

## **Topic: Doctrine Of Eclipse**

Name of the Case: Bhikaji v. State of Madhya Pradesh, AIR 1955 SC 781

Bench: Justice S.R. Das, Justice N.H. Bhagwati, Justice T.L. Aiyar, Justice Imam Venkatarama, Justice Jaffer Sayeed, Justice N. Chandrasekhara Aiyar

Ratio: The Doctrine of Eclipse is a legal principle in India that deals with the relationship between fundamental rights and existing laws that may be inconsistent with them. The Doctrine of Eclipse is addressed in Article 13(1) of the Indian Constitution.

According to the doctrine of the eclipse, if a law conflicts with the fundamental rights guaranteed by the Indian Constitution, it does not automatically become null and void. Instead, it is considered in a state of eclipse or overshadowed by fundamental rights.

If a statute is inconsistent with the provisions of Part III, it shall be deemed void. However, this does not render the entire law null and void under this doctrine; only the portion inconsistent with Part III of the Indian Constitution becomes void. The law is not abolished entirely but remains dormant, subject to the discretion of the Parliament.