

Topic: Doctrine Of Colourable Legislation

Name of the case: KC Gajapati Narayana Deo v. State of Orissa, AIR 1953 SC 375

Bench: Justice Jagannadhas and Justice Narasimham

Fact of the Case: Several applications were filed under Article 226 of the Constitution of India for issuing a direction by the court under mandamus for restraining State of Orissa against issuing any notification or taking any other step under Orissa Estate Abolition Act, 1952. The said act abolishes Zamindari in the state of Orissa.

Judgment: The Supreme Court has explained doctrine of colourable legislation as follows:

"If The constitution of a state distributes the legislative power amongst different bodies, which have to act within their respective spheres made off by specific legislative entries.... question do arise as to whether the legislature in particular case has or has not, in respect to the subject matter of the statute or in the method of enacting it, transgressed the limits of its constitutional power. Such transgression may be patent, manifest or direct, but it may also be disguised, covert or indirect, and it is this latter class of case that the expression colourable legislation has been applied.... The idea conveyed by the expression is that although apparently legislature in passing a statute purported to act within the limits of its powers, yet, in substance and in reality it's transgressed these powers, the transgression being veiled by what appears, on Proper examination, to be mere pretence or disguise."
