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Judicial law also tends to be more accurately applicable as Judges base their law on cases whereas Parliament uses theoretical ideas. Dynamic law

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making allows judges a lot of creativity as they can create new policies quickly and efficiently on the public policy issues in our society.

Judicial Creativity - Law

This essay will argue that judicial creativity is the basis of judges' practice of the common law ('judge made law')

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and also has an influence on enforcing positive law enacted by Parliament. Furthermore, it will be argued that this is not a discretionary misuse of power, but a basic function of the courts as an organ of state.

**Judicial Creativity Is Basis of Judges
- Law Teacher**

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In the words of H.L.A.Hart “judges have an interstitial law-making function in so-called penumbral cases that are not clearly covered by existing law.”[17] The liberal, purposive, law-creative interpretation of the constitution must be used by the courts “with insight in to social values, and with suppleness of adaptation to changing needs.”[18] It is

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a matter of judicial attitudes and ...

Judicial Creativity in Constitutional Interpretation

Creativity in law through judicial process is one area that is greatly benefited by the innovative and creative interpretation of the Supreme Court and High Courts. The Scope of Articles 14, 19

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and 21 of the constitution was expanded with brooding omni-presence of Judicial Process.

Tools and Techniques of judicial creativity « [www ...](#)

(creativity of the hon'ble supreme court of india - a compilation work)

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**(DOC) JUDICIAL ACTIVISM AND
CREATIVITY OF THE SUPREME ...**

The law of negligence in the law of tort is another area which has been developed and refined by judicial decisions. For example the development of the neighbour principle in the case *Donoghue v Stevenson* which is the leading case when trying to establish

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whether a duty of care is owed.

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basic function of the courts as an organ
of state judicial creativity the law

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The forward centrality of the judicial decision comes from its form. Common law lawyers structure all further questions into the hypothetical judicial case form but it could be otherwise. One

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might ask, for any particular aspect of the common law, how the case form affects the behavior of those governed by it or the offi-

The Concept of the Judicial Decision

Notes: AS precedent notes AS Statutory Interpretation notes Judicial creativity notes Essay Plan Introduction. The 30

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mark essay you will need to write on
judicial creativity consists of three basic
skills: Showing you understand the rules
of judicial precedent and how they
maintain a balance between judges only
applying the law and judges being able
to make laws

Judicial Creativity - A Level Law

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subject then judicial creativity must be
restricted to interstitial creation of law

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Private law remedies are also available in judicial review. These include a declaration by the courts of the legal position of the parties, and can be used, for example, to correct inaccurate statements of law, [46] or to declare statute incompatible with European Law or the European Convention of Human

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Rights under the Human Rights Act 1998, as the courts do not have the power to overrule ...

Judicial Review Principles and Procedures - Law Teacher

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The emerging view in support of the purposive or the teleological theory has been that judges do indeed have a law-making function in the process of interpretation. Since the early 1990's, it has been observed that the judiciary has been able to assert its influence on the development of the law and the emerging jurisprudence, as a result of

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the powers derived from the
Constitution, and in ...

**Judicial law-making: unlocking the
creative powers of ...**

While general principles of law are
recognized as secondary sources of law
under Article 38(1) of the Statute of the
International Court of Justice, they have

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nevertheless acted as important springboards towards judicial creativity in the international criminal law context.

General Principles of Law, Judicial Creativity, and the ...

Judicial activism is a judicial philosophy that the courts can and should go beyond the applicable law to consider

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broader societal implications of its decisions. It is sometimes used as an antonym of judicial restraint. It is usually a pejorative term, implying that judges make rulings based on their own political agenda rather than precedent and take advantage of judicial discretion.

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