UGC NET Law · Legal Maxims

Latin Maxims

Law of Torts

Respondeat superior
Let the master (superior) answer.
→ Vicarious liability of the master for the servant.

Qui facit per alium facit per se
He who acts through another acts himself.
→ Basis of agency and vicarious liability.

Scienti non fit injuria
To one who knows, no injury is done.
→ Rejected: knowledge of risk is not consent. *Smith v. Baker* (1891).

Trespass quare clausum fregit
Trespass by entering another's land.
→ Trespass to land.

Trespass de bonis asportatis
Trespass by carrying away another's goods.
→ Trespass to goods.

Law of Contract

Ex turpi causa non oritur actio UGC NET
From an immoral cause, no action arises.
→ Illegal or immoral agreements cannot be enforced.

Nemo debet locupletari ex aliena jactura
No one should grow rich out of another's loss.
→ Unjust enrichment. Quasi-contracts, ss. 68–72, Indian Contract Act.

Constitutional & Criminal Law

Rex non potest peccare
The King can do no wrong.
→ Sovereign immunity of the State.

Nemo debet bis vexari
No one ought to be vexed twice for the same cause.
→ Double jeopardy. Art. 20(2).

Nemo tenetur seipsum accusare
No one is bound to accuse himself.
→ Right against self-incrimination. Art. 20(3).

International Law

Pacta tertiis nec nocent nec prosunt UGC NET
Treaties neither harm nor benefit third States.
→ A treaty binds only its parties. VCLT, Art. 34.

Opinio juris sive necessitatis
A belief that the practice is legally required.
→ With State practice, it creates customary international law.

Ex injuria jus non oritur
No right arises from a wrong.
→ Stimson Doctrine (1932): no recognition of gains made by force.

Aut dedere aut judicare
Either extradite or prosecute.
→ Duty of a State holding an accused offender.