

Legal Language

Answers to Important Question

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Legal Charcha

Subject: Legal Language

By Jigar Ashar

Module - 1: Legal Concepts and Legal Maxims

Q. Legal Concepts (2m / 6m)

Q. Law

- Law is a set of rules that are created and are enforceable by social or governmental institutions to regulate behavior, with its precise definition a matter of longstanding debate. It has been variously described as a science and as the art of justice.
- The legal concept of law refers to a system of rules and regulations that are created and enforced by a governing authority such as a government or a court. The purpose of these laws is to promote order, justice, and fairness within a society. The laws are usually codified in written documents, such as statutes, regulations, and case law, that are designed to establish clear and consistent standards for behavior and to provide a framework for resolving disputes between individuals and organizations. The legal system provides a mechanism for enforcing these laws through the use of courts, law enforcement agencies, and other relevant institutions. The goal of the legal system is to promote the common good and protect the rights and interests of individuals and groups within a society.
- According to salmond “the law may be defined as the body of principles recognized and applied by the state in the administration of Justice.

Q. Custom

- The legal concept of custom, also known as customary law, refers to a set of traditional practices and behaviors that have developed over time within a particular community or group. These practices and behaviors are seen as binding and authoritative, and are often considered as a source of law in addition to written statutes and case law.
- Customary law is often used in countries with a legal system based on common law, where judicial decisions are based on precedent and legal tradition. Customary law may be recognized as a source of law in certain circumstances, such as when written law is unclear or when the custom is widely accepted within a particular community.
- Customary law can cover a wide range of areas, from social practices to commercial transactions. For example, in some communities, customary law may govern marriage, inheritance, and property rights. In others, it may regulate trade practices or the use of natural resources.
- It is important to note that customary law may not always be consistent with written law, and in such cases, the written law will typically take precedence. However, where there is no conflict, customary law can be an important source of legal guidance and may be relied upon in legal proceedings.

Q. Right/Rights

- The legal concept of a right/rights refers to a legally recognized entitlement that is granted to individuals or groups. A right can be defined as a claim, power, or privilege that is recognized and protected by law. The concept of

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rights is closely tied to the legal system's fundamental goal of protecting individual autonomy and ensuring justice and fairness in society.

- In general, rights can be classified into two main categories:
 - Legal Rights: Legal rights are those that are granted or recognized by law, such as the right to vote or the right to a fair trial.
 - Human Rights: Human rights, on the other hand, are those that are considered to be inherent to all people, regardless of their legal or social status. These include the right to life, the right to freedom from discrimination, and the right to freedom of speech.
- Rights can also be classified as:
 - Positive Rights: Positive rights are those that require action or intervention by others in order to be fulfilled, such as the right to education or healthcare.
 - Negative Rights: Negative rights, on the other hand, are those that require others to refrain from interfering with an individual's freedom, such as the right to freedom of speech or religion.

Q. Duty:

- The legal concept of duty refers to a legal or moral obligation to act in a certain way. A duty is an obligation to do or refrain from doing certain things, and it can arise from a variety of sources, such as contract, law, or moral principles.
- In the context of the legal system, a duty may be imposed by law or by a court order. For example, a doctor has a legal duty to provide a certain standard of care to their patients, and a company may have a legal duty to ensure the safety of their employees. Failure to fulfill these duties can result in legal consequences, such as a malpractice lawsuit or a fine.
- Duty can also refer to moral obligations that are not necessarily enforceable by law, but are considered important in society. For example, there may be a moral duty to help others in need or to protect the environment.
- In some cases, a duty may be owed to a specific individual or group. For example, parents have a duty to provide for the welfare of their children, and employers have a duty to provide a safe working environment for their employees.
- Overall, the concept of duty is an important aspect of the legal system's role in promoting social order and protecting the rights and interests of individuals and groups within a society.

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Q. Wrong:

- The legal concept of wrong refers to conduct that violates legal or moral standards. A wrong can be defined as an act or omission that harms an individual or group, or that violates legal or ethical principles. The concept of wrong is closely tied to the legal system's fundamental goal of promoting justice and protecting individual rights.
- In the legal system, wrongs can take many forms, such as civil wrongs or criminal wrongs. Civil wrongs, also known as torts, are actions or omissions that result in harm to an individual or group, and that can be remedied through a civil lawsuit. Examples of civil wrongs include negligence, defamation, and breach of contract.
- Criminal wrongs, on the other hand, are actions or omissions that violate criminal law and can result in punishment by the state. Examples of criminal wrongs include theft, assault, and murder.
- The concept of wrong can also be tied to moral principles or ethical standards. For example, certain actions may be considered wrong even if they are not illegal. This can include behavior such as lying, cheating, or betraying trust.
- Overall, the legal concept of wrong is an important aspect of the legal system's role in promoting justice and protecting individual rights. Through the recognition and punishment of wrongs, the legal system aims to maintain social order and promote a just and fair society.

Q. Remedy:

- The legal concept of remedy refers to the action or compensation that is provided by the legal system to address a wrong or harm suffered by an individual or group. A remedy can be defined as a way to restore an individual's rights or interests after they have been violated or harmed. The concept of remedy is closely tied to the legal system's fundamental goal of promoting justice and protecting individual rights.
- The types of remedies available in the legal system can vary depending on the nature of the harm suffered and the legal context. In civil cases, for example, remedies can include compensation for damages or losses, injunctions to prevent future harm, or specific performance of a contract. In criminal cases, remedies can include fines, imprisonment, or community service.
- Remedies can also be classified:
 - Legal: Legal remedies are those that are awarded at law, such as a monetary award for damages.

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- Equitable Remedies: Equitable remedies, on the other hand, are those that are awarded based on principles of fairness and justice, such as an injunction to prevent future harm or specific performance of a contract.

Q. Facts:

- Fact refers to a statement or piece of information that can be proven or verified as true. In the legal system, facts are essential to the development of a case and the determination of guilt or innocence.
- Facts can be established through a variety of means, such as witness testimony, physical evidence, or expert analysis. Facts are typically presented to a court or jury in order to help them make a decision about a particular case or issue.
- In some cases, facts may be disputed by different parties, such as in a trial where the prosecution and defense may present conflicting interpretations of the facts. In such cases, the legal system requires a determination of the most credible and reliable evidence in order to establish the facts.
- The concept of fact is closely tied to the legal system's role in promoting justice and protecting individual rights. By relying on verifiable facts, the legal system aims to ensure that decisions are made based on objective and provable evidence, rather than on subjective opinions or biases. The ability to establish and present factual evidence is an essential part of the legal system's ability to promote fairness and justice.

Q. Person:

- The legal concept of a person refers to the recognition of an entity as having certain legal rights and responsibilities. A person can be defined as an individual, a group, or an organization that is recognized by the legal system as having legal standing.
- The legal status of a person can vary depending on the context and the jurisdiction. In some cases, a person may be recognized as a legal entity with the ability to enter into contracts, sue and be sued, and own property. In other cases, a person may be recognized as having limited legal rights, such as minors or individuals who are under guardianship.
- The legal concept of person is closely tied to the legal system's role in promoting social order and protecting individual rights. By recognizing individuals, groups, and organizations as legal persons, the legal system is able to provide a framework for resolving disputes and promoting justice.
- Overall, the concept of person is an important aspect of the legal system's ability to promote fairness and protect individual rights. Through the recognition of legal persons, the legal system is able to establish a framework for the recognition and protection of legal rights and responsibilities, and to promote social order and justice.

Q. Offence:

- The legal concept of state refers to a political entity that has sovereignty over a defined territory and population. A state can be defined as a political entity that has the power to make and enforce laws and regulations within its territory, and that is recognized as a sovereign entity by other states.

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- The legal status of a state can vary depending on the context and the jurisdiction. In some cases, a state may be recognized as a sovereign entity with the ability to enter into treaties, engage in international trade, and maintain diplomatic relations with other states. In other cases, a state may be recognized as having limited sovereignty, such as territories that are under the control of another state or international organization.
- The legal concept of state is closely tied to the legal system's role in promoting social order and protecting individual rights. The state is responsible for providing the framework for the legal system and ensuring that laws are enforced and justice is promoted.
- Overall, the concept of state is an important aspect of the legal system's ability to promote fairness and protect individual rights. Through the recognition of the state as a sovereign entity, the legal system is able to establish a framework for the recognition and protection of legal rights and responsibilities, and to promote social order and justice.

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Q. Plaintiff:

- The legal concept of plaintiff refers to a formal written complaint or claim that is filed with a court of law. A plaintiff can be defined as the initial document that is filed by a plaintiff to initiate a civil lawsuit.
- The plaintiff typically sets out the basis of the plaintiff's claim and provides details of the relief sought. The plaintiff may also include a statement of facts and evidence to support the plaintiff's claim.
- In order to be valid, a plaintiff must meet certain legal requirements, such as providing sufficient detail to enable the defendant to respond to the claim, and being filed within the appropriate time limit.
- The legal concept of plaintiff is closely tied to the legal system's role in promoting justice and protecting individual rights. By providing a mechanism

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for individuals to file formal complaints and claims in a court of law, the legal system is able to establish a framework for resolving disputes and promoting fairness.

- Overall, the concept of complaint is an important aspect of the legal system's ability to promote fairness and protect individual rights. Through the recognition of the complaint as a formal document in a civil lawsuit, the legal system is able to establish a framework for the recognition and protection of legal rights and responsibilities, and to promote social order and justice.

Q. Complaint:

- The legal concept of a complaint refers to a formal legal document filed with a court that initiates a lawsuit. A complaint can be defined as a written statement that outlines the reason for the lawsuit, the parties involved, and the remedy sought by the plaintiff.
- The complaint typically includes a statement of facts and evidence to support the plaintiff's claim. It may also include a request for a specific remedy, such as monetary damages, an injunction, or specific performance of a contract.
- In order for a complaint to be valid, it must meet certain legal requirements, such as providing sufficient detail to enable the defendant to respond to the claim, and being filed within the appropriate time limit. The defendant must then file a response to the complaint, which outlines their position on the matter and any defenses they may have.
- The legal concept of a complaint is closely tied to the legal system's role in promoting justice and protecting individual rights. By providing a mechanism for individuals to file formal complaints and initiate a lawsuit, the legal system is able to establish a framework for resolving disputes and promoting fairness.
- Overall, the concept of a complaint is an important aspect of the legal system's ability to promote fairness and protect individual rights. Through the recognition of the complaint as a formal document in a lawsuit, the legal system is able to establish a framework for the recognition and protection of legal rights and responsibilities, and to promote social order and justice.

Q. Suit:

- The legal concept of suit refers to a formal legal action taken by a party in a court of law to enforce their legal rights or seek a remedy for a legal wrong. A suit can be defined as a lawsuit, legal proceeding, or legal action.
- A suit is typically initiated by the filing of a complaint or petition with a court. The plaintiff (the party bringing the suit) typically seeks a remedy, such as damages or injunctive relief, from the defendant (the party against whom the suit is brought).
- The legal concept of suit is closely tied to the legal system's role in promoting justice and protecting individual rights. By providing a mechanism for individuals to take formal legal action to enforce their rights or seek a remedy for a legal wrong, the legal system is able to establish a framework for resolving disputes and promoting fairness.
- Overall, the concept of suit is an important aspect of the legal system's ability to promote fairness and protect individual rights. Through the recognition of suits as a formal legal action in a court of law, the legal system is able to

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establish a framework for the recognition and protection of legal rights and responsibilities, and to promote social order and justice.

Q. Affidavit:

- The legal concept of affidavit refers to a written statement that is made under oath or affirmation and is used as evidence in a court of law. An affidavit can be defined as a legal document that sets out the facts of a matter, as known by the person making the statement, and is signed by the person under penalty of perjury.
- An affidavit is typically used in court proceedings and is considered to be a form of testimony. It is often used to provide evidence in support of a motion, to establish the facts of a case, or to support an application.
- In order for an affidavit to be valid, it must be signed by the person making the statement and must be witnessed by a person authorized to administer oaths. The content of the affidavit must be based on personal knowledge and must be truthful.

Q. Judgement:

- The legal concept of judgment refers to the official decision or ruling of a court of law or other judicial body. A judgment can be defined as a final determination of a case that is issued by a court or other judicial body.
- A judgment typically sets out the findings of fact and law upon which the decision is based and states the remedy, if any, that is awarded to the prevailing party. The judgment may also include the reasoning behind the decision and any legal precedents that were relied upon.
- In order for a judgment to be valid, it must be issued by a court or other judicial body that has the authority to hear and decide the case. The judgment must also be based on the evidence and arguments presented in the case, and must comply with the legal principles and procedures that govern the particular jurisdiction.
- Effects of Judgement:
 - Binding effect: A judgment is a binding decision that is enforceable by law. This means that the parties involved in the case must comply with the judgment and take the necessary steps to carry out any orders or remedies awarded by the court. Failure to comply with a judgment can result in legal consequences, such as fines, penalties, or even imprisonment.
 - Appeal process: In some cases, a party may choose to appeal a judgment if they believe that the decision was incorrect or unfair. The appeal process allows for a higher court to review the judgment and determine whether it was based on the proper legal principles and procedures. If the appeal is successful, the higher court may overturn the judgment and order a new trial or other remedy.

Q. Appeal:

- The legal concept of appeal refers to the process by which a higher court reviews and evaluates the decision of a lower court in a legal case. An appeal can be defined as a formal request to a higher court to review and overturn a decision made by a lower court.

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- The appeal process typically begins with the filing of a notice of appeal by the party seeking to challenge the lower court's decision. The higher court then reviews the lower court's decision and determines whether it was based on the proper legal principles and procedures. The higher court may also consider new evidence or arguments that were not presented in the lower court.
- If the higher court determines that the lower court's decision was incorrect or unfair, it may overturn the decision and order a new trial or other remedy. However, if the higher court determines that the lower court's decision was based on the proper legal principles and procedures, it may affirm the decision and deny the appeal.

Q. Review:

- The legal concept of review refers to the process by which a higher court or administrative body reviews and evaluates the decision of a lower court or administrative body in a legal or administrative case. A review can be defined as a formal examination of a decision made by a lower court or administrative body to ensure that it was based on proper legal or administrative principles and procedures.
- In the legal context, a review may be undertaken by an appellate court or a higher court to determine whether a lower court decision was based on proper legal principles and procedures. The reviewing court may examine the lower court's decision for errors of law, including procedural errors or misapplication of legal principles, and may remand the case back to the lower court for further proceedings or enter its own decision on the case.
- In the administrative context, a review may be undertaken by a higher administrative body to determine whether a decision made by a lower administrative body was based on proper administrative principles and procedures. The reviewing administrative body may examine the lower administrative body's decision for errors of fact or law, including procedural errors or misapplication of administrative principles, and may remand the case back to the lower administrative body for further proceedings or enter its own decision on the case.

Q. Revision:

- The legal concept of revision refers to the process by which a court or other legal authority re-examines a previous decision in a case based on new evidence or legal arguments. A revision can be defined as a review of a final decision in a legal case, with the possibility of modifying or reversing the decision.
- Revisions may be sought for a variety of reasons, such as the discovery of new evidence, a change in circumstances, or the emergence of a new legal precedent that affects the decision. The revision may be sought by either party to the case or by the court itself.
- In some legal systems, revisions are limited to certain types of cases or decisions, and may be subject to strict procedural requirements. The decision to grant a revision may be made by a court or other legal authority, and may be based on a variety of factors, such as the significance of the new evidence or legal argument, the impact on the parties involved, and the public interest.

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Q. Reference:

- The legal concept of reference refers to the process by which a court or other legal authority seeks advice or guidance from a higher court or legal authority on a question of law or other legal issue. A reference can be defined as a formal request for an opinion or advice on a legal question that is referred to a higher court or legal authority for consideration.
- References may be made in a variety of contexts, such as when a court encounters a legal issue that is complex or novel, or when a court is asked to determine the constitutionality of a law. The reference may be made by the court itself, or by one of the parties to the case.
- In some legal systems, references are subject to strict procedural requirements and may be limited to certain types of cases or legal issues. The decision to make a reference may be made by a court or other legal authority, and may be based on a variety of factors, such as the significance of the legal issue, the impact on the parties involved, and the public interest.

