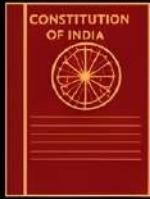


LATIN LEGAL TERMS

Complete Law Reference — English Meanings & Definitions

Indian Courts • Legal Drafting • Bar Exams



Constitution of India



Court of Justice



Law Books & Codes

KEY LATIN TERMS — MEANINGS & DEFINITIONS

Habeas Corpus

COURT

You Shall Have the Body

Writ to produce detained person before court. Remedy against illegal detention.

Certiorari

COURT

To Be Certified

Higher court quashes lower court order passed in excess of jurisdiction.

Prima Facie

COURT

At First Sight

Evidence sufficient on its face; court's initial assessment before full trial.

Ex Parte

COURT

From One Side Only

Proceeding or order in absence of the opposite party; e.g., ex parte decree.

Locus Standi

COURT

Place of Standing

Legal right/ standing of a person to bring a case or petition before court.

Mens Rea

COURT

Guilty Mind

Mental element / criminal intent required to constitute an offence.

Inter Alia

DRAFTING

Among Other Things

Used in drafting to indicate the listed items are not exhaustive.

Mala Fide

DRAFTING

In Bad Faith

Dishonest or fraudulent intention; administrative orders can be quashed.

Per Se

DRAFTING

By Itself / Inherently

Something that is inherently so, without need of additional proof or context.

De Jure

DRAFTING

By Law / By Right

Legally recognised or established by law, opposite of de facto.

Intra Vires

DRAFTING

Within the Powers

Act done within the legal authority conferred; valid and enforceable.

Res Gestae

EVIDENCE

Things Done

Statements/facts so closely tied to a crime they form part of it (I.E.A s. 6).

Res Judicata

EVIDENCE

Matter Already Judged

Finally decided matter cannot be re-litigated between same parties (CPC s. 11).

Corpus Delicti

EVIDENCE

Body of the Crime

Actual evidence proving a crime occurred; e.g., the dead body in a murder case.

Ratio Decidendi

GENERAL

Reason for Deciding

The binding legal principle on which judgment is based — the true reason for decision.

Stare Decisis

GENERAL

Stand by Decided Cases

Doctrine of precedent — higher court decisions bind all lower courts.

Nemo Judex in Causa Sua

GENERAL

He One Judge in Oom Cause

Role against bias — a person cannot be judge in a matter where they have an interest.

Mandamus

COURT

We Command

Writ ordering a public officer to perform their legal duty compulsorily.

Quo Warranto

COURT

By What Authority

Writ challenging a person's legal right to hold a public office.

Sub Judice

COURT

Under a Judge

Matter currently pending before court; public comment may constitute contempt.

Amicus Curiae

COURT

Friend of the Court

Non-party expert invited by court to assist in complex or PIL matters.

In Camera

COURT

In the Chamber

Closed-court proceedings not open to public; used in rape / matrimonial cases.

Actus Reus

COURT

Guilty Act

Physical element of crime — the actual act or unlawful omission committed.

Bona Fide

DRAFTING

In Good Faith

Genuine and honest intention without any fraud or deceit.

Mutatis Mutandis

DRAFTING

With Necessary Changes

Same rule/clauses applied to another situation with appropriate modifications.

De Facto

DRAFTING

In Fact / In Practice

Existing in reality/in practice though not necessarily legally recognised.

Ultra Vires

DRAFTING

Beyond the Powers

Act done beyond legal authority conferred; such act is void and unenforceable.

Ad Hoc

DRAFTING

For This Purpose

Temporary arrangement or committee formed for one specific purpose only.

Res Ipsa Loquitur

EVIDENCE

The Thing Speaks for Itself

Negligence inferred from circumstances; no specific proof of fault required.

Onus Probandi

EVIDENCE

Burden of Proof

Obligation to prove a fact — prosecution in criminal, plaintiff in civil cases.

Alibi

EVIDENCE

Elsewhere

Defence that accused was at a different place when the crime was committed.

Obiter Dicta

GENERAL

Things Said by the Way

Remarks made in passing in a judgment; persuasive but not binding on courts.

Audi Alteram Partem

GENERAL

How the Other Side

Principle of natural justice — both parties must be heard before any order.

Ubi Jus Ibi Remedium

GENERAL

Where Right There is Remedy

Every legal right must have a legal remedy; basis for PIL jurisdiction in India.