LEGAL REASONING

100+ Essential Legal Terms for CLAT 2026 | Complete Glossary

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CLAT 2026 Preparation · Legal Reasoning

The Complete Legal Dictionary Every CLAT Aspirant Must know

100+ Essential Legal Terms for CLAT 2026 — from Latin maxims to constitutional concepts — explained in plain language with exam-ready examples.

~3000 Words Legal Reasoning Focus CLAT 2026 Ready MCQs Included

100+Legal Terms

30+Latin Maxims

5MCQ Sets

1Model Answer

Why Legal Terminology Matters for CLAT: The Legal Reasoning section in CLAT is entirely passage-based. You will never be asked to define a term directly — but if you don't know what *mens rea*, *locus standi*, or *promissory estoppel* mean, you will misread the passage and pick the wrong answer. This glossary gives you the conceptual vocabulary to crack every question faster and with greater accuracy.

Foundational Legal Concepts

Core Vocabulary

JurisdictionLatin: jus + dicere

The authority of a court to hear and decide a case. Types include **territorial** (geographic area), **pecuniary** (value of dispute), **subject matter** (nature of case), and **original/appellate** jurisdiction. CLAT passages often test whether a court had jurisdiction to entertain a matter. High Frequency

Locus StandiLatin: place to stand

The right of a party to bring a case before a court. A person must have a sufficient connection to the harm suffered. In Indian constitutional law, **Public Interest Litigation (PIL)** relaxed locus standi — even a third party can file a petition on behalf of a disadvantaged group

High Frequency

PlaintiffOld French: plaignant

The party who initiates a civil lawsuit. Equivalent in criminal law is the **complainant** or the State. The plaintiff bears the burden of proving their claim on a *balance of probabilities* in civil cases.

DefendantLatin: defendere

The party against whom a civil suit or criminal charge is brought. In criminal law, also called the **accused**. The defendant is presumed innocent until proven guilty (*presumption of innocence*).

RespondentLatin: respondere

The party who responds to an appeal or petition filed against them. In a writ petition before the High Court or Supreme Court, the party against whom relief is sought is called the Respondent.

PetitionerLatin: petere

A party who files a petition — especially used in constitutional matters such as writ petitions, SLPs, or PILs. Not the same as plaintiff; the term is used in non-adversarial or constitutional proceedings.

Cause of ActionCommon Law

The set of facts that gives a person the right to seek legal remedy. For a suit to be maintainable, there must be a recognized cause of action. If the cause of action does not exist, the court will dismiss the suit at the threshold stage. CLAT Favourite

Ratio DecidendiLatin: reason for deciding

The binding legal principle upon which a court's judgment is based. Only the ratio is binding on lower courts as **precedent**. This is distinct from *obiter dicta* (remarks made in passing), which are persuasive but not binding. High Frequency

Obiter DictaLatin: said by the way

Observations or statements made by a judge that are not essential to the decision. They are not binding but can be **persuasive** in future cases. Lower courts may follow obiter dicta of higher courts out of respect, though not obligation.

Stare DecisisLatin: to stand by things decided

The doctrine of precedent — courts must follow earlier decisions of higher courts on the same legal point. Ensures consistency and predictability in the law. The Supreme Court of India can depart from its own precedent through a larger constitutional bench. High Frequency

Sub JudiceLatin: under a judge

A matter that is currently being considered by a court. A *sub judice* matter cannot be discussed in Parliament (Article 105), and the press must be careful not to prejudice the case through reporting that could be considered **contempt of court**.

Ex ParteLatin: on one side only

A proceeding, order, or application made on behalf of only one party without notice to the other party. Courts may pass *ex parte* interim orders in urgent situations, but the other party must later be given opportunity to be heard (*audi alteram partem*).



