

## **RC Based on Low**

### **Legal Principles.**

1. **Actus non facit reum nisi mens sit rea**
  - **Meaning:** An act does not make a person guilty unless there is a guilty mind.
  - **Explanation:** Both a wrongful act and a wrongful intent are necessary to constitute a crime.
2. **Audi alteram partem**
  - **Meaning:** Hear the other side.
  - **Explanation:** No person should be judged without a fair hearing where they have an opportunity to present their case.
3. **Nemo debet esse iudex in propria causa**
  - **Meaning:** No one should be a judge in his own cause.
  - **Explanation:** Ensures impartiality and fairness in the judicial process.
4. **Ignorantia juris non excusat**
  - **Meaning:** Ignorance of the law is no excuse.
  - **Explanation:** Everyone is presumed to know the law and cannot escape liability by claiming ignorance.
5. **Innocent until proven guilty**
  - **Meaning:** Presumption of innocence.
  - **Explanation:** A person is considered innocent until there is sufficient evidence to prove their guilt.
6. **Res ipsa loquitur**
  - **Meaning:** The thing speaks for itself.
  - **Explanation:** The mere occurrence of certain types of accidents implies negligence.
7. **Volenti non fit injuria**
  - **Meaning:** To one who volunteers, no harm is done.
  - **Explanation:** A person cannot claim damages for harm they consented to.
8. **Doli incapax**
  - **Meaning:** Incapable of crime.
  - **Explanation:** Children and certain individuals cannot be held criminally responsible due to their incapacity to understand the nature of their actions.
9. **Qui facit per alium facit per se**
  - **Meaning:** He who acts through another acts himself.
  - **Explanation:** A person is responsible for actions taken on their behalf by another.
10. **Caveat emptor**
  - **Meaning:** Let the buyer beware.
  - **Explanation:** The buyer alone is responsible for checking the quality and suitability of goods before purchase.
11. **Ex turpi causa non oritur actio**
  - **Meaning:** No action arises from a base cause.
  - **Explanation:** A plaintiff cannot pursue legal remedy if it arises from their own illegal act.
12. **De minimis non curat lex**
  - **Meaning:** The law does not concern itself with trifles.
  - **Explanation:** Courts do not entertain trivial matters.
13. **Falsus in uno, falsus in omnibus**
  - **Meaning:** False in one thing, false in everything.
  - **Explanation:** If a witness lies in one part of their testimony, their entire testimony may be discredited.
14. **Actio personalis moritur cum persona**
  - **Meaning:** A personal right of action dies with the person.
  - **Explanation:** Certain personal rights and duties die with the individual.
15. **Habeas corpus**
  - **Meaning:** You shall have the body.
  - **Explanation:** A writ requiring a person to be brought before a judge, especially to secure their release unless lawful grounds are shown for their detention.
16. **In pari delicto potior est conditio possidentis**
  - **Meaning:** In equal fault, the condition of the possessor is better.
  - **Explanation:** When both parties are equally at fault, the defendant is in the stronger position.
17. **Lex non cogit ad impossibilia**
  - **Meaning:** The law does not compel the impossible.
  - **Explanation:** The law cannot compel someone to do something that is impossible.
18. **Nemo iudex in causa sua**
  - **Meaning:** No one should be a judge in their own cause.
  - **Explanation:** Ensures judicial impartiality.
19. **Nullum crimen sine lege, nulla poena sine lege**
  - **Meaning:** No crime without law, no punishment without law.
  - **Explanation:** A person cannot be punished for an act that was not prohibited by law at the time it was committed.
20. **Pacta sunt servanda**
  - **Meaning:** Agreements must be kept.
  - **Explanation:** Parties to a contract must honor their obligations.
21. **Res iudicata**
  - **Meaning:** A matter adjudicated by a competent court.
  - **Explanation:** Once a matter is finally decided by a court, it cannot be re-litigated.

