

Legal Maxims for CLAT

We have shared some important questions for Legal Maxims for CLAT below, which are commonly asked in the CLAT. Make sure that you also go through their solution properly to understand these terms.

1. Actionable Per se

- a. For the case or end at hand
- b. The meeting of minds
- c. In good faith
- d. The very act is punishable, no proof of damage is required

Answer: (d) actions that do not require the allegation or proof of additional facts to constitute a cause of action. Such a tort is actionable simply because it happened

2. Assentio Mentium

- a. The meeting of minds
- b. In good faith
- c. An argument directed at the person
- d. Injury without damage

Answer: (a) Latin definition for a meeting of minds regarding the terms and conditions of the contract.

3. Pacta sunt servanda

- a. Treaties are legally binding
- b. Treaties are legally binding only to the contracting parties
- c. Goods without an owner
- d. With the intention of making a will

Answer: (a) A Latin word for agreements are binding. It is a basic principle of civil law, international law, and canon law. The principle refers to private contracts, stressing that contained clauses are to be termed as law between the parties.

4. Bona Vacantia

- a. Goods without an owner
- b. Let the seller beware
- c. To the extreme contrary
- d. The law does not note trifling matters

Answer: (a) Bona Vacantia is a legal concept associated with the property that has no owner. It exists in various jurisdictions, but with origins mostly in English law.

5. Persona non-grata

- a. By the fact itself
- b. Person non-wanted
- c. State recognition of law
- d. Principle of equity

Answer: (b) It refers to a foreign person whose entry or remaining in a country is prohibited by that country's government.

6. Alibi

- a. A friend of the court
- b. From elsewhere
- c. Equity follows the law

d. At another place

Answer: (d) A claim or a piece of evidence when an act, typically a criminal one, is alleged to have taken place. In a criminal action, a defense that the defendant was somewhere other than the scene of the crime when the crime was committed.

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7. Ipso facto

- By the very fact itself
- Legitimate
- From the very beginning
- In good faith

Answer: (a) Ipso Facto is a Latin Phrase, which means that a specific phenomenon is a direct consequence of the action in question, instead of any previous action. It is used to say that it is reasonable to state or believe something based on facts that are already known.

8. Actio personalis moritur cum persona

- An action is not given to one who is not injured
- A personal right of action dies with the person
- The burden of proof lies with the plaintiff
- The act of law does no wrong

Answer: (b) A maxim stating that actions of tort or contract are destroyed by the death of the injured or the injuring party.

9. Actus Non Facit Reum Nisi Mens Sit Rea

- The laws are adapted to those cases which occur more frequently
- For a perpetual memorial for the matter
- The act does not make one guilty unless there is a guilty intent
- Alienation is preferred by law rather than accumulation

Answer: (c) An act does not make one guilty without a guilty mind. This Latin phrase is often given as the pinnacle of the English common law criminal justice system and is usually in the context of mens rea. It states that for any act to be illegal in nature it must be done with a guilty mind.

10. Jus Cogens

- The peremptory norm of general international law
- The recognition of certain practices like law
- Implied jurisdiction of the ICJ
- The treaties are legally binding

Answer: (a) It is a fundamental principle of international law that is accepted by the international community of states as a norm from which no derogation is permitted.

11. Pari Passu

- An amount
- In proportion
- In the opinion of the court
- On an equal footing

Answer: (d) Is a Latin phrase that describes situations where two or more assets, securities, creditor or obligation are equally managed without situations

12. Non-sequitur

- An inconsistent statement

- b. Guilty state of mind
- c. No one can be a judge in his own cause
- d. In the matter of

Answer: (a) a conclusion or a statement that does not logically follow from the previous argument or statement.

13. Ubberime Fide

- a. Reason for deciding the judgment
- b. In utmost good faith
- c. As much as deserved
- d. The principle that courts abide by

Answer: (b) utmost good faith- This means that all parties to an insurance contract must deal in good faith, making a full declaration of all material facts in the insurance proposal.

14. Vox Populi

- a. Voice of the people
- b. The previous position
- c. To take into custody of a law
- d. The things speak for itself

Answer: (a) this phrase is used in English to mean the voice of the people.

15. Corpus Delicti

- a. Show me the body
- b. Where is the body
- c. The body of crime
- d. The guilty person in a crime

Answer: (c) material substance (such as the body of the victim of a murder) upon which a crime has been committed.

- Corpus delicti literally means "body of the crime".
- In its original sense, the body in question refers not to a corpse but to the body of essential facts that, taken together, prove that a crime has been committed.

16. De Minimis Lex non Curat

- a. Incapable of a crime
- b. A crime committed by a minor
- c. The law does not notice trifling matters
- d. By reason of a subsequent act

Answer: (c) a common law principle whereby the judges will not sit in the judgment of extremely minor transgressions of the law. The principle that the law is not concerned with insignificant or minor matters.

17. Ex Post Facto

- a. By reason of a subsequent act
- b. Of the same kind
- c. Amongst other things
- d. By that very fact

Answer: It is a law that retroactively changes the legal consequence of actions that were committed or relationships that existed, before the enactment of the law.

18. Volenti Non Fit injuria

- a. To a willing person, injury is not done
- b. One must be compensated for the injury caused to him

- c. During litigation, nothing should be changed
- d. Let the principle answer

Answer: (a) Is a common law doctrine that states that if someone willingly places themselves in a position in which harm might result, knowing that some degree of harm might result, they are not able to bring a claim against the other party in tort or delict..

