

LAW GAT PREPARATION NOTES

Topic: “English Legal Language”

English Legal Language is included in Law GAT Course Curriculum (5%)

Past Law GAT papers English language words are included



AKRAM LAW ACADEMY

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INSTRUCTOR LAW GAT SCORE: 88

ABOUT INSTRUCTOR: A LAW GRADUATE FROM INTERNATIONAL ISLAMIC UNIVERSITY AND A PRACTICING LAWYER. PROVIDES GUIDANCE AND LECTURES IN LAW GAT OR SEE LAW TEST PREPARATION.

SOURCE OF LECTURE: MAIN LAW BOOKS ESPECIALLY BARE ACTS

MODE OF EVALUATION: OBJECTIVE PAPER

How to prepare Law GAT: Study law subjects according to HEC Law Gat Curriculum. Law GAT MCQs books available in markets are bulky containing irrelevant material and also contained errors, so the most authentic source of test preparation is the main law books called Bare Acts, which are freely available here [“Akram Law Academy”](http://Akram Law Academy).

English Legal Language

LEGAL PHRASES

A legal phrase elucidates or expounds a legal principle, proposition or concept. There are many legal maxims, which are commonly used. This selectively seeks to explain some maxims/phrases, which are relevant to Law GAT test course.

| Sr. No | Legal maxim/phrase | Legal principle/concept |
|--------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Ab initio | From the beginning. |
| 2. | Actio Personalis Moritur Cum Persona | A personal right of action dies with the person |
| 3. | Actus reus | Guilty act or action |
| 4. | Actus Curiae Neminem Gravabit | An Act of the Court shall prejudice no man |
| 5. | Actus Non Facit Reum Nisi Mens Sit Rea | The intent and act must both concur to constitute the crime |
| 6. | Ad hoc | For this. For this special purpose |
| 7. | Ad valorem | To the value or based on value. |
| 8. | Allegans Contraria Non Est Audiendus | For one who making contradictory statements is not to be heard. It is a principle of good faith that a person should not be allowed to testify hot and cold at different times about the same event, denying today, affirming tomorrow. |
| 9. | Audi Alterem Partem | No one shall be condemned unheard. |
| 10. | Abundans cautela non nocet | Abundant or extreme caution does no harm. |
| 11. | Actori incumbit onus probandi | The burden of proof lies on the plaintiff. |
| 12. | Actus Reus | A guilty act |
| 13. | Amicus curiae | 'Friend of the court or tribunal' |
| 14. | Alibi | 'Elsewhere' – A defence to a criminal charge alleging that the defendant was not at the place at which the offence was committed at the time of its alleged commission and so could not have been responsible for it. |
| 15. | Bonafide | 'With good faith' – Genuine; real |
| 16. | Bona Vacantia | It is a legal concept associated with the property that has no owner. |
| 17. | Contemporanea Expositio Est Optima Et Fortissimo In | Interpretation means the art of finding out the true sense of an |

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| | Lege | enactment by giving the words of the enactment their natural and ordinary meaning. It is the process of ascertaining the true meaning of the words used in a statute. |
| 18. | Cuilibet in Sua Arte Perito Est Credendum | Credence should be given to one skilled in his peculiar profession. Credit is to be given to any one skilled in his own art or profession |
| 19. | Cursus curiae est lex curiae | The practice of the court is the law of the court. A maxim to establish that the rules of court or, historically, the customs of the Court, are as binding as the law. |
| 20. | Caveat emptor | 'Let the buyer beware' |
| 21. | Certiorari | Certiorari is a court process to seek judicial review of a decision of a lower court or administrative agency. |
| 22. | Coram non iudice | Latin for "not before a judge," is a legal term typically used to indicate a legal proceeding that is outside the presence of a judge (without a judge), with improper venue, or without jurisdiction. |
| 23. | Corpus Delicti | The body of crime Material substance (such as the body of the victim of a murder) upon which a crime has been committed. |
| 24. | De Facto | It is commonly used to refer to what happens in practice, in contrast with de jure, which refers to things that happen according to law. |
| 25. | De Minimis Non Curat Lex | The law does not concern itself with trifles. A legal doctrine by which a court refuses to consider trifling matters. |
| 26. | De novo | starting from the beginning; |
| 27. | Dictum | 'A saying' – An observation by a judge with respect to a point of law arising in a case. |
| 28. | Delegatus non potest delegare | A delegate himself cannot delegate its power. A delegated power cannot be further delegated. |
| 29. | Ejusdem Generis | of the same class, or kind. a rule of interpretation of general words |

