BLOGS

Learn in a Minute: Doctrine of Eclipse

Ruchika Mohapatra · 13 May 2025

What is the Doctrine of Eclipse?

The doctrine of eclipse is a significant doctrine in Indian constitutional law that deals with the relationship between pre-constitutional laws and the fundamental rights enshrined in the Constitution of India.

This doctrine provides a framework to address inconsistencies between pre-existing laws and constitutional mandates, ensuring that such laws are not rendered entirely void but are temporarily inoperative until the inconsistency is resolved.

Objective of Doctrine of Eclipse

The doctrine ensures that laws enacted before the commencement of the Constitution that conflict with fundamental rights are not entirely annulled but merely rendered dormant.

This allows for the scope of revival of such laws in case there are changes in the fundamental rights enshrined in the Constitution.

Application of Doctrine of Eclipse

The doctrine draws authority from **Article 13(1) of the Indian Constitution** which states that;

"All laws in force in the territory of India immediately before the commencement of this Constitution, insofar as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void".

Laws, that are inconsistent with the fundamental rights, are not held to be void ab initio. They are merely eclipsed and rendered inoperative as far as the inconsistency is concerned.

If the inconsistency with fundamental rights is removed, either through constitutional amendment or change in circumstances, the law becomes operative again. The law remains applicable to individuals or entities who are not entitled to the protection of the relevant fundamental right.

The doctrine of eclipse applies exclusively to laws that were in force before the Constitution came into effect.

Important Case Laws

Bhikaji Narain v. State of Madhya Pradesh

This landmark case laid the foundation to the doctrine of eclipse.

A law enacted before the Constitution, which granted exclusive rights to state-run transport services, was challenged as being violative of Article 19(1)(g) (right to practice any profession or trade).

The Supreme Court held that the law was not void but merely inoperative due to its inconsistency with fundamental rights. When Article 19(1)(g) was amended to allow reasonable restrictions, the law revived and became enforceable.

Keshava Madhava Menon v. State of Bombay

In Keshava Madhava Menon v. State of Bombay, the Supreme Court of India addressed whether pre-constitutional laws that conflicted with fundamental rights became void ab initio under Article 13 of the Constitution.

The case involved a pre-constitutional law under which the petitioner was prosecuted for actions that allegedly violated the law but were claimed to conflict with the fundamental rights guaranteed by the Constitution.

This case clarified that Article 13 applies prospectively. A pre-constitutional law inconsistent with fundamental rights is not void ab initio but remains inoperative as long as the inconsistency persists. The Court emphasized that such laws are dormant and not completely obliterated.

Deep Chand v. State of Uttar Pradesh

In this case, the Supreme Court drew a distinction between pre-constitutional and post-constitutional laws.

The Uttar Pradesh State Legislature passed the U.P. Transport Service (Development) Act, 1955, which provided for exclusive state control over transport services. The Act was challenged on the

ground that it violated Article 19(1)(g) of the Indian Constitution, which guarantees the right to practice any trade or profession.

The petitioner argued that the law imposed unreasonable restrictions and was inconsistent with the Constitution.

The Supreme Court held that the doctrine of eclipse is applicable only to pre-constitutional laws and not to post-constitutional laws. It reasoned that laws enacted after the commencement of the Constitution, if found inconsistent with fundamental rights, are void ab initio (void from the outset) and cannot be revived even if the inconsistency is later removed.

The Court emphasized that under Article 13(2) of the Constitution, the State cannot make any law that takes away or abridges the fundamental rights. If such a law is enacted, it is null and void at inception and has no legal existence.

State of Gujarat v. Ambica Mills Ltd.

In State of Gujarat v. Ambica Mills Ltd., the Supreme Court of India dealt with the application of the Doctrine of Eclipse.

The case arose out of a challenge to the Gujarat State Industrial Development Act, which imposed certain statutory obligations on industrial establishments. The main contention was whether the provisions of the Act, being inconsistent with fundamental rights, could still be enforced under specific circumstances.

The judgment emphasized that the doctrine is applicable only to pre-constitutional laws. Post-constitutional laws that violate fundamental rights are considered void ab initio and cannot be revived.

The Supreme Court upheld the validity of the law in question by distinguishing its application to entities or individuals not covered under the relevant fundamental rights.

Conclusion

The doctrine of eclipse plays an important role in harmonizing the continuity of laws with the dynamic nature of constitutional principles. By rendering inconsistent pre-constitutional laws dormant rather than void, the doctrine allows the laws to be operative again if the inconsistency with fundamental rights is resolved.