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Actus Dei Nemini Facit Injuriam

Meaning:

- This Latin maxim means "An act of God causes harm to no one."
- It is a fundamental principle in tort law, stating that no one can be held liable for damage caused by an unforeseeable and inevitable natural event.

Application:

- Used as a defense in cases where harm or loss results from natural disasters like floods, earthquakes, storms, or lightning, which are beyond human control.
- This principle is applied in **Contract Law** and **Tort Law**, especially in cases involving force majeure clauses.

Examples:

- A bridge collapses due to an unexpected earthquake. The government or the construction company cannot be held liable under normal circumstances.
- A farmer's crops are destroyed due to an unforeseen cyclone. The neighboring farmer cannot sue for damage caused by wind-driven debris.

Case Laws:

1. **Nicholas v. Marsland (1876) (Reservoir Case)**

- **Facts:** The defendant had artificial reservoirs on their land. Due to heavy rainfall (an Act of God), the reservoirs overflowed and caused damage to the plaintiff's property.
- **Judgment:** The court ruled in favor of the defendant, stating that the excessive rainfall was unforeseeable and beyond human control.

2. **Municipal Corporation of Delhi v. Sushila Devi (Clock Tower Case, 1999)**

- **Facts:** A clock tower owned by the Municipal Corporation of Delhi collapsed due to lack of maintenance and killed a person.
- **Judgment:** The court held the municipality liable as the collapse was not due to an Act of God but rather negligence.
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3. **Rylands v. Fletcher (1868)**

- **Facts:** The defendant built a reservoir, which later flooded the plaintiff's mines due to negligence.
- **Judgment:** The court ruled in favor of the plaintiff, emphasizing that this was not an Act of God but a preventable accident.

Salus Populi Est Suprema Lex

Meaning:

- "The welfare of the people is the supreme law."
- This maxim signifies that laws should prioritize the general well-being and safety of society over individual interests.

Application:

- Used in constitutional law, administrative law, and emergency legislations.
- Governments use this maxim to justify restrictions on individual rights during national emergencies (e.g., pandemics, wars).

Examples:

- A government imposes lockdowns during COVID-19 to protect public health.
- A state prohibits smoking in public places to protect citizens from second-hand smoke.

Case Laws:

1. **Taylor v. Whitehead (1781)**

- **Facts:** Government authorities removed a structure that was causing obstruction to public movement.
- **Judgment:** The court upheld the government's decision, stating that public welfare is paramount.



2. R v. Dudley and Stephens (1884) (Not Applied)

- **Facts:** Two shipwrecked sailors killed and ate a boy to survive. They argued it was necessary for survival.
- **Judgment:** The court ruled that necessity does not justify murder, as individual rights cannot always be overridden for the greater good.

Statutory Provisions:

- **Indian Penal Code, Section 81** – Justifies acts done in good faith to prevent harm to the public.

Nemo Tenetur Seipsum Accusare

Meaning:

- "No one is bound to accuse himself."
- Protects individuals from self-incrimination.

Application:

- Criminal law and constitutional law.
- Used in confessions, custodial interrogations, and court testimonies.

Examples:

- A suspect cannot be forced to confess under police pressure.
- A witness cannot be compelled to testify against himself in court.

Case Laws:

1. Nandini Sathpathy v. P.L. Dani (1978)

- **Facts:** The former Chief Minister of Odisha refused to answer certain police interrogations.
- **Judgment:** The Supreme Court ruled that forcing her to answer would violate Article 20(3) of the Indian Constitution.



2. Mohd. Dastagir v. State of Madras (1960) (Not Applied)

- **Facts:** The accused voluntarily made a confession without coercion.
- **Judgment:** Since there was no compulsion, the confession was admissible.

Statutory Provisions:

- **Article 20(3) of the Indian Constitution** – Protects against self-incrimination.
- **Fifth Amendment of the U.S. Constitution** – Grants similar rights.

Leges Posteriores Priores Contrarias Abrogant

Meaning:

- "Later laws repeal earlier contradictory laws."
- When a new law conflicts with an old one, the new law prevails.

Application:

- Used in **Statutory Interpretation** and **Legal Reforms**.

Examples:

- A new tax law nullifies an older one that imposes a lower rate.
- A new amendment in criminal law overrides a previous conflicting provision.

Case Laws:

1. Kesavananda Bharati v. State of Kerala (1973)

- **Facts:** The case challenged constitutional amendments that changed fundamental rights.
- **Judgment:** The Supreme Court ruled that while later amendments override earlier ones, they cannot alter the basic structure of the Constitution.

2. R. v. St. Edmund's Salisbury (Not Applied)

- **Facts:** An old church law was challenged based on newer statutes.
- **Judgment:** The court ruled that both laws could coexist without conflict.



Nova Constitutio Futuris Formam Imponere Debet Non Praeteritis

Meaning:

- "A new law should impose a form for the future, not the past."
- Laws should generally have **prospective** rather than **retrospective** effects.

Application:

- Used in **Taxation Law**, **Criminal Law**, and **Administrative Law**.

Examples:

- A new tax cannot be applied to transactions that occurred before its enactment.
- A new criminal law cannot punish past acts that were legal at the time.

Case Laws:

1. **Kanaiyalal v. Indumati Potdar (AIR 1958 SC 444)**
 - **Facts:** A law imposing new inheritance rules was applied to an old case.
 - **Judgment:** The Supreme Court held that the law should not be applied retroactively.
2. **Croxford v. Universal Insurance Co. (Not Applied)**
 - **Facts:** A new insurance law was applied retroactively.
 - **Judgment:** The court allowed retrospective application in this case.

