

100 Legal Maxims for CLAT

1. Ab Initio - From the beginning.

Explanation: This means that something is valid or applicable from the very start or the beginning.

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

Explanation: This refers to an action or behavior that is inherently wrong or punishable without needing to prove any specific harm or damage caused.

3. Actio personalis moritur cum persona - A personal right of action dies with the person.

Explanation: When a person passes away, any personal legal rights they had also cease to exist.

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

Explanation: In a legal case, the responsibility to provide evidence and prove their case lies with the person who initiates the lawsuit (plaintiff).

5. Actus Reus Non Facit Reum Nisi Mens Sit Rea - Conviction of a crime requires proof of a criminal act and intent.

Explanation: To be found guilty of a crime, it is necessary to prove both that a wrongful act was committed (actus reus) and that there was a criminal intention or guilty mind (mens rea).

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

Explanation: Something done or created specifically for a particular purpose or situation.

7. Alibi - At another place, elsewhere.

Explanation: The claim or evidence that someone was in a different location at the time a crime was committed, providing them with an alibi or an alternative explanation.

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

Explanation: An individual or organization who is not directly involved in a case but offers their expertise or opinion to the court to provide additional guidance.

9. Ante Litem Motam - Before a suit is brought or before controversy arises.

Explanation: Actions or events that occur before a lawsuit is filed or before a dispute arises.

10. Assentio mentium - The meeting of minds, mutual assents.

Explanation: When two or more parties have a shared understanding or agreement on a particular matter.

11. Audi alteram partem - No man shall be condemned unheard.

Explanation: The principle that everyone has the right to present their side of the story and be heard before any judgment or condemnation is passed.

12. Bona fide - In good faith.

Explanation: Acting or behaving sincerely, honestly, and without deceit or ill-intention.

13. Bona vacantia - Goods without an owner.

Explanation: Refers to unclaimed property or assets that have no rightful owner.

14. Boni judicis est ampliare jurisdictionem - It is the part of a good judge to enlarge their jurisdiction.

Explanation: A competent judge has the authority and responsibility to interpret and apply the law broadly to ensure justice.

15. Caveat - A caution registered with the public court to indicate that they are not to act in a matter without giving prior notice to the caveator.

Explanation: A notice or warning registered with the court to prevent any action or decision without notifying the party who issued the caveat.

16. Caveat actor - Let the doer beware.

Explanation: A warning to the person taking action or initiating a legal process to be cautious and aware of the consequences or potential risks involved.

17. Caveat emptor - Let the buyer beware.

Explanation: The principle that places the responsibility on the buyer to be cautious and diligent when making a purchase, as they are responsible for evaluating the quality and suitability of the goods or services.

18. Caveat venditor - Let the seller beware.

Explanation: The principle that places the responsibility on the seller to be cautious and honest when selling a product, as they may be held accountable for any defects or misrepresentations.

19. Certiorari - A writ used to quash orders passed by an inferior court.

Explanation: A legal writ that allows a higher court to review and potentially overturn the decision of a lower court.

20. Corpus - Body.

Explanation: Refers to the physical body of a person, often used in legal contexts such as "habeas corpus" (the right to challenge unlawful detention).

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

Explanation: In criminal law, it refers to the concrete evidence or material elements that prove a crime has been committed.

22. Damnum sine injuria - Damage without injury.

Explanation: Refers to a situation where harm or damage occurs without any legal injury, meaning that there is no violation of a legal right.

23. De facto - In fact.

Explanation: Describes a situation that exists or is true in practice, even if it may not be legally recognized or formally established.

24. De jure - By law.

Explanation: Something that is recognized or established by law.

25. De minimis - About minimal things.

Explanation: Refers to matters or issues that are so insignificant or minimal that they are not considered worthy of attention or legal action.

26. De Minimis Non Curat Lex - The law does not govern trifles or ignores insignificant details.

Explanation: It is a legal principle stating that the law does not concern itself with minor or trivial matters.

27. De novo - To make something anew.

Explanation: Refers to starting afresh or from the beginning.

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

Explanation: A statement or remark made by a judge in a court decision that is not directly relevant or necessary to the outcome of the case.

29. Doli incapax - Incapable of crime.

Explanation: Refers to the presumption that a person below a certain age (usually a child) is incapable of committing a crime due to lack of understanding or criminal intent.

30. Detinue - The tort of wrongfully holding goods that belong to someone else.

Explanation: Refers to the wrongful act of retaining or refusing to return someone else's property or goods.

31. Donatio mortis causa - A gift because of death.

Explanation: Refers to a gift that is given in anticipation of the donor's imminent death and is only delivered upon the donor's death.

32. Estoppel - Prevented from denying.

Explanation: A legal doctrine that prevents a person from denying or contradicting a previous statement or position they have taken.

33. Ex gratia - As a favor.

Explanation: Something done or given voluntarily, out of kindness or goodwill, without any legal obligation.

34. Ex officio - By virtue of the office held.

Explanation: By the authority or power granted to someone because of the position or office they hold.

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

Explanation: Legal proceedings or actions that take place without the presence or participation of the opposing party.