Criminal Law Terminology

BNS / IPC Context

Mens ReaLatin: guilty mind

The mental element or criminal intent required for a crime. Most crimes require both *actus reus* (guilty act) and *mens rea*. Offences of **strict liability** are exceptions — they impose guilt without proving intent (e.g., traffic violations, food adulteration). Very High Frequency

Actus ReusLatin: guilty act

The physical element of a crime — the wrongful act or omission itself. Along with *mens rea*, it forms the two essential ingredients of most crimes. An act done involuntarily (reflex action) may not constitute *actus reus*.

Cognizable OffenceCriminal Procedure

An offence where a police officer can arrest a person without a warrant, investigate, and prosecute without court permission. Murder, rape, robbery are examples. Contrasted with **non-cognizable offences** (like assault) where prior magistrate permission is needed. High Frequency

Bailable / Non-BailableCriminal Procedure

In bailable offences, bail is a matter of right. In non-bailable offences (like murder, dacoity), bail is at the court's discretion. Under BNSS 2023 (replacing CrPC), bail provisions have been reformed to include **deemed bail** after half the maximum sentence is served as undertrial detention.

FIR (First Information Report)Indian Law

The first complaint recorded by police regarding a cognizable offence. It sets the criminal justice machinery in motion. An FIR can be quashed by the High Court under Section 528 BNSS (S.482 CrPC) if it discloses no offence or is an abuse of process. High Frequency

Anticipatory BailSection 482 BNSS

A direction by a Sessions Court or High Court that if a person is arrested for a specified non-bailable offence, they shall be released on bail. It is applied for when a person apprehends arrest. The Supreme Court in *Sushila Aggarwal v. State (2020)* held it can be without time limit.

Charge SheetCriminal Law

A formal document filed by the police before the court after investigation, listing the charges against the accused. Filing of a charge sheet within 60/90 days (depending on offence) is mandatory; failure entitles the accused to default bail.

Acquittal vs. DischargeTrial Law

Acquittal = a finding of not guilty after the trial is complete. **Discharge** = case is dropped at the pre-trial stage when the court finds no prima facie case. An acquitted

person cannot be tried again for the same offence (*autrefois acquit* / double jeopardy — Article 20(2)).

AbetmentBNS Section 45

Instigating, conspiring, or intentionally aiding the commission of an offence. An abettor can be punished even if the crime is not completed. **Section 108 BNS** deals with abetment outside India as well.

Culpable Homicide vs. MurderBNS Sections 99–103

Culpable Homicide is the genus; *Murder* is the species. All murder is culpable homicide but not vice versa. The distinction lies in the degree of intention and knowledge. **"Culpable homicide not amounting to murder"** attracts lesser punishment. Classic CLAT Trap

Contract Law Terminology

Indian Contract Act, 1872

Offer & AcceptanceSection 2(a) & 2(b) ICA

An **offer** is a proposal to do or abstain from something. When the person to whom the offer is made signifies assent, it becomes **acceptance**. Acceptance must be absolute and unqualified — a conditional acceptance is a counter-offer and kills the original offer. High Frequency

ConsiderationSection 2(d) ICA

Something of value exchanged between parties — the "price" of a promise. It can be past, present, or future. *"No consideration, no contract"* is the general rule. Exceptions: natural love & affection, compensation for past voluntary services, time-barred debts (all must be written). Very High Frequency

Void vs. Voidable ContractSection 2(g) & 2(i) ICA

A **void contract** has no legal effect from the beginning (e.g., contract with a minor). A **voidable contract** is valid until one party chooses to rescind it (e.g., contract obtained by fraud or coercion). Classic Distinction

Coercion & Undue InfluenceSections 15–16 ICA

Coercion: committing or threatening to commit an act forbidden by law to force someone into a contract. **Undue Influence**: using a position of dominance to gain an unfair advantage. A contract made under either is voidable at the option of the victim.

Misrepresentation vs. FraudSections 17–18 ICA

Fraud involves intentional false representation; **misrepresentation** is an honest but false statement. Both make a contract voidable. However, fraud also enables a claim for *damages*, while misrepresentation does not (unless it caused loss).