22. **Stare decisis**
  - **Meaning:** To stand by things decided.
  - **Explanation:** Courts should follow precedents set by previous decisions.
23. **Sub judice**
  - **Meaning:** Under judicial consideration.
  - **Explanation:** Refers to matters that are currently being considered by a court.
24. **Ubi jus ibi remedium**
  - **Meaning:** Where there is a right, there is a remedy.
  - **Explanation:** Legal rights must be protected by legal remedies.
25. **Ultra vires**
  - **Meaning:** Beyond the powers.
  - **Explanation:** Acts performed beyond the scope of authority conferred by law.
26. **Vicarious liability**
  - **Meaning:** Legal responsibility imposed on one person for the acts of another.
  - **Explanation:** Employers can be held liable for the actions of their employees.
27. **Vis major**
  - **Meaning:** Act of God.
  - **Explanation:** Natural and unavoidable catastrophes that interrupt the expected course of events.
28. **Amicus curiae**
  - **Meaning:** Friend of the court.
  - **Explanation:** A person or organization offering information to assist the court in deciding a matter.
29. **Animus possidendi**
  - **Meaning:** Intention to possess.
  - **Explanation:** The intent to exercise control over property.
30. **Assaultio**
  - **Meaning:** Assault.
  - **Explanation:** An act that creates an apprehension in another of an imminent, harmful, or offensive contact.
31. **Corpus delicti**
  - **Meaning:** Body of the crime.
  - **Explanation:** The facts proving that a crime has been committed.
32. **Culpable**
  - **Meaning:** Deserving of blame.
  - **Explanation:** Involving the concept of fault or guilt.
33. **Mens rea**
  - **Meaning:** Guilty mind.
  - **Explanation:** The mental state of the defendant at the time of the crime.
34. **Modus operandi**
  - **Meaning:** Method of operation.
  - **Explanation:** The characteristic method used by a criminal in committing a crime.
35. **Nemo tenetur se ipsum accusare**
  - **Meaning:** No one is bound to accuse himself.
  - **Explanation:** A person cannot be forced to testify against themselves.
36. **Non compos mentis**
  - **Meaning:** Not of sound mind.
  - **Explanation:** Refers to someone who is not legally competent due to mental illness.
37. **Obiter dictum**
  - **Meaning:** A statement made in passing.
  - **Explanation:** A judge's expression of opinion not essential to the decision and not legally binding as precedent.
38. **Parens patriae**
  - **Meaning:** Parent of the nation.
  - **Explanation:** The state as guardian of those unable to care for themselves.
39. **Per curiam**
  - **Meaning:** By the court.
  - **Explanation:** A decision delivered by a judge or court in unanimous agreement.
40. **Prima facie**
  - **Meaning:** At first sight.
  - **Explanation:** Sufficient to establish a fact or raise a presumption unless disproved or rebutted.
41. **Pro bono publico**
  - **Meaning:** For the public good.
  - **Explanation:** Legal work undertaken without charge, especially for a public cause.
42. **Pro rata**
  - **Meaning:** In proportion.
  - **Explanation:** The division of something proportionally among all parties involved.
43. **Quid pro quo**
  - **Meaning:** Something for something.
  - **Explanation:** An exchange of goods or services, where one transfer is contingent upon the other.
44. **Sine qua non**
  - **Meaning:** Without which not.
  - **Explanation:** An indispensable condition or action.

45. **Suicide**
- **Meaning:** The act of taking one's own life.
  - **Explanation:** An intentional act of self-destruction.
46. **Suo motu**
- **Meaning:** On its own motion.
  - **Explanation:** An action taken by a court on its own accord without a formal request by another party.
47. **Trial de novo**
- **Meaning:** New trial.
  - **Explanation:** A completely new trial, conducted as if the original trial had never taken place.
48. **Voir dire**
- **Meaning:** To speak the truth.
  - **Explanation:** A preliminary examination to determine the competence of a witness or juror.
49. **Ex post facto**
- **Meaning:** After the fact.
  - **Explanation:** Refers to laws applied retroactively to events that occurred before the law was enacted.
50. **Alibi**
- **Meaning:** Elsewhere.
  - **Explanation:** A defense that the accused was somewhere else at the time the crime was committed.

**Read the passage below and make flowcharts of the ideas mentioned in the passages.**

#### **Passage 1**

Law, in its most general and comprehensive sense, signifies a rule of action, and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational. Thus we say, the laws of motion, of gravitation, of optics, or mechanics, as well as the laws of nature and of nations. And it is that rule of action, that is prescribed by some superior, and that the inferior is bound to obey.