Q. Writ:

- The legal concept of writ refers to a written order issued by a court or other legal authority that directs a person or entity to take a specific action or refrain from taking a specific action. A writ can be defined as a formal legal document that commands or prohibits a particular behavior or action.
- Writs may be issued for various purposes, such as to enforce a judgment, to secure a right, or to prevent a harm. Some common types of writs include writs of mandamus, which require a public official or organization to perform a duty or function, and writs of habeas corpus, which require a person who is detained or imprisoned to be brought before a court to determine the legality of the detention or imprisonment.
- In some legal systems, writs are subject to strict procedural requirements and may be limited to certain types of cases or legal issues. The decision to issue a writ is typically made by a court or other legal authority, and may be based on a variety of factors, such as the urgency of the situation, the impact on the parties involved, and the public interest.

Q. Stay:

- The legal concept of a stay order refers to an order issued by a court or other legal authority that temporarily suspends or delays the enforcement of a judgment or other legal proceeding. A stay order can be defined as a formal legal order that halts or postpones a particular action or proceeding until further notice.
- Stay orders may be issued for various reasons, such as to allow parties to seek an appeal or to give parties time to comply with a judgment or order. In some cases, stay orders may also be issued to prevent irreparable harm or injustice from occurring during the course of a legal proceeding.
- A stay order may be granted by a court or other legal authority, and may be subject to certain conditions or requirements. For example, a stay order may require that the party seeking the stay post a bond or provide other forms of financial security to ensure that the opposing party is not harmed by the stay.

Q. Injunction:

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- The legal concept of an injunction refers to a court order that requires a person or entity to refrain from taking a specific action or to take a specific action. An injunction can be defined as a formal legal order that prohibits or compels a particular behavior or action.
- Injunctions may be sought for various purposes, such as to prevent harm or to enforce legal rights. Some common types of injunctions include temporary restraining orders, which are issued on an emergency basis and are intended to prevent immediate harm, and permanent injunctions, which are issued after a full hearing on the merits of a case and are intended to provide a permanent remedy.
- Injunctions may be granted by a court or other legal authority, and may be subject to certain conditions or requirements. For example, an injunction may require that the party seeking the injunction post a bond or provide other forms of financial security to ensure that the opposing party is not harmed by the injunction.

Q. Adjournment:

- The legal concept of adjournment refers to the temporary suspension or postponement of a legal proceeding or hearing. An adjournment can be defined as a formal decision or order to delay a legal proceeding or hearing to a later date or time.
- Adjournments may be requested by the parties involved in the legal proceeding, or they may be ordered by the court or other legal authority. The reasons for an adjournment may vary, and may include the need for additional time to prepare for the proceeding, the unavailability of key individuals or evidence, or unforeseen circumstances such as illness or weather-related issues.
- In some legal systems, adjournments may be subject to certain procedural requirements, such as the need to provide notice to all parties involved, or the requirement to provide a reason for the adjournment. The decision to grant an adjournment may be made by a court or other legal authority, and may be subject to the discretion of the judge or other decision-maker.

Q. Cause of Action:

- The concept of a cause of action refers to a legal claim or basis for a lawsuit or other legal proceeding. It is the set of facts or legal theories that establish the plaintiff's right to seek relief from the court. A cause of action can be defined as a claim that a person or entity has against another person or entity in a civil lawsuit.
- To establish a cause of action, a plaintiff must show that they have suffered harm or injury as a result of the defendant's actions or omissions. Additionally, the plaintiff must show that the defendant's actions or omissions were a breach of a legal duty or obligation owed to the plaintiff.
- In some legal systems, there are specific requirements for the elements that must be present to establish a cause of action. For example, there may be requirements for the plaintiff to show that they have suffered a specific type of harm, or that the defendant's actions or omissions were intentional or negligent.

Q. Issue:

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- In the legal context, the concept of an issue refers to a disputed point or question that is raised in a legal proceeding. It is a matter of controversy between the parties to the case, which requires resolution by the court or other legal authority.
- An issue can arise in a legal proceeding in many ways, such as a disagreement over the facts of the case, the interpretation of the law, or the admissibility of evidence. The legal system provides various mechanisms for resolving issues, such as through the presentation of evidence, legal arguments, or the examination of witnesses.
- The legal concept of an issue is closely tied to the legal system's role in promoting justice and protecting individual rights. By providing a mechanism for parties to dispute points of law or fact, the legal system is able to establish a framework for resolving disputes and promoting fairness.

Q. Charge:

- In the legal context, the concept of a charge refers to a formal accusation or allegation that is made against a person or entity in criminal law. It is a formal statement of the specific offense that the accused is alleged to have committed.
- A charge is typically brought by a prosecutor or other legal authority, and is based on evidence that supports the allegation of criminal activity. In some cases, a charge may be brought after a formal investigation or inquiry, such as a grand jury proceeding.
- Once a charge has been brought, the accused has the opportunity to respond to the allegations and to present a defense. The legal system provides various mechanisms for resolving charges, such as through the presentation of evidence and legal arguments, or through a trial or plea bargaining.

Q. Ex-parte:

- In the legal context, the concept of ex-parte refers to a legal proceeding or motion that is conducted or decided without notice to, or participation by, the opposing party. It is a legal proceeding in which only one party is present, and the other party is not informed or given the opportunity to respond or participate.
- Ex-parte proceedings may be requested by a party in certain situations, such as when immediate action is necessary to prevent irreparable harm or when the opposing party is not available or cannot be located. In some cases, ex parte proceedings may be granted by a court or other legal authority, subject to certain procedural requirements and limitations.
- However, ex-parte proceedings are generally disfavored in the legal system, as they may violate the principle of due process and the right to be heard. In many cases, legal proceedings require both parties to have notice and an opportunity to be heard, in order to ensure fairness and justice.

Q. Discharge:

- In the legal context, the concept of discharge refers to the release or termination of a legal obligation or responsibility. It is a formal act or process that relieves a person or entity from the obligation or responsibility to perform a certain action or fulfill a certain duty.

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- Discharge can take various forms depending on the context, such as the discharge of a contract, the discharge of a debt, or the discharge of a legal sentence. Discharge may be voluntary or involuntary, depending on the circumstances.
- In some cases, discharge may occur when the terms of a legal obligation have been fulfilled, such as when a debt has been paid in full or a contract has been completed. In other cases, discharge may be granted by a court or other legal authority, such as when a criminal sentence has been served or a legal obligation has become impossible to fulfill.

Q. Acquittal:

- In the legal context, the concept of acquittal refers to a verdict or judgment of not guilty in a criminal trial. It is a formal decision by a court or other legal authority that a defendant is not guilty of the crime with which they were charged.
- Acquittal is typically granted when the prosecution is unable to prove beyond a reasonable doubt that the defendant committed the crime with which they were charged. The legal system requires that the prosecution bear the burden of proof in criminal cases, and must provide sufficient evidence to prove guilt beyond a reasonable doubt.
- Acquittal may be granted by a judge or a jury, depending on the legal system and the specific circumstances of the case. Once an acquittal has been granted, the defendant is released from custody and is no longer subject to the criminal charges.

Q. Conviction:

- In the legal context, the concept of conviction refers to a verdict or judgment of guilt in a criminal trial. It is a formal decision by a court or other legal authority that a defendant is guilty of the crime with which they were charged.
- Conviction is typically granted when the prosecution is able to prove beyond a reasonable doubt that the defendant committed the crime with which they were charged. The legal system requires that the prosecution bear the burden of proof in criminal cases, and must provide sufficient evidence to prove guilt beyond a reasonable doubt.
- Conviction may be granted by a judge or a jury, depending on the legal system and the specific circumstances of the case. Once a conviction has been granted, the defendant may be subject to penalties such as imprisonment, fines, or other forms of punishment.

Q. Legal heirs:

- In India, the concept of legal heirs refers to individuals who are entitled to inherit the property and assets of a deceased person under the laws of succession. Legal heirs may include the spouse, children, parents, siblings, and other close relatives of the deceased person, depending on the specific laws that apply.
- The laws governing the inheritance of property and assets in India are primarily based on personal laws, which vary depending on the person's religion, community, and family background. For example, Hindu Succession Act, 1956 governs the laws of succession for Hindus, whereas the Indian

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Succession Act, 1925 applies to Christians, Parsis, and other non-Muslim communities.

- Under the laws of succession in India, the property of a deceased person is typically divided among their legal heirs in accordance with the rules of inheritance. The specific rules of inheritance can vary depending on the personal laws that apply, but usually require that the property be distributed in a fair and equitable manner among the legal heirs.
- In cases where there is no will or testamentary document, the legal heirs are determined by the laws of succession. However, if there is a will, the property is distributed according to the wishes of the deceased person, subject to certain legal limitations.
- Overall, the concept of legal heirs in India is an important aspect of the legal system's ability to protect property rights and ensure fairness in the distribution of assets after a person's death.

Q. Legal Representative:

- In the legal context, the concept of a legal representative refers to a person or entity that has the legal authority to act on behalf of another person or entity. A legal representative may be appointed through various legal mechanisms, such as a power of attorney, a guardianship order, or a corporate resolution.
- The role and responsibilities of a legal representative may vary depending on the context and the specific legal authority under which they were appointed. For example, a legal representative appointed through a power of attorney may have the authority to make decisions on behalf of the person who appointed them, such as financial or medical decisions. A legal representative appointed through a guardianship order may have the authority to make decisions on behalf of a person who is incapacitated or unable to make decisions for themselves.
- In the corporate context, a legal representative may refer to a person who is authorized to act on behalf of a company or organization, such as a CEO or a board member. This person may have the legal authority to enter into contracts, make financial decisions, or otherwise represent the company in legal or business matters.
- Overall, the concept of a legal representative is an important aspect of the legal system's ability to ensure that individuals and entities are able to act and make decisions, even in situations where they are unable to do so themselves. Through the recognition of legal representatives as formal mechanisms for representing the interests of others, the legal system is able to establish a framework for the recognition and protection of legal rights and responsibilities, and to promote social order and justice.

Q. Power of Attorney:

- A Power of Attorney is a legal document that authorizes one person to act on behalf of another person, typically in financial or legal matters. The person who grants the power of attorney is called the principal, and the person who is authorized to act on their behalf is called the agent or attorney-in-fact.
- There are different types of powers of attorney, including:

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- General Power of Attorney: This gives the agent the power to act on behalf of the principal in a wide range of matters, such as banking transactions, real estate transactions, and legal proceedings.
- Limited Power of Attorney: This limits the agent's authority to certain specific acts or for a specific period of time.
- Durable Power of Attorney: This remains in effect even if the principal becomes incapacitated, meaning that the agent can continue to act on their behalf.
- A power of attorney can be revoked by the principal at any time, as long as they are still mentally competent to do so. It is important to choose an agent who is trustworthy and capable of handling the responsibilities of the position.

Q. Explain the Legal Concept of International Law in India:

- International law is the set of rules and principles that govern the relations between states and other international actors. These rules and principles are recognized and enforced by international organizations, such as the United Nations, and are also integrated into the domestic legal systems of many countries, including India.
- In India, the principles of international law are recognized as part of the country's legal system, under the Constitution of India. Article 51 of the Constitution explicitly states that the Indian government shall "endeavour to foster respect for international law and treaty obligations in the dealings of organized peoples with one another."
- Indian courts have also recognized the importance of international law in interpreting and applying domestic laws. For example, the Supreme Court of India has cited international human rights treaties and principles in its judgments, and has recognized the principle of universal jurisdiction in cases involving international crimes.
- India is also a party to numerous international treaties and conventions, which are incorporated into Indian law and are enforceable in Indian courts. These include conventions on human rights, environmental protection, and trade.
- However, it should be noted that international law does not necessarily have direct application in Indian courts, and its implementation depends on the domestic legislation and regulations that are put in place to give effect to it. Additionally, there are certain areas of international law, such as the law of the sea, where India's position and interpretation may differ from that of other countries.

Q. Arbitration:

- Arbitration is a legal process through which parties involved in a dispute agree to have their case heard by one or more independent third parties, known as arbitrators. The arbitrators are typically experts in the field related to the dispute, and their decision is legally binding on the parties involved.
- Arbitration is often used as an alternative to court proceedings, as it provides a relatively faster, less formal and less costly method of resolving disputes. It is commonly used in commercial disputes, construction disputes, and international disputes among other areas.
- The process of arbitration typically involves the following steps:

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- Appointment of arbitrators: The parties involved agree on the number of arbitrators and their qualifications.
 - Submission of evidence: The parties submit their evidence and arguments to the arbitrators.
 - Hearings: The arbitrators hear and consider the evidence and arguments presented by the parties.
 - Decision: The arbitrators make a legally binding decision, known as an award, based on the evidence and arguments presented by the parties.
- The decision of the arbitrators is generally final and binding, and can be enforced in court, unless it is challenged on the grounds of procedural irregularity, serious irregularity or public policy.
- Arbitration is governed by various laws and regulations, such as the Indian Arbitration and Conciliation Act 1996 which provides for the conduct of domestic and international arbitrations in India. It is important for parties to carefully review the terms of arbitration agreements before entering into them, to ensure that they understand the process and implications of their decision to opt for arbitration.

Q. Jurisdiction:

- Jurisdiction is the official power of a court, judge or other legal authority to make legal decisions and judgments. It refers to the authority of a court or agency to hear and decide a particular case, and to enforce its decisions.
- The concept of jurisdiction is based on the idea that different courts and agencies have different areas of authority, established by law, in which they can exercise their powers.
- This authority can be based on several factors, including:
 - Geographical jurisdiction: This refers to the power of a court or agency to hear cases arising within a specific geographic area, such as a state, district, or country.
 - Subject-matter jurisdiction: This refers to the power of a court or agency to hear cases involving a particular area of law or subject matter, such as family law, criminal law, or bankruptcy law.
 - Personal jurisdiction: This refers to the power of a court or agency to hear cases involving particular parties, such as individuals or corporations, based on their presence or activities within a specific jurisdiction.
 - Hierarchical jurisdiction: This refers to the power of higher courts to hear appeals from lower courts, and to review their decisions.
- Jurisdictional issues can be complex, and it is important to determine the appropriate court or agency to address a particular legal dispute. Failing to correctly identify the appropriate jurisdiction can result in the dismissal of a case, or even in the enforcement of an incorrect or invalid decision.
- Ultimately, the concept of jurisdiction is an important aspect of the legal system, as it ensures that legal decisions are made by the appropriate authority and that they are enforceable within the limits of their authority.

Q. Amicus curiae:

- “Amicus curiae” is a Latin term that translates to “friend of the court”. It refers to a person or organization who is not a party to a legal case, but who

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volunteers to provide information or argumentation to assist the court in reaching a decision. The person or organization is usually invited by the court to provide its views on a particular issue that is relevant to the case.

- The role of an amicus curiae is generally to provide objective and unbiased information to help the court understand the implications of a particular decision. This information can take the form of legal arguments, analysis of relevant laws and regulations, or empirical data and research. The information provided by the amicus curiae can help the court to consider broader public interests and perspectives, rather than just the interests of the parties involved in the case.
- The use of amicus curiae briefs is common in many legal systems, including in the United States Supreme Court and in India. In the US, amicus briefs are often submitted by non-profit organizations, advocacy groups, and government bodies with an interest in the case. In India, amicus curiae is appointed by the court to assist in cases where the court requires independent expertise.
- While an amicus curiae is not a party to a legal case, it is subject to certain rules and regulations, including the requirement to disclose any potential conflicts of interest. The amicus curiae is also required to submit its brief or testimony within a specified timeframe, and may be subject to questioning by the court. The role of the amicus curiae is to provide assistance to the court, but ultimately the decision-making authority remains with the court itself.

Q. Legal Maxims (2m / 6m / 13m)

Q. Actus Dei Nemini Facit Injuriam:

- Literal Meaning: An act of God causes legal injury to no one.
- Origin: Latin.
- Explanation: When an event is caused by the effect of nature without any human intervention, it is called 'an act of God.' No one is responsible for the inevitable accidents. The act of God prejudices no one. The law does not hold a man to a legal duty where he is prevented from performing it by an act of God. The event foreseen cannot be considered as an act of God. If nature's act was foreseeable and a person's negligence led to an accident, the judge can give a verdict for the negligence on part of that person. Foreseeable means an event leading to the loss, caused by forces of nature that could not have been prevented by reasonable care or foresight.
- Illustration: Two parties enter into a contract for the supply of cotton in another country through the ship. However, the seller to the contract could not deliver the goods due to a tsunami in that region. Now the question arises whether the buyer claims damages from the seller in this case? The answer is 'No.' The reason for the failure on the part of the seller to deliver goods to the buyer was not because of negligence on part of the seller but because of the tsunami which is considered as a natural disaster and an Act of God. Therefore, the defendant (seller) can take the defence of Actus Dei Nemini Facit Injuriam to evade liability.
- Case Law:

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- In *Shridhar Tiwari vs. U.P. State Road Transport*, a bus of UPSRTC was traveling through a village where a cyclist out of nowhere had suddenly come in front of the Bus. In order to save that cyclist, the driver applied brakes as a result of which the Bus skidded on the wet road and its rear portion struck against the front portion of another bus. Here the defendant was not held liable as it was a sheer case of an inevitable accident.
- In *R.A. Arunachala Iyer vs. C. Subbaramiah*, a Bench of the Madras High Court has held, "It is not right in cases of this kind that the man should have his case disposed of without being heard. The Courts are here so that people who have cases can have those cases heard and determined, and it should never be the intention of the court that a man should be deprived of a hearing unless there has been something equivalent to misconduct or gross negligence on his part or something which can be put right, so far as another side is concerned, by making the man blame pay for it."