Promissory EstoppelEquity / Indian Law

A doctrine that prevents a person from going back on a clear and unambiguous promise when another party has relied on it to their detriment. Applies even without formal consideration. Recognized in India through *Motilal Padampat Sugar Mills v. State of UP (1979)*. CLAT Favourite

Quasi-ContractSections 68–72 ICA

A legal obligation imposed by law, not by agreement, to prevent unjust enrichment. Example: if you supply necessaries to a person incapable of contracting (minor or lunatic), you can claim reimbursement from their property. Not a true contract but treated as one.

Breach & RemediesSections 73–75 ICA

When a party fails to perform contractual obligations, it is a **breach**. Remedies include: *damages* (compensatory, liquidated, nominal), *specific performance*, *injunction*, and *rescission*. Courts award damages to put the injured party in the position they would have been in had the contract been performed. High Frequency

Law of Torts

Civil Wrongs

TortLatin: tortum (twisted)

A civil wrong (other than breach of contract) that causes harm to another and for which the law provides a remedy in the form of damages. Unlike crime, a tort is a private wrong — the injured party, not the State, sues. Examples: negligence, defamation, trespass, nuisance.

NegligenceCommon Law

Failure to take reasonable care when one has a duty to do so, resulting in harm. Three elements must be proven: (1) **Duty of Care**, (2) **Breach of Duty**, (3) **Damage caused by that breach**. Established in *Donoghue v. Stevenson (1932)* — the snail-in-ginger-beer case. Very High Frequency

Strict LiabilityRylands v. Fletcher, 1868

A person who brings onto their land something *likely to do mischief if it escapes* is liable for all damage that naturally results, even without negligence. India modified this into the doctrine of **Absolute Liability** (no exceptions) in *MC Mehta v. Union of India (1987)*. CLAT Classic

Absolute LiabilityMC Mehta Case, 1987

An Indian law principle: any enterprise engaged in a hazardous activity is absolutely liable for harm — with no exceptions, unlike strict liability (which had exceptions for Act of God, consent, etc.). Applies to large industries dealing with toxic/hazardous substances. Amount of damages is proportional to the size of the enterprise. High Frequency

Vicarious LiabilityCommon Law

Liability imposed on one person for the wrongful act of another, based on their relationship. Applies in employer-employee cases — an employer is liable for torts committed by employees **during the course of employment**. Also applies to masters and servants, partners, and the State. High Frequency

DefamationBoth Civil & Criminal

Making a false statement of fact that injures another person's reputation. **Libel** = written/permanent form (actionable without proving actual damage). **Slander** = spoken form (generally needs proof of actual damage). Defences: truth (justification), fair comment, privilege. High Frequency

Volenti Non Fit InjuriaLatin maxim

"To a willing person, no injury is done." A complete defence in tort — if a person voluntarily accepted a known risk, they cannot sue for the resulting harm. But the consent must be free and informed; economic compulsion does not equal volenti. CLAT Favourite

Res Ipsa LoquiturLatin: the thing speaks for itself

A rule of evidence in negligence — when the circumstances of an accident are such that it could only have been caused by negligence, the court infers negligence without requiring specific proof. E.g., a barrel of flour falling from a window onto a pedestrian. The burden shifts to the defendant. High Frequency

Essential Latin Maxims

Quick Reference

Maxim	Literal Meaning	Legal Significance
Audi Alteram Partem	Hear the other side	Principle of natural justice — both sides must be heard before a decision is made
Nemo Judex in Causa Sua	No one is a judge in their own cause	Rule against bias — a judge cannot decide a case in which they have a personal interest
Ignorantia Juris Non Excusat	Ignorance of law is no excuse	Every person is presumed to know the law; ignorance of law is not a valid defence
Ubi Jus Ibi Remedium	Where there is a right, there is a remedy	Every legal right must have a corresponding legal remedy; courts cannot deny relief if right exists
Dura Lex Sed Lex	The law is harsh, but it is the law	Courts must apply the law as it stands, even if the result seems harsh or unjust
Ex Turpi Causa	From a base cause	A person cannot claim a legal remedy that arose from their own illegal or immoral act
In Loco Parentis	In the place of a parent	A person or institution assuming parental rights and responsibilities (e.g., schools, foster parents)
Nemo Dat Quod Non Habet	No one gives what they do not have	A seller cannot pass better title than they themselves possess (important in property/contract law)
Qui Facit Per Alium Facit Per Se	One who acts through another acts himself	Basis for vicarious liability — the master is responsible for servant's acts in employment
Caveat Emptor	Let the buyer beware	The buyer must inspect goods before purchase; seller not liable for defects the buyer could have discovered
Furiosi Nulla Voluntas Est	A lunatic has no will	A person of unsound mind cannot give valid consent; contracts/crimes involve incapacity of mind

