



LEGAL MAXIMS AND PHRASES FOR CLAT, JUDICIARY AND LAW EXAMS

A compilation of important **legal maxims and foreign words** to assist you in attaining a tight grasp over the aspects of Legal Aptitude.

Legal maxims (mostly Latin word or words) are established principles of law which are universally admitted and people in legal field are very well aware of these words (called legal maxims).

Just like in Geometry we have Axioms, in Law we have **Legal Maxims**.

Ab Initio - From the beginning.

Actionable per se - The very act is punishable and no proof of damage is required.

Actio personalis moritur cum persona - A personal right of action dies with the person. *In other sense if he dies the right to sue is gone.*

Actori incumbit onus probandi - The burden of proof is on the plaintiff.

Actus Reus Non Facit Reum Nisi Mens Sit Rea - Conviction of a crime requires proof of a criminal act and intent. *or* an act does not make a defendant guilty without a guilty mind. *or* an act does not constitute guilt unless done with a guilty intention.

Ad hoc - For the particular end or case at hand.

Alibi - At another place, elsewhere.

Amicus Curiae - A friend of court or member of the Bar who is appointed to assist the Court.

Ante Litem Motam - Before suit brought; before controversy instituted OR spoken before a lawsuit is brought.

Assentio mentium - The meeting of minds, i.e mutual assents.

Audi alteram partem - No man shall be condemned unheard.

Bona fide - In good faith.

Bona vacantia - Goods without an owner.

Boni judicis est ampliare jurisdictionem - It is the part of a good judge to enlarge his jurisdiction, i.e. remedial authority.

Caveat - A caution registered with the public court to indicate to the officials that they are not to act in the matter mentioned in the caveat without first giving notice to the caveator.

Caveat actor - Let the doer beware.

Caveat emptor - Let the buyer beware.

Caveat venditor - Let the seller beware.

Certiorari - A writ by which orders passed by an inferior court is quashed.

Corpus - Body.

Corpus delicti - The facts and circumstances constituting a crime *and* Concrete evidence of a crime, such as a corpse (dead body).

Also,

It refers to the principle that 'a crime must be proved to have occurred before a person can be convicted of committing that crime.' (This definition is mostly used in Western Law.)

Damnum sine injuria - Damage without injury.

De facto - In fact.

De jure - By law.

De minimis - About minimal things.

De Minimis Non Curat Lex - The law does not govern trifles (unimportant things) *or* law ignores insignificant details.

or

A common law principle whereby judges will not sit in judgment of extremely minor transgressions (offence, wrongdoings) of the law.

De novo - To make something anew.

Dictum - Statement of law made by judge in the course of the decision but not necessary to the decision itself.

Doli incapax - Incapable of crime.

Detinue - Tort of wrongfully holding goods which belong to someone else.

Donatio mortis causa - Gift because of death. (or a future gift given in expectation of the donor's imminent death and only delivered upon the donor's death.)

Estoppel - Prevented from denying.

Ex gratia - As a favour.

Ex officio - Because of an office held.

Ex parte - Proceedings in the absence of the other party.

Ex post facto - Out of the aftermath. or After the fact.

According to Wikipedia,

It is a law that retroactively changes the legal consequences (or status) of actions that were committed, or relationships that existed, before the enactment of the law.

In criminal law, it may criminalise actions that were legal when committed; it may aggravate a crime by bringing it into a more severe category than it was in when it was committed; it may change the punishment prescribed for a crime, as by adding new penalties or extending sentences; or it may alter the rules of evidence in order to make conviction for a crime likelier than it would have been when the deed was committed.

Fatum - Beyond human foresight.

Factum probans - Relevant fact.

Fraus est celare fraudem - It is a fraud to conceal a fraud.

Functus officio - No longer having power or jurisdiction.

Furiosi nulla voluntas est - Mentally impaired or mentally incapable persons cannot validly sign a will, contract or form the frame of mind necessary to commit a crime. *or* a person with mental illness has no free will.

Habeas corpus - A writ to have the body of a person to be brought in before the judge.

Ignorantia juris non excusat - Ignorance of the law excuses not *or* Ignorance of law excuses no one.

In other words,

A person who is unaware of a law may not escape liability for violating that law merely because one was unaware of its content.

Injuria sine damno - Injury without damage.

Ipsa facto - By the mere fact.

In promptu - In readiness.

In lieu of - Instead of.

In personam - A proceeding in which relief I sought against a specific person.

Innuendo - Spoken words which are defamatory because they have a double meaning.

In status quo - In the present state.

Inter alia - Among other things.

Inter vivos - (especially of a gift as opposed to a legacy) between living people.

Interest Reipublicae Ut Sit Finis Litium - It means it is in the interest of the state that there should be an end to litigation.

Jus cogens (or ius cogens) - Compelling law.

Jus in personam - Right against a specific person.

Jus in rem - Right against the world at large.

Jus naturale - Natural law.

Or in other words,

A system of law based on fundamental ideas of right and wrong that is Natural Law.

Jus non scriptum - Customary law.

Jus scriptum - Written law.

Jus - Law or right.

Justitia nemini neganda est - Justice is to be denied to nobody.

Lex non a rege est violanda - The law must not be violated even by the king.

Locus standi - Right of a party to an action to appear and be heard by the court and be heard by the court.

Mala fide - In bad faith.

Malum in se or **Mala in se** (plural) - Wrong or evil in itself.

or

Mala in se is 'A term that signifies crime that is considered wrong in and of itself.'