Q. *Salus Populi Est Suprema Lex*:

- **Literal Meaning:** Welfare of the people is the highest concern.
- **Origin:** Latin.
- **Explanation:** The welfare of the people must be the supreme law, i.e. the state must be administered according to the Law and law must be made according to the welfare of the people at large. The maxim tends to imply the information that the law exists to serve the common good. This can be achieved only when justice is administered lawfully, judicially, without fear or favor, and without being hampered and thwarted and this cannot be effective unless respect for it is fostered and maintained.
- **Illustration:** In all cases of necessity, the interests of an individual must give way to the interests of the multitude, even though they extend to his life. This is shown in the experience of every nation and people upon the face of the earth. The principle governing this rule extends to private, as well as to public interests, and from the peasant to the sovereign, all are amenable to its illimitable sway.
- **Case Law:**
 - *Narmada Bachao Andolan Vs Union Of India*, 10 S.C.C. 664 , 18 October 2000: Sardar Sarovar Dam was constructed on the Narmada river that runs in four States (Gujarat, Madhya Pradesh, Maharashtra, and Rajasthan). The forcible displacement of tribals and other marginal farmers from their land and other sources of livelihood for a project which was not in the national or public interest was a violation of their fundamental rights under Article 21 of the Constitution of India. The court however decided to allow the project to be completed.
 - *The Goa Foundation and Ors. Vs The Konkan Railway Corporation* Air 1992: Railway line constructed from Ernakulam to Mumbai – Many people would lose their land on the way. – The railway construction

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would benefit a lot of people and will do more good than Harm. Hence court allowed the construction of the railway line.

Q. Nemo Tenetur Seipsum Accusare:

- Literal Meaning: no man has to accuse himself.
- Origin: Latin.
- Explanation: No one can be compelled to criminate himself, that is, to accuse or confess himself guilty of any crime; but if he do so voluntarily, the confession is admissible; and this is illustrated by the common case of a magistrate being required to caution a prisoner, before taking from him any admission or confession of guilt he may feel desirous of making, that such confession or admission will be used in evidence against him. So, the answer of a prisoner, after his arrest, to a question asked by a police- constable, is inadmissible as evidence against him; for, the officer in such case has no authority to ask any question tending to criminate the prisoner.
- Case Law:
 - State of Bombay v. Kathi Kalu Ohgad, AIR 1961 SC 1808.
 - Maneka Gandhi v. Union of India, 1978 (1) SCC 248.

Q. Leges postpioros priores contrarias abrogant:

- Literal Meaning: Subsequent laws repeal prior conflicting ones / “later laws abrogate earlier conflicting laws”
- Origin: Latin.
- Explanation: The principle of “Leges postiores priores contrarias abrogant” means that if there are two laws that conflict with each other, the later law will take precedence over the earlier law. For example, if there is a law passed in 2005 that says all vehicles must have a certain type of safety feature, and then a law passed in 2010 that says all vehicles must have a different safety feature, the 2010 law would take precedence over the 2005 law, as it is the later law.
- Illustration:
 - This principle helps to ensure that legal systems remain up-to-date and relevant, as new laws and regulations can be introduced to replace or modify existing laws that may no longer be effective or appropriate. It also helps to prevent confusion and inconsistency in the legal system, as conflicting laws can create uncertainty and ambiguity.
 - However, it is important to note that the principle of “Leges postiores priores contrarias abrogant” only applies to laws that are in conflict with each other. If two laws can be interpreted in a way that they do not conflict, they may both still be applicable. Additionally, some legal systems may have specific rules or regulations regarding the application of this principle, and it is important to seek legal advice in specific cases to determine how this principle may apply.
- Case Laws:

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- In *The Commissioner, Bangalore vs the State Of Karnataka And Anr.*, the Calcutta High Court held that “The principle *Leges Posteriores Prioribus Abrogant* is subject to the exception embodied in the maxim: (*generalia specialibus non-derogant*). This means that where the literal meaning of the general enactment covers an occupation for which specific provision is made by another enactment contained in an earlier Act, it is presumed that the situation was intended to continue to be dealt with by the specific provision rather than the later general one.”
- In *Municipal Committee, Malerkotla vs Mohd. Mushtaq*, the Punjab and Haryana High Court held that “An earlier Act must give place to a later if the two cannot be reconciled and one Act may repeal another by words express or implied. It is also an equally well-known maxim of law which constitutes that the later laws prevail over those which preceded them.”

Q. Nova Constitutio Futuris Formam Imponere Debet, Non Praeteritis:

- **Literal Meaning:** A new law ought to regulate what is to follow, not the past.
- **Origin:** Latin.
- **Explanation:** To understand the meaning of the above legal maxim, it can be said that a new state of the law is supposed to affect the future, not the past. It means that the cardinal principle of construction that every statute is prospective in nature unless it has been stated to have retrospective operation. It implies that except in special cases the new law has been to construed so as to interfere as little as possible with already vested rights. It embodies a particular rule of construction which is valuable only when the words of the Act of the Parliament are not clear and plain. It means that a new law ought to be construed to interfere as little as possible with vested rights.
- **Illustration:**
 - This legal principle suggests that new laws should apply to future circumstances and not to past ones. In other words, the law should be prospective and not retrospective. New laws or regulations should be framed and implemented keeping in mind future events and not to alter past transactions or legal rights.
 - This principle also ensures that people are given fair notice of the laws that will govern their future conduct, and that they can rely on their past conduct without the risk of retroactive changes in the law.
 - The principle is an integral part of many legal systems, including in India, and is often followed by courts when interpreting statutes and other legal instruments. However, there are certain exceptions to the principle, such as when new legislation is passed to correct a past injustice or to remedy a defect in a previous law. In such cases, the new law may be given retrospective effect to achieve the intended objectives.
- **Case Laws:**
 - In the case of *Vallabhaneni Lakshmana Swamy and others vs. Valluru Basavaiah and others*, the principle of *Nova Constitutio Futuris*

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Formmam Imponere Debt, Non-Praeteritis was applied and it was held by the Hon'ble Andhra Pradesh court that it is a cardinal principle of construction that every statute prima facie perspective, unless expressly or by necessary implication has been made to operate with retrospective effect. The rule, in general, is to impose new burdens to the impair existing obligations.

- In the case of Secretary Shivdatt education trust and another vs. Ramlochan Rajbali Patel and others, it was stated by the Hon'ble court that unless there are words in the statute sufficient to show the intention of the Legislature to affect existing rights. It is deemed to be prospective as per the principle of Nova Constitutio Futuris Formmam Imponere Debt, Non-Praeteritis- a new law ought to be regulated what to follow, not the past.

Q. Noscitur A Sociis:

- Literal Meaning: The meaning of a word may be known from accompanying words.
- Origin: Latin.
- Explanation:
 - The above principle is a rule of construction and is one of the rules of interpretation that is used by the courts to interpret the legislation. The translation of Noscitur a sociis is 'the immediate context rule' and underlines the importance of context in the statutory interpretation where two or more words are associated together, they should take their meaning from one another. This principle is also used in interpreting the questionable words in statutes when the word is ambiguous, so its meaning is derived with reference to the rest of the statute. This means that the meaning of an unclear word or phrase must be determined by the words that surround it. It can be said that the meaning of a word can be derived from the company it keeps. The questionable or doubtful meaning will derive a meaning when kept and determined from the associated words and is usually helpful when a statutory provision has a word or phrase that is capable of bearing two or more meanings.
 - The rule of interpretation is very well explained by Maxwell in his book of Interpretation of statutes in the following words- he states that when two or more words susceptible to analogous meaning are coupled together, they are to be used in their cognate sense. He comments that when the words take their color from and are quantified by each other, the meaning of the general words being restricted to the sense analogous to that of the less general. Thus, it can be comprehended that words in a list within a statute have meanings that are related to each other, and interpreting that word in an association of related words or phrases in a statute can help the court to interpret the exact meaning of the legislation. Therefore, this rule is more colloquially known as "birds of a feather flock together".

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- Illustration:
 - The eminent professor Graham illustrated the maxim with an example of the inability of an insured bankrupt to collect proceeds in the event of “illness, disability or death’. Bankruptcy means that there is a disability under the law since you cannot hold office and considered legally disabled. However, the rule of Noscitur a sociis says that in spite of this, no one can collect insurance since disability is associated or related by ‘illness’ and ‘death’. In this context, it is clear that the intention of the legislation is that ‘disability’ refers to the physical capacity as it is clear that this meaning can be determined in reference to the color of other words in this provision.
- Case Laws:
 - In the case of Commissioner of Income Tax vs. Bharti cellular it was held that term ‘technical services’ used in section 194J of the is unclear. The word technical would take colour from the words managerial & consultancy between which it is sandwiched. These terms ‘managerial services’ & ‘consultancy services’ necessarily involve human intervention. So, applying noscitur a sociis the word ‘technical’ would also have to be construed as involving a human element. Thus, interconnection & port access services rendered by the assessee do not involve any human interface & therefore cannot be regarded as technical services u/s 194J of the Income Tax Act.
 - In the case of Foster vs. Diphwys Casson, it was stated that a statute involved which stated that explosives taken into the mine must be in a “care or canister”. In the instant case, the defendant used a cloth bag and it was held that applying the principle of, the intention of the parliament was of using ‘care and container’ means using something of the strength of a container. Thus, it was held that the ‘bag’ does not fall under the statutory definition.

Q. Expressio Unius Est Exclusio Alterius:

- Literal Meaning: The explicit mention of one (thing) is the exclusion of another
- Origin: Latin
- Explanation: The effect of this rule means that if a list of words is not followed by general words, the act only applies to the words used in the list. This is an aid to construction of statutes. This will not be strictly applied in the event that the act mentions that the words listed are illustrative by the use of the word ‘includes’ for example, as this suggests that there may be other items which may apply. That is the words such as Etc., Others, More are used. An act only applies to the items in a list of words, if it is not followed by general words.
- Illustration:
 - Let us assume that, initially, A and B enter into a written contract over a certain matter, then, later on, B cannot depute C on his behalf to execute the contract. Therefore, it can be observed that entering an express contract between the two parties A and B excludes any

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- possibility of a third party, C, stepping into the contract during its execution.
- Likewise, if a specific act is barred by the law of land, expressly, under any of its statutes, then its commission is impliedly illegal and punishable. For instance, smuggling is an illegal act and is expressly barred under the Indian Penal Code, any act in furtherance of the same act or any other act of this class is illegal and shall lead to harsh consequences.
- Case Laws:
 - V. Secretary of state for the Home department: In this case it was held to exclude the father of an illegitimate child from rights under immigration law at the time, because the definition section specifically mentioned the mother alone.
 - Tempest vs. Kilner: The court had to rule whether the statute of frauds 1677 applied to the sale of stocks and shares. The act required contracts for the sale of 'goods, wares and merchandise' to be evidence in writing if they were above a specified value. The Court decided that stocks and shares were not covered by the act as the specific words 'goods, wares and merchandise' were not followed by general words. This will not be strictly applied in the event that the act mentions that the words listed are illustrative by the use of the word.

Q. Vigilantibus Non Dormientibus Jura Subveniunt:

- Literal Meaning: The law assists only those who are vigilant, and not those who sleep over their rights.
- Origin: Latin
- Explanation:
 - The maxim refers to the obligation of individuals to not only be aware of their rights under the law, but also to be vigilant while exercising or using the same. The legal process only benefits those who have been careful enough with their rights, instead of being ignorant. This maxim expands upon through the Limitation Act of 1963, which entails that if the suffered/ aggrieved party does not file a suit for relief within the stipulated period, for the breach of his rights, then it cannot be claimed at a later stage.
 - Any suit of legal right infringement will automatically be considered invalid if filed beyond the limitation period, prescribed by law. In the practical sense, other than the common civil suit actions, the special legislation on various subject matters specifically provides for a period of limitation. Such a maxim with supporting provisions is primarily to ensure that the legal system provides justice for those who realize legal damage.
- Illustration:
 - Filing an appeal at the High Court, in a civil suit from a lower Court, must be done within 90 days from the date of its decree or order. If X, the aggrieved party, approaches the High Court after the exhaustion of

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such a period, then the appeal would not be entertained, by application of this maxim.

- **Case Laws:**
 - In the case of *Nacinchandra N. Majithia vs. State of Maharashtra & Ors* (2000), the Supreme Court made a key observation with respect to the application of this maxim. Given the aphorism that ‘to err, is human’, could practically lead to unintentional situations despite being vigilant, which could attract the commission of an offense. The Courts should not always find means to pull down the shutters of adjudication before a party seeking justice, instead should take measures to entertain all possible cases of grievances, if it is genuine.
 - In the case of *Nacinchandra N. Majithia vs. State of Maharashtra & Ors* (2000), the Supreme Court made a key observation with respect to the application of this maxim. Given the aphorism that ‘to err, is human’, could practically lead to unintentional situations despite being vigilant, which could attract the commission of an offense. The Courts should not always find means to pull down the shutters of adjudication before a party seeking justice, instead should take measures to entertain all possible cases of grievances, if it is genuine.

Q. Quod Ab Initio Non Valet In Tractu Temporis Non Convalesscit:

- **Literal Meaning:** what is invalid at the beginning does not become valid by lapse of time.
- **Origin:** Latin
- **Explanation:**
 - This principle is an important aspect of many legal systems, as it helps to ensure that illegal or invalid actions cannot be legitimized by the mere passage of time. For example, if a contract is entered into that is illegal or invalid from the beginning, it cannot become valid over time simply because the parties have continued to act on it.
 - The principle also applies to legal actions or decisions that are taken without proper authority or jurisdiction. If a court makes a decision or takes an action that is outside of its jurisdiction or authority, that decision or action cannot become valid or legal over time.
 - However, it is important to note that there are certain exceptions to this principle, such as when parties to an illegal contract continue to act on it for an extended period of time, and the law may recognize it as a valid contract by virtue of the doctrine of estoppel.
 - Overall, the principle of “Quod ab initio non valet in tractu temporis non convalesscit” helps to ensure that the legal system remains fair and just, and that illegal or invalid actions cannot be legitimized over time.
- **Illustration:**
 - Two parties enter into a contract for the sale of illegal drugs. This contract is illegal from the beginning, as it violates criminal law. Even if the parties continue to act on the contract for a period of time, such as by making payments or delivering the drugs, the contract cannot

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- become valid or legal over time simply because of their continued actions.
- If one of the parties later sues the other for breach of contract or non-payment, a court would not enforce the contract, as it is illegal from the outset. The court would likely find the contract to be unenforceable and would refuse to enforce it.
- **Case Laws:**
 - **Union of India v. Ramesh Gandhi (2012):** In this case, the Supreme Court held that a lease agreement for government property that was entered into without following the proper procedures and approvals was invalid from the outset, even though the lessee had been in possession of the property for many years. The Court held that the principle of “Quod ab initio non valet in tractu temporis non convalescit” applied, and that the lessee could not rely on the passage of time to legitimize an invalid agreement.
 - **State of Haryana v. Raghubir Dayal (1995):** In this case, the Supreme Court held that a notification that was issued by the government without following the proper legal procedures was invalid from the outset, and could not be made valid by the passage of time or by the fact that it had been acted upon by the parties involved. The Court held that the principle of “Quod ab initio non valet in tractu temporis non convalescit” applied, and that the notification was unconstitutional and void ab initio.

