LEGAL REASONING

Important Legal Maxims for CLAT 2027

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Why Legal Maxims Matter for CLAT

Legal maxims are established principles or propositions, often derived from Roman law and expressed in Latin, that have been used for centuries as guiding rules in judicial reasoning. Courts across the world, including Indian courts, rely on these maxims to interpret statutes, resolve ambiguities, and deliver judgments rooted in fairness and logic.

In CLAT, questions on legal maxims usually appear in one of three formats:

1. **Direct definition-based questions** — asking you to identify the correct meaning of a maxim.

2. **Application-based questions** — presenting a fact situation and asking which maxim applies.
3. **Passage-based questions** — where a maxim is explained in a paragraph, followed by questions testing comprehension and application.

Because of this, aspirants should not just memorize maxims but understand their underlying logic and typical use cases.

Categories of Legal Maxims

To make preparation easier, it helps to group legal maxims into broad categories: those **related to criminal law, contract law, tort law, evidence law,** and general principles of justice. Let's explore the most important ones in each category.

Legal Maxims

Category	Maxim	Meaning	Explanation
Criminal Law 1	Actus non facit reum nisi mens sit rea	An act does not make a person guilty unless the mind is also guilty	Foundation of criminal liability — requires both actus reus (wrongful act) and mens rea (guilty mind) to establish a crime
2	Ignorantia juris non excusat	Ignorance of law is no excuse	A person cannot avoid liability by claiming unawareness that their conduct was illegal
3	Nemo debet bis vexari pro una et eadem causa	No one should be vexed twice for the same cause	Basis of the principle against double jeopardy (Article 20(2), Indian Constitution)
4	Actio personalis moritur cum persona	A personal right of action dies with the person	Relevant when the injured party dies and legal action's continuation is in question
Contract Law 1	Pacta sunt servanda	Agreements must be kept	Once a valid contract is formed, parties must honor its terms; central to breach of contract and specific performance

2	Ex nudo pacto non oritur actio	No action arises from a bare agreement	Relates to the necessity of consideration; an agreement without consideration is generally unenforceable, except exceptions like Section 25, Indian Contract Act
3	Consensus ad idem	Meeting of the minds	Both parties must share the same understanding of contract terms; absence can void a contract due to fundamental mistake
4	Caveat emptor	Let the buyer beware	Places responsibility on the buyer to check goods before purchase; diluted by modern consumer protection laws
Tort Law 1	Ubi jus ibi remedium	Where there is a right, there is a remedy	Underpins the entire law of torts — every legal right must have a corresponding remedy if violated
2	Volenti non fit injuria	To a willing person, no injury is done	Defense in tort law — voluntary consent to risk bars later claims for damages
3	Res ipsa loquitur	The thing speaks for itself	Used in negligence cases where the nature of the accident implies negligence, shifting burden of proof to the defendant
4	Damnum sine injuria	Damage without legal injury	Loss or harm suffered without violation of a legal right — no remedy available
5	Injuria sine damno	Legal injury without actual damage	A violated legal right allows remedy even without real harm — e.g., *Ashby v. White*
Evidence & Procedure	Audi alteram partem	Hear the other side	Principle of natural justice ensuring no person is

1			condemned unheard
2	Nemo judex in causa sua	No one should be a judge in their own cause	Second pillar of natural justice, ensuring impartiality and preventing bias
3	Onus probandi	The burden of proof	The party asserting a fact generally bears the burden of proving it
4	Falsus in uno, falsus in omnibus	False in one thing, false in everything	Suggests a lying witness is unreliable throughout — largely rejected as a rigid rule by Indian courts
Justice & Equity 1	Salus populi suprema lex	The welfare of the people is the supreme law	Laws should serve the greater good, invoked in public interest and emergency powers
2	Ex turpi causa non oritur actio	No action arises from an immoral or illegal cause	Courts won't assist a claim based on an illegal act
3	De minimis non curat lex	The law does not concern itself with trifles	Explains why courts don't entertain trivial matters
4	Delegatus non potest delegare	A delegate cannot further delegate	In administrative law — delegated authority cannot be passed on further unless expressly permitted
5	Nova constitutio futuris formam imponere debet, non praeteritis	A new law ought to regulate the future, not the past	Principle against retrospective application of laws, protected under Article 20(1), Indian Constitution

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