Maxim	Literal Meaning	Legal Significance
Damnum Sine Injuria	Damage without legal injury	If there is actual loss but no violation of legal right, no tort claim lies (e.g., lawful competition)
Injuria Sine Damno	Legal injury without actual damage	Violation of a legal right is actionable even without proof of actual damage (e.g., trespass)
De Minimis Non Curat Lex	The law does not concern itself with trifles	Courts will not take notice of very trivial or insignificant matters
Prima Facie	At first glance	Sufficient evidence to proceed; a case that, on its face, establishes what is claimed without deeper inquiry
Bona Fide	In good faith	Acted honestly, without fraud, deceit, or knowledge of defect
Mala Fide	In bad faith	Acted dishonestly, with fraudulent or malicious intent
Inter Partes	Between the parties	A decision that binds only the parties to a dispute, not third parties
Erga Omnes	Towards all	Obligations owed to the international community as a whole (e.g., genocide prohibition)
In Personam	Against the person	A legal action directed against a specific person
In Rem	Against the thing	A legal action directed at property, not against a specific person
Ad Idem	On the same thing	Meeting of minds on the same matter — essential for a valid contract (consensus ad idem)
Pacta Sunt Servanda	Agreements must be kept	The fundamental principle of international law that treaties bind the parties and must

Maxim	Literal Meaning	Legal Significance
		be performed
Non Obstante	Notwithstanding	Used in statutes (e.g., “Notwithstanding anything in this Act”) to override preceding provisions

Constitutional & Writ Vocabulary

Articles 32 & 226

Habeas Corpus“You shall have the body” — writ commanding a person holding another in detention to produce the detainee before the court and justify the detention. The most celebrated fundamental writ.

Mandamus“We command” — writ directing a public authority to perform a public duty it has failed or refused to perform. Cannot be issued against private individuals or the President/Governor.

Certiorari“To be certified” — writ issued by a higher court to quash an order of a lower court or tribunal made without jurisdiction, in excess of jurisdiction, or in violation of natural justice.

Prohibition“To forbid” — writ issued to prevent a lower court from exceeding its jurisdiction; issued before the final order (unlike certiorari which is after). The only anticipatory writ.

Quo Warranto“By what authority” — writ inquiring into the authority by which a person holds a public office. Used to remove usurpers from public positions.

PIL (Public Interest Litigation) Litigation filed in the public interest by a party having no direct personal stake. Evolved under Justice P.N. Bhagwati to enforce rights of the disadvantaged. Diluted locus standi.

SLP (Special Leave Petition) Article 136 — a discretionary power of the Supreme Court to grant leave to appeal against any judgment or order of any court or tribunal in India.

Basic Structure Doctrine Evolved in *Kesavananda Bharati (1973)* — Parliament cannot amend the Constitution so as to destroy its basic features (democracy, secularism, judicial review, federalism, etc.).

Separation of Powers The doctrine of dividing governmental power among the Legislature, Executive, and Judiciary to prevent concentration of power and ensure checks and balances.

Ultra Vires"Beyond powers" — an act is ultra vires if the authority performing it lacked the legal power to do so. Such acts are void. Opposite: *intra vires* (within powers).

Judicial Review The power of courts to examine executive and legislative actions for compliance with the Constitution. A basic feature of the Indian Constitution that cannot be abridged.

Double Jeopardy Article 20(2) — no person can be prosecuted and punished for the same offence more than once. Protects accused from repeated prosecution for the same act.

