BLOGS

Doctrines under Constitution of India: Important MCQs

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Q1. In Kesavananda Bharati v. State of Kerala (1973), the Supreme Court held that Parliament's power to amend the Constitution under Article 368 is subject to which doctrine?

(a) Doctrine of Eclipse

(b) Doctrine of Basic Structure

(c) Doctrine of Colourable Legislation

(d) Doctrine of Severability

Answer: (b) Doctrine of Basic Structure

Explanation: A 13-judge bench, by a wafer-thin majority of 7:6, overruled *Golaknath* and held that though Parliament has wide power under **Article 368** to amend any part of the Constitution (including Fundamental Rights), it cannot alter the "basic structure" or "basic features" of the Constitution such as supremacy of the Constitution, rule of law, separation of powers, and judicial review. This doctrine was reaffirmed in *Indira Nehru Gandhi v. Raj Narain (1975)* and *Minerva Mills v. Union of India (1980).*

Q2. The Doctrine of Severability is expressly rooted in which Article of the Constitution?

(a) Article 14

(b) Article 13

(c) Article 372

(d) Article 245

Answer: (b) Article 13

Explanation: Article 13(1) and 13(2) provide that any law inconsistent with or in derogation of Fundamental Rights shall be void "to the extent of such inconsistency." The Doctrine of Severability means only the invalid *portion* of the statute is struck down, provided the valid part can survive independently. Leading case: *A.K. Gopalan v. State of Madras (1950)* and *R.M.D.C. v. Union of India (1957).*

Q3. Under the Doctrine of Eclipse, a pre-Constitutional law inconsistent with Fundamental Rights becomes:

(a) Void ab initio and cannot be revived (b) Dormant/unenforceable but not dead, and can revive if the inconsistency is removed (c) Automatically repealed by Parliament (d) Applicable only to non-citizens

Answer: (b) Dormant/unenforceable but not dead, and can revive if the inconsistency is removed

Explanation: In *Bhikaji Narain Dhakras v. State of Madhya Pradesh (1955),* the Court held that an existing law inconsistent with Part III is not wiped out entirely; it is merely "eclipsed" by the Fundamental Right under **Article 13(1)**. It remains in a dormant state and revives automatically if the relevant constitutional amendment removes the inconsistency (e.g., amendment to the FR itself). Note: this doctrine applies to pre-constitutional laws and is **not applicable to laws void under Article 13(2)** made after the Constitution came into force qua citizens as clarified in *Deep Chand v. State of U.P. (1959)* and *State of Gujarat v. Ambica Mills (1974)* (partial exception for non-citizens).

Q4. The Doctrine of Pith and Substance is primarily applied by courts to resolve:

(a) Conflict between Fundamental Rights and Directive Principles (b) Conflict of legislative competence between Union and State Lists under the Seventh Schedule (c) Conflict between two Fundamental Rights (d) Conflict between judicial precedents

Answer: (b) Conflict of legislative competence between Union and State Lists under the Seventh Schedule

Explanation: Under **Article 246** read with the **Seventh Schedule**, when a law's validity is challenged for allegedly encroaching on another legislature's field, courts examine its "true nature and character" (pith and substance). If the law is substantially within the enacting legislature's competence, incidental encroachment on another list does not render it invalid. Landmark case: *Prafulla Kumar Mukherjee v. Bank of Commerce (1947)*, followed in *State of Bombay v. F.N. Balsara (1951)*.

Q5. Which doctrine applies when a legislature lacking direct power to legislate on a subject enacts a law indirectly, disguising it under a subject within its competence?

(a) Doctrine of Occupied Field

(b) Doctrine of Colourable Legislation

(c) Doctrine of Territorial Nexus

(d) Doctrine of Repugnancy

Answer: (b) Doctrine of Colourable Legislation

Explanation: Based on the maxim *"quando aliquid prohibetur ex directo, prohibetur et per obliquum"* (what cannot be done directly cannot be done indirectly). It examines legislative **competence**, not motive or bona fides of the legislature. Leading case: *K.C. Gajapati Narayan Deo v. State of Orissa (1953)*. It is distinct from Pith and Substance, which looks at the true subject-matter rather than a colourable device to bypass restrictions.

Q6. Article 254 of the Constitution deals with which doctrine, applicable when both Parliament and a State Legislature enact laws on a matter in the Concurrent List?

(a) Doctrine of Pith and Substance

(b) Doctrine of Repugnancy

(c) Doctrine of Prospective Overruling

(d) Doctrine of Legitimate Expectation

Answer: (b) Doctrine of Repugnancy

Explanation: Article 254(1) provides that if a State law is repugnant to a Union law on a Concurrent List (List III) subject, the Union law prevails and the State law is void to the extent of repugnancy. However, under **Article 254(2)**, if the State law has received Presidential assent, it prevails in that State, though Parliament can still override it by subsequent legislation. Key case: *M. Karunanidhi v. Union of India (1979)*, which laid down the tests for determining "repugnancy."

