



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

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

Semester :IInd

SUBJECT: Jurisprudence

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LECTURE: 3

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Assistant Professor

Lecture-39



Topic- 3

Lecture – 39: Kinds of Judicial Precedent

Kinds of Judicial Precedent:-

- 1. Declaratory and Original Precedents** As John William Salmon explained, a declaratory precedent is one where there is only application of an already existing rule in a legal matter. Whereas, an original precedent is one where a new law is created and applied in a legal matter. Original precedents are responsible for the creation of new laws.
- 2. Persuasive Precedents** A persuasive precedent is a type of precedent where the judge is not required to follow the precedent in a legal matter but will take the precedent heavily into consideration. So a persuasive precedent is not a direct source of law but is considered a historical source of law. In India, the decisions of one high court can act as persuasive precedents in other high courts.
- 3. Absolutely Authoritative Precedents** In an absolutely authoritative precedent, the judges have to compulsorily follow the judicial decision of the precedent in a case of law. In other words, even if the judge finds the precedent to be a wrong judgment, he is legally bound to give the same judicial decision. For e.g. – Every court in India is absolutely bound by decisions of courts superior to itself because of hierarchy.
- 4. Conditionally Authoritative Precedents** A conditionally authoritative precedent is one where generally the precedent is absolutely authoritative but in certain special circumstances, like a supreme court decision, it can be disregarded. The court can disregard the decision if it is a wrong decision, or goes against the law and reason.