19. Ubi Jus Ibi remedium

- a. Where there is a right, there is a remedy
- b. The meeting of minds
- c. Subsequent laws repeal prior conflicting one
- d. A judge cannot be a witness in his own cause

Answer: (a) for every wrong, there is a remedy. Further, when one's right is denied, the law affords a remedy of an action for its enforcement.

20. Qui Facit per Alium Facit per se

- a. He who acts through another acts by himself
- b. Something for something
- c. At the outset, on the threshold
- d. Against the whole world

Answer: (a) It is a fundamental legal maxim of the law of agency. It is a maxim often stated in discussing the liability of an employer for the act of the employee.

21. Jus Naturale

- a. Living law
- b. Natural law
- c. Positive law
- d. Natural justice

Answer: (b) natural law is a philosophy that ascertains that certain rights are inherent by human nature, traditionally by god, and something that can be understood universally through human reason. It is a system of law based on fundamental ideas of right and wrong.

22. Mala In se

- a. We command
- b. Where is the body
- c. Guilty state of mind
- d. Bad in themselves

Answer: is a Latin phrase meaning wrong or evil. The phrase is used to conduct assessed as sinful or inherently wrong by nature, independent of regulations governing the conduct.

23. Per Curium

- a. In the opinion of the court
- b. An inconsistent statement
- c. to persuade someone to do the act
- d. A judge in his own cause

Answer: (a) denoting decision of the appellate court in a unanimous agreement written anonymously. A Per Curiam decision is a ruling issued by an appellate court of multiple judges in which the decision rendered is made by the court acting collectively.

24. Obiter Dicta

- a. As much as deserved
- b. Under judicial consideration
- c. Reason for being a part of the judgment

d. Things said in the passing of a judgment

Answer: (c) a judge's expression of opinion uttered in court or in a written judgment, but not **essential to the decision and therefore not legally binding as a precedent.**

25. Ratio Decidendi

- a. Without which nothing
- b. Indefinitely
- c. Under judicial consideration
- d. None of the above

Answer: (d) The reason or the rule of law on which a judicial decision is made. The ratio decidendi is "the point in a case that determines the judgment" or "the principle that the case establishes".

26. Res Judicata

- a. Under judicial consideration
- b. By this very fact
- c. A case which has already been decided
- d. Things that are said in the passing of a judgment

Answer: (c) a matter that has been adjudicated by a competent court and therefore may not be pursued further by the same parties.

27. Quantum Merit

- a. As much as deserved
- b. The things speak for itself
- c. An act did in return for something else
- d. An act did for merit

Answer: (a) a reasonable sum of money to be paid for the services rendered or work done when the amount is due as not stipulated in a legally enforceable contract.

28. Actori Incumbit Onus Probandi

- a. The burden of proof lies on the plaintiff
- b. The burden of proof lies on the defendant
- c. Equity follows justice
- d. With the intention of making a will

Answer: (a) It is a Latin phrase derived which means that the burden of proof lies on the plaintiff.

29. In Limine

- a. In the meanwhile
- b. On the threshold
- c. By the very fact
- d. None of the above

Answer: (b) A motion in limine is a motion that is tabled by one of the parties at the very beginning of the legal procedures and seeks to pull the rug out from under the feet of the other party usually to ask the judge to exclude certain evidence This motion is decided by the judge in both civil and criminal proceedings.

30. Inter Vivos

- a. Bring me the body
- b. by reason of a subsequent act
- c. between living persons
- d. between two minors

Answer: (c) Is a legal term referring to a transfer or a gift made during one's lifetime, under the subject of trust.

31. Respondeat Superior

- a. Let the principle answer
- b. Let the doer be responsible
- c. Let the doer beware
- d. The bailee is responsible for the property

Answer: (a) is a doctrine of law that states that a party is responsible for the vicarious acts of its agents. This common law doctrine was established in the seventeenth century.

32. Quo Warranto

- a. By whose authority
- b. On the face of it
- c. Bring me the body
- d. Command the authority

Answer: (a) It is a writ requiring the person to whom it is directed to show what authority they have for exercising some right, power, or franchise they claim to hold.

33. Injuria Sine Damnum

- a. Damage without injury
- b. Injury without damage
- c. Let the buyer beware
- d. One is responsible for their actions

Answer: (b) It means that injury caused to a party without actually suffering any physical harm or damage. The injury pertains to the infringement of rights pertaining to a person. The meaning of the above maxim is the infringement of an absolute private right without any actual loss or damage. This was first established in the Gloucester grammar school case.

34. Caveat Emptor

- a. Let the buyer beware
- b. Let the seller beware
- c. Let the respondent beware
- d. Let the principal beware

Answer: (a) it is the principle that states that the buyer alone is responsible for checking the quality and the sustainability of the goods before a purchase is made. In the law of commercial transactions, the principle that the buyer purchases at his own risk in the absence of an express warranty in the contract.

35. Ignorantia Juris non Excusat

- a. Ignorance of fact is not an excuse
- b. Ignorance of a law is not an excuse
- c. A personal right of action is not available to the person
- d. By whose authority

Answer: (b) It is a legal principle holding that a person who is unaware of a law may not escape the liability for violating the law merely because one was unaware of its content.