36. Ex post facto - After the fact or retroactively.

Explanation: Refers to a law or action that is applied retroactively, affecting events or actions that occurred before the law was enacted.

37. Fatum - Beyond human foresight.

Explanation: Something that is beyond human prediction or anticipation, often referring to unforeseen or uncontrollable events or circumstances.

38. Factum probans - Relevant fact.

Explanation: A fact or evidence that is significant or relevant in establishing a claim or proving a case.

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

Explanation: Refers to the principle that intentionally concealing or hiding fraudulent activities is itself considered a fraudulent act.

40. Functus officio - No longer having power or jurisdiction.

Explanation: Describes a person or entity that no longer holds the authority or jurisdiction to act in a particular capacity.

41. Furiosi nulla voluntas est - Mentally impaired or mentally incapable persons cannot validly sign a will, contract, or form the necessary intent to commit a crime.

Explanation: States that individuals with mental impairments or incapacity lack the legal capacity to make valid decisions, such as signing legal documents or forming the intent required for criminal liability.

42. Habeas corpus - A writ used to bring a person before a judge to ensure their lawful detention.

Explanation: A legal writ that allows individuals to challenge the lawfulness of their detention or imprisonment.

43. Ignorantia juris non-excusat - Ignorance of the law excuses no one.

Explanation: The principle that not knowing or being unaware of a law does not absolve an individual from legal responsibility or liability for violating that law.

44. Injuria sine damno - Injury without damage.

Explanation: Refers to a situation where there is an infringement of a legal right or interest without any actual or significant harm or damage.

45. Ipso facto - By the mere fact itself.

Explanation: Something that automatically or inherently follows or results from a particular fact or action.

46. In promptu - In readiness.

Explanation: Refers to being prepared or ready for something.

47. In lieu of - Instead of.

Explanation: In place of or as a substitute for something else.

48. In personam - A legal proceeding directed against a specific individual.

Explanation: Refers to a legal action or proceeding that is targeted or directed specifically against a particular individual to establish personal rights or obligations.

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

Explanation: Refers to a statement or remark that implies a defamatory meaning or intention through indirect or veiled language.

50. In status quo - In the current state or condition.

Explanation: Describes the existing or current state of affairs or circumstances.

51. Lex retro non agit - The law does not act retrospectively.

Explanation: Indicates that the law should not have retroactive effect and should not be applied to events or actions that occurred before its enactment.

52. Nemo dat quod non habet - No one can give what they do not have.

Explanation: States that a person cannot transfer or convey a right or property that they themselves do not possess.

53. Nulla poena sine lege - No punishment without a law.

Explanation: Refers to the principle that no person should be punished for an act that is not specifically prohibited by law.

54. Pacta sunt servanda - Agreements must be kept.

Explanation: Emphasizes the importance of honoring and abiding by contractual obligations and agreements.

55. Prima facie - On the face of it.

Explanation: Indicates that something is presumed to be true or valid unless proven otherwise.

56. Qui facit per alium facit per se - He who acts through another acts in his own behalf.

Explanation: States that a person who acts through another person is legally responsible for the actions taken on their behalf.

57. Res ipsa loquitur - The thing speaks for itself.

Explanation: Refers to a legal doctrine where the occurrence of an accident or injury implies negligence or wrongdoing, without the need for further evidence.

58. Res judicata - A matter already judged.

Explanation: Describes a legal principle that prevents the same issue or dispute from being raised again after it has been finally determined by a court.

59. Stare decisis - To stand by things decided.

Explanation: Refers to the principle of precedent, where courts should adhere to and follow previous legal decisions when deciding similar cases.

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

Explanation: Asserts that if a legal right has been violated, there should be a corresponding legal remedy or recourse available to address the violation.

61. Volenti non fit injuria - To a willing person, no injury is done.

Explanation: Implies that if a person willingly exposes themselves to a known risk or danger, they cannot claim compensation or relief for any resulting harm or injury.

62. Nemo debet esse judex in propria causa - No one should be a judge in their own cause.

Explanation: Establishes the principle of impartiality, stating that a person should not decide a case in which they have a personal or financial interest.

63. Actio personalis cum moritur persona - A personal action dies with the person.

Explanation: Similar to "Actio personalis moritur cum persona," this maxim states that personal legal rights or claims extinguish upon the death of the individual.

64. Quod non apparet, non est - What does not appear, does not exist.

Explanation: Highlights the importance of providing evidence or proof for a claim or assertion.

65. Ignorantia facti excusat - Ignorance of fact excuses.

Explanation: Suggests that a person may be excused from legal liability if they were genuinely unaware of certain factual circumstances.

66. Modus operandi - Method of operation.

Explanation: Refers to the characteristic way or method in which a person or group carries out their activities or operations.

67. Nunc pro tunc - Now for then.

Explanation: Used to retroactively validate or make a legal action effective from a previous date.

68. Parens patriae - Parent of the country.

Explanation: Describes the role of the state as the protector and guardian of individuals, especially those who cannot protect themselves, such as children or the mentally ill.

69. Ratio decidendi - Reason for the decision.

Explanation: Refers to the legal reasoning or grounds on which a court's decision is based.

