

Ratio Decidendi and Obiter Dicta - UPSC Notes

Commonly used judicial terms, concepts and doctrines are very important for the UPSC exam. A good understanding of them can aid in the UPSC preparation, especially for the polity, governance, law, and administration topics. In this article, you can read all about two relevant terms - Ratio Decidendi and Obiter Dicta for the [IAS exam](#).

Ratio Decidendi and Obiter Dicta

A judicial statement of what we commonly refer to as a judgement in a legal case consists of two different elements which are referred to as Ratio Decidendi or Ratio and Obiter Dicta or Obiter.

- Ratio in Latin means the reason for the decision or judgement while obiter usually refers to additional opinions or observations that are made on the issues that are involved in the case.
- Obiter very often reveals the rationale that the court has adopted to come to a conclusion and it is the non-binding part of the judgement.

Ratio Decidendi

In an ordinary sense, we refer to as ratio the reason behind the decision but actually it is much more than that.

- The reason in this regard is not merely applying the law to the facts and coming up with an order.
- Ratio instead refers to the steps that are involved to resolve a dispute, this resolution must be directly related to the issue or issues that are at the core of the dispute at hand.
- It must come from disputes of law, not disputes of fact.
- Ratio Decidendi must be argued in court and the facts of the precedent case shape the level of generality to which the later courts decide the level of generality.
- Ironically when a precedent has multiple reasons, all reasons are binding.
- Ratio becomes a very powerful tool in the hands of a lawyer and that is why it becomes essential for him to comprehend it well.
- To find the ratio in a judgement one looks at the abstract principles of law that have been applied to the facts of that particular case.

Obiter Dicta

Obiter is the term used for remarks made by the judge which are not binding on the parties to the case.

- Statements that are not crucial and refer to hypothetical facts or issues of law not related to the case also form a part of obiter dicta in a judgement.
- Unlike ratio, obiter is not the subject of the judicial decision even if the statements made in this part are correct according to law.
- **Wambaugh's Inversion Test provides that to determine whether a judicial statement is ratio or obiter, you should invert the argument, that is to say, ask whether the decision would have been different, had the statement been omitted. If so, the statement is crucial and is ratio; whereas if it is not crucial, it is obiter.**

Precedent

A decision of the higher courts like the Supreme Court and the High Courts generally sets a precedent for the Courts that are directly below them in terms of jurisdiction.

- Ratio, because it sets an underlying principle in the judgement, forms a vital part in a judicial precedent.
- Judicial precedents form one of the most noteworthy sources of law as they are often quoted and followed by the lawyers and judges during the course of arguing cases.
- The precedents however differ in value depending on not only the hierarchy and strength of the bench but also depending on the reverence that a judge who pronounces the judgement possesses in the legal fraternity.
- The doctrine of precedent finds itself embedded in the Constitution of India by virtue of Article 141 which states that the law declared by the Supreme Court is binding on all the subordinate courts. It does not matter as to what the facts and circumstances of a particular case are; the lower courts are not permitted to overrule the law that has been declared by the Supreme Court.
- Trouble emerges in that, in spite of the fact that the judge will give reasons behind his judgment, he won't generally say what the ratio decidendi is, and it is then up to a later judge to "elicit" the ratio of the case. There may, in any case, be contradiction over what the ratio is and there might be in excess of one ratio.

Also read about the [Doctrine of Laches](#).

Conclusion

The apex court in the case of Arun Kumar Agrawal v. State of Madhya Pradesh held that obiter dictum is a mere observation or remark made by the Court, by way of aid, while deciding the actual issue before it. The mere casual statement or observation "which is not relevant, pertinent or essential to decide the issue in hand", the Court said, did not form part of the judgment of the court and had no authorities value.

Thus, it can be well concluded by mentioning that obiter dictum is an opinion not necessary to a judgment and is an observation as to the law made by a Judge in the course of a case, but not necessary to its decision and therefore of no binding effect; it is a 'remark by the way'. It is the ratio decidendi which has the binding effect and the precedent value.