Q. Nullus Commodum Capere Potest De Injuria Sua Propria:

- **Literal Meaning:** No one can derive an advantage from his own wrong.
- **Origin:** Latin
- **Explanation:** The above maxim is derived from the general principle of good faith. It means that one party may not avail itself of the fact that the other party has not fulfilled a contractual obligation or has not had recourse to some means of redress, if the former party has, by some illegal act prevented the latter from fulfilling the obligation in question or having recourse to that redress. The maxim may be applied generally to the case of contracts. If the obligee of a bond has prevented the obligor from fulfilling the condition of the bond, he shall not take advantage of the non-performance of the condition, since that would be enabling him to benefit by his own wrong.
- **Illustration:** A makes a contract with B, to build a house within a certain time, under a penalty. B finding materials; however, he delays in providing the materials and further prevents the due completion of the house. In this case, B shall not be allowed to succeed in an action for the penalty.
- **Case Laws:**
 - **Indore Development Authority Vs. Shailendra (Dead) Through Its Lrs. And Ors.,** the Supreme Court held that “Where a creditor refuses a tender sufficient in amount, and duly made, he cannot afterward, for purposes of oppression or extortion, avail himself of such refusal; for, although the debtor still remains liable to pay whenever required so to do, yet the tender operates in the bar of any claim for damages and

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interest for not paying or for detaining the debt, and also of the costs of an action brought to recover the demand.”

- Ashok Kapil vs. Sana Ullah, the Supreme Court observed that the maxim *Nullus commodum capere potest de injuria sua propria* (No man can take advantage of his own wrong) is one of the salient tenets of equity and that in the normal course a party cannot secure the assistance of a Court of law for enjoying the fruit of his own wrong.

Q. Cessante Ratione Legis Cessat Ipsa Lex:

- Literal Meaning: When the reason for the law ceases, the law itself also ceases.
- Origin: Latin
- Explanation:
 - The maxim suggests that a law or legal principle is only valid as long as the underlying reason or rationale for it remains in force.
 - In other words, a law is not an end in itself, but rather a means to achieve a particular outcome or goal. When the goal or outcome is no longer relevant or desirable, the law itself loses its justification and becomes obsolete.
 - The principle is often used to argue for the repeal or modification of laws that are no longer relevant or necessary. For example, if a law was enacted to address a particular social or economic problem, but that problem no longer exists, the law may be considered unnecessary and may be repealed or modified.
 - Overall, the principle of “Cessante ratione legis cessat ipsa lex” helps to ensure that laws remain relevant and effective, and that they are not blindly applied without regard for their underlying purpose or rationale.
- Illustration:
 - Law prohibiting the use of horse-drawn carriages on city streets.
 - If the original rationale for the law was to reduce traffic congestion and improve public safety, but over time, automobiles became the primary mode of transportation, the law may no longer serve its original purpose of reducing traffic congestion and improving public safety. In this case, the reasoning behind the law has ceased to exist, and the law may no longer be necessary.
 - As a result, lawmakers may consider repealing or modifying the law to reflect the new reality of modern transportation. This would be an example of the principle of “Cessante ratione legis cessat ipsa lex” in action, as the law would no longer be necessary once the underlying reason for it has ceased to exist.
- Case Laws:
 - *State of West Bengal v. Kesoram Industries Ltd. (2004)*: In this case, the Supreme Court held that a law that was enacted to regulate the establishment and operation of jute mills was no longer necessary, as the underlying rationale for the law no longer existed. The Court held that the law was enacted in response to a specific set of circumstances

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that were no longer present, and that the law had become obsolete. The Court further held that the principle of “Cessante ratione legis cessat ipsa lex” applied, and that the law should be repealed or modified to reflect the new reality.

- Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India (1985): In this case, the Supreme Court held that a law that required newspaper publishers to submit copies of their publications to the government for approval was unconstitutional, as the underlying rationale for the law no longer existed. The Court held that the law was enacted during a time when the government had concerns about national security, but that those concerns were no longer present. The Court further held that the principle of “Cessante ratione legis cessat ipsa lex” applied, and that the law should be struck down as unconstitutional.

Q. Acta Exteriora Indicant Interiora Secreta:

- Literal Meaning: External acts indicate internal intention.
- Origin: Latin
- Explanation:
 - This principle suggests that a person’s external actions and behavior can provide evidence of their internal thoughts, feelings, and intentions.
 - In legal contexts, this principle is often used to help determine a person’s state of mind or intent in a specific situation. For example, if a person acts in a way that suggests they had a particular intention or motive, that behavior can be used as evidence to support that intention or motive.
 - The principle is also used in criminal law, where a person’s actions and behavior can be used to establish intent or mens rea. For example, if a defendant is accused of a crime that requires a specific intent, such as murder, evidence of their actions and behavior leading up to the crime can be used to establish that they had the necessary intent to commit the crime.
 - Overall, the principle of “Acta Exteriora Indicant Interiora Secreta” helps to ensure that evidence of a person’s internal thoughts and intentions can be established through their external actions and behavior.
- Illustration:
 - If the person had a history of living beyond their means, such as driving an expensive car and wearing expensive clothes, this external behavior could be used as evidence to suggest that they had a motive to obtain the loan fraudulently. Their external behavior would indicate that they had a certain lifestyle that they could not afford, which in turn could suggest that they had a motive to obtain the loan fraudulently.
 - Similarly, if the person had a history of making false statements or misrepresentations in other situations, this external behavior could be used to suggest that they had a pattern of dishonest behavior, which in turn could suggest that they had a motive to obtain the loan fraudulently.

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- **Case Laws:**
 - **State of Maharashtra v. Praful Desai (2003):** In this case, the Supreme Court held that a person's external behavior can be used as evidence to establish their intent in a criminal case. The Court held that the principle of "Acta Exteriora Indicant Interiora Secreta" applied, and that the defendant's actions leading up to the crime could be used to establish that he had the necessary intent to commit the crime. In this case, the defendant was charged with corruption for accepting a bribe, and the Court relied on evidence of his external behavior, such as the fact that he was seen meeting with the bribe-giver and accepting money, to establish his intent.
 - **Hiralal Bhagwati v. CBI (2003):** In this case, the Supreme Court held that a person's external behavior can be used as evidence to prove their guilt in a criminal case. The Court held that the principle of "Acta Exteriora Indicant Interiora Secreta" applied, and that the accused's actions leading up to the crime could be used to establish their intent and to prove their guilt. In this case, the accused was charged with criminal conspiracy and cheating, and the Court relied on evidence of his external behavior, such as his involvement in various financial transactions, to establish his guilt.

Q. Domus Sua Cuique Est Tutissimum Refugium:

- **Literal Meaning:** Every man's house is his refuge.
- **Origin:** Latin
- **Explanation:**
 - This principle emphasizes the importance of an individual's right to privacy and security in their own home.
 - According to this maxim, everyone's house is to him/her a castle and fortress as well as a defense against injury and violence, as for his repose. In simple terms, the law recognizes the sanctity of one's home, giving the person living in it a right to defend it and also to use it as a defense.
 - In legal contexts, this principle is often used to protect individuals from unreasonable searches and seizures by the government. It suggests that a person's home is a private space where they should feel safe and free from intrusion by outsiders, including the government.
 - The principle is also used in property law to emphasize the importance of an individual's right to exclusive possession of their property. It suggests that a person's home is their castle, and that they have the right to control who enters their property and how it is used.
 - Overall, the principle of "Domus Sua Cuique Est Tutissimum Refugium" helps to protect individual rights to privacy and security in their own homes, and to ensure that the government respects these rights when carrying out its duties.
- **Illustration:**
 - If the police officers entered the person's home without their consent, and without a warrant or probable cause to believe that a crime was

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being committed, this would be a violation of the principle of “Domus Sua Cuique Est Tutissimum Refugium.”

- The person has the right to expect privacy and security in their own home, and the police officers’ intrusion without proper authorization or justification would be an infringement on that right. As a result, any evidence obtained during the search would likely be suppressed, and the person would be protected from unreasonable searches and seizures.
- Case Laws:
 - Kharak Singh v. State of Uttar Pradesh (1963): In this case, the Supreme Court of India held that the right to privacy is a fundamental right protected by the Indian Constitution. The Court specifically cited the principle of “Domus Sua Cuique Est Tutissimum Refugium” and emphasized the importance of protecting individual privacy in their homes. The Court held that police surveillance and monitoring of a person’s movements and activities in their home, without a warrant or probable cause, violated their right to privacy and was unconstitutional.
 - State of Punjab v. Baldev Singh (1999): In this case, the Supreme Court of India held that a search conducted by police officers without a warrant or probable cause violated the principle of “Domus Sua Cuique Est Tutissimum Refugium.” The Court held that a person’s home is a private space where they have a right to be free from intrusion by the government, and that a warrantless search was a violation of that right. The Court further held that any evidence obtained during the search was inadmissible in court, as it was obtained in violation of the person’s constitutional rights.

Q. Nam Nemo Haeres Viventis:

- Literal Meaning: No one is heir of a living person.
- Origin: Latin
- Explanation: Only when the ancestor dies, does an individual become an actual, complete heir to another. His / her father or other from whom he/she inherits must be deceased before a child may become an heir. According to the proverb, nemo est haeres viventis, the living children are expectant only descendants, and thus no one will take an estate under that title whilst the ancestor remains.
- Illustration: Only when the ancestor dies, does an individual become an actual, complete heir to another. His / her father or other from whom he/she inherits must be deceased before a child may become an heir. According to the proverb, nemo est haeres viventis, the living children are expectant only descendants, and thus no one will take an estate under that title whilst the ancestor remains.
- Case Laws:
 - Illinois Co. vs. Bosworth, there were only 2 children surviving of Mr. Bosworth to recover a certain portion of land in New Orleans. The land belonged to his father and that was seized due to some illegal activities by the father. On petitioner claiming the land, the Supreme Court of

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United States used the maxim *nam nemo haeres viventis* for the 1st time in this case and held the claim of the petitioner illegal.

- Krishna Kumar Birla vs. Rajendra Singh Lodha, the deceased industrialist Birla executed several wills and at last will in 1999 bequeathed his properties to the respondent Rajendra Singh Lodha thereafter the caveat was filed by the appellants opposing the will as they were his legal heirs.

Q. Ignorantia Juris Non Excusat:

- Literal Meaning: Ignorance of law cannot be an excuse.
- Origin: Latin
- Explanation: The law in the country is all pervading. All our actions are dependent on the law. We have all sorts of law including Criminal law, Constitutional law, Family law, Intellectual property law etc. Ignorance of any of these laws can never be an excuse.
- Illustration: In India hunting of a Wild Buffalo (*Bubalus bubalis*) is an offence as per section 9 of the Wild life Protection Act 1972. If a person, who is ignorant of section 9 of the Wild life protection Act, shoots a wild Buffalo thinking that it is a domestic buffalo he is said to be acting in ignorance of law as well as of a fact.
- Case Laws:
 - State of Bihar v. Basawan Singh (1958): In this case, the Supreme Court of India held that the principle of “*Ignorantia facti excusat, ignorantia lex non excusat*” applied in criminal cases. The Court held that a person who commits a crime under a mistaken belief of fact may be acquitted if they did not know that their actions were illegal. However, the Court also held that ignorance of the law is not a defense, and that a person cannot escape liability for a crime by claiming that they did not know the law.
 - Commissioner of Central Excise v. Hongo India Pvt. Ltd. (2009): In this case, the Supreme Court of India reiterated the principle that “*Ignorantia facti excusat, ignorantia lex non excusat*” applies in both criminal and civil cases. The Court held that a person who is ignorant of a fact that is material to a case may be excused from liability, but that ignorance of the law is not a defense. The Court emphasized that it is the duty of citizens to know the law, and that ignorance of the law cannot be used as an excuse for violating it.

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Module - 2: Law Reports, Magazines, References to Case Laws, Statutes (Enactments), Commencement of Statutes, General English

Q. What is/are Law Report/Reports? (6m / 13m)

- Law reports are publications that contain a collection of judicial decisions issued by courts of law. Law reports serve as authoritative sources of legal precedent and are an important tool for legal research and practice.
- In law reports, judicial decisions are typically published in chronological order, according to the date they were issued. Each decision is accompanied by a summary of the facts of the case, the legal issues involved, and the reasoning of the court in reaching its decision.
- Law reports are typically organized by jurisdiction and by court level, and they include decisions from both trial and appellate courts. They are an important resource for lawyers, judges, law students, and legal researchers, as they provide a way to access and study the legal reasoning and precedents established in previous cases.
- In some countries, law reports are published by private publishers, while in others they are published by government entities. Some well-known examples of law reports include the United States Reports, the English Reports, and the Canadian Abridgment.
- **In India, there are several types of law reports that are published by different publishers. Here are the main types of law reports that are available in India:**
 - **All India Reporter (AIR):** This is one of the most widely used law reports in India. It is a weekly publication that covers decisions from the Supreme Court of India, all High Courts, and some lower courts. AIR is known for its extensive coverage of cases and its detailed headnotes, which summarize the key points of each decision.
 - **Indian Law Reports (ILR):** This is another popular law report that covers decisions from the Supreme Court of India and all High Courts. ILR is published by the Indian Law Reports Pvt. Ltd. and is known for its comprehensive coverage of cases and its accurate reporting of judicial decisions.
 - **Supreme Court Cases (SCC):** This is a law report that is published by the Eastern Book Company and covers decisions from the Supreme Court of India. SCC is known for its high-quality printing and its comprehensive coverage of cases. It includes detailed headnotes, brief summaries of cases, and the full text of decisions.
 - **Criminal Law Journal (Cri LJ):** This is a law report that is focused on criminal law cases in India. It covers decisions from the Supreme Court of India, High Courts, and some lower courts. Cri LJ is known for its detailed analysis of criminal law cases and its in-depth coverage of important legal issues.
 - **Labour Law Journal (LLJ):** This is a law report that is focused on labour law cases in India. It covers decisions from the Supreme Court

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of India, High Courts, and some lower courts. LLJ is known for its detailed coverage of labour law issues and its in-depth analysis of important legal developments in this area.

- Overall, these law reports are valuable resources for lawyers, judges, law students, and legal researchers who are looking to stay current with legal developments in India and to study and analyze the legal reasoning and precedents established in previous cases.
- **Private Law Reports:**
 - Private law reports are law reports that are published by private entities, as opposed to government agencies or official bodies. These reports are typically produced by commercial publishers and are available for purchase by legal professionals, scholars, and researchers.
 - Private law reports are an important part of legal research and practice, as they provide a way to access and study legal precedents and judicial decisions that may not be available in official government publications or databases. Private law reports may also include additional features, such as editorial commentary, annotations, and cross-references, that can help users to understand and analyze the legal issues involved in a particular case.
 - One of the main advantages of private law reports is that they often cover a wider range of cases than official publications. This is because private publishers are not subject to the same restrictions and limitations as government agencies, and can therefore include decisions from a variety of courts and jurisdictions.
 - However, one potential drawback of private law reports is that they may be subject to bias or editorial influence. Because private publishers are motivated by profit, they may be more likely to focus on cases that are of interest to their target audience, or to present legal precedents in a way that supports their own commercial or ideological interests.

Q. What is a Law Magazine / Journals / Periodicals? (6m / 13m)

- A law magazine, also known as a law journal or law periodical, is a publication that focuses on legal issues and developments. These publications are typically aimed at legal professionals, scholars, and researchers, and provide a platform for the discussion and analysis of legal issues and trends.
- Law magazines may be published by academic institutions, law firms, professional organizations, or commercial publishers. They are typically issued on a regular basis, such as monthly or quarterly, and may include articles, commentary, case summaries, book reviews, and other features.
- Law magazines cover a wide range of legal topics, including civil and criminal law, constitutional law, international law, labor law, intellectual property, and many others. They provide a forum for legal scholars and practitioners to engage in scholarly discourse and to publish their work for a wider audience.
- Law magazines are an important resource for legal professionals, as they provide a way to stay current with legal developments and to gain insights into emerging legal issues and trends. They also serve as a platform for legal

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scholarship and research, and can help to advance the state of legal knowledge and practice.