Q7. The Doctrine of Harmonious Construction was invoked by the Supreme Court in Minerva Mills v. Union of India (1980) primarily to balance:

(a) Union List and State List

(b) Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV)

(c) Executive and Judiciary

(d) Preamble and Fundamental Duties

Answer: (b) Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV)

Explanation: In *Minerva Mills*, the Court struck down clauses of the 42nd Amendment that gave DPSPs (Article 39(b)&(c)) absolute primacy over Fundamental Rights (Articles 14 & 19), holding that Part III and Part IV must be construed harmoniously as the Constitution is founded on the "harmony and balance" between the two, and neither can have absolute primacy over the other without destroying the basic structure.

Q8. In Basheshar Nath v. Commissioner of Income Tax (1959), the Supreme Court held that a Fundamental Right under Article 14 :

(a) Can always be waived by the individual

(b) Cannot be waived, as such rights are not merely for individual benefit but for public policy

(c) Can be waived only with court permission

(d) Can be waived only by citizens, not foreigners

Answer: (b) Cannot be waived, as such rights are not merely for individual benefit but for public policy

Explanation: This relates to the **Doctrine of Waiver**. The majority held that Fundamental Rights, particularly those grounded in public policy (like Article 14), cannot be waived by an individual even with consent, since they exist not merely for private benefit but to sub-serve a larger public interest. This is often contrasted with American jurisprudence, where certain rights may be waived Indian courts have applied a narrower approach.

Q9. The Doctrine of Prospective Overruling is used to declare that a Supreme Court judgment will operate only in future and not affect past transactions was first applied in India in:

(a) Kesavananda Bharati v. State of Kerala (1973) ‘

(b) I.C. Golaknath v. State of Punjab (1967)

(c) Maneka Gandhi v. Union of India (1978)

(d) Minerva Mills v. Union of India (1980)

Answer: (b) I.C. Golaknath v. State of Punjab (1967)

Explanation: Chief Justice Subba Rao invoked this American-origin doctrine to hold that Parliament had no power to amend Fundamental Rights, but ruled that this decision would have only **prospective effect** — earlier constitutional amendments (1st, 4th, 17th) already made would remain valid. The power to invoke this doctrine flows from **Article 141**, which vests the Supreme Court’s law with binding force, giving it inherent flexibility to mould relief.

Q10. Which doctrine permits a State Legislature to enact a law that operates upon persons or property situated outside its

territorial jurisdiction, provided there is a sufficient connection between the state and the object of legislation?

(a) Doctrine of Territorial Nexus

(b) Doctrine of Occupied Field

(c) Doctrine of Reading Down

(d) Doctrine of Incidental Encroachment

Answer: (a) Doctrine of Territorial Nexus

Explanation: Flowing from **Article 245(1)**, which restricts State laws to operate territorially "within the State," the Doctrine of Territorial Nexus (an exception) permits extra-territorial operation if there exists a real and sufficient nexus/connection between the State and the subject-matter of the law. Landmark case: *State of Bombay v. R.M.D. Chamarbaugwala (1957)*, involving a prize competition conducted from outside Bombay but with participants within the state.

Q11. The Doctrine of Legitimate Expectation, primarily protects:

(a) A vested legal right enforceable as property

(b) A reasonable expectation arising from a promise, past practice, or policy of a public authority, which cannot be arbitrarily denied without following fair procedure

(c) The right to compensation for statutory acquisition

(d) The doctrine of promissory estoppel against private parties only

Answer: (b) A reasonable expectation arising from a promise, past practice, or policy of a public authority, which cannot be arbitrarily denied without following fair procedure

Explanation: Though not a vested right, legitimate expectation is protected under **Article 14** (non-arbitrariness) and principles of natural justice, requiring public authorities to act fairly and not resile from representations/settled practice without valid reason or an opportunity of hearing. Key cases: *Union of India v. Hindustan Development Corporation (1993)*, and *National Buildings Construction Corp. v. S. Raghunathan (1998)*. It is distinguishable from promissory estoppel,

which typically arises from an express promise inducing detrimental reliance.

Q12. The Doctrine of Manifest Arbitrariness as an independent ground to strike down legislation under Article 14 was expressly recognised by the Supreme Court in:

(a) Shayara Bano v. Union of India (2017)

(b) Maneka Gandhi v. Union of India (1978)

(c) A.K. Kraipak v. Union of India (1969)

(d) Indra Sawhney v. Union of India (1992)

Answer: (a) Shayara Bano v. Union of India (2017)

Explanation: In striking down "instant triple talaq," Justice R.F. Nariman (for himself and Justice U.U. Lalit) held that manifest arbitrariness where a law is "excessive, disproportionate, or without adequate determining principle" is itself a ground for invalidating legislation under **Article 14**, going beyond the traditional classification/reasonable-nexus test of *E.P. Royappa v. State of Tamil Nadu (1974)* and *Maneka Gandhi v. Union of India (1978)*. This was later relied upon in *Navtej Singh Johar (2018)* and *Joseph Shine (2018)*.