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| 30. | Ex Post Facto | After the fact. "From a thing done afterward". Approval of a project after the project already has been begun or completed |
| 31. | Ex post facto law | A law that applies to crimes that happened before the law was passed. An example of an ex post facto law is a law passed in 1994 that applies to acts that occurred in 1989. |
| 32. | Expressio Unius Est Exclusio Alterius | Express mention of one thing excludes others. The special mention of one thing operates as the exclusion of things differing from it. |
| 33. | Ex officio | By virtue of holding an office – Thus, the Session Judge is ex officio a Justice of Peace. |
| 34. | Ex parte | For one party -referring to motions, hearings or orders granted on the request of and for the benefit of one party only. |
| 35. | Falsus in Uno Falsus in Omnibus | False in one aspect is false in all respects. False in one thing, false in all. At common law, it is the legal principle that a witness who testifies falsely about one fact is not credible to testify other connected facts. |
| 36. | Generalia Specialibus non derogant | General things do not derogate special things. General statements or provisions do not derogate special statements or provisions. |
| 37. | Habeas Corpus | Literally means to produce the body A writ of habeas corpus is a court order demanding that a public official (such as a police) to produce a detained individual into the court and show a valid reason for that person's detention. |
| 38. | Ignorantia Facti Excusat | Ignorance of facts may be excused |
| 39. | Ignorantia Juris Non Excusat | Ignorance of law is no excuse |
| 40. | Impotentia Excusat Legem | Impossibility is an excuse in the law. |
| 41. | In absentia | "In absence" or court proceedings in absence of party. |
| 42. | In camera | 'In the chamber' – In private. A court |

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| | | hearing in the judge's private room in certain circumstances; for example, when it is necessary in the interests of national security or to protect the identity of a witness unwilling to give evidence in public. |
| 43. | In curia | 'In open court' |
| 44. | In limine | 'Preliminary'—used for motions regarding the admissibility of evidence brought up at a pretrial hearing |
| 45. | Iipse Dixit | He himself said it. An assertion without proof. |
| 46. | Infra | below |
| 47. | In personam | 'Against the person' – Describing a court action or a claim made against a specific person or a right affecting a particular person |
| 48. | Ipsa facto | by the fact itself |
| 49. | In Re | "in the matter of" This term is often used in case names, e.g., In re Estate of Jones. |
| 50. | In rem | 'Against the property' Describing a court action that is directed against an item of property, rather than against a person or group of people. |
| 51. | Intra vires | 'Within the powers' |
| 52. | Inter alia | "among other things." |
| 53. | Inter vivos | 'Between living people' – If a trust is created inter vivos it is created during lifetime, as distinct from upon death. |
| 54. | Intestate | a person who dies without having a valid will |
| 55. | Injuria Sine Damnum | Injury without damage It means that injury caused to the plaintiff without suffering any physical damage |
| 56. | Leges Posteriores Priores Contrarias Abrogant | Later laws repeal earlier laws inconsistent therewith. |
| 57. | Lex Non Cogit Ad Impossibilia | The law does not compel a person to do that which he cannot possibly perform. The law does not compel the performance of what is impossible. |