- There are many law journals and magazines in India that cover a wide range of legal topics. Here are some of the most well-known publications:
 - **Lawyers Collective (LC):** This is a non-profit organization that provides legal aid and advocacy services to marginalized communities in India. LC also publishes a quarterly magazine that covers a wide range of legal issues, including human rights, gender justice, and public health. The magazine includes articles, case studies, and interviews with prominent legal professionals and activists.
 - **Lawyers Collective (LC):** This is a non-profit organization that provides legal aid and advocacy services to marginalized communities in India. LC also publishes a quarterly magazine that covers a wide range of legal issues, including human rights, gender justice, and public health. The magazine includes articles, case studies, and interviews with prominent legal professionals and activists.
 - **One India One People (OIO):** This is a monthly magazine that covers a wide range of social and political issues, including legal issues. OIO features articles, interviews, and opinion pieces by prominent writers and experts in various fields. The magazine also includes news and analysis of current events in India and around the world.
 - **Journal of Indian Law Institute (JILI):** This is a peer-reviewed law journal that covers a wide range of legal topics, including constitutional law, administrative law, and international law. JILI is published by the Indian Law Institute and includes articles, case notes, and book reviews written by legal scholars and practitioners.
 - **Journal of Bar Council of India (JBCI):** This is a peer-reviewed law journal that covers a wide range of legal topics, including legal education, ethics, and professional responsibility. JBCI is published by the Bar Council of India and includes articles, case notes, and commentary written by legal scholars and practitioners.
 - **Indian Bar Review (IBR):** This is a quarterly law journal that covers a wide range of legal topics, including civil and criminal law, intellectual property law, and corporate law. It is published by the Bar Council of India.
 - **India Quarterly:** This is a peer-reviewed academic journal that covers a wide range of social, political, and economic issues in India, including legal issues. The journal includes articles, book reviews, and research notes written by scholars and experts in various fields.
 - **The Modern Law Review:** This is a peer-reviewed academic journal that covers a wide range of legal topics, including constitutional law, criminal law, and international law. The journal includes articles, case notes, and commentary written by legal scholars and practitioners from around the world.
 - **The Law Quarterly Review:** This is a peer-reviewed academic journal that focuses on legal history, comparative law, and jurisprudence. The

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journal includes articles, book reviews, and research notes written by legal scholars and experts in these fields.

- **Indian Journal of Law and Technology (IJLT):** This is a student-edited, peer-reviewed law journal that focuses on the intersection of law and technology. It is published by the National Law School of India University, Bangalore.
- **National Law School Journal (NLSJ):** This is a peer-reviewed law journal that covers a wide range of legal topics, including constitutional law, criminal law, and international law. It is published by the National Law School of India University, Bangalore.
- **Indian Journal of International Law (IJIL):** This is a peer-reviewed law journal that focuses on international legal issues. It is published by the Indian Society of International Law.
- **Economic and Political Weekly (EPW):** This is a weekly magazine that covers a wide range of social, political, and economic issues in India, including legal issues. It is published by the Sameeksha Trust.
- **Journal of Intellectual Property Rights (JIPR):** This is a peer-reviewed law journal that focuses on intellectual property law, including patents, trademarks, and copyrights. It is published by the National Institute of Science Communication and Information Resources.
- **Supreme Court Cases (SCC):** This is a law report that is published by the Eastern Book Company and covers decisions from the Supreme Court of India. It includes detailed headnotes, brief summaries of cases, and the full text of decisions.
- Overall, these law journals and magazines are important sources of legal scholarship, analysis, and commentary in India and around the world. They provide a platform for legal professionals, scholars, and researchers to engage in scholarly discourse and to contribute to the advancement of legal knowledge and practice.

Q. How is Law Report different from Law Magazine? Difference between Law Report & Law Magazine? (6m / 13m)

[For 13m Combine with important aspects of above 2 Q's]

- Law reports and law magazines are both important sources of legal information and analysis, but they serve different purposes and have different characteristics.
- **Law Report:** A law report is a publication that contains a collection of judicial decisions issued by courts of law. Law reports are typically organized by jurisdiction and court level, and they include decisions from both trial and appellate courts. Each decision is accompanied by a summary of the facts of the case, the legal issues involved, and the reasoning of the court in reaching its decision. Law reports are an important tool for legal research and practice, as they provide an authoritative source of legal precedent.
- **Law Magazine:** On the other hand, a law magazine is a publication that focuses on legal issues and developments. Law magazines are typically aimed at legal professionals, scholars, and researchers, and provide a platform for the discussion and analysis of legal issues and trends. Law magazines may include articles, commentary, case summaries, book reviews,

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and other features. Law magazines cover a wide range of legal topics and provide a forum for legal scholars and practitioners to engage in scholarly discourse.

- In summary, the main differences between law reports and law magazines are:
 - **Focus:** Law reports focus on judicial decisions, while law magazines focus on legal issues and developments.
 - **Content:** Law reports contain summaries of court decisions, while law magazines contain articles, commentary, case summaries, and other features.
 - **Audience:** Law reports are primarily used by legal professionals, while law magazines are aimed at legal professionals, scholars, and researchers.
 - **Purpose:** Law reports serve as an authoritative source of legal precedent, while law magazines provide a platform for legal discourse and analysis.

Q. Explanation of citations (6m / 13m)

- In legal writing, a citation is a reference to a specific source of law or legal authority, such as a case, statute, regulation, or scholarly article. Citations are used to support arguments, provide evidence, and give credit to the original source of information.
- The format of a citation typically includes several elements, including the name of the author or court, the title of the source, the volume and page number, and the publication date. The specific format of a citation may vary depending on the citation style that is being used, such as the Bluebook, MLA, or APA.
- Here are some examples of common citation formats:
 - **Case citation:** The citation for a court case in India typically includes the name of the parties, the name of the court, the citation year, the volume and page number of the law report, and the abbreviation of the law report. For example: *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
 - **Statute citation:** The citation for a statute in India typically includes the name of the statute, the year, and the section number. For example: The Indian Penal Code, 1860, s. 302.
 - **Regulation citation:** The citation for a regulation in India typically includes the name of the regulation or notification, the year, and the number of the regulation or notification. For example: Reserve Bank of India Notification No. FEMA 5(R)/2016-RB dated January 21, 2016.
 - **Article citation:** The citation for a scholarly article in India typically includes the name of the author, the title of the article, the name of the journal, the volume and issue number, and the page range. For example: Baxi, Upendra. "The Constitution as a Site of Struggle." *Economic and Political Weekly* 28, no. 37 (1993): 1921-1924.
- **Case citation** is a method of identifying a particular legal case in a standardized way, which includes the name of the parties involved, the name of the court, the citation year, the volume and page number of the law report,

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and the abbreviation of the law report. These elements help to locate and retrieve the full text of the case from legal databases or law libraries.

- In India, case citation typically follows the following format:
 - Party A v. Party B, [Citation Year] Volume Number Law Report Abbreviation Page Number (Court)
- Here is an example of a case citation in India:
 - Maneka Gandhi v. Union of India, AIR 1978 SC 597 (Supreme Court of India).
 - “Maneka Gandhi v. Union of India” refers to the name of the parties involved in the case.
 - “AIR” stands for “All India Reporter,” which is the name of the law report.
 - “1978” is the citation year.
 - “SC” stands for “Supreme Court,” which is the name of the court that issued the decision.
 - “597” is the page number in the law report where the case can be found.
- Overall, citations are an important aspect of legal writing and research, as they provide a way to locate and verify the sources of legal authority that are being used to support an argument or position.

Q. Explanation of citations (6m / 13m)

- The search for a case law involves finding and accessing information about a particular legal case. This process is used in legal research and writing to support arguments, analyze legal issues, and understand legal precedent.
- The Case Laws could be searched through following approaches:
 - **Statute Approach:** The Statute Approach for searching case law in India involves looking for cases that interpret or apply specific statutes or laws. This approach is useful when the case involves a specific statute or law. To search for case law using the statute approach, you need to identify the relevant statute or law and search for cases that cite the statute. You can use online legal databases, official court websites, or Indian Kanoon to search for cases. Once you have identified the relevant cases, you need to review them to determine how they interpret or apply the statute. Finally, you need to analyze how the cases may apply to your case.
 - **Subject Approach/Topic Approach:** The subject or topic approach for searching case law in India involves looking for cases that deal with a particular subject or topic. This approach is useful when the case involves a specific legal issue. To search for case law using the subject or topic approach, you need to identify the subject or topic that is relevant to your case and search for cases that deal with the subject or topic. You can use online legal databases, official court websites, or Indian Kanoon to search for cases. Once you have identified the relevant cases, you need to review them to determine how they apply to the subject or topic. Finally, you need to analyze how the cases may apply to your case.

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- **Case Method Approach:** The case method approach for searching case law in India involves looking for cases that are similar to your case in terms of the legal issues involved and the facts of the case. This approach is useful when the case involves a unique set of facts. To search for case law using the case method approach, you need to identify the legal issues involved in your case and the key facts of your case that are relevant to the legal issues involved. You can use online legal databases, official court websites, or Indian Kanoon to search for cases that are similar to your case. Once you have identified the relevant cases, you need to review them to determine how they apply to the legal issues involved and the facts of the case. Finally, you need to analyze how the cases may apply to your case.
- Here are the steps to search for a case law:
 - **Identify the name of the case:** In order to search for a case, you need to know the name of the case. This includes the names of the parties involved and the year the case was decided.
 - **Choose a legal database or law library catalog:** There are many legal databases and law library catalogs available, such as LexisNexis, Westlaw, Manupatra, Indian Kanoon, and SCC Online. Choose a database that is relevant to your jurisdiction and area of law.
 - **Enter the name of the case:** Once you have chosen a database, enter the name of the case into the search bar. Some databases may also allow you to search by citation, keywords, or other criteria.
 - **Review the search results:** After you have entered the name of the case, the database will generate a list of search results. Review the results to find the case you are looking for.
 - **Access the case:** Once you have found the case you are looking for, click on the link to access the full text of the case. Some databases may require you to have a subscription or login credentials in order to access the full text.
 - **Analyze the case:** After you have accessed the full text of the case, read through the decision and analyze its reasoning and legal significance. Take note of any relevant quotes, holdings, or dicta that may be useful in your legal research or writing.
- Overall, searching for a case law requires careful attention to detail and the use of reliable legal databases or law library catalogs. By following these steps, you can efficiently and effectively search for and analyze legal cases.

Q. Important Abbreviations of all law Reports in India.

- Here are the abbreviations of all law reports in India:
 - AIR – All India Reporter
 - AICLR – All India Cases Law Reports
 - AILJ – All India Law Journal
 - All LJ – Allahabad Law Journal
 - Bom LR – Bombay Law Reporter
 - Cal LJ – Calcutta Law Journal
 - Comp Cas – Company Cases

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- Cri LJ – Criminal Law Journal
- CWN – Calcutta Weekly Notes
- Del LJ – Delhi Law Journal
- GLR – Gujarat Law Reporter
- ILR – Indian Law Reports
- ITR – Income Tax Reports
- JIC – Journal of Indian Law Institute
- JT – Judgement Today
- Ker LT – Kerala Law Times
- Mh LJ – Maharashtra Law Journal
- OLR – Orissa Law Reports
- PLD – Pakistan Legal Decisions
- Raj LR – Rajasthan Law Reporter
- SCC – Supreme Court Cases
- SLR – Supreme Law Reporter
- TLR – Tax Law Reports
- UJ – Universal Juridical
- VST – Value Added Tax Cases

Q. Important Abbreviations (A).

- AICLR – All India Cases Law Reports
- AIR – All India Reporter
- AILJ – All India Law Journal
- All LJ – Allahabad Law Journal
- ALD – Allahabad Law Decisions
- Andh LT – Andhra Law Times
- Andh WR – Andhra Weekly Reporter
- AP LJ – Andhra Pradesh Law Journal
- APLJ – Andhra Pradesh Law Journal
- APT – Andhra Pradesh Tax Cases
- Arb LR – Arbitration Law Reporter
- Arb LRev – Arbitration Law Review
- ASC – Andhra State Cases
- ATJ – Advocates Today Journal

Q. Important Abbreviations (C).

- C.C.C – Current Civil Cases
- C.L.T – Calcutta Law Times
- C.M.L.J – Civil and Military Law Journal
- C.P.J. – Consumer Protection Journal
- C.P.R. – Consumer Protection Reporter
- C.W.N – Calcutta Weekly Notes
- Cencus (Now, E.C.R) – Excise & Customs Reporter
- Civ. App. J. (SC) – Civil Appeals Judgments (Supreme Court)
- Civil. C.C. – Civil Court Cases
- Civil L.J. – Civil Law Journal
- Com. Cas – Company Cases

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- Com. L.R. – Comparative Law Review
- Com. N.R – Company News and Reporter
- Com. L.J. – Company Law Journal
- Co-op. L.J. – Co-operative Law Journal e
- Co-op. L.R. – Co-operative Law Reporter
- Co-op. T.D. – Co-operative Tribunal Decisions
- Co-op. T.J. – Co-operative Tribunal Journal
- Cr. L. J. – Criminal Law Journal
- Cri. App. Rep.(SC) – Criminal Appeals Reporter (Supreme Court).
- Cri. C.J. – Criminal Court Judgments
- Cri.LJ.(N.O.C) – Criminal Law Journal (Notes on Cases)
- Cri.L.C. – Criminal Law Cases
- Cur. C.C. – Current Criminal Cases
- Curr. C.L.J – Current Civil Law Judgments
- Curr.Cri.J. – Current Criminal Judgments
- Curr. Cri.R. – Current Criminal Reports
- Cur. L.J. (Tax) – Current Law Journal (Taxation)
- Cur.L.R. – Current Labour Reports

Q. Important Abbreviations (J).

- J.B.C.I. – Journal of Bar Council of India
- J.I.L.I. – Journal of Indian Law Institute
- J.S.C.T.L – Journal of Shipping, Customs & Transport Laws
- JIC – Journal of Indian Law Institute
- JT – Judgement Today
- JLR – Jharkhand Law Reporter
- JLT – Jharkhand Law Times
- JND – Judgments of the Supreme Court of India
- Jour LR – Journal of the Orissa High Court
- JTN – Jharkhand Taxation News
- JTR – Jharkhand Tax Reporter
- JUS – Jharkhand Unreported Summaries
- J&B – Juridical and Bar Council

Q. Important Abbreviations (M).

- M.L.J. or Mad.L.J. – Madras Law Journal
- M.L.R. – Modern Law Review
- Mad.L.J.(Cri) – Madras Law Journal (Criminal)
- Mah.Cri.R. – Maharashtra Criminal Reporter
- Mah.J.D. – Maharashtra Judicial Decisions
- Mah L.J – Mahatashtia Law Journal
- Mah L.R. – Maharashtra Law Reporter
- Mar L.J. – Marriage Law Journal
- Mat L.R. – Matrimonial Law Reporter
- Mer L.T. – Mercantile Law Reporter

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- Moo Ind App – Moore’s Indian Appeals
- Moo PC – Moore’s Privy Council Cases
- Mun CC – Municipalities & Corporation Cases
- Mun L.J – Municipal Law Journal

Q. Important Abbreviations (L).

- L.A.C.C. – Land Acquisition & Compensation Cases
- L.J.R – Latest Judicial Reports
- L.L.J. or Lab. L.J. – Labour Law Journal Law
- L.Q.R. – Law Quarterly Review\
- L.Q.R. – London Queen Reporter
- Lab.A.C. – Labour Appeal Cases
- Lab.I.C. – Labour & Industrial Cases
- Lab.L.N. – Labour Law Notes
- Lab.L.R. – Labour law Journal
- Legal Surv. – Legal Surveyor

Q. Statutes (Enactments) – Meaning and Classification. (2m / 6m / 13m)

- Statutes (enactments) refer to the written laws passed by the legislative bodies of a country or state.
- The Constitution of India provides for a federal system of government, which means that the legislative powers are divided between the central government and the state governments.
- Statutes in India refer to the written laws passed by the legislative bodies of India. They are also known as acts or legislation. Statutes are a primary source of law and are considered a formal expression of the will of the Indian legislature. They are enforceable by the courts of law.
- The Indian parliament has the power to make laws on subjects listed in the Union List, whereas the state legislatures have the power to make laws on subjects listed in the State List. Both the central and state legislatures can make laws on subjects listed in the Concurrent List.
- Each statute in India has a short title, a long title, and a preamble. The short title is the official name of the statute, such as the Indian Penal Code, 1860. The long title provides a brief description of the statute, and the preamble sets out the objectives and purposes of the statute.
- Statutes can be amended or repealed by the same legislative body that passed the law or by a subsequent legislative body. The Indian parliament has the power to amend or repeal any law passed by the state legislatures, and the state legislatures have the power to amend or repeal any law passed by them.
- Statutes in India can be classified based on their scope, nature, and purpose. Some of the common types of statutes in India include Central Acts, State Acts, Concurrent List Acts, Money Bills, Ordinary Bills, Private Members’ Bills, and Constitutional Amendments.