For Example,

Most human beings believe that murder, rape, and theft are wrong, regardless of whether a law governs such conduct or where the conduct occurs, and is thus recognizably malum in se.

Malum prohibitum - In a way opposite of Malum in se. It means 'Crimes are criminal not because they are inherently bad, but because the act is prohibited by the law

of the state.'

For example,

Jurisdiction in India require drivers to drive on the left side of the road. This is not because driving on the right side of a road is considered immoral, but because law says to drive on the left side and not on right side.

Mandamus - 'We command'. A writ of command issued by a Higher Court to Government/Public Authority, to compel the performance of a public duty.

Mens rea - Guilty mind.

Misnomer - A wrong or inaccurate name or term.

Modus operandi - Way of working.

Modus Vivendi - Way of living.

Mutatis Mutandis - with the necessary changes having been made *OR* with the respective differences having been considered.

Nemo bis punitur pro eodem delicto - Nobody can be twice punished for the same offence.

Nemo debet bis vexari pro una et eadem causa - It means no man shall be punished twice for the same offence.

Nemo debet esse iudex in propria causa or **Nemo iudex in causa sua** or **Nemo iudex in sua causa** - Nobody can be judge in his own case.

Nemo moriturus praesumitur mentire - A man will not meet his maker (God) with a lie in his mouth *or in other*

words 'No man at the point of death is presumed to lie.' (*This maxim is related to DYING DECLARATION*)

Nemo Potest esse tenens et dominus - No body can be both a landlord and a tenant of the same property.

Nolle prosequi - A formal notice of abandonment by a plaintiff or prosecutor of all or part of a suit.

Novation - Transaction in which a new contract is agreed by all parties to replace an existing contract.

Nunc pro tunc - Now for then. A ruling nunc pro tunc applies retroactively to correct an earlier ruling.

Non Sequitur - A statement (such as a response) that does not follow logically from or is not clearly related to anything previously said.

Source: Merriam Webster Dictionary.

Obiter dictum - Things said by the way. It is generally used in law to refer to an opinion or non-necessary remark made by a judge. It does not act as a precedent.

In other words,

Obiter dictum means “that which is said in passing,” an incidental statement. Specifically, in law, it refers to a passage in a judicial opinion which is not necessary for the decision of the case before the court. Such statements lack the force of precedent but may nevertheless be significant.

Source: Britannica

Onus probandi - Burden of proof.

Pacta Sunt Servanda - Agreements must be kept. *or*
Agreements are legally binding.

In International Agreements it means 'every treaty in force is binding upon the parties to it and must be performed by them in good faith.'

Pari passu - With an equal step. *Read more about it on Wikipedia.*

Per curiam (decision or opinion) - By the court.

In other words,

The decision is made by the court (or at least, a majority of the court) acting collectively.

Per se - By itself.

Persona non grata - A person who is unacceptable or unwelcome.

Opposite of *persona non grata* is **persona grata**.

Also,

In diplomacy, a *persona non grata* is a foreign person whose entering or remaining in a particular country is prohibited by that country's government.

Prima facie - At first sight.

Alimony - a husband's (or wife's) provision for a spouse after separation or divorce; maintenance.

Palimony - Money which a man pays to a woman with whom he has been living and from whom he is separated.

Palimony has slightly different meanings in different jurisdictions.

Per curiam - By a court.

Per incuriam - Because of lack of care.

Prima facie - On the face of it.

Quantum meruit - What one has earned. *or* The amount he deserves.

In other words,

A reasonable sum of money to be paid for services rendered or work done when the amount due is not stipulated (specified, written down) in a legally enforceable contract.

Source: Oxford

Qui facit per alium, facit per se - He who acts through another acts himself.

In simple words,

It is a fundamental legal maxim of the law of agency. It is a maxim often stated in discussing the **liability of employer for the act of employee in terms of vicarious (indirect, secondhand) liability**.

Quid pro quo - Something for something.

Qui sentit commodum, sentire debet et onus - It means he who receives advantage must also bear the burden.

Quo warranto - By what authority. A writ calling upon one to show under what authority he holds or claims a public office.

Ratio decidendi - Principle or reason underlying a court judgement. *or* The rule of law on which a judicial decision is based.

Respondeat superior - Let the master answer.

For example,

There are circumstances when an employer is liable for acts of employees performed within the course of their employment. This rule is also called the master-servant rule.

Res ipsa loquitur - The thing speaks for itself.

Res Judicata - A matter already judged.

[Here is a short easy to understand law note on Res Judicata.](#)

Res Judicata Pro Veritate Accipitur - It means that a judicial decision must be accepted as correct.

Rex non protest peccare - The king can do no wrong.

Salus populi est suprema lex - The welfare of the is the supreme law.

Status quo - State of things as they are now.

Sine die - With no day (indefinitely).

Sine qua non - "without which nothing". An essential condition; a thing that is absolutely necessary. Basically a component of an argument that, if debunked, causes the entire argument to crumble.

Suo Motu - On its own motion.

Uberrima fides (sometimes **uberrimae fidei**) - Utmost good faith.

Ubi jus ibi remedium - Where there is a right, there is a remedy.

Veto - Ban or order not to allow something to become law, even if it has been passed by a parliament.

Vice versa - Reverse position.

Vis major - Act of God.

Volenti non fit injuria - Damage suffered by consent gives no cause of action.

or in other words,

If someone willingly places himself in a position where he knows that harm might result, then he is not able (allowed) to bring a claim against the other party in tort or delict (a violation of law).

Vox populi - Voice of the people. *or* The opinion of the majority of the people.

Waiver - Voluntarily giving up or removing the conditions.

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