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| 58. | Lex Posterior Derogat Priori | A later law repeals an earlier law. |
| 59. | Lexspecialis derogate legigenerali | Special law repeals general laws. |
| 60. | Locus Standi | The right of a party to appear and be heard before a court. |
| 61. | Locus in quo | 'The place in which' – The place where an event took place. The place where a legal cause of action arose. |
| 62. | Mandamus | A writ or order that is issued from a court of superior juris diction that commands an inferior tribunal/court to perform, or refrain from performing, a particular act, the performance of which is required by law as an obligation. |
| 63. | Mens rea | Guilty mind |
| 64. | Modus Operandi | A particular way or method of working. |
| 65. | Mutatis Mutandis | After necessary changes. |
| 66. | Nexus | A connection or link between things, persons, or events especially that is or is part of a chain of causation. |
| 67. | Nemo Debet Esse Judex in Propria Sua Causa | No man can be judge in his own case. |
| 68. | Nemo Debet BisVexari Pro Una Et Eadem Causa | A man shall not be vexed twice for one and the same cause |
| 69. | Nemobis punitur poreo dem delicto | No one can be punished twice for the same crime or offence |
| 70. | Nemopunitur pro alieno delicto | No one is to be punished for the crime or wrong of another |
| 71. | Non Obstante | Notwithstanding (any law to the contrary) |
| 72. | Noscitur a Sociis | The meaning of a doubtful word may be ascertained by reference to the meaning of words associated with it. |
| 73. | Nova Constitutio Futuris Formam Imponere Debet, Non Praeteritis | A new law ought to impose form on what is to follow, not on the past. A new law ought to be prospective and not retrospective, in operation. |
| 74. | Nullus Commodum Capere Potest De Injuria Sua Propria | No man can take advantage of his own wrong |
| 75. | Obiter Dicta (Obiter Dictum) | Remarks of a judge which are not necessary to reaching a decision, but are made as comments, illustrations |

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| | | or thoughts. |
| 76. | Onus (probandi) | 'Load or burden' – Something that is one's duty or responsibility (burden of proof). |
| 77. | Pari Materia | of the same matter; on the same subject |
| 78. | Persona non grata | a person who is unacceptable or unwelcome |
| 79. | Pari passu | 'With equal step' – Proportionally, without preference. The principle that where there are competing claimants, (e.g. in bankruptcy proceedings) assets should be distributed on a pro rata basis, in accordance with the size of the claim. |
| 80. | Per | 'Through, by means of' |
| 81. | Per curiam (per. cur.) | 'By the court' Per curiam — an opinion handed down by an appellate court without identifying the individual judge who wrote the opinion." |
| 82. | Per incuriam | By Mistake. 'Through lack of care' – A decision of a court is made per incuriam if it fails to apply a relevant statutory provision or ignores a binding precedent. |
| 83. | Per se | 'By or in itself or themselves; intrinsically'. The term is commonly used in criminal and anti-trust law as "illegal per se" which means that the act is "inherently illegal", and in tort law as "Negligence per se" which means that the conduct automatically constitutes negligence under the provisions of a law |
| 84. | Post | 'Subsequent to; after' |
| 85. | Postmortem | After death Also known as an autopsy, a coroner or medical examiner investigates a dead body to determine the cause and manner of death. |
| 86. | Pro bono | For this occasion "for the public good," legal work performed by lawyers without pay to help people with legal problems |

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| 87. | Pro hac vice | Pro hac vice refers to lawyers take part in an out-of-state trial where they don't hold a license. |
| 88. | Pro Se | for oneself; on one's own behalf; without a lawyer Pro se litigants are those that are representing themselves in court without an attorney. |
| 89. | Prima facie | 'At first appearance' – On first appearance absent other information or evidence. |
| 90. | Qui Facit Per Alium Facit Per Se | A person, who does a thing through another, is held as having done it himself. Legal maxim of the law of agency. It is a maxim often stated in discussing the liability of employer for the act of employee in terms of vicarious liability." |
| 91. | Quid pro quo | What for what or Something for something. An exchange of acts or things or services for something. For example, it is quid pro quo sexual harassment for a boss to offer a promotion in exchange for sexual favor. |
| 92. | Quo Warranto | Quo warranto is a prerogative writ requiring the person to whom it is directed to show what authority they have for exercising some right or power they claim to hold. |
| 93. | Quantum Meruit | "as much as he deserved," the actual value of services performed. |
| 94. | Ratio Decidendi | The reason or rationale for the decision by Court. The principle or principles of law on which the court reaches its decision |
| 95. | Res Integra | An entire thing; an entirely new or untouched matter. The term res integra is applied to those points of law which have not been decided, which are untouched by dictum or decision. |
| 96. | Res Ipsa Loquitur | The thing speaks for itself – A principle often applied in the tort of negligence. If an accident has occurred of a kind that usually only |

