BLOGS

Legal Maxims Every Aspirant Should Know

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Introduction

Legal maxims are concise Latin phrases or expressions that encapsulate fundamental legal principles. They are not merely decorative old phrases, these maxims form the backbone of many doctrines applied in common law and are often cited by judges and scholars to explain reasoning.

For CLAT aspirants, both at the UG and PG levels, understanding these maxims is vital. Not only do they improve your legal reasoning, but they also help in interpreting case laws and statutes more effectively.

Audi Alteram Partem

Meaning: “Hear the other side”
Principle: No person should be condemned without being given a fair opportunity to be heard.

This is a foundational rule of **natural justice** and is often invoked in administrative and judicial proceedings.

Case Reference: ***A.K. Kraipak v. Union of India***: The Supreme Court held that even administrative actions must adhere to the principles of natural justice.

Nemo Judex in Causa Sua

Meaning: “No one should be a judge in his own cause”
Principle: Prevents bias and ensures impartiality in decision-making.

This maxim underlies the **rule against bias**, whether personal, pecuniary, or institutional.

Case Reference: ***Manak Lal v. Dr. Prem Chand Singhvi*** **[AIR 1957 SC 425]**: The Court emphasized that even the likelihood of bias is enough to disqualify a decision-maker.

Ignorantia Juris Non Excusat

Meaning: “Ignorance of the law is no excuse”

Principle: A person cannot claim innocence by saying they were unaware of the law.

This principle ensures that the law is applied uniformly, and no one escapes liability due to ignorance.

Example: A person cannot claim they didn’t know theft is illegal if caught stealing.

Ubi Jus Ibi Remedium

Meaning: “Where there is a right, there is a remedy”

Principle: Every violation of a legal right must have a legal remedy.

It is the cornerstone of civil litigation and supports the enforceability of rights.

Case Reference: ***Ashby v. White*** **(1703) 92 ER 126**: The court held that the denial of the right to vote, even without damage, entitled the petitioner to damages.

5. Qui Facit Per Alium Facit Per Se

Meaning: “He who acts through another does the act himself”

Principle: Basis of **vicarious liability**, especially in employer-employee relationships.

Example: If a delivery driver negligently injures someone during work hours, the employer can be held liable.

6. Res Ipsa Loquitur

Meaning: “The thing speaks for itself”

Principle: In tort law, if the cause of harm is so obvious, negligence is presumed unless proven otherwise.

Case Reference: ***Municipal Corporation of Delhi v. Subhagwanti*** **[AIR 1966 SC 1750]**: A clock tower fell and killed people — SC held the authority liable, as such an event wouldn’t occur without negligence.

7. Res Judicata

Meaning: “A matter already judged”

Principle: Prevents re-litigation of issues that have been conclusively settled by a competent court.

Case Reference: ***Satyadhyan Ghosal v. Deorajin Debi*** **[AIR 1960 SC 941]**: Reaffirmed that res judicata ensures finality of judgments and avoids multiplicity of suits.

8. Volenti Non Fit Injuria

Meaning: “To one who consents, no harm is done”

Principle: A person who voluntarily agrees to a risk cannot claim damages for injury arising from it.

Example: A player injured during a football match cannot sue for injuries if the rules were followed.

9. Salus Populi Suprema Lex

Meaning: “The welfare of the people is the supreme law”

Principle: Used to justify state actions that restrict individual rights for the larger public good.

Example: During a pandemic, curfews and restrictions may be justified using this maxim.

10. Actus Non Facit Reum Nisi Mens Sit Rea

Meaning: “The act is not guilty unless the mind is guilty”

Principle: For most crimes, both a guilty act (*actus reus*) and a guilty mind (*mens rea*) must be present.

Case Reference: ***R v. Prince*** **(1875) LR 2 CCR 154**: The court debated whether mens rea was required when the act was morally wrong but legally unclear.