AILET

Important Legal Phrases and Maxims (A-E)

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Important Legal Phrases and Maxims (A-E)

- Absolute law- a supposed law of nature though to be unchanging in nature and principles
- Actionable claim- giving cause for legal action or for demand as one's due or property
- Actionable wrong- a wrong in respect of which an action lies in a court of law
- Adverse possession- it designates a possession in opposition to the true title and real owner
- Anticipatory bail- a person apprehending arrest for non bailable offence may apply to High Court or Court of Sessions for anticipatory bail so as to be released on bail in the event of his arrest
- Anti defection- The 10th Schedule to the Constitution, popularly referred to as the 'Anti-Defection Law,' was inserted by the 52nd Amendment in 1985. A Member of Parliament incurs disqualification under the defection law: if he voluntary gives up the membership of the political party on whose ticket he got to the House; if he votes or abstains from voting in the House contrary to any direction given by his political party; if any independent member joins any political party; and if any nominated member joins any political party after the expiry of six months.
- Accessorium principale sequitur – An accessory does not lead, but follows, its principal.
- Actor sequitur forum rei – A pursuer follows the forum or court the defender.
- Actus ei nemini facit injuriam – Law holds no man responsible for the act of god.
- Actus non reum facit reum nisi mens sit rea -To constitute a crime, it is not enough that the act is criminal; it must also be accompanied by a blameworthy mind.
- Auctoritate judicis – By Judicial Authority.
- Civil law- this relates to the rights, duties and obligations of the individual members of the community between themselves
- Civil wrong- a wrong or offence which is a subject matter of civil proceedings

- Class action- a law suit brought by a representative member of large group of persons on behalf of all others
- Compoundable offence- the offence punishable with 2 years of imprisonment or less as laid down in section 320 of CrPC, 1973
- Conjugal right- right of husband/wife to the consortium of the other
- Contempt of court- wilful disregard or disobedience to a court of law
- Court fee- the fee payable on filing of a suit, application, appeal etc. in a court of law
- Criminal breach of trust- this is an offence which is committed when a person on being entrusted with a property, appropriates the same for his own use.
- Criminal conspiracy- act of the accused persons who agree to do or cause to be done an illegal act or an act which is not illegal by illegal means
- Criminal justice- it is administered in criminal courts for a criminal case. The main purpose of criminal justice is to punish the criminal or offender
- Cross examination- questioning of a witness at a trial or hearing by the party opposed to the party who called the witness to testify
- Culpable homicide- an act when committed though not sufficient in ordinary course of nature to cause death, is likely to cause death and if death is actually caused intentionally and with the knowledge that act is likely to cause death
- Custody of law- the condition of property or a person being under the control of legal authority
- Cypress- the equitable doctrine under which a court reforms a written statement
- Causa causae est causa causati- The cause of a cause is the cause of the effect.
- Causa proxima et non remota spectator – The immediate and not the remote cause is to be considered.
- Causa sine qua non – Factor essential to the occurring of events.
- Consensus facit jus – Consent makes law.
- Consensus, non concubitus, facit matrimonium – It is the consent of the parties, not their cohabitation which constitutes a valid marriage.
- Defamatory statement- a statement that tends to injure the reputation of the person referred to in it

- Declaratory decree- a decree which simply declares the rights of the parties as they exist, without ordering anything to be done
- Domestic violence- violence between members of a house hold, usually spouses
- Due process- the constitution that prohibits the government from unfairly depriving a person of life, liberty and property
- Dying declaration- a statement by a person as to the cause of his death which can be taken as evidence in the court
- Damnum sine injuria – Damage without legal injury.
- De die in diem – From day-to-day.
- De minimus non curat lex – The law does not concern itself with trifling matters.
- Debita sequuntur personam debitoris – Debtor follows the person of the debtor.
- Delegatus non potest delegare – A delegated power cannot be further delegated.
- Ear witness- witness who testifies about something that he or she learned about but did not see
- Ends of justice- objective of justice
- Equal protection- the constitutional guarantee that the government must treat a person or class of persons the same as it treats other persons or classes in the like circumstances
- Equality before law- Article 14 of the Constitution of India provides for equality before the law or equal protection of the laws within the territory of India. It states: “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”
- Examination-in-chief- the first questioning of a witness in a trial or other proceedings conducted by the party who called the witness to testify
- Expert witness- a person who gives details of the evidence in the court etc. in proof of a fact or occurrence.
- Ejus est periculum cujus est dominium, aut commodum – Risk is with whom the property belongs, or who reaps the advantage.
- Ex nudo pacto non oritur action – An action does not arise from a bare promise.
- Extra territorium judicis – Beyond the territory of the judge.

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