Practice MCQs

CLAT Pattern

Q1 Rohan, a factory owner, stores large quantities of industrial acid on his premises. Due to heavy rains, the acid overflows into his neighbour's farmland, destroying crops. Rohan argues he was not negligent. Which legal principle applies?

(A) Volenti Non Fit Injuria(B) Strict Liability under Rylands v. Fletcher(C) Contributory Negligence(D) Res Ipsa Loquitur

Explanation: The rule in *Rylands v. Fletcher* (Strict Liability) applies — Rohan accumulated a dangerous thing (acid) on his land; when it escaped, he is liable regardless of negligence. This is not Absolute Liability since the factory is not necessarily engaged in a "hazardous industry" at the scale of *MC Mehta*.

Q2 The Government of UP makes a promise to Motilal Sugar Mills that they will not charge Sales Tax on molasses. The Sugar Mills, relying on this promise, sets up a new plant. The Government later reverses its decision. Can the Sugar Mills sue?
(A) No — there was no consideration for the promise(B) Yes — Promissory Estoppel prevents the Government from going back on its promise(C) No — Government cannot be bound by its own promises(D) Yes — the ICA allows enforcement of Government contracts without consideration
Explanation: This is the actual facts of *Motilal Padampat Sugar Mills v. State of UP (1979)*. The Supreme Court applied **Promissory Estoppel** — since the mills relied on the Government's promise to their detriment, the Government was estopped from withdrawing the exemption.
Q3 A journalist publishes a factually false article alleging that a respected doctor performed illegal surgeries. No patient has complained of harm. Which legal remedy is most appropriate?
(A) File an FIR under BNS for fraud(B) Sue for Libel (written defamation) — actionable without proof of actual damage(C) File a Writ of Mandamus(D) Claim under strict liability
Explanation: Libel (written/published false statement injuring reputation) is actionable *per se* — without proof of actual damage. The doctor can sue in tort for libel. Slander requires proof of actual loss; libel does not.
Q4 During a trial, the judge realizes she is the daughter of one of the accused's business partners who has a financial stake in the outcome. The principle that prevents her from hearing the case is:
(A) Audi Alteram Partem(B) Stare Decisis(C) Nemo Judex in Causa Sua(D) Res Ipsa Loquitur
Explanation:*Nemo judex in causa sua* — no one should be a judge in their own cause. This is the Rule Against Bias, a principle of natural justice. The judge must recuse herself due to a pecuniary/personal interest in the outcome.
Q5 Reema agrees to sell her house to Sanjay for ₹50 lakh but later refuses to execute the sale deed. Sanjay wants the house, not just money. The most appropriate remedy is:
(A) Nominal damages(B) Rescission of contract(C) Specific Performance under Specific Relief Act(D) Injunction restraining Reema from staying in the house
Explanation: When monetary compensation is inadequate (property is unique), courts can order **Specific Performance** — compelling the breaching party to actually

perform the contract. The Specific Relief (Amendment) Act 2018 made specific performance the rule (not exception) in property contracts.

Web results

Common Law Admission Test

Wikipediahttps://en.wikipedia.org › wiki › Common_Law_Admis...

CLAT-Style Legal Reasoning Passage

Apply What You Learned

CLAT Legal Reasoning · Full Passage Practice

The law of torts recognizes that certain activities, though lawful in themselves, carry inherent risks that cannot be entirely eliminated through reasonable care. When a person undertakes such an activity and harm results, the law may impose liability regardless of the absence of fault. This principle was firmly established when an English court held that one who, for his own purposes, brings on his land anything likely to do mischief if it escapes, must keep it at his peril. However, Indian courts subsequently held that this principle, as it stood in England, was inadequate to protect citizens in a rapidly industrializing nation. The Supreme Court of India therefore evolved a more stringent rule: where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to any person, the enterprise is absolutely liable to compensate all those who are harmed — with no exceptions whatsoever. The quantum of damages must be commensurate with the magnitude and financial capacity of the enterprise, ensuring a deterrent effect.