Statutory Provisions:

- **Article 20(1) of the Indian Constitution** – Prohibits retrospective criminal laws.
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Ignorantia Facti Excusat, Ignorantia Juris Non Excusat

Meaning:

- Ignorance of fact is an excuse, but ignorance of the law is not.
- If a person is unaware of a fact, they may be excused, but they cannot claim ignorance of the law as a defense.

Application:

- Used in criminal law and contract law.

Example:

- If someone unknowingly buys stolen goods, they may not be guilty of theft. However, if they argue they didn't know theft was illegal, it won't be a valid defense.

Case Law:

- *R v. Tolson (Bigamy Case, 1889)*
 - A woman remarried believing her husband was dead. The court ruled that her ignorance of fact was an excuse.
 - *R v. Prince (Kidnapping Case, 1875)*
 - A man abducted a minor girl, believing she was of legal age. The court rejected his defense, stating that ignorance of the law is not an excuse.
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Nemo Est Haeres Viventis

Meaning:

- No one can be an heir to a living person.
- Inheritance rights only arise after a person's death.

Application:

- Used in succession law to prevent disputes over inheritance while the person is still alive.



Example:

- A son cannot claim his father's property while the father is still alive.

Case Law:

- *Krishna Kumar Birla v. Rajendra Singh Lodha*
 - The court ruled that succession rights do not exist as long as the property owner is alive.
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Domus Sua Cuique Est Tutissimum Refugium

Meaning:

- Every man's home is his safest refuge.
- Protects the right to privacy and property.

Application:

- Used in cases involving illegal searches and trespassing.
- Recognized in constitutional law as a right to privacy.

Example:

- Law enforcement cannot enter a person's home without a warrant.

Case Law:

- *Smith v. Shirley*
 - The court held that an unlawful entry into a person's home was a violation of their fundamental rights.
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Vigilantibus, Non Dormientibus, Jura Subveniunt

Meaning:

- The law assists those who are vigilant, not those who sleep on their rights.
- Encourages timely action in legal matters and discourages negligence.

Application:

- Used in cases of laches (unreasonable delay in filing a suit).
- Courts may refuse relief if the plaintiff has unnecessarily delayed legal action.

Example:

- If someone has a legal claim to a property but waits 20 years to file a lawsuit, the court may refuse to grant relief due to undue delay.

Case Law:

- *Allcard v. Skinner (1887)*
 - A woman donated her property to a religious institution but later wanted it back. The court denied her claim, stating she had waited too long to take legal action.

Quod Ab Initio Non Valet, In Tractu Temporis Non Convalescit

Meaning:

- What is void from the beginning cannot become valid with the passage of time.
- Any contract or act that is invalid from the start remains invalid regardless of future developments.

Application:

- Used in contract law, property law, and constitutional law.



Example:

- A contract signed by a minor is void from the beginning and remains void even if the minor becomes an adult.

Case Law:

- *Mohiri Bibi v. Dharmodas Ghosh (1903)*
 - A minor entered into a contract for a loan. The court held the contract void from inception, and it could not be validated later.
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Noscitur a Sociis

Meaning:

- This maxim means that the meaning of a doubtful word or phrase should be determined by its association with surrounding words.
- It ensures that the words are not interpreted in isolation but in the context of the entire provision.

Application:

- Used in statutory interpretation to clarify ambiguous terms.
- Helps courts give a proper and contextual meaning to words within a statute.

Example:

- If a statute states "vehicles such as cars, trucks, motorcycles, and bicycles," the word "vehicles" should be interpreted to include only land transport, not airplanes or boats.

Case Law:

- *Mohd. Alamgir vs. State of Bihar*
 - The Supreme Court applied this principle to interpret a provision related to possession of firearms and concluded that the phrase must be understood in the context of other words used in the same section.
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Expressio Unius Est Exclusio Alterius

Meaning:

- The explicit mention of one thing excludes all others.
- When a law specifies certain things, it is assumed that anything not mentioned is intentionally excluded.

Application:

- Used in statutory interpretation to prevent adding words to a statute.

Example:

- If a law states that only "doctors and nurses" are eligible for a particular benefit, it implies that other healthcare professionals (like pharmacists or therapists) are excluded.

Case Law:

- *Dickson v. Zizinia*
 - The court ruled that where a statute mentioned only specific persons eligible for an exemption, it meant all others were excluded.

Nullus Commodum Capere Potest De Injuria Sua Propria

Meaning:

- No one should benefit from their own wrongdoing.
- Prevents a person from gaining advantages from illegal or unethical acts.

Application:

- Used in contract law, property law, and criminal law to prevent unjust enrichment.

Example:

- A person cannot claim damages for injuries sustained while committing a crime.



Case Law:

- *Devendra Kumar v. State of Uttar Pradesh*
 - The court held that an employee dismissed for fraud could not seek reinstatement by arguing procedural irregularities.
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Cessante Ratione Legis, Cessat Ipsa Lex

Meaning:

- When the reason for a law ceases, the law itself ceases to exist.
- A law should not be enforced if its original purpose is no longer relevant.

Application:

- Used in constitutional and statutory interpretation to strike down outdated laws.

Example:

- Laws prohibiting the use of certain technologies may become obsolete as technology advances.

Case Law:

- *Joseph Shine v. Union of India (2018)*
 - The Supreme Court struck down the law criminalizing adultery, stating that its purpose no longer aligned with modern legal principles.
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Acta Exteriora Indicant Interiora Secreta

Meaning:

- Outward acts indicate inner intent.
- A person's actions are the best evidence of their intentions.

Application:

- Used in contract law, fraud cases, and criminal law.



Example:

- If a person frequently transfers money to an offshore account, it may indicate an intention to evade taxes.

Case Law:

- *Sahara v. SEBI*
 - The court examined the financial dealings of a company to determine fraudulent intent.
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