BLOGS

Legal Maxims for CLAT (Part I)

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Afraid you can't recall all the legal maxims you've been learning all this time? Here's a post on legal maxims to help you remember them and improve your legal knowledge.

Let's begin ab initio!

A

- Ab initio: From the very beginning [to initiate means to start something]
- Actionable per se: Actionable on its own without any proof of damage being required [per se means by itself, think of the matter being enough 'by itself']
- Actori incumbit onus probandi: Burden of proof lies on the plaintiff [onus means duty/obligation and onus probandi together means the burden of proof]
- Actus Reus: Guilty act
- Actus Reus Non Facit Reum Nisi Mens Sit Rea: If an act is done without any criminal intent, it doesn't make one guilty [This is one of the most used legal maxims and you can remember it by remembering " no crime without a guilty mind"
- Ad hoc: For a specific purpose [For example, ad hoc committees are constituted for specific purposes]
- Amicus Curae: A friend of the Court
- Audi Alteram Partem: Let the other side be heard as well [This maxim basically signifies that no party is to be punished or condemned without hearing their side of the matter or without giving them an adequate opportunity to defend themselves]

B

- Bona Fide: In good faith [When you do something in a bona fide manner, you do it without the intention to deceive]

C

- Caveat Emptor: Let the buyer beware [Here the onus is placed on the buyer to perform due diligence]
- Consensus ad idem: Meeting of minds [Think of it as overall consensus amongst all parties regarding the matter at hand]

D

- Damnum sine injuria: Damage without injury [Here the injury refers to violation of legal right. So, even if someone has suffered some damage, without the violation of legal right, they cannot bring a suit]
- De facto: In fact or in practice [Do you know who is the de facto head of India?]
- De jure: By law
- De minimis: Of little importance [Law doesn't involve itself in trivial matters]
- De novo: From the beginning or anew
- Doli incapax: Incapable of committing a crime [Did you know that per Indian law a child under 7 years of age is incapable of committing any crime?]

E

- Ex gratia: By grace or by favor [An ex gratia act is done voluntarily out of grace]
- Ex officio: By virtue of the office
- Ex parte: Without presence of one party [Can a judge make a decision without hearing both the parties?]
- Ex post facto: From a thing done afterward

I

- Ignorantia juris non exusat: Ignorance of the law is not excusable [If this law were excused, every accused could plead ignorance of law]
- Injuria sine damnum: Injury without damage [Violation of legal right even without the presence of any damage can be reason enoguh to bring suit]
- In lieu of: Instead of
- In personam: Affecting a specific person only
- Inter alia: Amongst other things
- Ipso facto: By the very fact [If say a crime has occurred, then there is ipso facto a guilty party]

Taking the CLAT this year and worried you've not prepared well enough? Go through our posts on to revise the most important topics right before the examination.