70. *Respondeat superior* - Let the master answer.

Explanation: Holds an employer or superior legally responsible for the wrongful acts or omissions committed by their employees or subordinates within the scope of their employment.

71. *Audiencia et altera pars* - Hear the other side as well.

Explanation: Emphasizes the importance of giving both parties an opportunity to present their arguments or case before reaching a decision.

72. *Boni mores* - Good morals.

Explanation: Refers to the principles of good moral conduct or behavior.

73. *Causa mortis* - On account of death.

Explanation: Relates to actions or events that occur in anticipation of a person's death.

74. *Cuius est solum, eius est usque ad coelum et ad inferos* - Whoever owns the land, owns it all the way up to the heavens and down to the depths.

Explanation: Indicates the principle that a landowner possesses rights and control over the airspace and underground beneath their property.

75. *Damnum emergens* - The actual loss suffered.

Explanation: Refers to the actual or quantifiable loss or damage incurred as a result of an event or action.

76. *Delegata potestas non potest delegari* - A delegated power cannot be further delegated.

Explanation: States that a person who has been given authority or power by someone else cannot transfer that authority to another person.

77. *Dura lex, sed lex* - The law is harsh, but it is the law.

Explanation: Expresses the idea that the law may sometimes seem strict or severe, but it must be followed nonetheless.

78. *Expressio unius est exclusio alterius* - The express mention of one thing excludes all others.

Explanation: Suggests that when something is specifically mentioned, it implies the exclusion of other similar things that are not mentioned.

79. *Fiat justitia ruat caelum* - Let justice be done though the heavens fall.

Explanation: Asserts that justice must prevail, even if it leads to significant or catastrophic consequences.

80. *In dubio pro reo* - In doubt, favor the accused.

Explanation: Indicates that if there is doubt or uncertainty in a legal matter, the decision should be made in favor of the accused or the party being charged.

81. *Inter alia* - Among other things.

Explanation: Refers to the inclusion of other items or matters in a list or discussion without explicitly naming them.

82. *Jus cogens* - Compelling law.

Explanation: Refers to a peremptory norm or a fundamental principle of law that is binding and cannot be deviated from.

83. *Leges posteriores priores contrarias abrogant* - Subsequent laws repeal previous conflicting laws.

Explanation: States that when new laws are enacted that contradict or are inconsistent with previous laws, the new laws take precedence and repeal the conflicting ones.

84. *Lex specialis derogat legi generali* - The special law prevails over the general law.

Explanation: Indicates that when there is a conflict between a specific law and a general law, the specific law takes precedence.

85. *Nemo tenetur se ipsum accusare* - No one is bound to accuse themselves.

Explanation: Affirms the right against self-incrimination, stating that individuals are not obliged to provide evidence or testimony that could be used against them in a criminal case.

86. *Nihil novi nisi commune consensu* - Nothing new without the common consent.

Explanation: Refers to the principle that significant changes or innovations should not be made without the agreement or consensus of the relevant parties or stakeholders.

87. Nullum crimen sine lege - No crime without law.

Explanation: Asserts that an act cannot be considered a crime unless it is explicitly prohibited by law.

88. Pacta sunt servanda - Agreements must be kept.

Explanation: Emphasizes the importance of honoring or fulfilling contractual obligations and agreements.

89. Per curiam - By the court.

Explanation: Refers to a decision or opinion of a court that is issued collectively by the court, rather than being attributed to a specific judge.

90. Post mortem - After death.

Explanation: Relates to actions, events, or matters that occur after a person's death.

91. Prima facie - On the first appearance.

Explanation: Indicates that there is sufficient evidence or facts available to establish a presumption or a case that stands until rebutted.

92. Quod est necessarium est licitum - What is necessary is lawful.

Explanation: Suggests that actions or measures that are necessary or essential are considered lawful or permissible.

93. Res ipsa loquitur - The thing speaks for itself.

Explanation: Refers to a legal doctrine that allows for the inference of negligence based on the obvious facts or circumstances of a case.

94. Salus populi suprema lex esto - The welfare of the people shall be the supreme law.

Explanation: Asserts that the well-being and best interests of the people should be the highest priority in matters of law and governance.

95. Sine qua non - Without which, it could not be.

Explanation: Refers to an essential or indispensable element or condition without which something cannot exist or occur.

96. Stare decisis - To stand by things decided.

Explanation: Describes the principle of adhering to and following precedents or legal decisions that have been previously established.

97. Sub judice - Under judgment or consideration by a court.

Explanation: Indicates that a matter or case is currently being heard and decided upon by a court, and therefore, further discussion or action should be avoided.

98. Ultra vires - Beyond the powers.

Explanation: Refers to actions or decisions that exceed the legal authority or powers of an individual, organization, or government body.

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

Explanation: Asserts that if a legal right has been violated or infringed upon, there should be a corresponding legal remedy available.

100. Volenti non fit injuria - To a willing person, no injury is done.

Explanation: Suggests that if someone willingly assumes a risk or consents to a certain activity, they cannot later claim that they have been wronged or injured as a result.