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Stare Decisis and the Hierarchy of Courts: Article 141 of the Indian Constitution

Khushi Malviya · 15 Apr 2026

Introduction

If you imagine the law as a vast, ever-growing building, the laws passed by Parliament (statutes) are the original blueprints. But the structure itself, the bricks and mortar that give it shape and strength, is laid down decision by decision in the courts of our country. How does this massive structure remain stable?

How do we ensure that a legal question decided today in Mumbai is treated similarly tomorrow in Delhi? The answer lies in a foundational legal doctrine known as Stare Decisis, powered by the clear hierarchy of our courts.

This post will break down the principle of stare decisis, or judicial precedent, for you. We will explore what it means, dissect the parts of a judgment that truly matter, see how the court hierarchy makes it all work, and understand its constitutional basis under Article 141.

What is Stare Decisis?

Stare decisis is a Latin phrase that literally means “to stand by things decided.” In the legal world, it is the doctrine of precedent. It dictates that a court is obligated to follow the legal principles established in previous judgments by a higher court when faced with a case that has similar facts and legal issues.

The core purpose of this doctrine is to bring certainty, consistency, and predictability to the law. It ensures that the law doesn’t change with the personal views of every new judge.

It allows lawyers to advise their clients based on how similar cases were decided in the past, and it ensures that all individuals are treated equally under the law. It is the principle that prevents the law from being a chaotic free-for-all.

The Anatomy of a Judgment: Ratio vs. Obiter

To understand precedent, you must first understand that not every word in a judgment is legally binding. A judicial decision is primarily made up of two parts: *Ratio Decidendi* and *Obiter Dictum*.

Ratio Decidendi: The Binding Legal Rule

The *ratio decidendi*, or simply the "ratio," is the "reason for the decision." It is the core legal principle that the court applied to the material facts of the case to arrive at its final verdict. This is the part of the judgment that creates the binding precedent. When a lawyer says a case is "binding," they are referring to its ratio.

Example: Imagine a case where a person's pet parrot escapes and bites a neighbour. The court, in its judgment, holds the owner liable and states, "An owner of a non-domestic animal is strictly liable for the damage it causes if it escapes." This legal rule is the *ratio decidendi* and will be binding on all lower courts in future cases involving escaped non-domestic animals.

Obiter Dictum: Persuasive Observations

Obiter dictum is a Latin term for "things said by the way." These are additional observations, remarks, or opinions from the judge that are not essential to the decision of the case. They are often hypothetical scenarios or broader discussions on the law.

An obiter dictum is not legally binding on any court. However, it can have significant persuasive value. An obiter dictum from a Supreme Court judge, for instance, can heavily influence the thinking of judges in the High Courts and lower courts.

Example: In the same parrot case, if the judge adds, "It would be prudent for Parliament to consider a specific law for liability concerning all domestic and non-domestic pets," this is an *obiter dictum*. It is a suggestion, not a binding rule of law.

The Hierarchy of Courts

The doctrine of stare decisis would be meaningless without a clear structure of authority. This structure is the judicial hierarchy, which ensures that decisions flow downwards from higher courts to lower courts. The Indian judicial system has a well-defined hierarchy.

The Supreme Court of India

As the apex court of the country, its decisions are the ultimate law of the land. This is not just a convention; it is a constitutional mandate. **Article 141 of the Constitution of India** states:

"The law declared by the Supreme Court shall be binding on all courts within the territory of India."

This single article is the constitutional foundation of stare decisis in India. Every other court in the country, from the High Courts to the local Magistrate, is bound by the precedents set by the Supreme Court. The Supreme Court, however, is not bound by its own previous decisions and can overrule them to correct past errors or adapt the law to changing times.

The High Courts

Each state has a High Court, which is the highest court within that state's jurisdiction. The decisions of a High Court are binding on all subordinate courts within that state, such as District Courts, Civil Courts, and Magistrate Courts.

Interestingly, the decision of one High Court is not binding on another High Court. For example, a ruling by the Bombay High Court is not binding on the Delhi High Court, though it may be considered for its persuasive value.

Subordinate Courts

These courts form the base of the judicial pyramid. They are strictly bound by the precedents laid down by the High Court of their state and, of course, the Supreme Court of India.

Escaping a Precedent: When Can a Decision be Ignored?

The system of precedent is not completely rigid. There are established legal mechanisms that allow a court to deviate from a seemingly binding precedent.

- Distinguishing: A court can avoid following a precedent if it finds that the "material facts" of the current case are different from the case that set the precedent. The judge essentially argues that the previous rule, while valid, does not apply to the unique situation at hand.
- Per Incuriam: This means "through lack of care." If a court makes a decision without considering a relevant statute or a binding judgment that it should have considered, that decision is deemed per incuriam. A decision made per incuriam does not have to be followed

as precedent.

- Overruling: As mentioned earlier, a higher court has the power to overrule a precedent, declaring it to be bad law. The Supreme Court can overrule its own precedents as well as those of any High Court.

Conclusion

The doctrines of stare decisis and the hierarchy of courts are the twin pillars that support the entire structure of our common law system. They ensure that the law develops in a predictable, consistent, and stable manner. Learning to read a judgment is not just about understanding who won or lost. It is about identifying the *ratio decidendi*, separating it from the *obiter dicta*, and understanding how that ratio will bind future courts based on the judicial hierarchy.

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