[For 2m, write till here]

- Classification of Statutes in India:

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- Central Acts: Central Acts are laws that apply to the whole of India. They are usually passed by the Indian parliament or the president of India.
 - State Acts: State Acts are laws that apply to a specific state or territory of India. They are usually passed by the state legislature.
 - Concurrent List Acts: Concurrent List Acts are laws that apply to both the central government and state governments. They are usually passed by the Indian parliament in consultation with the state legislature.
 - Money Bills: Money Bills are bills that deal with financial matters such as taxation and government spending. They can only be introduced in the Indian parliament with the recommendation of the president of India.
 - Ordinary Bills: Ordinary Bills are bills that are introduced in the Indian parliament to deal with non-financial matters.
 - Private Members' Bills: Private Members' Bills are bills introduced by individual members of the Indian parliament who are not part of the government.
 - Constitutional Amendments: Constitutional Amendments are laws that amend or modify the Indian constitution. They require a special majority in the Indian parliament and the assent of the president of India.
- In summary, statutes in India are written laws passed by the legislative bodies and are classified based on their scope, nature, and purpose. The classification of statutes in India primarily depends on the level of government that has the power to pass the law.

Q. Commencement of Statutes. (2m / 6m)

- The Constitution of India provides for a federal system of government, which means that the legislative powers are divided between the central government and the state governments.
- Statutes in India refer to the written laws passed by the legislative bodies of India. They are also known as acts or legislation. Statutes are a primary source of law and are considered a formal expression of the will of the Indian legislature. They are enforceable by the courts of law.
- The Indian parliament has the power to make laws on subjects listed in the Union List, whereas the state legislatures have the power to make laws on subjects listed in the State List. Both the central and state legislatures can make laws on subjects listed in the Concurrent List.
- Each statute in India has a short title, a long title, and a preamble. The short title is the official name of the statute, such as the Indian Penal Code, 1860. The long title provides a brief description of the statute, and the preamble sets out the objectives and purposes of the statute.
- Statutes can be amended or repealed by the same legislative body that passed the law or by a subsequent legislative body. The Indian parliament has the power to amend or repeal any law passed by the state legislatures,

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and the state legislatures have the power to amend or repeal any law passed by them.

- Statutes in India can be classified based on their scope, nature, and purpose. Some of the common types of statutes in India include Central Acts, State Acts, Concurrent List Acts, Money Bills, Ordinary Bills, Private Members' Bills, and Constitutional Amendments.
- The commencement of statutes in India refers to the date on which a particular law comes into force and becomes applicable. The commencement date of a statute is an important aspect because it determines when the rights and obligations created by the law come into effect.
- The Indian Constitution provides for different ways in which a statute can come into force. These are:
 - **Immediate Commencement:** A statute may come into force immediately upon receiving the assent of the President of India. This means that the law becomes effective from the date on which it receives the President's assent.
 - **Appointed Day Commencement:** A statute may come into force on a specific date appointed by the central or state government. The government may appoint a future date for the commencement of a statute, usually to allow time for the necessary preparations or administrative arrangements to be made.
 - **Notification Commencement:** A statute may come into force on a specific date notified by the government through an official gazette. The government may choose to publish a notification announcing the commencement date of a statute in an official gazette.
 - **Retrospective Commencement:** A statute may be made effective from a date prior to its enactment. This is known as retrospective commencement. However, retrospective commencement is rare and is usually subject to specific conditions and restrictions.
- In summary, the commencement of statutes in India depends on the method chosen by the government. A statute may come into force immediately upon receiving the President's assent, on a specific date appointed by the government, on a date notified through an official gazette or retrospectively in rare cases. The method of commencement of a statute is an important aspect because it determines when the rights and obligations created by the law come into effect.

Q. Prospective application of Statutes in India? (2m / 6m)

- The prospective application of statutes in India means that a statute applies only to transactions, events, or situations that occur on or after its effective date. In other words, the law applies only to future events and does not affect past events.
- The general rule of statutory interpretation in India is that statutes are to be interpreted prospectively unless there is a clear intention in the statute to apply it retrospectively. The retrospective application of a statute is the exception, rather than the rule. This means that statutes are presumed to apply to future events only, unless there is a clear indication in the law that it should apply retrospectively.

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- The prospective application of a statute provides predictability and certainty in the law because parties can rely on the law as it exists at the time a transaction or event occurs. It also ensures that parties are not penalized for conduct that was lawful at the time it was undertaken.
- However, there are some exceptions to the rule of prospective application. For instance, if a statute is enacted to remedy an existing defect or injustice, it may be applied retrospectively to correct the defect or injustice. Similarly, if a statute is passed to clarify the meaning of an existing law, it may be applied retrospectively to clarify the law's meaning.
- In summary, the general rule in India is that statutes apply prospectively unless there is a clear indication in the law that it should apply retrospectively. The prospective application of statutes provides predictability and certainty in the law and ensures that parties are not penalized for conduct that was lawful at the time it was undertaken. However, there are exceptions to the rule of prospective application in certain circumstances.

Q. Retrospective effect of Statutes in India? (2m / 6m)

- The retrospective effect of statutes in India means that a statute can be applied to transactions, events, or situations that occurred before its effective date. This means that the law can apply to past events and may affect the rights and obligations of parties who have already completed a transaction or event before the law came into force.
- The general rule of statutory interpretation in India is that statutes should be interpreted prospectively, meaning that they should apply only to transactions, events, or situations that occur after their effective date. However, in certain circumstances, the courts may apply a statute retrospectively.
- The courts may give a statute retrospective effect when the legislature clearly indicates its intention to do so. The intention of the legislature can be inferred from the language of the statute, its purpose, and the surrounding circumstances. The courts may also give a statute retrospective effect if it is necessary to avoid an absurd or unjust result.
- The retrospective application of a statute can have significant implications for the parties involved. For example, if a retrospective tax law is passed, it may require taxpayers to pay taxes on income earned years ago, which can cause financial hardship. Therefore, the courts are cautious in giving a statute retrospective effect and will only do so when it is necessary to achieve the legislative purpose and does not result in any injustice.
- In summary, the general rule in India is that statutes should be interpreted prospectively, but they may be given retrospective effect in certain circumstances. The courts will give a statute retrospective effect when the legislature clearly indicates its intention to do so, or when it is necessary to avoid an absurd or unjust result. The retrospective application of a statute can have significant implications, and the courts are cautious in giving such effect.

Q. Repeal of Statutes. (2m / 6m)

- The repeal of statutes refers to the process of revoking, abolishing, or annulling a law that has been previously passed by the legislative bodies of India. The repeal of a statute can be done by the same legislative body that enacted the law or by a subsequent legislative body.

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- The Indian parliament has the power to repeal any law passed by the Indian parliament or a state legislature. Similarly, the state legislatures have the power to repeal any law passed by them. In addition, the Indian parliament has the power to repeal a law passed by a state legislature if it conflicts with a law passed by the Indian parliament on a concurrent subject.
- The process of repeal of a statute involves the introduction of a bill in the legislative body that seeks to repeal the law. The bill must be passed by the legislative body and receive the assent of the President of India before it can become law. Once a statute is repealed, it no longer has any legal effect, and its provisions are no longer enforceable.
- It is important to note that the repeal of a statute does not affect any rights or liabilities that have already accrued under the law. Any action taken or transaction completed before the repeal of a statute remains valid and enforceable under the law that was in force at the time.
- In summary, the repeal of statutes in India refers to the process of revoking or annulling a law passed by the legislative bodies. The Indian parliament and state legislatures have the power to repeal any law passed by them. The process of repeal involves the introduction of a bill, which must be passed by the legislative body and receive the assent of the President of India. The repeal of a statute does not affect any rights or liabilities that have already accrued under the law.

Q. Provisions dealing with repeal of Statutes under the General Clauses Act? (2m / 6m)

- The General Clauses Act, 1897 is an act of the Indian Parliament which deals with the interpretation of statutes and legal documents in India. It provides a set of principles and rules to be applied in the interpretation of laws, documents, and other legal instruments.
- Thus, The General Clauses Act is a statute that deals with the interpretation of statutes and other legal documents in India. Section 6 of the General Clauses Act provides for the effect of repeal of a statute. The provisions dealing with the repeal of statutes under the General Clauses Act are as follows:
 - Section 6(a) of the General Clauses Act provides that the repeal of a statute does not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under the repealed statute unless otherwise provided by the repealing statute.
 - Section 6(b) of the General Clauses Act provides that the repeal of a statute does not affect the operation of any legal proceeding or remedy in respect of any such right, privilege, obligation, or liability.
 - Section 6(c) of the General Clauses Act provides that the repeal of a statute does not affect any investigation, legal proceeding, or remedy in respect of any offence committed or any penalty or punishment incurred before the repeal.
 - Section 6(d) of the General Clauses Act provides that after the repeal of a statute, any investigation, legal proceeding, or remedy can be instituted, continued or enforced as if the repealed statute had not been repealed, unless a different intention appears in the repealing statute.

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- In summary, Section 6 of the General Clauses Act provides that the repeal of a statute does not affect any rights, privileges, obligations, or liabilities acquired or incurred under the repealed statute, and any legal proceedings or remedies in respect of such rights or liabilities can continue. It also provides for the continuation of any investigation, legal proceeding, or remedy in respect of any offence committed or any penalty or punishment incurred before the repeal. Finally, it provides that any investigation, legal proceeding, or remedy that could have been instituted, continued, or enforced under the repealed statute can be done so under the new law, unless the new law specifically provides otherwise.

Please note that General English which includes Essay writing, comprehension, and rules of grammar

Active-passive, direct and indirect speech, degrees of comparison, kinds of sentences interrogative, exclamatory, imperative, assertive, positive, and negative in note covered in this module

Kindly refer to Wren and Martin English Grammar Book or other relevant English grammar book(s) for the same.

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Module - 3: Legislative and Judiciary Material

Q. Legislative Material? (2m / 6m / 13m)

- Legislative material means various legislations or acts passed by the parliament and the state legislature, and includes rules, regulation, notifications, order, etc issued by the government that are published in the Government Gazettes
- There is an official publication on certain legislations. Official publication of the government includes the publication of
 - Indian Codes,
 - Acts of parliament, etc.
- As the human body has different parts or organs, the acts passed by the parliament consists of the following various parts:
 - Short title:
 - The short title in legislative material is the name given to a law or an act of the legislature for the purpose of identification and reference. It is a brief name or title that identifies a particular law or act, which is easier to remember and refer to than its complete or lengthy title.
 - The short title is usually included in the preamble of the law or act and is also mentioned at the beginning of the act or law. The short title provides a convenient way of identifying a law or act and is commonly used in legal documents, court judgments, and other legal proceedings.
 - For example, the Right to Information Act, 2005, is commonly referred to as the RTI Act, and the Companies Act, 2013 is commonly referred to as the Companies Act. The short title helps to identify the law or act quickly and accurately, and is widely used in legal practice.
 - Official citation:
 - Official citation in legislative material refers to the standardized format used by legal professionals to reference specific sections or provisions of a law or act. The official citation helps to identify a particular section or provision of a law and is commonly used in legal documents, court judgments, and other legal proceedings.
 - The official citation usually includes the name of the law or act, the section or provision being referred to, and the year of its enactment. The citation may also include information about the jurisdiction or the level of government that enacted the law or act.
 - For example, the official citation for Section 377 of the Indian Penal Code is "Section 377, The Indian Penal Code, 1860." Similarly, the official citation for Section 2 of the Right to Information Act, 2005 is "Section 2, The Right to Information Act, 2005."

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- Date of assent:
 - The date of assent in legislative material is the date on which the President, Governor or any other authorized person gives their approval to a bill that has been passed by the legislature, thus converting it into a law. It is an important element of the legislative process and is often recorded in the preamble or at the end of the law, along with the name of the person who gave the assent.
 - The date of assent is significant in determining when the law comes into force. In India, laws usually come into effect on the date of their publication in the official gazette of the government. However, in some cases, the law may specify a different date for its commencement, which may be the date of assent or any other future date.
 - For example, the Right to Information Act, 2005 was given assent by the President on 15th June 2005, and it came into effect on 12th October 2005, which was the date of its publication in the official gazette. Similarly, the Companies Act, 2013 was given assent by the President on 29th August 2013, and it came into effect on 1st April 2014, as specified in the law.
- Long title:
 - The long title in legislative material is a brief statement that appears at the beginning of a law or an act passed by a legislature. It provides a short summary or description of the purpose, scope, and objectives of the law, and is usually more detailed than the short title.
 - The long title helps to identify the subject matter of the law and provides a useful reference point when interpreting the law. It usually includes information about the jurisdiction, the legislative body that enacted the law, and the year of its enactment.
 - For example, the long title of the Right to Information Act, 2005 reads as follows: “An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.”
- Enacting formula:
 - The enacting formula in legislative material is a standard phrase used at the end of a law or an act passed by a legislature. The enacting formula is a declaration that formally enacts the law and is usually preceded by the words “Be it enacted by the [name of the legislative body].”
 - The enacting formula confirms that the law has been duly enacted by the appropriate legislative body and is binding on all

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- persons within its jurisdiction. It is a formal way of concluding the legislative process and giving legal effect to the law.
- For example, the enacting formula of the Right to Information Act, 2005 reads as follows: “Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows.” Similarly, the enacting formula of the Companies Act, 2013 reads as follows: “Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows.”
- Intent: (aims and objects set out in the preamble of the act)
 - Intent in legislative material refers to the underlying purpose or objective of a law or an act passed by a legislature. The intent of the legislature is the reason why the law was enacted, and it provides guidance for interpreting and implementing the law.
 - The intent of the legislature may be expressed in the preamble or the long title of the law, or it may be inferred from the language and context of the law itself. The legislative history of the law, including debates in the parliament, committee reports, and other related documents, may also provide insight into the intent of the legislature.
 - Understanding the intent of the legislature is important for interpreting and applying the law in a manner consistent with the legislative purpose. It helps to ensure that the law is applied in a way that achieves the intended goals and objectives, and avoids any unintended consequences.
 - For example, the intent of the Right to Information Act, 2005 was to promote transparency and accountability in the working of every public authority by providing a practical regime of right to information for citizens to secure access to information under the control of public authorities. Similarly, the intent of the Companies Act, 2013 was to consolidate and amend the law relating to companies and certain other associations, to make provisions for the incorporation, regulation, and winding up of companies and other associations and matters connected therewith or incidental thereto.
- Section / Subsection:
 - A section/subsection in legislative material refers to a specific part or division of a law or an act passed by a legislature. Sections are usually numbered and organized in a logical order, with each section containing a specific provision or set of provisions.
 - The sections and subsections in a law help to organize and structure the law, making it easier to read and understand. Sections are also important for referencing and citing specific provisions of the law in legal documents, court judgments, and other legal proceedings.
 - For example, Section 377 of the Indian Penal Code is a provision that criminalizes unnatural sex between two

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- consenting adults. Section 3 of the Right to Information Act, 2005 defines the term “information” to mean any material in any form relating to any matter under the control of a public authority.
- Subsections within a section provide further subdivision and organization of the provisions in a law. For example, Section 3 of the Right to Information Act, 2005 has several subsections that further define and explain the meaning of the term “information.”
- Marginal note:
 - A marginal note in legislative material is a short description or summary of the content of a section or subsection of a law or an act passed by a legislature. Marginal notes are usually included in the margin of the page next to the section or subsection they describe, and are intended to provide a quick reference point for readers to understand the content of the section.
 - Marginal notes are useful for navigating a law or an act, as they provide an overview of the content of each section, making it easier to locate specific provisions. They also help to provide context and understanding of the content of the law, particularly when used in conjunction with the long title, enacting formula, and other elements of the law.
 - For example, in the Indian Constitution, Article 14 is titled “Equality before law” and the marginal note next to it reads “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”
- Date of commencement:
 - The date of commencement in legislative material refers to the date on which a law or an act passed by a legislature comes into effect and becomes enforceable. The date of commencement is specified in the law itself and is usually included in the long title or preamble of the law.
 - In India, laws generally come into effect on the date of their publication in the official gazette of the government. However, in some cases, the law may specify a different date for its commencement, which may be the date of assent, any other future date, or a date determined by the government.
 - The date of commencement is important because it determines when the law can be implemented and enforced. It is also relevant for determining the effective date of any amendments to the law. Amendments to a law usually come into effect on the date specified in the amendment or on the date of their publication in the official gazette.
 - For example, the Companies Act, 2013 was given assent by the President on 29th August 2013, but it came into effect on 1st April 2014, which was the date specified in the law. Similarly, the Right to Information Act, 2005 was given assent by the

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President on 15th June 2005, but it came into effect on 12th October 2005, which was the date of its publication in the official gazette.

