

1. DOCTRINE OF ECLIPSE

The doctrine of eclipse provides for the validation of the void laws. This doctrine is based upon the premise that a law which violates the fundamental is not null or void ab initio but remains in moribund condition. The law is not dead but is overshadowed or eclipsed by the fundamental rights. If by subsequent amendment fundamental rights are amended in such a way to give way to these laws, then these laws will again become active. The doctrine, flowing from the prospective nature of Art. 13(1) of the constitution of India, was evolved by the Supreme Court in the case of Bhikaji v. State of M.P.



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