Thus when the supreme being formed the universe, and created matter out of nothing, he impressed certain principles upon that matter, from which it can never depart, and without which it would cease to be. When he put that matter into motion, he established certain laws of motion, to which all moveable bodies must conform. And, to descend from the greatest operations to the smallest, when a workman forms a clock, or other piece of mechanism, he establishes at his own pleasure certain arbitrary laws for its direction; as that the hand shall describe a given space in a given time; to which law as long as the work conforms, so long it continues in perfection, and answers the end of its formation.

If we farther advance, from mere inactive matter to vegetable and animal life, we shall find them still governed by laws; more numerous indeed, but equally fixed and invariable. The whole progress of plants, from the seed to the root, and from thence to the seed again—the method of animal nutrition, digestion, secretion, and all other branches of vital economy—are not left to chance, or the will of the creature itself, but are performed in a wondrous involuntary manner, and guided by unerring rules laid down by the great creator.

This then is the general signification of law, a rule of action dictated by some superior being; and in those creatures that have neither the power to think, nor to will, such laws must be invariably obeyed, so long as the creature itself subsists, for it's existence depends on that obedience. But laws, in their more confined sense, and in which it is our present business to consider them, denote the rules, not of action in general, but of *human* action or conduct: that is, the precepts by which man, the noblest of all sublunary beings, a creature endowed with both reason and free will, is commanded to make use of those faculties in the general regulation of his behavior.

#### **Passage 2**

"Lynch Law" as it was known can appear as a peculiar feature of the past only. Never in the present day does a mob, carrying torches, clubs, and small firearms, descend upon a county jail to take from a cell an accused criminal who is supposed to have committed a crime so heinous and unspeakable that the crowd believes the only justice is to find the nearest sturdy tree to hang the accused from. This action, so common in the late nineteenth and early twentieth centuries, particularly in the Southern portion of the United States, died out after World War II, with only a few isolated incidents, roundly disparaged, revealing the last gasp of the Lynch Law.

Perhaps the exact mechanisms of lynching culture do not exist, features of a bygone society, more rural, prejudiced, and violent than that which replaced it. Yet the attitudes have never left the consciousness of many Americans. On the chyrons of the nightly news and splashed across front pages of newspapers, accused criminals are only treated as such out of formality. In actuality, the tone of the reports reveals that the poor soul accused of a crime is assumed to be found guilty once the proper processes of the judicial system have run their course. Through a nod to a presumption of innocence and unwavering fidelity to the slow march of the courts, any sensible citizen can congratulate themselves that they are well beyond their ancestors, whether by blood or thought, who invoked the lynch law.

In actuality, a person can be arrested on the most base of suspicions, that they have the same vague hairstyle, shirt color, or peculiar mannerism of suspect's description given by a witness. Then this poor soul will have to be questioned by any number of detectives, who look for the slightest pause, tic, or odd gaze. And heaven help him should he forget where he was for some small sliver of time. At that point, he is all but done for in front of the criminal justice system, being as he is with some apparent similarity to the description of the suspect, no alibi, and the accusations of police and prosecutors. While he is exceedingly lucky not to have to worry about being taken out of his cell and murdered underneath a large tree, he is still shunted forward to a removal from society after his placement in a labyrinthine prison system.

#### **Passage 3**

Hard cases, it is said, make bad law. The adage is widely considered true for the Supreme Court of India which held in the height of the Emergency, in *ADM Jabalpur v. Shivkant Shukla* that detenus under the Maintenance of Internal Security Act (MISA) could not approach the judiciary if their fundamental rights were violated. Not only was the law laid down unconscionable, but it also smacked of a Court more "executive-minded than the executive", complicit in its own independence being shattered by an all-powerful government. So deep has been the impact of this judgment that the Supreme Court's current activist avatar is widely viewed as having its genesis in a continuing need to atone. Expressions of such atonement have created another Court made to measure — this time not to the measure of the government but rather the aggrandised self-image of some of its judges.