- Schedules or table:
 - Schedules in legislative material are appendices or annexures to a law or an act passed by a legislature that contain additional information or details related to the law. Schedules may include tables, forms, lists, or other supplementary materials that are necessary for the implementation or understanding of the law.
 - Schedules are usually attached to the main text of the law and are referenced within the law as a means of incorporating them into the legal framework. They may be an integral part of the law, and their contents may be enforceable and have the same legal status as the main body of the law.
 - For example, the Indian Constitution has several schedules attached to it, including Schedule I, which lists the territories of India, and Schedule VII, which divides the powers of the government between the central and state governments.
 - Tables in legislative material refer to tabular information that is included in a law or an act passed by a legislature. Tables may be used to present data, information, or lists in a structured and organized format, making it easier to understand and interpret the contents of the law.
 - Tables may be included in the main body of the law or may be included as appendices or annexures to the law. They may be referenced within the law itself or may be included for reference purposes only.
 - For example, the Indian Stamp Act, 1899 has several tables attached to it, including Table I, which lists the stamp duty rates for various types of instruments, and Table II, which provides the rates of stamp duty for policies of insurance.
- Exceptions:
 - Exceptions in legislative material refer to provisions in a law or an act passed by a legislature that exempt certain persons, activities or circumstances from the application of the law. Exceptions are usually included in the law as a means of limiting or qualifying the scope of the law.
 - For example, the Indian Penal Code provides for several exceptions to criminal liability, such as the exception for acts done in good faith for the benefit of a person without that person's consent (Section 92), or the exception for acts done in the course of lawful authority (Section 77).
- Non-obstante clause:
 - A non-obstante clause in legislative material refers to a provision in a law or an act passed by a legislature that overrides or sets aside any conflicting provisions in other laws or legal instruments. Non-obstante clauses are included in laws to

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ensure that the provisions of the law prevail over conflicting provisions in other laws or legal instruments.

- For example, the Right to Information Act, 2005 includes a non-obstante clause in Section 22, which states that “the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”
- Saving clause:
 - A saving clause in legislative material refers to a provision in a law or an act passed by a legislature that preserves the validity or effect of any rights, privileges, immunities, or obligations that existed prior to the enactment of the law. Saving clauses are included in laws to ensure that the provisions of the law do not have any unintended consequences or retroactive effects.
 - For example, the Indian Contract Act, 1872 includes a saving clause in Section 2, which states that “nothing herein contained shall affect any law in force in India, and not hereby expressly repealed, by which any contract is required to be made in writing or in the presence of witnesses, or any law relating to the registration of documents.”

Q. External Aids to the interpretation of a statute? (2m / 6m)

- External aids to the interpretation of a statute refer to sources of information or evidence that are external to the text of the law itself, and that are used to help interpret or clarify the meaning of the law. External aids are used by courts and other legal authorities to resolve ambiguities, inconsistencies, or uncertainties in the text of the law, and to determine the legislative intent behind the law.
- Some common external aids to the interpretation of a statute include:
 - Legislative history: This refers to the record of debates, committee reports, and other documents related to the enactment of the law, and is used to understand the legislative intent behind the law.
 - Precedents: This refers to previous court decisions or rulings that have interpreted the same or similar laws, and is used to provide guidance on how to interpret the current law.
 - Dictionaries: This refers to language dictionaries or legal dictionaries that provide definitions or explanations of words or terms used in the law.
 - International law: This refers to international treaties, conventions, or customary international law that may be relevant to the interpretation of the law.
 - Purpose and object: This refers to the purpose and object of the law, as stated in the law itself or in its preamble or long title, and is used to understand the context and scope of the law.
- External aids to the interpretation of a statute are used to help courts and other legal authorities interpret the law in a way that reflects the intent of the legislature and that is consistent with other laws and legal principles. They

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may be used individually or in combination, depending on the circumstances of the case and the nature of the ambiguity or uncertainty in the text of the law

Q. Explain “Statutes in pari materia”? (2m / 6m)

- “Statutes in pari materia” is a Latin phrase that means “statutes on the same subject matter.” It refers to the principle that when interpreting a statute or law, one must consider other laws or statutes that have a similar subject matter or purpose. This principle helps to ensure consistency and coherence in the legal system, as well as avoiding conflicts between different laws or statutes. Essentially, it means that when interpreting a law, one must look at other laws that relate to the same subject matter to understand its meaning and scope.
- The principle of statutes in pari materia is also applicable in India. When interpreting a statute, Indian courts will consider other laws that have similar subject matter or purpose. This ensures consistency and coherence in the legal system and helps to avoid conflicts between different laws.
- For example, if a court is interpreting a provision of the Indian Penal Code relating to fraud, it may consider other laws that deal with similar issues, such as the Companies Act or the Securities and Exchange Board of India Regulations. This can help to ensure that the interpretation of the provision is consistent with other laws and regulations that also deal with fraud.
- In addition, the principle of statutes in pari materia is particularly important in India, where there are many different laws and regulations that govern a wide range of subjects. By considering other laws that have a similar subject matter, Indian courts can ensure that their interpretation of a statute is consistent with the broader legal framework.

Q. Explain “Contemporanea Expositio” / Debates? (2m / 6m)

- “Contemporanea Expositio” is a Latin legal maxim that means “contemporary exposition.” It refers to the principle that when interpreting a law or statutory provision, one should look at the contemporaneous explanation of the law as provided by the lawmakers themselves.
- In the Indian context, Contemporanea Expositio is an important principle that is used by courts to interpret laws. It basically means that the courts should give weightage to the understanding of the law at the time it was enacted, and should look at the interpretation given by the lawmakers themselves at that time.
- For example, if there is a provision in the Indian Constitution that is unclear or ambiguous, the court may look at the debates in the Constituent Assembly, which drafted the Constitution, to determine the original intent of the lawmakers. Similarly, if there is a provision in a statute that is unclear, the court may look at the parliamentary debates or other legislative materials to determine the lawmakers’ intent.
- Overall, the principle of contemporanea expositio helps to ensure that the law is interpreted in a manner that is consistent with the intent of the lawmakers at the time it was enacted, and is therefore an important tool in the interpretation of laws in India.

Q. Explain “Travaux Preparatoires”? (2m / 6m)

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- “Travaux Préparatoires” is a legal term that refers to the preparatory work or materials that were used in drafting a law or international treaty. It includes reports, correspondence, minutes, and other documents related to the drafting process.
- In the Indian context, Travaux Préparatoires is also an important principle that is used by courts to interpret laws. It involves examining the legislative history or background of a law or statute to determine its meaning and intent.
- For example, if there is a provision in a statute that is unclear or ambiguous, the court may look at the Travaux Préparatoires such as draft bills, reports of the Select Committee, Standing Committee, notes and other related documents to determine the intent of the lawmakers behind the provision. Similarly, if there is a provision in an international treaty that is unclear, the court may look at the travaux préparatoires of the treaty negotiations to help determine its meaning.
- Overall, the principle of Travaux Préparatoires helps to ensure that the law is interpreted in a manner that is consistent with the intent of the lawmakers at the time it was enacted, and is therefore an important tool in the interpretation of laws in India.

Q. What is Judicial material? (2m / 6m)

- In legal language, “judicial material” refers to the various sources of law that are created by courts and judges in the process of interpreting and applying the law. Judicial material includes court judgments, orders, opinions, and other documents that result from legal proceedings.
- Judicial material is an important source of law, as it helps to clarify and develop legal principles that may not be explicitly stated in statutes or other legislative materials. Judicial material is also important in interpreting the law, as courts may rely on previous judgments or legal precedent to help interpret and apply the law in a given case.
- In India, judicial material is an important source of law, and courts often rely on previous judgments and legal precedent to help interpret and apply the law in new cases. The Supreme Court of India and various High Courts of India have published numerous judgments and opinions, which are often cited and relied upon by lawyers and courts throughout India as a means of understanding and interpreting the law.

Q. What is Judicial material? (2m / 6m)

- In legal language, “judicial material” refers to the various sources of law that are created by courts and judges in the process of interpreting and applying the law. Judicial material includes court judgments, orders, opinions, and other documents that result from legal proceedings.
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- In India, judicial material is an important source of law, and courts often rely on previous judgments and legal precedent to help interpret and apply the law in new cases. The Supreme Court of India and various High Courts of India

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have published numerous judgments and opinions, which are often cited and relied upon by lawyers and courts throughout India as a means of understanding and interpreting the law.

Q. Ration and Guidelines: (6m / 13m)

Q. D.K. Basu v. State of West Bengal – AIR 1997 SC 610

- In the case of D.K. Basu v. State of West Bengal – AIR 1997 SC 610, the Supreme Court of India laid down guidelines to be followed by law enforcement agencies during arrest and detention of individuals. The guidelines were based on the principle that every individual has the right to life and personal liberty under Article 21 of the Indian Constitution, and that this right should be protected even during arrest and detention.
- The guidelines laid down by the Supreme Court in D.K. Basu v. State of West Bengal included the following:
 1.
 1. The police should always wear visible and clear identification while making an arrest.
 2. The police officer carrying out the arrest should prepare a memo of arrest at the time of arrest and the arrestee should be informed of the grounds of arrest and the right to have someone informed of arrest.
 3. The arrestee should be subjected to a medical examination by a qualified doctor every 48 hours during detention.
 4. The person arrested or detained has the right to meet an advocate of his choice during interrogation.
 5. The police officer carrying out the interrogation should not use any kind of force, psychological or otherwise, to extract information.
 6. The police officer carrying out the interrogation should inform the person being interrogated of his right to silence.
 7. The person being interrogated should be treated humanely and with respect for his dignity and privacy.
- Overall, the Supreme Court in this case emphasized the importance of protecting the rights of individuals during arrest and detention, and provided guidelines to be followed by law enforcement agencies in order to ensure that these rights are protected. The guidelines laid down in this case have had a significant impact on the way arrests and detentions are conducted in India.

Q. M.C. Mehta V. Union of India – AIR 1987 SC 965

- In the case of M.C. Mehta V. Union of India – AIR 1987 SC 965, the Supreme Court of India laid down guidelines for the prevention and control of pollution in the Ganga river. The case was filed by environmental activist M.C. Mehta, who sought the court's intervention in controlling the pollution in the river, which was causing severe harm to the environment and public health.
- The Supreme Court relied on Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty, and held that the right to a

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clean and healthy environment is a fundamental right. The court directed the central and state governments to take steps to prevent and control pollution in the Ganga river, and laid down the following guidelines:

1. Industrial units located along the banks of the Ganga river should install pollution control equipment and undertake measures to minimize pollution.
 2. The discharge of untreated sewage and industrial effluents into the river should be prohibited.
 3. The use of pesticides and other harmful chemicals in agriculture should be regulated to prevent contamination of the river.
 4. The central and state governments should set up monitoring committees to oversee the implementation of pollution control measures.
 5. The central and state governments should provide financial assistance to affected industries to enable them to install pollution control equipment.
 6. The use of loudspeakers and public address systems should be controlled to prevent noise pollution.
 7. The Supreme Court also directed the central and state governments to set up a pollution control board to monitor and regulate pollution in the Ganga river, and to take strict action against violators of the pollution control guidelines.
- Overall, the Supreme Court in this case emphasized the importance of protecting the environment and public health, and laid down guidelines for the prevention and control of pollution in the Ganga river. The guidelines laid down in this case have had a significant impact on the way pollution control is regulated in India.

Q. Vishakha v. State of Rajasthan – AIR 1997 SC 3011

- In the case of Vishakha v. State of Rajasthan – AIR 1997 SC 3011, the Supreme Court of India laid down guidelines for the prevention of sexual harassment of women in the workplace. The case was filed by Bhanwari Devi, a social worker who was gang-raped by a group of men when she tried to stop a child marriage. The court observed that sexual harassment of women in the workplace was a violation of their fundamental right to equality under Article 14 and 15 of the Indian Constitution.
- The Supreme Court relied on international conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to lay down guidelines to be followed by employers to prevent sexual harassment of women in the workplace. The guidelines laid down by the Supreme Court in Vishakha v. State of Rajasthan included the following:
 1. Employers should take steps to prevent sexual harassment of women in the workplace, including by establishing a complaint mechanism to receive complaints of sexual harassment and taking disciplinary action against the perpetrators.

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2. The complaint mechanism should be easily accessible to women, confidential, and prompt.
 3. All employers should display the guidelines against sexual harassment in the workplace and provide copies to all employees.
 4. Women should be protected from victimization or retaliation for having complained against sexual harassment.
 5. The guidelines should be implemented in accordance with the principle of gender equality and the right to life and personal liberty.
- The Supreme Court also directed the central and state governments to take steps to implement the guidelines, including by issuing directives to employers to comply with the guidelines.
 - Overall, the Supreme Court in this case emphasized the importance of preventing sexual harassment of women in the workplace, and provided guidelines to be followed by employers to prevent such harassment. The guidelines laid down in this case have had a significant impact on the way sexual harassment is regulated in the workplace in India.

Q. Joseph Shine v. Union of India – AIR 2018 SC 4898

- In the case of Joseph Shine v. Union of India – AIR 2018 SC 4898, the Supreme Court of India declared Sections 497 (adultery) and 198(2) (criminal complaint for adultery) of the Indian Penal Code (IPC) as unconstitutional. The case was filed by Joseph Shine, an Indian citizen living in Italy, who challenged the constitutionality of the adultery law on the grounds that it violated the fundamental right to equality and privacy under Articles 14 and 21 of the Indian Constitution.
- The Supreme Court held that Section 497 of the IPC discriminated against women, as it treated them as the property of their husbands and did not allow them to file a complaint against their husbands for adultery. The court also observed that the law punished only the man who had sexual relations with a married woman, and not the woman herself, which was discriminatory.
- The Supreme Court declared Sections 497 and 198(2) of the IPC as unconstitutional, and laid down the following guidelines:
 1.
 1. Adultery as a criminal offence is no longer valid in the eyes of law.
 2. The right to privacy in marital relations is a fundamental right.
 3. Women should be treated as equal partners in a marriage.
 4. The concept of a woman as a property of her husband is unconstitutional.
 5. The husband is not the master of his wife, and it is not possible to treat women as passive objects of desire.
 6. The state has no role in controlling the private lives of citizens.
- Overall, the Supreme Court in this case emphasized the importance of protecting the rights of women in marriage and struck down the adultery law as unconstitutional. The guidelines laid down in this case have had a

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significant impact on the way the right to equality and privacy is understood and applied in India.

Q. Aruna Shanbaug v. Union of India – AIR 2011 SC 1290

- In the case of Aruna Shanbaug v. Union of India – AIR 2011 SC 1290, the Supreme Court of India considered the issue of euthanasia, or the practice of intentionally ending a life to relieve pain and suffering. The case was filed by Pinki Virani on behalf of Aruna Shanbaug, a former nurse who had been in a vegetative state for over 37 years following a brutal sexual assault.
- The Supreme Court of India laid down the following guidelines in relation to euthanasia:
 1. Euthanasia is illegal in India, and any attempt to legalize it would require legislative intervention.
 2. Passive euthanasia may be allowed in certain circumstances where the patient is terminally ill or in a persistent vegetative state and there is no hope of recovery.
 3. In cases where passive euthanasia is allowed, the decision must be made by a competent medical authority in consultation with the patient's family members, and the decision must be approved by the High Court.
 4. The decision to allow passive euthanasia must be made on a case-by-case basis, taking into account the patient's individual circumstances, and must be based on sound medical principles.
 5. In all cases, the patient's right to live with dignity must be respected.
- Overall, the Supreme Court in this case emphasized the importance of protecting the rights of terminally ill or comatose patients, and recognized the need for a legal framework to guide decisions regarding euthanasia. The guidelines laid down in this case have had a significant impact on the way end-of-life care is regulated in India.

Q. Young Lawyers Association v. the State of Kerala – AIR 2018 SC 1690

- In the case of Young Lawyers Association v. the State of Kerala – AIR 2018 SC 1690, the Supreme Court of India considered the issue of the entry of women of menstrual age into the Sabarimala temple in Kerala. The temple had a tradition of prohibiting the entry of women between the ages of 10 and 50, citing the belief that the presiding deity, Lord Ayyappa, was celibate.
- The Supreme Court of India laid down the following guidelines in relation to the entry of women into the Sabarimala temple:
 1. The prohibition on the entry of women of menstrual age into the Sabarimala temple violated the fundamental rights to equality and non-discrimination under Articles 14 and 15 of the Indian Constitution.
 2. The practice of prohibiting the entry of women into the Sabarimala temple on the basis of their menstrual status amounted to stereotyping women and was based on patriarchal beliefs that had no place in a modern, secular society.
 3. The right to freedom of religion under Article 25 of the Indian Constitution was subject to the fundamental rights of others, including the right to equality and non-discrimination.