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| | | happens if someone has been negligent, and the state of affairs that produced the accident was under the control of the defendant, it may be presumed in the absence of evidence that the accident was caused by the defendant's negligence. |
| 97. | Res Judicata | 'A matter that has been decided' – The principle that when a matter has been finally adjudicated upon by a court of competent jurisdiction it may not be reopened or challenged by the original parties or their successors in interest. It is also known as action estoppel. |
| 98. | Respondent Superior | "let the master answer"; It is a doctrine that a party is responsible for (has vicarious liability for) acts of their agents. |
| 99. | Sine die | Without day Used when the court is adjourning without specifying a date to re-convene. |
| 100. | Sub Silentio | Under silence; without any notice being taken |
| 101. | Suppressio Veri, Suggestio Falsi | Suppression of the truth is (equivalent to) the suggestion of falsehood. |
| 102. | Supra | above |
| 103. | Stare decisis | 'To stand by things decided' – A maxim expressing the underlying basis of the doctrine of precedent, i.e. that it is necessary to abide by former precedents when the same points arise again in litigation. |
| 104. | Sub judice | 'In the course of trial' – A rule limiting comment and disclosure relating to pending judicial proceedings, in order not to prejudge the issue or influence the jury. |
| 105. | Sui generis | 'of its own kind' A person or thing that is unique, in a class by itself |
| 106. | Status Quo | "The existing state of things at any given date." |
| 107. | Ubi Jus Ibi Remedium | There is no wrong without a remedy. |

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| | | Wherever there is a right there is a remedy. |
| 108. | Ubi Non Est Principalis Non Potest Esse Accessorius | Where there is no principal there is no accessory |
| 109. | Vigilantibus et non dormientibus jura sub veniunt | Law aids the vigilant and not the dormant or laws aid/assist those who are vigilant, not those who sleep over their rights. |
| 110. | Volenti Non Fit Injuria | 'to one who volunteers, no harm is done'. It is a defence of limited application in tort law. A player in sporting events is taken to consent to the risk of injury which occurs in the course of the ordinary performance of the sport. |
| 111. | Ultra vires | 'Beyond the powers' |

Terms and Phrases in International Law

1. ***a fortiori*** - "with greater reason or more convincing force -- used in drawing a conclusion that is inferred to be even more certain than another."

Example: If it is a violation of the sending state's rights to arrest its consular official, then *a fortiori* it would be a violation to arrest its ambassador.

2. **aut dedere aut judicare**- "either extradite or prosecute" refers to the legal obligation of states under public international law to prosecute persons who commit serious international crimes where no other state has requested extradition.

3. ***amicus curiae*** - "friend of the court"; a person with a strong interest in or views on the subject matter of a given legal action may petition the court for permission to file a brief, ostensibly on behalf of a party but actually to suggest a rationale consistent with its own views. Such *amicus curiae* briefs are commonly filed in appeals concerning matters of a broad public interest.

Example: *NPC of Iran v. M/T Stolt Sheaf* case

4. ***contra legem*** - "against the law" (term used to describe an equitable decision of a court or tribunal that is contrary to the law governing the controversy). Such a decision would not normally be permitted unless the tribunal had been empowered to act *ex aequo et bono*). As opposed to *intra legem*.
5. ***de facto*** - in fact (as opposed to in law, *de jure*)
6. ***de lege ferenda*** - what the law ought to be (as opposed to what the law is, *lex lata*).
7. ***de lege lata*** - what the law is (as opposed to what the law ought to be, *de lege ferenda*).
8. ***de jure*** - in law (as opposed to in fact, *de facto*).
9. ***erga omnes*** - "toward all" In legal terminology, *erga omnes* rights or obligations are owed toward all.

Example: In its opinion of 9 July 2004, the International Court of Justice found "the right of peoples to self-determination" to be a right *erga omnes*
10. ***estoppel*** - the requirement of consistency in legal argumentation. "You can't have it both ways." International law has long recognized the doctrine of *estoppel*, a principle which prevents states from acting inconsistently to the detriment of others.

