



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

Course : B.A LL.B/BB.A LL.B

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SUBJECT: Jurisprudence

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LECTURE: 3

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Assistant Professor

Lecture-38



Topic- 3

Lecture – 38: Forms of Precedents

Forms of Precedents: -

A) Ratio Decidendi

B) Obiter Dicta

A) **Ratio Decidendi:** -The literal meaning of term “ratio decidendi “is reasons for the decision. It is the rule of law upon which a judicial decision is based. In other words, it is the operative part of a judgement. According to Salmond ratio decidendi is the rule governing a particular case, as determined by the court. The main theories of Ratio Decidendi are: -

- 1) Classical Theory
- 2) Good Hart’s Theory
- 3) Salmond Theory
- 4) Stone’s Theory

B) **Obiter Dicta:** - Obiter dicta are additional observations, remarks, and opinions on other issues made by the judge. These often explain the court’s rationale in coming to its decision and, while they may offer guidance in similar matters in the future, they are not binding.

Difference between Ratio Decidendi and Obiter Dicta

Ratio decidendi	Obiter dictum
<p>1. Salmon defines: “the ratio decidendi may be described roughly as the rule of law applied by and acted on by the court, or the rule which the court regarded as governing the case.</p> <p>2. Ratio decidendi is more authoritative than obiter dictum.</p>	<p>1. An obiter dictum is an announcement made by a judge in course of his judgment which may not be unequivocally applicable to the issue before him.</p> <p>2. Obiter dictum has no such binding authority.</p>