinct of a higher dominant race coming into association with a meaner race, an under race, this is the origin of the antithesis of good and bad."[10] So, what is good for a dominant race is or may be bad for a meaner race and vice versa. "Leaving aside all the physical facts which one can quote, leaving aside rape or murder, leaving aside the bloody catalogue of oppression, which we are in one way too familiar with already, what this does to the subjugated-is to destroy his sense of reality."[11] What is good for a dominant class or race of people is that the subjugated people who compose a meaner race or an under-race due to their loss of socio-economic and political freedom have to destroy their sense of reality and it would be their morality to live for the freedom and pleasure of the subjugating race or class. The sense of reality is that the country, which is the birth place of millions of the black and the negro and for which this under-race or the meaner race has sacrificed whole life across generations and with which its identity is fixed since birth, has not in its whole system of a glittering republic evolved any place for the negros. What is meant here is that the dominant race determines the morality of discrimination and deprivation is to be suffered by the meaner coloured race and the latter's moral responsibility is to forget the reality of their being humans. That is how a feeling of pride from being deprived and discriminated demands an answer. The country named Haiti is the first free country in the Americas whose people accomplished the first successful slave revolution, by beating Napoleon's most powerful army of the world in the year 1804. The manner of bringing an end to slavery is unique[12]. So, the people of Haiti have an *esprit de corps.* So, the morality of dominance over the slaves imposed across centuries by the civilized White gave in and the feeling of pride of not forgetting the reality triumphed in Haiti. The clashes of moralities have their tales to tell.

The clashes of moralities include clashes of classes within feminism itself. "The internal conflicts are how feminism grows and becomes more effective. One of the biggest issues with mainstream feminist writing has been the way the idea of what constitutes a feminist issue is framed. We rarely talk about basic needs as a feminist issue. Food insecurity and access to quality education, safe neighbourhoods, a living wage and medical care are all feminist issues. Instead of a framework that focuses on helping women get needs met, all too often the focus is not on survival but on increasing privilege. My feminism is rooted in an awareness of how race and gender and class all affect my ability to be educated, receive medical care, gain and keep employment."[13] "As debates over last names, body hair, and the best way to be a CEO have taken center stage in the discourse surrounding modern feminism, it's not difficult to see why some would be questioning the legitimacy of a women's movement that serves only the narrow interests of middle- and upper-class white women."[14] The basic contradiction within the morality of feminism more specifically in the USA and in the western world is the contradiction between the politics of the basic needs and the politics of the privileges. The colour-race-class supremacy is evident in feminism as a women's movement. Still, it is a welcome step ahead to end patriarchy. The women's movements in India have been forced to confront the Indian version of state-mandated public policy (agenda) known as liberalization which gave out over a large area of the state and social life to private business sectors. In consequence, caste conflicts increased and religious

fundamentalism got revamped and along with, food security in general and the food security for women in particular was ruined. Inter-sectoralism took the lived conflicts around women's differences as the daily stuff of women's inequality. So, the women's movements in India came out challenging the rural Dalit women's oppression and demanded a class analysis of agricultural day-labourers, bonded workers and land-holders with small plots of land.[15] This is how women's movements have been dealing with the antagonism between the morality of basic needs and the morality of privilege. Poverty and impoverishment are the issues of feminism.

Morality of Man vs. Woman

The discourses on and around the morality of gender-equality is being seen unendingly heading towards gender equilibrium. A girl is often advised not to be or at least prevented from being a fast-tailed girl. This colloquialism is heard in certain communities as half-warning and/or half pejorative. To be a fast-tailed girl is to be sexually precocious in some way.[16]In communities such as ours, we often hear elders warning younger girls both not to be fast-tailed and not to make friends with those girls who are fast-tailed. It's a kind of anti-woman bias disguised as a protection mechanism. Women are moralled to live bracketed. This idea that 'man for the world and woman for man' is culminated in the mythical poetry as given below.
"Not God has created you O maiden, Man has completed your being by giving you Beauty and grace (of his heart's desire).
Your femininity is half your womanhood, Half is the imagination of men.[17]"
Equality as a morality demands that this world is not exclusive possession of men, rather it belongs to both the sexes. Hence, feminism, the struggle for equality and liberty, is neither a struggle of the female against the male, rather it is against injustice and inequality nor is it confined to only the women living in the privileged strata. The morality ordained for women in the religious scriptures deserves rejection in limine.

