



## ITS 25.7 - Commentaries

**The writing of jurists and other learned commentators may be considered by the court in construing an enactment.<sup>^1</sup>**

### COMMENTS

Courts often rely on perspectives from textbooks and academic commentaries when interpreting legislation, treating these sources as persuasive rather than binding. In European states, where oral arguments by counsel are less central to decision-making, courts may place greater emphasis on the writings of academic lawyers compared to Indian courts. The persuasive value of such commentaries, much like the arguments of counsel in Indian courts, depends on the strength of their reasoning.<sup>^2</sup>

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<sup>1</sup> Bennion 2020 S 24.22

<sup>2</sup> Fothergill v Monarch Airlines Ltd [1981] AC 251 cited in Bennion 2020 p 777