Case illustrations: the *Tinoco Claims Arbitration* and the *Eastern Greenland* case
11. ***ex aequo et bono*** - a judgment based on considerations of fairness, not on considerations of existing law. Such a judgment is rendered "beside" or "against the law" (*praeter legem* or *contra legem*), not within the law (*infra legem* or *intra legem*).

Example: Article 38(2) of the I.C.J. Statute permits the Court to render a judgment on these grounds
12. ***ex proprio motu*** - on its own accord.
13. ***inter alia*** - among other things.
14. ***intra fauces terra*** - "in the jaws of the land." a principle for defining territorial seas.

15. ***intra legem*** - "within the law" (term used to describe an equitable decision of a court or tribunal that is consistent with the rules of law governing the controversy). As opposed to ***contra legem***.

16. ***ipso facto*** - by the fact (or act) itself.

17. ***jus inter gentes*** - "law among peoples" (nations).

18. ***jus civile*** - law created within each country.

Jus civile is one of two categories of law in formal Roman law, along with *jus gentium*.

19. ***jus cogens*** - "compelling law," peremptory principles of international law that cannot be overridden by specific treaties between countries; that is: norms that admit of no derogation; they are binding on all states at all times (e.g., prohibitions on aggression, slavery, and genocide)..

20. ***jus gentium*** - "law of peoples" or "law of tribes," a body of law developed by a Roman *praetor peregrinus*; applied to non-Romans in the Empire and to dealings between Romans and non-Romans.

Jus gentium is one of two categories of law in formal Roman law, along with *jus civile*.

21. ***jus naturale*** - law of nature.

the classical Greeks originated the "natural law" idea, but it was greatly elaborated upon by the Romans, including Marcus Aurelius and Cicero; natural law scholars argue that law has a metaphysical source (God, nature) and is apprehensible by rational humans; the law transcends time, place, and circumstance

22. ***jus sanguines*** - the "right of blood" or "law of descent" - at birth an individual acquires the nationality of her or his parents. In contrast to *jus soli*.

23. ***jus soli*** - the "law (or right) of the soil" - the legal principle that an individual's nationality is determined by that person's place of birth (that is, the territory of a given state)

Contrast to *jus sanguines*

24. ***lacunae*** - "holes" in the law; a gap or blank in a writing.

25. ***lex communis*** - the common law; the body of law developed by human practice.

26. ***lex lata*** - what the law is (as opposed to what the law ought to be, *de lege ferenda*).

27. ***lex posterior derogat priori*** - more recent law prevails over (abrogates, overrules, trumps) an inconsistent earlier law. One test that is applied in circumstances when both customary and treaty sources of law exist and these two sources cannot be construed consistently.

Contrast to *lex specialis derogat generali*.

28. ***lex scripta*** - written, "black letter" law

29. ***lex specialis derogat generali*** - specific law prevails over (abrogates, overrules, trumps) general law. One test that is applied in circumstances when (1) both customary and treaty sources of law exist and (2) these two sources cannot be construed consistently.

Contrast to *lex posterior derogat priori*.

30. ***locus delicti*** - The place of the offense.

31. ***male captus, bene detentus*** - "badly captured, well detained," the legal principle that permits the trial of an improperly seized defendant;

32. ***mare clausum*** - closed seas; as opposed to *mare liberum* (freedom of the seas)

33. ***mare liberum*** - freedom of the seas; as opposed to *mare clausum* (closed seas)

34. ***mesne assignment*** - an "assignment" is a transfer or making over to another of the whole of any property, real or personal, or of any estate or right therein; a "mesne assignment" (from the Old English "mesne" for "intermediate, intervening") is an assignment intervening between an original grant and the last assignment

See: *Upright v. Mercury Business Machines*

35. ***mutatis mutandis*** - "when what must be changed has been changed," after making the necessary changes; with alterations to fit the new circumstances. For example: "The new provisions governing the

tribunal's operations are to apply as well to the court's operations, *mutatis mutandis*.