Morality and Politics

Democracy happens to be the eternally acclaimed morality of politics and empowerment of people is the morality of constitutionalism that paves the way to democracy. On the contrary, abortions of this morality are witnessed at large. "The masters of the universe are of course very far from representative of the population of the dominant powers. Even in the more democratic states, the populations have only limited impact on policy decisions. Economic elites and organized groups representing business interests have substantial independent impact on the U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence."[18] Noam Chomsky the author has come out with the evidence of a kind of abortion of the fundamental morality of democracy. Since 1945, efforts to end war were taken by the elite states (the so-called self-declared international community) to bring about a broad consensus on principles which should guide state actions in respect of use of force. It aimed at bringing an end to inhumanity. These principles were formulated and derived from the United Nations Charter which were considered once in the United States to be the supreme law of the land. The consensus was made around the use of force that force could be lawfully deployed only when the Security Council authorized it or under Article 51 of the UN Charter. The interpretation of Article was devised to include the phrases such as 'necessity of self-defense' and 'anticipated threat'. Under these circumstances was justified the phrase "illegal but legitimate".[19] The elite sovereign powers take internally illegal actions, but those illegal actions are legitimate in the view of their own national interests, although so-called national

interests largely exclude the interest of the impoverished populations of their own country. Europe's dark 1930s and Latin America's repressive 1970s and herds of other phenomena are all provoking to ask-"Is our democracy in danger?" Democracies are dying at the hands of men with guns. "But there is another way to break a democracy. It is less dramatic but equally destructive. Democracies may die at the hands not of generals but of elected leaders-presidents or prime ministers who subvert the very process that brought them to power."[20]

"During the Reagan presidency, in the 1980s, along with the renewed military offensive against the Soviet Union (in the form of stepped up military expenditure), the ideological counterpart was the campaign for 'democracy'. It is in this connection that under Reagan's initiative, the US Congress passed an act creating the National Endowment for Democracy. Funded by the US government primarily, the NED's motto is 'free markets sustain democracy'. The NED is a successor to the American outfits such as the Congress for

Cultural Freedom which operated in fifties and sixties. It provides funds to promote democracy to anti-China Tibetan organizations, Cuban émigré groups and generally supports organizations which promote market reforms and transnational corporations. After prolonged negotiations between India and the US, India joined the 'Community of Democracies'.[21]It is alleged that the shift in Indian politics from centrist to the far rightist subsequently resulted in the shift from secularism to religious obscurantism which further shifted from decentralized democracy (socio-economic-political) to the aggressively hegemonistic democracy where governance is run independent of people whom democracy is meant to empower. So, India's joining the 'Community of Democracies' is seen to cause widening of the existing impoverishment. Since 1991, the velocity of the shifts in both the foreign policy and the domestic socio-economic policy has been found aggressive.

Reasoning Defined

"Reasoning is a special kind of thinking which is called inferring or inference".[22]It draws hypothetical statements to be tested, so as to reach the end of the truth. As judicial functioning happens to be the final and finale of justice and justicing, the judicial reasoning ought to be independent of judges' religious, racial and communal and political belief system, so that the constitutionalism which aims at empowering the largest number of people living in the largest walks of life can cross over the existing travesty of justice.

Judicial Reasonings

"One of the subliminal expectations of the common man is that justice will be delivered by the highest court of the land: the Supreme Court of India".[23] This utterance from Zia Mody deserves applause. However, it is but an economy of truth. 'Tryst with Destiny' for almost eight decades has evidently mirrored that the moon has its dark side, too. The highest court of the land has a trial and the popular trust on it suffers from no less scepticism. So, all is not well in respect of the subliminal expectations of the common man vis-a-vis deliveries from the highest court of the land. This scenario is not confined only to the Indian judiciary, rather it is witnessed across the globe, more specifically the common law countries. Judiciary in general and Supreme Court in particular is constitutionally assigned to interpret law as well as review its working. Article 141, Constitution of India reads that the law declared by the Supreme Court shall be binding on all courts within the territory of India. Article 142(1) expands Article 141 by enshrining that for doing complete justice, the Supreme Court of India may pass necessary orders and

decrees(judgements) which are enforceable throughout the territory of India. But the Supreme Court is not bound by its own decision.[24] So, it is to analytically examine how the supreme judicial morality of doing complete justice is delivered on various landmark occasions.

