

Topic: Rule Of Pith And Substance

Name of the Case: Premchand Jain v. RK Chhabra, AIR 1984 SC 981

Bench: Justice Ranganath Misra, Justice Syed Murtuza Fazalali and Justice A Varadarajan

Fact of the Case: The appellant was prosecuted under Section 22 and 23 of University Commission Act, 1956. Section 22 of UCA, 1956 empowers right to confer degree and Section 23 imposes prohibition of the word 'University' used by any ineligible person/Organisation. The appellant has lost the case in High Court and appeal before Supreme Court.

Judgment: The Supreme Court has enunciated the principle of pith and substance as follows;

“as long as the legislation is within the permissible field in pith and substance, objection would not be entertained merely on the ground that while enacting legislation, provision has been made for a matter which though germane for the purpose for which competent legislation is made, it covers and expect beyond it. In a series of decisions this court has opined that if an enactment substantially falls within the power expressly conferred by Constitution upon the legislation enacting it, it cannot be held invalid merely because it accidentally encroaches on matters assigned to another legislature.”

Thus, it was held that definition of 'university' given in Section 2 or the provision in Section 23 of the Act, 1956, are not ultra vires the Parliament on the ground that such provisions are beyond its legislative competence.
