

LIST OF DOCTRINES - THE CONSTITUTION OF INDIA

1. Ejusdem Generis – Means of the same kind. (Article 12)
2. Ab Initio – Means for the very beginning. (Article 13)
3. Doctrine of Judicial Review – A law is declared unconstitutional by the Supreme Court or High Court if it contravenes any of the Fundamental Rights. (Articles 13, 32, 226)
4. Doctrine of Eclipse – The law which contravenes Fundamental Rights is not void ab initio; it remains in a morbid condition and unenforceable. It is not totally wiped out from the statute book. (Article 13)
5. Doctrine of Severability – The whole law is not void under Article 13; only that portion which contravenes Fundamental Rights is void, and the rest remains operative. (Article 13)
6. Doctrine of Rule of Law – It means supremacy of law and absence of arbitrary power. (Article 14)
7. Principle of Reasonable Classification – Equals cannot be treated unequally and unequals cannot be treated equally. (Article 14)
8. Audi Alteram Partem – Means no one should be condemned unheard. (Articles 14, 21, 22)

9. Wednesbury Principle – Used to adjudge the discretion provided to the executive under the statute. (Article 14)

10. Lex Non a Rege Est Violanda – Means the law must not be violated even by the king. (Article 14)

11. Pari Passu – Means on equal footing. (Article 14)

12. Rex Quod Injustum Est Facere Non Potest – Means the king cannot do what is unjust. (Article 14)

13. Principle of Proportionality of Restrictions – Restrictions should not be arbitrary or beyond what is required for achieving the object. (Article 19)

14. Ex Post Facto – A law which imposes penalty retrospectively. (Article 20)

15. Double Jeopardy – No person shall be prosecuted and punished for the same offence more than once. (Article 20)

16. Nemo Debet Bis Vexari Pro Una et Eadem Causa – Means a man shall not be vexed twice for one and the same cause. (Article 20)

17. Nemobis Punitur Pro Eodem Delicto – Means no one can be punished twice for the same offence. (Article 20)

18. Autrefois Convict – Refers to a defendant's plea that he has already been tried and convicted for the same offence. (Article 20)

19. Nova Constitutio Futuris Formam Imponere Debet, Non Praeteritis – Means a new law ought to be prospective and not retrospective in operation. (Article 20)

20. Doctrine of Self-Incrimination – No person accused of any offence shall be compelled to be a witness against himself. (Article 20)

21. Nemo Tenetur Prodere Accusare Seipsum – Means no man is bound to accuse himself. (Article 20)

22. Nemo Punitur Pro Alieno Delicto – Means no one is to be punished for the crime or wrong of another. (Article 20)

23. Ubi Jus Ibi Remedium – Means where there is a right, there is a remedy. (Article 21)

24. Doctrine of Rarest of the Rare – Death penalty can only be given in rarest of rare cases. (Article 21)

25. Doctrine of Public Trust – Natural resources like air, water, etc. are meant for general use and cannot be limited by private ownership. (Article 21)

26. Precautionary Principle – The State and authorities must prevent and attack causes of environmental degradation. (Article 21)

27. Polluter Pays Principle – One who carries on hazardous activities is liable to make good the loss caused to another. (Article 21)

28. Habeas Corpus – Means you shall have the body. (Articles 32, 226)

29. Locus Standi – Refers to the right of a party to bring an action before the court. (Articles 32, 226)

30. Mandamus – Means we command. (Articles 32, 226)

31. Quo Warranto – Means by what authority. (Articles 32, 226)

32. Certiorari – A writ by which a higher court reviews a case tried in a lower court. (Articles 32, 226)

33. Doctrine of Distributive Justice – Ensures economic justice to minimize inequalities and promote welfare of the people. (Articles 38, 39)

34. Principle of Collective Responsibility – All members of the government are unanimous in support of its policies and actions. (Article 75)

35. Principle of Individual Responsibility – Each minister is responsible to the legislature for every action taken or omitted in his ministry. (Article 75)

36. Sine Die – Means without any future date being designated. (Article 85)

37. Ad Hoc – Means for the special purpose. (Article 127)

38. Nunc Pro Tunc – Means now for then. (Article 136)

39. Stare Decisis – Means to stand by precedents. (Article 141)

40. Obiter Dicta – Refers to observations made by a judge which are not essential for decision. (Article 141)

41. Ratio Decidendi – Means the reason for the decision given by the court. (Article 141)

42. Principle of Consistency of Law – A division bench ought to follow the earlier decision of a larger bench. (Article 141)

43. Boni Judicis Est Ampliare Jurisdictionem – Means it is part of a good judge to enlarge his jurisdiction. (Article 226)

44. Theory of Territorial Nexus – The State Legislature cannot make extra-territorial laws except when there is sufficient connection between the State and the subject matter. (Article 245)

45. Plenary Power of Legislature – Refers to the absolute power to enact laws, subject to constitutional limits. (Article 246)

46. Ancillary or Incidental Power – Means power to legislate on incidental or ancillary matters related to the main subject. (Article 246)

47. Doctrine of Pith and Substance – Used to determine the true nature or object of a legislation. (Article 246)

48. Doctrine of Colorable Legislation – Means what cannot be done directly cannot be done indirectly. (Article 246)

49. Bona Vacantia – Refers to goods without an owner. (Article 296)

50. Doctrine of Eminent Domain – Refers to the right of the State to acquire private property for public use with compensation. (Article 300A)

51. Imperium in Imperio – Means a sovereignty within a sovereignty. (Article 324)

52. In Foro Conscientiae – Means in the form of conscience. (Article 363)

53. Doctrine of Basic Structure – States that the power of amendment cannot be exercised to take away or destroy the basic structure of the Constitution. (Article 368)