(i)In V. P. Shetty v. Sr. Inspector of Police and another on 6 May, 2005[25], the Bombay High Court held that since the alleged offence took place within the four walls of the chairman's chamber and not in public view, the Section 3(1) and (10) of SC/ST (Prevention of Atrocities Act, 1989) could not be invited and allegation thereunder against the chairman of IDBI was quashed.[26]The Bench of Justice RMS Khandeparkar and Justice PV Kakade ruled that cognizance had to be taken under the Sections 7(1) (d) of Civil Rights Protection Act, 1955 as the said Act deals with the protection of citizens' civil rights. Here, the criticism thereon goes farther as to whether the chamber of the chairman of IDBI is a public place or not. When abusive language is uttered in public with an intent to insult and humiliate a member of an SC/ST community, it is a crime and the same is, if occurred in a chamber or office, is not a crime against the ST/SC community. So, the judicial reasoning that the chamber of the chairman does not contain any public view may be a travesty of justice.

(ii)What the Supreme Court of India did in Mohammed Ahmed Khan v. Shah Bano Begum (1985)[27]is the judicial reasoning that provoked a huge political hurly-burly and it awoke the sleeping religious fundamentalism. Before Shah Bano reached the Court, several cases of same and similar nature (the Section-125, Cr. P.C.) had been ruled. The Court went beyond the provision of the Section -125, Cr. P.C. and analyzed Islamic law of maintenance. This was a judicial activism that allegedly did more injustice to the women of the Muslim community and to the nation at large. Since the provision of the law under the Section 125, Cr. P.C. is independent of religious considerations, the Court need not have any discourse on the religion the parties belong to. But the Court ventured into and later on, the Rajeev Gandhi government came out with a new social calamity in the shape of Muslim Women (Protection of Rights on Diverse) Act, 1986, which brought religious fundamentalism to surface.

(iii)The orders passed by the Bombay High Court in Writ Petition No. 305 of 1995 is an example of lapse of the delegated judicial reasoning. "History is moulded by humanity, not courts and cabinets nor by cabals of builders waiting for slums to be bulldozed by orders and writs legitimatizing large evictions. 'Crushed Homes, Lost Lives' is the macabre title of the Report."[28] This writ was all about the tragic eviction of 3.5 lakhs of slum dwellers (unpeople and uncitizens) from the so-called Sanjay Gandhi Park within the jurisdiction of Bombay

Municipal Corporation. Under the said order passed on May 7, 1997, the appropriate authorities were directed to survey the inhabitants of the National Park Division within a period of two months and if any person was found having possession of a hut without a valid photo pass must be evicted forthwith and the structure had to be demolished. The order directed that any person refusing to vacate the land therein, had to be prosecuted and huts and all the materials so found had to be confiscated and demolished, so that same materials might not be reused to re-erect any such structures. Bus services were to be stopped, telephone services were to be disconnected and all the commercial establishments and health dispensaries were to be demolished. The question so arises is what jurisprudence empowers the court to confiscate and destroy the belongings of the poor evictees. The government of India, by signing the International Covenant on Economic, Social and Cultural Rights, and the UN Resolution on Forced Eviction 1991/12 and 1993/77 has recognized its bounden responsibility that every woman, man and child have the right to a secure place to live in peace and dignity. The higher judicial demolition diktat in this writ order went against India's commitment to the international community.

(iv) "What was actually done by the centre was (in my opinion) not according to the provisions of the Constitution, nor in accordance with well-settled principle of federalism (a basic feature of the Constitution, as held in a 1994 judgement of a Constitution Bench of nine judges). Under Article 370 of the Constitution of India, 1950, read with Presidential Order No. 48 of 1954 passed thereunder, for the state of Jammu & Kashmir an important safeguard was introduced, namely Article 3 was applied to the state with the condition that the area of the state of Jammu & Kashmir (which in 1950 was 39,145 square miles – something not mentioned in any of the three judgements) would not be diminished by the executive or by parliament without the consent of the State Assembly of Jammu & Kashmir.)"[29] "Consequently, the revocation of Article 370 is perceived by a majority of Kashmiris as an assault on their national identity".[30]In 1968, the Supreme Court of India held that Article 370 is one of the permanent features of the Constitution. Sampat Prakash v. State of Jammu & Kashmir was the occasion where the Supreme Court dealt with the constitutional validity of the two Presidential Orders which extended the very application of Article 35(c) in Jammu & Kashmir. The verdict of the Supreme Court in this case implied that Article 370 had achieved permanent status in the Constitution, despite the absence of the Constituent Assembly.[31]

