

RMM LAW COLLEGE SAHARSA

JURISPRUDENCE

Part I

Paper -1

Topic- Ratio Decidendi

Lecture Notes by- Indra Bhushan Singh

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The literal meaning of '*ratio decidendi*' is "the reason for deciding". Black's Law Dictionary has provided many definitions of this term. Let us discuss some of them.

1. The principle or rule of law on which a court's decision is founded.
2. The rule of law on which a later court thinks that a previous court founded its decision.
3. It is a general rule without which a case must have been decided otherwise.

4. “The phrase ‘the *ratio decidendi* of a case’ is slightly ambiguous. It may mean either (1) the rule that the judge who decided the case intended to lay down and apply to the facts, or (2) the rule that a later concedes him to have had the power to lay down”[\[1\]](#).

5. “There are two steps involved in the ascertainment of *ratio decidendi*. First, it is necessary to determine the facts of the case as seen by the judge; secondly, it is necessary to discover which of those facts were treated as material by the judge”[\[2\]](#).

Goodhart’s View on *ratio decidendi*

However, Goodhart did not accept the classical definitions mentioned above. His criticisms were:

- a. That every case must contain an ascertainable principle of law, even though there may be no opinion delivered by the judge.
- b. That the statement of law may be too wide or too narrow.

While defending his definition, he said that “*the whole point of my article was based on the proposition that every case must contain a binding principle, but that this binding principle is not necessarily to be found in the statement of the law made by the judge*”.

He also said that “*the judges must interpret statutes, but it would be misleading to say that they are therefore constructing them*”^[3].

He even said to the extent that “*the phrase ‘ratio decidendi’ is misleading because the reason which the judge gives for his decision is not binding and may not correctly represent the principle*”.

He suggested that the ‘principle of the case’ could be found by determining

(a) The facts treated by the judge as material, and

(b) His decision as based on them.

The judge, therefore, reaches a conclusion upon the facts as he sees them. It is on these facts that he bases his judgment, and not on any others. It follows that our task in analysing a case is not to state the facts and the conclusion, but to state the material facts as seen by the judge and his conclusion based on them. *It is by his choice of the material facts that the judge creates law*^[4].

Thus, Goodhart placed all the emphasis on **the material facts as seen by the judge, and not on the material facts as seen by anyone else.**

Current Trends in the English Legal System

Most of contemporary English authors are of the view that it is not the decision that binds (or is overruled); it is the rule of law contained within the decision. This element of the decision is termed as the *ratio decidendi*, and not every statement of law made by a judge in the case forms part of this ratio^[5].

Every decision contains the following basic ingredients:

1. Findings or material facts, both direct and inferential;
2. Statements of the Principles of law applicable to the legal problems disclosed by the facts; and
3. A judgment (or judgments) based on the combined effect of 1 and 2.

Please note that an **inferential finding of fact** is the inference that the judge draws from the direct or perceptible facts. For example, negligence may be inferred from the direct facts of the speed of a vehicle, the length of skid marks, and the state of the road. Negligence is thus as inferential finding of fact.

For the purposes of the parties, point number 3 is the material element in the decision, for it is what ultimately determines their rights and liabilities in relation to the subject matter of the case. However, for the purpose of the doctrine of precedent, point number 2 is the vital element

in the decision, and it is this that is termed the *ratio decidendi*. Thus the *ratio decidendi* may be defined as the statement of law applied to the legal problems raised by the facts, upon which the decision is based[6].

Not every statement of law in a judgment is binding; only those statement that based upon the facts and upon which the decision is based are binding. Any other statement of law is superfluous and is described as *obiter dictum* (it means ‘by the way’). It should not, however be concluded from this that *obiter dicta* are of little or no weight or importance.

Obiter Dicta

There are two types of *obiter dicta*.

1. A statement of law is regarded as *obiter* if it is based upon facts that either were not found to be material or were not found to exist at all.
2. Even where a statement of law is based on the facts as found, it will be regarded as *obiter* if it does not form the basis of the decision. A statement of law made in support of a dissenting judgment is an obvious example.

Although *obiter dicta* lack binding authority, they may nevertheless have a strong persuasive influence[7].