Q1. The passage distinguishes between two doctrines. The key difference is that the Indian doctrine:

- (A) Requires proof of negligence, unlike the English rule
- (B) Admits no exceptions, unlike the English rule which allowed defences like Act of God
- (C) Applies only to Government enterprises
- (D) Limits damages to actual loss suffered

Answer: (B) — The passage says the Indian rule evolved because the English rule was “inadequate.” The Indian rule (Absolute Liability) allows no exceptions; Strict

Liability under Rylands v. Fletcher allowed defences. The passage also says “no exceptions whatsoever.”

Q2. Chemical Corp operates a large chlorine gas plant. Due to a rare earthquake (Act of God), chlorine escapes and injures villagers. Under the Indian rule described in the passage, which is correct?

- (A) Chemical Corp is not liable — earthquake is an Act of God
- (B) Chemical Corp is liable only if it was negligent
- (C) Chemical Corp is absolutely liable despite the earthquake
- (D) Liability depends on whether villagers consented to living near the plant

Answer: (C) — The passage explicitly states “no exceptions whatsoever.” Act of God is a valid defence under Strict Liability (English rule) but not under Absolute Liability (Indian rule). The enterprise must compensate regardless.

Model Answer: Legal Terminology in Practice

1 CLAT Preparation Without Coaching:

NLU Interview / Essay Prep

Essay Question: “Legal maxims are not mere Latin phrases — they are the grammar of justice.” Discuss with examples. (250 words)

Introduction

Legal maxims, distilled from centuries of jurisprudential reasoning, serve as condensed expressions of universal legal principles. Far from decorative Latin, they are operational tools courts deploy to resolve complex disputes where statute is silent.

Maxims as Pillars of Natural Justice

Two maxims form the bedrock of procedural fairness. *Audi alteram partem* — hear the other side — ensures that no one is condemned unheard. In *A.K. Kraipak v. Union of India (1969)*, the Supreme Court quashed selection proceedings because a member of the selection board was also a candidate — violating *nemo judex in causa sua*. Together, these two principles constitute natural justice, applicable to every quasi-judicial authority.

Maxims Governing Substantive Rights

Ubi jus ibi remedium anchors the entire common law system: every legal right must have a remedy. This maxim enabled the evolution of new torts and remedies as society changed. Conversely, *ex turpi causa* prevents a wrongdoer from claiming relief arising from their own illegal act — maintaining the moral coherence of the legal system.

Maxims in Evidence and Liability

Res ipsa loquitur shifts the burden of proof in negligence where the accident itself implies carelessness. *Damnum sine injuria* and *injuria sine damno* draw the crucial distinction between loss and legal injury.

Conclusion

Legal maxims are not relics; they are living instruments of interpretation. Knowing them equips a law student not merely to recall principles but to reason like a jurist — from facts to law to justice.

How to Master Legal Terms for CLAT

Strategy

- 1Never memorize definitions in isolation — always learn the **legal context**. Know what factual situation invokes the term. CLAT tests application, not recall.
- 2Learn terms in **contrasting pairs**: void vs voidable, libel vs slander, strict vs absolute liability, *mens rea* vs *actus reus*. Questions often hinge on these distinctions.
- 3For Latin maxims, learn the **literal translation first** — it almost always contains the legal principle. *Nemo judex* literally means “no one is a judge” — you can reconstruct the rule from that.
- 4When reading CLAT passages, identify the **legal principle hidden in the passage**. The passage will describe a rule in plain English — your job is to apply it to the facts in the question, not bring outside knowledge.
- 5Maintain a personal **case-law notebook** linking landmark judgments to the legal principles they established. E.g., *Kesavananda Bharati → Basic Structure; MC Mehta → Absolute Liability; Donoghue v. Stevenson → Duty of Care in negligence*.
- 6Practice at least **3 legal reasoning passages daily** from previous CLAT papers. Pattern recognition across passages will train you to spot which legal term a

question is testing, even when it’s not named explicitly.

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