Conclusion

Once, Charles Chaplin said that nothing is permanent, not even our sorrows. The society we live in is fractured into multiple caste-class divisions. Morality is the creativity of the dominant castes and classes. The rules or the laws are shaped accordingly to sustain and linger the dominance of the powerful over the powerless. In fact, from hindsight, it is found that the law and the morality go hand in hand as instruments which propel the caste-class dominance. Even women as a gender are yet to get rid of it. From the study as above, it is found that historically, morality stands on and around the contradiction between 'bad' and 'good'. This contradiction historically stands on and around property-relations. Thus, 'morality' takes shape in accordance with the shapes of property-relations across the globe. The laws and the workings thereof take shape according to what property-relations the dominant classes in the states choose. The study finds that states do frame the laws and even determine the working thereof. Judiciary being the judicial organ of the state is educated to sustain the relationship between the laws and the morality the way the state or eventually the dominant classes which control the structure and functioning of the state are pleased. The 'American Dream' and the 'Indian Tryst' have their tales to tell, but they all have been suffering from the vagaries of the same consequence. Reasoning must not be dictated along the lines of interests of the dominant classes and that too in religious terms.

References:

1. Amartya Sen, The Argumentative Indian, chapter-13, The Reach of Reason, at the page-274 2. Debiprasad Chattopadhyay, Indian Atheism, pages-3 & 4.
2. Debiprasad Chattopadhyay, Indian Atheism, page-4, para-2.
3. Stanford Encyclopedia of philosophy, https://plato.stanford.edu
4. The New Fowler's Modern English Usage, Third Edition edited by R.W. Burchfield 6 Wharton's Pocket Dictionary, Universal Law publishing Co.
5. United States v. Kras |409 U.S. 434 (1973), http://supreme.justia.com
6. Harold Potter, The Quest of Justice, chapter-The Nature of justice, at the page 4.
7. Lev Tolstoy, Anna Karenina, book one, chapter-1.

8. Friedrich Nietzsche, The Genealogy of Moralas, page 4.
9. I Am Not Your Negro, James Baldwin, at the page-23.
10. I Am Not Your Negro, a motion picture directed by Raoul Peck from the texts by James Baldwin, page-vii.
11. Mikki Kendall, Hood Feminism, (Notes From The Women That A movement forgot), Ch.- Introduction, page-xiii.
12. Mikki Kendall, Hood Feminism, Chapter-Solidarity Is Still For White Women, page-1. 15. Elizabeth Armstrong, Gender and neoliberalism, chapter-introduction, page-1-3.
13. Mikki Kandall, Hood Feminism, Chap-Of # Fasttailedgirls and Freedom, page 47. 17. Ashapurna Devi, Indian Women: Myth and Reality, edited by Jasodhara Bagchi, page-19. 18. Noam Chomsky, Who Rules the World?, at the page 2.
14. Noam Chomsky, Failed States, chapter-3, Illegal but Legitimate, at the page-79.
15. Steven Levitsky & Daniel Ziblatt, how Democracies Die, introduction, page-1-3.
16. Prakash Karat, Community of Democracies: India Joins America's Ideological Enterprise, The Marxist, XVI, 1, January-march 2000.
17. K. Om Narayana Rao, +2 Logic, Deductive and Inductive, ISBN 978-93-272-2053-7
18. Zia Mody, 10 Judgements That Changed India, chapter-prologue, Sobha De Books, Penguin Random House India, 2013.
19. Durga Das Basu, Constitutional Law Of India, Seventh Edition, Page-189-190.
20. Indian kanoon, https://indiankanoon.org
21. The Economic Times, IDBI chairman Shetty arrested, released, 7 May, 2005, https://m.economictimes.com
22. Zia Mody, 10 judgements That Changed India, chapter-3, Whose Law is It Anyway?: A Flashpoint in Religious Fundamentalism.
23. Justice V.R. Krishna Iyer, Off the Bench, Chapter-Justices and Justicing, pages-13-23.
24. Fali S. Nariman, book-Beyond the Courtroom, chapter-3, Jammu & Kashmir: Fallout of the Supreme Court Judgement, page-41
25. Imran Ahmed, Muhammad Ul Haque, Abrogation of Article 370: An Analysis of the Supreme Court Verdict, 13 January, 2024, NUS Institute of South Asian Studies, https://www.isas.nus.edu.sg
26. Advay Vora, 31st July, 2023, Article 370: A Timeline, Supreme Court Observer, https://www.scobserver.in