AILET

Most Important Legal Phrases And Maxims (O-Z)

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Most Important Legal Phrases And Maxims (O-Z)

- Open court- a court that is in session, presided over by a judge, attended by the parties and their attorneys
- Operation of law- the means by which a right or a liability is created for a party regardless of party's actual intent
- Ordinary bill- Ordinary bill is a bill which can be introduced in either of the houses by any minister or member of the house. If the Bill is passed by both the house, then it is sent to the President and after the assent of the President, the bill becomes an Act.
- Plea bargaining- an arrangement between prosecutor and defendant whereby the defendant pleads guilty to a lesser charge in exchange for a more lenient sentence or an agreement to drop other charges.
- Preamble of the Constitution- The preamble to the Constitution of India is a brief introductory statement that sets out guidelines, which guide the people of the nation, and to present the principles of the Constitution, and to indicate the source from which the document derives its authority, and meaning.
- Presumption of death- if a person has not been heard of as alive for seven years, there is a presumption in law that he is dead
- Preventive detention- the imprisonment of a person with the aim of preventing them from committing further offences or of maintaining public order. The Parliament has a power to determine minimum period of detention
- Private defence- The right of private defence is available to every citizen of the country. It is a right which is inherent in an individual and can be used for protection from bodily harm and harm to property, to the extent as regulated by and defined in the laws of the country.
- Privity of contract- the relationship between the parties to contract allowing them to sue each other but preventing a third party from doing so

- Public prosecutor- a counsel for state
- Putative father- the man who is alleged to be the father of an illegitimate child
- Pacta dant legem contractui – The stipulation of parties constitute the law of the contract.
- Privatum incommodum bono publico pensatur – Private disadvantage is counter balanced by public good.
- Quasi judicial act- a judicial act performed by an official who is not a judge
- Question of fact- an issue that has not been predetermined and authoritatively answered by the law
- Question of law- an issue to be decided by the judge concerning the application or interpretation of the law
- Qui facit per alium facit per se- He who acts through another is deemed to act in person; a principal is liable for the acts of his agents
- Reasonable doubt- the doubt that prevents one being firmly convinced of a defendant's guilt
- Reasonable person- a hypothetical person used as a legal standard, especially to determine whether something acted with negligence
- Remoteness of damage- loss which results from the defendant's wrongdoing but not sufficiently directly and so is irrecoverable by the claimant
- Restraint of marriage- a condition that nullifies the grant to which it applies if the grantee marries or re-marries. Restitution of marriages are usually void if they are general or unlimited in scope
- Retrospective legislation- an act that applies to a period before the act is passed
- Right of action- the right to bring a specific case to court
- Right of pre-emption- a potential buyer's contractual right to have the first opportunity to buy
- Rule of law- this means absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness or even wide discretionary authority on the part of Government
- Ratio decidendi – The reason of a decision.
- Resaccessoria sequitur rem principalrm – An accessory follows the principal.
- Res ipsa loquitur – The things speak for itself
- Res judicata pro veritate accipitur – A matter adjudged is taken for truth.

- Res nullius naturaliter fit primi occupantis – A thing that has no owner naturally belongs to the first taker.
- Res perit suo domino – The thing perishes to its owner, the laws falls on the owner.
- Rex non potest peccare – The king can do no wrong.
- Rex nunquam moritur – The sovereign never dies.
- Rustica et urbana – Rural and urban
- Separation of power- The separation of powers is a representation for the governance of a state. Under this model, a state's government is divided into branches, each with separate, independent powers and responsibilities so that powers of one branch are not in conflict with those of the other branches. The typical division is into three branches: a legislature, an executive, and a judiciary.
- Sleeping partner- a partner who does not take an active role in the business of partnership
- Speaking order- an order which contains matter which is explanatory or illustrative of the direction which is given by it
- Substantive law- it imposes rights and obligations
- Salus populi suprema lex – The welfare of the people is the paramount law.
- Suppressio veri, Expressio falsi – Suppression of the truth is equivalent to the expression of falsehood.
- Territorial law- the law that applies to all persons within a given territory regardless of their citizenship or nationality
- Trade mark- it is a mark used in relation to goods for indicating a connection in the course of trade between goods and some persons having rights as proprietor to use that mark
- Testibus non testimoniis credendum est – Credence is given to the witness not to their testimony.
- Transit terra cum onere – The land passes with its burdens.
- Undue influence- improper use of power or trust in a way that deprives a person of free will
- Unjust enrichment- the retention of a benefit conferred by another, without offering compensation, in circumstances where compensation is reasonably expected
- Uterine blood- born of the same mother but not of the same father
- Ubi jus, ibi remedium – When there is a right there is a remedy.

- Vicarious liability- liability of a person for acts of another
- Vicarious non habet vicarium – A substitute has no substitute.
- Void ab initio – Unlawful right of unenforceable rights from the very beginning of the matter or issue or fat.
- Volenti non fit injuria – Damage suffered by consent is not a cause of action.
- White paper- a government document in which the Government outlines the policy and proposals for legislative change
- Yellow dog contract- an employment contract forbidding membership in a labour union
- Zero Coupon bond- a bond paying no interest

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