



CONTEMPORARY PRECEDENTIAL CONFLICTS

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INTRODUCTION

Judicial Precedents are decisions which are treated as authorities to be followed by courts of inferior jurisdiction administering the same system.

The main function of precedents is to fill gaps in the legal system when necessary.

Article 141 of the Constitution states that the “law declared by the Supreme Court shall be binding on all the courts within the limits of India.” Article 227 of the Constitution vests the High Court with the power of superintendence over all subordinate courts and tribunals.

The Doctrine of Precedents provides a sense of stability and coherence to legal decisions.

APPLICATION OF PRECEDENTS

- *RATIO DECIDENDI*
- *OBITER DICTA*
- *STARE DECISIS*

RATIO DECIDENDI

- Latin for “reasons for the decision”
- Decisive precedents that binds cases.
- The legal opinion put forth by a court identifies *ratio decidendi* as a vital component for ascertaining and resolving the central legal query posed by the case at hand

Commissioner of Income Tax v. Sun Engineering Works (P) Ltd., AIR 1993 SC 43

- While applying the decision to later cases, the court must ascertain the true principle laid down by the decision and not pick out words divorced from the context.

Islamic Academy of Education v. State of Karnataka, 2003 (6) SCC 697

- The ratio decidendi of a judgement is its reasoning which can be deciphered only upon reading the same in its entirety.

OBITER DICTA

- Statements made in a judgment which are not part of the ratio decidendi.
- Not necessary to the decision, lays down the rule which does not have binding authority.

Mohandas Issardas v. A.N. Sattanathan, AIR 1955 Bom 113

- A court may determine two questions which arise before it for determination. The question which was necessary for determination of the case would be the 'ratio decidendi'; the opinion of the tribunal on the question which was not necessary to decide the case would be only an 'obiter dictum'.

Sarwan Singh Lamba v. Union of India – (1995) 4 SCC 546

- If the dictum is a casual remark by the court, it does not have any effect on the parties or the subsequent cases. In another scenario, certain obiter dicta have recommendatory or persuasive value but do not bind anyone.

STARE DECISIS

- Derived from the legal maxim '*stare decisis et non quieta movere*' that means "to stand by decided cases."
- The principle of Stare Decisis is a justification of binding value of precedents

Waman Rao v. Union of India, (1981) 2 SCC 362

- It is sufficient for invoking the rule of stare decisis that a certain decision was arrived at on a question which arose or was argued, no matter on what reason the decision rests or what is the basis of the decision.

Manganese Ore (India) Ltd. v. Regional Asstt. CST, (1976) 4 SCC 124

- The doctrine of stare decisis cannot be departed from unless there are extraordinary reasons to do so. However, the doctrine is not a rigid, and the Supreme Court can in exceptional circumstances, overrule the earlier decisions.

EXCEPTIONS TO BINDING PRECEDENTS

Per Incuriam -
“though
inadvertence”

Decision is per incuriam if it ignores the existing law or is contradictory to a binding authority.

Hyder Consulting (UK) Ltd. v. The State of Orissa, (2015) 2 SCC 189 : A judgement cannot be said to be declaring a law if the relevant law was not duly considered.

Sub Silentio – “in or
under silence”

When a particular point of law involved in a case was not perceived by the court or presented to its mind. It denotes “in silence”, something which is not expressly stated.

Arnit Das v. State of Bihar (2005) 5 SCC 488: A decision not expressed and not proceeding on a conscious consideration of an issue cannot be deemed as law having binding effect.

REFERENCE TO A LARGER BENCH AND CONFLICT BETWEEN BENCHES

- The ratio held in previous judgments of the same court are binding in future cases even before a Bench of equal strength.

A prior judgment of a Bench of larger strength is always binding on a Bench of lesser strength.

Earlier judgments are binding over later judgments if the later judgment did not consider the ratio laid down in the prior one. However, if the later judgment deals with the previous, then the later judgment is binding.

Among two previous judgments, the more appropriate in the facts of the case at hand is applicable.

In case of conflict between two decisions by Benches of equal strength, the later decision would be binding.

When two directly conflicting Judgments of equal authority exist, the judgment appearing to lay down the law more elaborately and accurately must be followed.

CONCLUSION

- Courts must balance the need for consistency and adherence to precedents with the flexibility of navigating through conflicting judgments.
- Precedents should be clear and comprehensible in order for it to be a guidance for the courts. Otherwise, there may be lack of clarity in decision-making.



THANK YOU