BLOGS

Important Doctrines under Indian Constitutional Law

Khushi Malviya · 06 Jun 2025

Read this post to learn more about the important doctrines of the Indian Constitution!

Edit TABLE OF CONTENTS Introduction Doctrine of Basic Structure Doctrine of Pith and Substance Doctrine of Colourable Legislation Doctrine of Eclipse Doctrine of Severability Doctrine of Waiver Doctrine of Proportionality Conclusion

Introduction

The Indian Constitution is a living document that constantly evolves through judicial interpretation. Several doctrines have emerged from this process, shaping the understanding and application of constitutional provisions.

This article examines some key doctrines of the Indian Constitution, highlighting their significance and illustrating their application through relevant case laws.

Doctrine of Basic Structure

The Basic Structure doctrine, perhaps the most talked about doctrine of the Indian Constitution, was established in the landmark case of Kesavananda Bharati v. State of Kerala. It holds that certain fundamental features of the Constitution are inviolable and cannot be amended by Parliament.

While the exact components of the basic structure remain undefined, they include principles like the supremacy of the Constitution, the rule of law, separation of powers, secularism, federalism, and judicial review.

In **Indira Nehru Gandhi v. Raj Narain**, the Supreme Court struck down Clause (4) of Article 329A, which sought to place election disputes involving the Prime Minister beyond judicial review, as it violated the basic structure.

Doctrine of Pith and Substance

The doctrine of pith and substance is used to determine the legislative competence of a law when it appears to encroach on a subject matter assigned to another legislature. The court examines the “true nature and character” of the law to ascertain its pith and substance, i.e., its dominant purpose and effect.

If the pith and substance falls within the legislature’s competence, the law is valid, even if it incidentally touches upon matters outside its jurisdiction.

In the case of *State of Bombay v. F.N. Balsara (1951)*, the Bombay Prohibition Act, which incidentally affected imports, a Central subject, was upheld as its pith and substance fell under the State’s power to regulate intoxicating liquors.

Doctrine of Colourable Legislation

One of the most important doctrines of the Indian Constitution, the doctrine of colourable legislation prohibits a legislature from doing indirectly what it cannot do directly. It is invoked when a legislature attempts to circumvent constitutional limitations by framing a law in a manner that appears to be within its competence but, in substance, encroaches upon the domain of another legislature.

In *K.C. Gajapati Narayan Deo v. State of Orissa*, the Orissa Estates Abolition Act, which effectively abolished the zamindari system, was challenged. The Court held that while the State had the power to regulate land ownership, it could not use that power to indirectly abolish the zamindari system, a matter within the Central government’s domain.

Doctrine of Eclipse

The doctrine of eclipse applies to pre-constitutional laws that are inconsistent with fundamental rights. Such laws are not void ab initio but become unenforceable or “eclipsed” to the extent of their inconsistency. If a subsequent constitutional amendment removes the inconsistency, the law is revived and becomes enforceable again.

In *Bhikaji Narain Dhakras v. State of Madhya Pradesh (1955)*, a pre-constitutional law restricting freedom of trade was held to be eclipsed by Article 19(1)(g). However, a subsequent amendment

to Article 19 validated the law.

Doctrine of Severability

This doctrine allows the court to strike down only the unconstitutional portion of a statute while preserving the rest if the valid and invalid parts are separable. This ensures that the legislative intent is upheld to the extent possible.

In **A.K. Gopalan v. State of Madras**, while upholding the Preventive Detention Act, the Court struck down Section 14, which restricted the disclosure of grounds of detention, as it violated Article 22.

Doctrine of Waiver

This doctrine states that an individual cannot voluntarily relinquish or waive their fundamental rights. This ensures that fundamental rights are not compromised due to coercion, undue influence, or ignorance.

In *Behram v. State of Bombay (1955)*, the Court held that an accused person cannot waive their right against self-incrimination under Article 20(3).

Doctrine of Proportionality

This doctrine is used to assess the validity of restrictions imposed on fundamental rights. It requires that the restriction be proportionate to the objective it seeks to achieve. The court examines whether the restriction is necessary, suitable, and whether the benefits outweigh the harm caused.

- Case Law: In Modern Dental College & Research Centre v. State of Madhya Pradesh (2016), the Supreme Court struck down a state law imposing a 90% quota for state domicile students in private dental colleges as it violated the doctrine of proportionality.

Conclusion

These doctrines represent a dynamic and evolving body of constitutional principles. They play a crucial role in interpreting and applying the Constitution, ensuring its relevance and adaptability

to changing circumstances.

Read More: Doctrine of Territorial Nexus