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4. The Sabarimala temple could not claim a denominational status that would exempt it from the application of the constitutional provisions of equality and non-discrimination.
 5. The Sabarimala temple could not claim the protection of Article 26 of the Indian Constitution, which guarantees the right to manage religious affairs, to justify the practice of prohibiting the entry of women of a particular age group.
- Overall, the Supreme Court in this case emphasized the importance of upholding the fundamental rights of women and recognized the need for a legal framework to guide decisions regarding the entry of women into places of worship. The guidelines laid down in this case have had a significant impact on the way the right to freedom of religion and the right to equality and non-discrimination are understood and applied in India.

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Module - 4: Rules of interpretation of Statutes, Presumptions in Statutory interpretation, General Clauses Act, 1897

Q. Rules of interpretation of Statutes? (2m / 6m)

- The rules of interpretation of statutes are a set of principles and guidelines that courts use to interpret and understand the meaning and scope of statutory provisions.
- **The following are some of the important rules of interpretation of statutes in India:** **[For 2m only write the rules without explanation]**
 - **Literal Rule:** The plain meaning of the words used in the statute is given priority over other methods of interpretation. If the language of the statute is clear and unambiguous, it must be given its ordinary and natural meaning.
 - **Golden Rule:** If the literal interpretation of a statute leads to absurd, unreasonable, or inconsistent results, the court can use the golden rule to avoid such results. The golden rule allows the court to interpret the statute in such a way as to avoid the absurd or unreasonable result while still giving effect to the intention of the legislature.
 - **Mischief Rule:** The Mischief Rule is used to interpret a statute by identifying the problem or mischief that the statute was intended to address. The court will then interpret the statute in a way that effectively addresses that mischief.
 - **Subsidiary Rules or Secondary Rules of Interpretation in India:**
 - Presumption against retrospective operation: This rule provides that statutes will not be interpreted as having retrospective effect unless the statute clearly and explicitly indicates that it is intended to have such effect.
 - Presumption against infringement of fundamental rights: This rule provides that statutes will not be interpreted as infringing upon fundamental rights unless the statute clearly and explicitly indicates that it is intended to have such an effect.
 - Presumption against ouster of jurisdiction: This rule provides that statutes will not be interpreted as ousting the jurisdiction of the Courts unless the statute clearly and explicitly indicates that it is intended to have such an effect.
 - Presumption against repeals by implication: This rule provides that statutes will not be interpreted as repealing other statutes by implication unless the statute clearly and expressly states that it is intended to have such an effect.
 - Presumption in favor of beneficial construction: This rule provides that statutes will be interpreted in a way that promotes the public good and the general welfare. This rule is particularly important in cases where the statute is ambiguous or unclear, as the Court will interpret it in a way that benefits society as a whole.

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- **Harmonious Construction:** When two or more statutes are in conflict with each other, the court must interpret them in a way that reconciles the conflict and gives effect to both statutes. This is known as the rule of harmonious construction.
- **Ejusdem Generis:** The rule of Ejusdem Generis means that when specific words in a statute are followed by general words, the general words are interpreted to be limited to the same kind of things as the specific words. For example, if a statute refers to cars, buses, and other vehicles, the general term “vehicles” is interpreted to include only other similar means of transportation.
- **Noscitur a Sociis:** The Noscitur a Sociis rule means that the meaning of a word is determined by the context in which it is used in the statute. Words used in a group or series are interpreted in light of their context and purpose.
- **Reddendo Singula Singulis:** The rule of Reddendo Singula Singulis is used to interpret a statute that uses words in pairs or groups. The rule requires that each word in the group should be given its own distinct meaning and not be combined or merged with other words in the group. For example, in a statute that refers to “apples, oranges, and other fruits,” the rule requires that each fruit be given its own distinct meaning and not be combined with other fruits.
- The application of these rules of interpretation of statutes is crucial in the Indian legal system, as it ensures that statutes are interpreted in a consistent and fair manner. The rules help to clarify ambiguous or unclear provisions of a statute and ensure that the intent of the legislature is given effect. Therefore, it is important for lawyers and judges to have a thorough understanding of the rules of interpretation of statutes in India to ensure that the law is applied correctly.

Q. Taxing statutes (2m / 6m)

- Interpretation of taxing statutes is a crucial aspect of the rules of interpretation of statutes in India. Taxing statutes are those statutes that impose taxes or duties on individuals, companies, or other entities. Given the importance of taxes in the functioning of the government, the interpretation of taxing statutes is subject to some special rules.
- **The following are some of the important rules regarding the interpretation of taxing statutes in India:**
 - **Strict interpretation:** Taxing statutes must be interpreted strictly, and any ambiguities or uncertainties in the statute should be resolved in favor of the taxpayer. This rule is based on the principle that taxes must be imposed only through clear and unambiguous provisions of law.
 - **Literal interpretation:** Taxing statutes must be interpreted literally, and the words used in the statute must be given their plain and natural meaning. Therefore, if the language of the statute is clear and unambiguous, it must be given its ordinary meaning.
 - **Anti-avoidance rule:** Taxing statutes must be interpreted in a way that prevents taxpayers from avoiding or evading tax liability by exploiting

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loopholes or technicalities in the law. Therefore, if the taxpayer's interpretation of the statute would result in an unintended tax benefit, the court may reject that interpretation.

- **Presumption against double taxation:** Taxing statutes must be interpreted in a way that avoids double taxation. Therefore, if the statute is capable of more than one interpretation, the court may choose the interpretation that avoids double taxation.
- **Presumption in favor of revenue:** Taxing statutes must be interpreted in a way that promotes the revenue interests of the government. This means that if the statute is capable of more than one interpretation, the court may choose the interpretation that results in a higher tax liability.
- The interpretation of taxing statutes is crucial in ensuring that taxes are imposed in a fair and transparent manner. The rules of interpretation of taxing statutes in India help to ensure that tax laws are interpreted consistently and fairly and that taxpayers are not unfairly burdened with tax liability.

Q. Penal statutes (2m / 6m / 13m)

- Interpretation of penal statutes is another important aspect of the rules of interpretation of statutes in India. Penal statutes are those statutes that impose criminal or civil liability on individuals or entities for violating the provisions of the statute. Given the seriousness of penalties attached to penal statutes, the interpretation of penal statutes is subject to some special rules.
- **The following are some of the important rules regarding the interpretation of penal statutes in India:**
 - **Strict interpretation:** Penal statutes must be interpreted strictly, and any ambiguity or uncertainty in the statute should be resolved in favor of the accused. This rule is based on the principle that penal statutes must be clear and unambiguous to avoid any possibility of arbitrary or discriminatory enforcement.
 - **Literal interpretation:** Penal statutes must be interpreted literally, and the words used in the statute must be given their plain and natural meaning. Therefore, if the language of the statute is clear and unambiguous, it must be given its ordinary meaning.
 - **Rule of Lenity:** The rule of lenity is a principle of statutory interpretation that requires that any ambiguity or uncertainty in a penal statute must be resolved in favor of the accused. This rule is based on the principle that penal statutes must be clear and precise to avoid any possibility of arbitrary or discriminatory enforcement.
 - **Presumption of Innocence:** The presumption of innocence is a fundamental principle of criminal law. It requires that the burden of proving guilt is on the prosecution, and the accused is presumed innocent until proven guilty beyond a reasonable doubt.
 - **Rule against Retrospective Application:** Penal statutes should not have retrospective application unless the statute explicitly and unambiguously provides for it. The rule against retrospective application ensures that individuals are not punished for acts that were not offenses at the time they were committed.

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- The interpretation of penal statutes is crucial in ensuring that individuals are not unfairly punished for acts that are not clearly prohibited by law. The rules of interpretation of penal statutes in India help to ensure that penal laws are interpreted consistently and fairly and that the rights of accused individuals are protected.

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- The interpretation of penal statutes is crucial in ensuring that individuals are not unfairly punished for acts that are not clearly prohibited by law. The rules of interpretation of penal statutes in India help to ensure that penal laws are interpreted consistently and fairly and that the rights of accused individuals are protected.

Q. Interpretation of directory and mandatory provisions? (2m / 6m)

- Substantive statutes are those statutes that create or define substantive rights and obligations. Adjunctive statutes, on the other hand, are those statutes that provide for the procedure and machinery for enforcing substantive rights and obligations.

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- **The following are some of the important rules regarding the interpretation of substantive and adjunctive statutes in India:**
 - **Literal interpretation:** Both substantive and adjunctive statutes must be interpreted literally, and the words used in the statute must be given their plain and natural meaning. Therefore, if the language of the statute is clear and unambiguous, it must be given its ordinary meaning.
 - **Purpose of the statute:** The purpose of the statute is an important factor in determining whether it is substantive or adjunctive. If the statute creates or defines substantive rights and obligations, it is a substantive statute. If the statute provides for the procedure and machinery for enforcing substantive rights and obligations, it is an adjunctive statute.
 - **Intent of the Legislature:** The intent of the legislature is an important factor in determining whether a statute is substantive or adjunctive. If the statute is intended to create and define substantive rights and obligations, it is a substantive statute. If the statute is intended to provide for the procedure and machinery for enforcing substantive rights and obligations, it is an adjunctive statute.
 - **Consequences of non-compliance:** The consequences of non-compliance are important in determining whether a statute is substantive or adjunctive. If the statute creates or defines substantive rights, failure to comply with the statute may result in serious consequences such as the forfeiture of rights. If the statute is adjunctive, failure to comply with the procedure and machinery may result in procedural consequences such as dismissal of a case.
- The interpretation of substantive and adjunctive statutes is crucial in ensuring that the rights and obligations of individuals are properly defined and enforced. The rules of interpretation of substantive and adjunctive statutes in India help to ensure that statutes are interpreted consistently and fairly, and that the objectives of the legislature are achieved.

Q. Presumptions in Statutory Interpretation? (2m / 6m)

- Presumptions in statutory interpretation refer to the underlying assumptions or inferences made by courts and judges when interpreting statutes. Presumptions are important in statutory interpretation as they help to fill in gaps or resolve ambiguities in the language of a statute.
- **Some of the important presumptions in statutory interpretation in India are:**
 - **Presumption of validity:** The presumption of validity provides that statutes are presumed to be valid unless there is clear evidence to the contrary. This presumption ensures that the courts will not easily strike down a statute as unconstitutional or illegal unless there is clear evidence of a violation of constitutional rights or principles.
 - **Territoriality presumption:** The territoriality presumption provides that statutes are presumed to operate only within the territorial limits of the jurisdiction that enacted them. This presumption ensures that the courts will not apply a statute outside of its intended territorial limits

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unless the statute clearly and explicitly provides for extraterritorial application.

- **Presumption as to jurisdiction:** The presumption as to jurisdiction provides that statutes are presumed to apply only to matters within the jurisdiction of the enacting authority. This presumption ensures that the courts will not interpret a statute as applying to matters outside of the jurisdiction of the enacting authority unless the statute clearly and explicitly provides for such application.
- **Presumption against inconvenience or absurdity:** The presumption against inconvenience or absurdity provides that statutes should be interpreted in a way that avoids absurd or inconvenient results. This presumption ensures that the courts will interpret a statute in a way that makes sense and is consistent with the overall purpose of the legislation.
- **Presumption against intending injustice:** The presumption against intending injustice provides that statutes should be interpreted in a way that avoids injustice or unfairness. This presumption ensures that the courts will interpret a statute in a way that is consistent with the principles of justice and fairness.
- **Presumption against impairment of obligations:** The presumption against impairment of obligations provides that statutes should not be interpreted in a way that impairs existing contractual obligations or permits a party to benefit from their own wrongful conduct. This presumption ensures that the courts will interpret a statute in a way that is consistent with the principles of contract law and the enforcement of obligations.
- The use of presumptions in statutory interpretation in India is crucial in ensuring that statutes are interpreted in a consistent, fair, and just manner. The rules of statutory interpretation and the use of presumptions help to clarify the ambiguities in the statutory provisions and ensure that the intentions of the legislature are given effect without violating fundamental rights or principles.

Q. Explain in Details the General Clauses Act, 1897? **[Important Definitions]** (2m / 6m)

- The General Clauses Act, 1897 is an Indian statute that provides for the interpretation and application of various legal provisions enacted by the Indian legislature. The Act applies to all Central and State legislation unless specifically excluded, and it is intended to promote clarity, coherence, and consistency in the language and application of legal provisions.
- **Some of the important features of the Act are as follows:**
 - **Definitions:** Section 3 of the Act provides definitions for various terms used throughout the Act, including “Central Act”, “State Act”, “enactment”, “regulation”, “notification”, “prescribed”, and “repeal”, among others.
 - **Application of the Act:** Section 1 of the Act states that it applies to all Central and State legislation unless specifically excluded.
 - **Interpretation of words and expressions:** Section 6 of the Act provides for the interpretation of various words and expressions used

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- in legal provisions, including words of obligation, power, and discretion, as well as words and expressions relating to time, gender, and singular and plural forms.
- **Repeals and savings:** Section 6 of the Act also provides for the repeal of various legal provisions and the savings of certain rights and liabilities that arise from the operation of the repealed provisions.
 - **Construction of references:** Section 8 of the Act provides for the construction and interpretation of references to legal provisions, including references to amending acts, consolidating acts, and other related statutes.
 - **Commencement of legal provisions:** Section 3(38) of the Act provides for the commencement of various legal provisions, including provisions that are brought into operation on a particular date, or on the occurrence of a particular event, or on the publication of the relevant notification.
- The Act helps to ensure clarity, coherence, and consistency in the language and application of legal provisions, and it is an important tool for lawyers, judges, and other legal professionals in India.
 - The provisions of the General Clauses Act, 1897 are organized into chapters, each of which deals with a specific aspect of legal interpretation and application.
 - The following are some of the important provisions under the General Clauses Act, 1897:
 - **Chapter I – Preliminary:** This chapter deals with the definitions of various terms used in the Act, including “Central Act”, “State Act”, “enactment”, “regulation”, “notification”, “prescribed”, and “repeal”, among others.
 - **Chapter II – Interpretation section:** This chapter provides guidelines for the interpretation of various words and expressions used in legal provisions, including words of obligation, power, and discretion, as well as words and expressions relating to time, gender, and singular and plural forms.
 - **Chapter III – Powers and duties of officers:** This chapter provides guidelines for the exercise of powers and duties by various government officials and officers, including the power to delegate powers to subordinates.
 - **Chapter IV – Repeals and savings:** This chapter deals with the repeal of various legal provisions and the savings of certain rights and liabilities that arise from the operation of the repealed provisions.
 - **Chapter V – Construction of references:** This chapter provides guidelines for the construction and interpretation of references to legal provisions, including references to amending acts, consolidating acts, and other related statutes.
 - **Chapter VI – Miscellaneous:** This chapter deals with various miscellaneous provisions, including the power of the government to make rules and regulations, the power to issue notifications and orders,

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the validity of acts done under a repealed enactment, and the determination of the meaning of certain words and expressions.

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Extra: Important Maxims and Literal Meaning

- **Actus Dei Nemini Facit Injuriam:** An act of God causes legal injury to no one.
- **Salus Populi Est Suprema Lex:** Welfare of the people is the highest concern.
- **Nemo Tenetur Seipsum Accusare:** No man has to accuse himself.
- **Leges postprioris priores contrarias abrogant:** Subsequent laws repeal prior conflicting ones. / “later laws abrogate earlier conflicting laws”.
- **Nova Constitutio Futuris Formam Imponere Debet, Non Praeteritis:** A new law ought to regulate what is to follow, not the past.
- **Noscitur A Sociis:** The meaning of a word may be known from accompanying words.
- **Expressio Unius Est Exclusio Alterius:** The explicit mention of one (thing) is the exclusion of another.
- **Vigilantibus Non Dormientibus Jura Subveniunt:** The law assists only those who are vigilant, and not those who sleep over their rights.
- **Quod Ab Initio Non Valet In Tractu Temporis Non Convalesscit:** What is invalid at the beginning does not become valid by lapse of time.
- **Nullus Commodum Capere Potest De Injuria Sua Propria:** No one can derive an advantage from his own wrong.
- **Cessante Ratione Legis Cessat Ipsa Lex:** When the reason for the law ceases, the law itself also ceases.
- **Acta Exteriora Indicant Interiora Secreta:** External acts indicate internal intention.
- **Domus Sua Cuique Est Tutissimum Refugium:** Every man’s house is his refuge.
- **Nam Nemo Haeres Viventis:** No one is heir of a living person.
- **Ignorantia Juris Non Excusat:** Ignorance of law cannot be an excuse.
- **Ejusdem Generis:** “of the same kind.”
- **Reddendo Singula Singulis:** Referring each phrase or expression to its corresponding object.
- **Statutes in pari materia:** Statutes on the same subject matter.