Let us look back to the ADM Jabalpur case. As a court of law, the Supreme Court was called upon in the case to balance the interest of public order in an Emergency with the right to life and personal liberty guaranteed to every person. Nine High Courts called upon to perform the same function had found a nuanced answer by which they had held that the right to life cannot be absolutely subservient to public order merely because the government declared so — the legality of detentions could be judicially reviewed, though the intention of the government would not be second-guessed by the Court. This was a delicate balance. The Supreme Court however reversed this view and made the right to life and personal liberty literally a bounty of the government. Given that the consequences of their error were entirely to the government's advantage, it was widely viewed as the death of an independent judiciary. The excessively deferential, almost apologetic language used by the judges confirmed this impression.

Today, however, while public interest litigation has restored the independent image of the Supreme Court, it has achieved this at the cost of quality, discipline and the constitutional role judges are expected to perform. The Court monitors criminal trials, protects the environment, regulates political advertising, lays down norms for sexual harassment in the workplace, sets guidelines for adoption, supervises police reform among a range of other tasks of government. That all these tasks are crucial but tardily undertaken by government can scarcely be questioned. But for an unelected and largely unaccountable institution such as the Supreme Court to be at the forefront of matters relating to governance is equally dangerous — the choice of issues it takes up is arbitrary, their remit is not legal, their results often counterproductive, requiring a degree of technical competence and institutional capacity in ensuring compliance that the Court simply does not possess. This sets an unhealthy precedent for other courts and tribunals in the country, particularly the latter whose chairpersons are usually retired Supreme Court Justices. To take a particularly egregious example, the National Green Tribunal has banned diesel vehicles more than 10 years old in Delhi and if reports are to be believed, is considering imposing a congestion charge for cars as well. That neither of these are judicial functions and are being unjustly being usurped by a tribunal that has far exceeded its mandate, is evidence of the chain reaction that the Supreme Court's activist avatar has set off across the judicial spectrum.

Finally, the Court's activism adds to a massive backlog of regular cases that makes the Indian justice delivery mechanism, slow, unreliable and inefficient for the ordinary litigant. As on March 1, 2015, there were over 61,000 cases pending in the Supreme Court alone. It might be worthwhile for the Court to set its own house in order, concomitantly with telling other wings of government how to do so.

As we mark 40 years of the Emergency and the darkest period in the Supreme Court's history, it might be time to not single-mindedly harp on the significance of an independent judiciary. Judicial independence, is and must remain a cherished virtue. However, it would be blinkered to not confront newer challenges that damage the credibility of our independent judiciary today — unpardonable delays and overweening judges taking on the mantle of national government by proxy. The Supreme Court 40 years on is a different institution — it must be cognizant of its history but not at the cost of being blind to its present.

**1. Which of the following is a suitable title for the passage?**

- a. An Atonement Gone Too Far
- b. Sanctimony from a Ruined Pedestal
- c. The ADM Jabalpur's Case: The Supreme Court's Darkest Hour
- d. Overcompensating for Past Mistakes

**2. The author says that the Supreme Court was “more executive-minded than the executive” during the Emergency. Which of the following options captures the essence of what the writer means by the phrase: “more “executive-minded than the executive”?”**

- a. The Supreme Court abdicated its independence to an authoritarian government by embracing its perspective.
- b. The Supreme Court was more emphatic than the Government about exercising executive power under the MISA.
- c. The Supreme Court reflected the unconscionable actions taken by the government by upholding its laws.
- d. The Supreme Court wanted to curry favor with the government through its deferential decisions during Emergency.

**3. Which of the following cannot be reasonably inferred from the passage?**

- a. The Supreme Court was complicit in curbing judicial independence during the Emergency.
- b. Public interest litigations have, post-Emergency, led to the judiciary overreaching into the realm of legislature.
- c. The Indian Judiciary ought not indulge in general supervisory jurisdiction to correct actions and policies of government.
- d. The Indian judiciary must be equipped with technical competence and institutional capacity to ensure compliance to orders passed in relation to public interest litigations.

**4. Which of the following is the author least likely to agree with?**

- a. The rise in judicial activism is in danger making the Supreme Court diffuse and ineffective, encroaching into the functions of government.
- b. Where the Supreme Court is only moved for better governance and administration, which does not involve the exercise of any proper judicial function, it should refrain from acting.
- c. Adoption, police reform and environment issues are the remit of the judiciary.
- d. The Indian judicial system needs to focus on clearing the massive backlog of cases to re-establish its credibility.