36. ***non liquet*** - the law is insufficient to provide a decision
37. ***opinio juris sive necessitatis*** - (or simply, ***opinio juris***) the perception that a given behavior is required by law, that it is legally obliged, a duty. (as opposed to behaviors that are motivated by other concerns, or simply random or habitual behavior). Example: the *S.S. Lotus* case.
38. ***pacta sunt servanda*** - the doctrine that agreements must be observed (that is: honored, obeyed). Contrast to *rebus sic stantibus*.
39. ***persona non grata*** - An unwelcome person -- this is the basis of expulsion in diplomatic exchanges.
40. ***praetor peregrinus*** - the Roman magistrate who devised the rules of the *jus gentium*
41. ***prima facie*** - "at first sight," on the face of it, on first consideration. Something presumed or inferred to be true, unless proven otherwise.
42. ***quod hoc*** - on this matter.
43. ***ratio scripta*** - "written reason," the assessment of Roman law commonly held in the Medieval period
44. ***rebus sic stantibus*** - "matters standing thus," "things staying as they are" - the doctrine that treaty obligations hold only as long as the fundamental conditions and expectations that existed at the time of their creation hold. Contrast to *pacta sunt servanda*.
45. ***res judicata*** - "a matter adjudged ", the legal principle common to many municipal law systems that provides that a matter is settled once a final judgment has been made. Arguably, a general principle of international law under Article 38 (1)(c) of the I.C.J. Statute.
46. ***sine qua non*** - "without which not," an indispensable condition, a prerequisite
47. ***res publica christiana*** - the community of Christian nations.
48. ***stare decisis*** - The doctrine that previous court decisions establish binding precedent for future cases of similar situations; that is, that courts

will abide by previously decided cases. *Stare decisis* is inapplicable to the I.C.J..

See article 59 of the Statute of the ICJ.

49. ***terra nullius*** - land without an owner ("no man's land"); territory that may be acquired by a state's occupation of it

50. ***ultra vires*** - "beyond the powers "; in excess of the authority conferred by law, and hence, invalid, lacking legal effect

51. ***uti possidetis*** - "as you possess", so you may continue to possess.

In the post-war context: the concept that a state may retain possession of territory acquired by force during war.

In the post-colonial context: the concept that colonial territorial boundaries continue in the post-colonial period and that decolonized territories are not *terra nullius* (and thus, subject to occupation) See, for example, *Burkina Faso v. Mali*

Notes in Law GAT or SEE Law Preparation

For preparation of Law GAT or SEE Law notes are prepared according to test pattern. Anyone who needs these notes may contact at 03245971547 or email asifakram35@hotmail.com.

| Sr. No | Topic | Price |
|--------|---------------------------------------------|-------|
| 1. | Public International law | 400 |
| 2. | Private International law | 100 |
| 3. | English Jurisprudence | 400 |
| 4. | Islamic Jurisprudence | 400 |
| 5. | Amendments to Constitution of Pakistan 1973 | 200 |
| 6. | English Legal Language | Free |
| 7. | Maxims of Equity | Free |
| 8. | Canons of Professional | Free |

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Lecturers in Law GAT or SEE Law Preparation

Lecturers are provided to students in preparation of Law GAT or SEE Law test. Bare Acts are recommended for preparation of Law GAT or SEE Law test. Anyone wants to prepare law papers (law GAT, SEE Law, Judicial or prosecutor) may contact.

| Sr. No | Topic | Number of lecturers | |
|--------|----------------------------------------|---------------------|--|
| 1. | Qanoon-e-Shadhat 1984 | 10 | |
| 2. | Criminal Procedure Code 1898 | 15 | |
| 3. | Pakistan Penal Code 1860 | 10 | |
| 4. | Civil Procedure Code 1908 | 15 | |
| 5. | Specific Relief Act 1877 | 6 | |
| 6. | Limitation Act 1908 | 2 | |
| 7. | Maxims of Equity | 2 | |
| 8. | English Legal Language | 4 | |
| 9. | Canons of Professional | 4 | |
| 10. | Public International law | 10 | |
| 11. | Private International law | 1 | |
| 12. | Constitution of Pakistan 1973 | 10 | |
| 13. | Amendments to Constitution of Pakistan | 1 | |
| 14. | Constitutional History of Pakistan | 2 | |
| 15. | English Jurisprudence | 7 | |
| 16. | Islamic Jurisprudence | 7 | |
| 17. | Law of Tort | 5 | |
| 18. | World Constitution | 10 | |
| 19. | Contract Act 1872 | 5 | |

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