

1. DOCTRINE OF SEVERABILITY

It is not the whole Act which would be held invalid by being inconsistent with Part III of the Constitution but only such provisions of it which are violative of the fundamental rights, provided that the part which violates the fundamental rights is separable from that which does not isolate them. But if the valid portion is so closely mixed up with invalid portion that it cannot be separated without leaving an incomplete or more or less mingled remainder the court will declare the entire Act void. This process is known as doctrine of severability or reparability.

The Supreme Court considered this doctrine in A K Gopalan Vs. State of Madras in 1950. However it was elaborately considered in R M D C vs State of India 1957.



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