

The Colorful Tapestry in Indian Legal System: Delving into Colorable Legislation in India

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ABSTRACT:

The study explores the complex web of Indian constitutional law, elucidating the subtle yet crucial idea of the doctrine of colorable legislation. The study sets out on a historical expedition, following the doctrine's origins to the colonial era, when British constitutionalism profoundly influenced Indian legal philosophy. Beyond historical forebears, the investigation includes a thorough examination of the doctrine's development within the context of the Indian Constitution. According to the theory of "colorable legislation," the government may enact laws while pretending to have authority in order to give the false impression of compliance while departing from the truth. The purpose of the paper is to outline constitutional provisions, examine significant rulings from the judiciary, and evaluate the doctrine's implementation in significant cases. The historical background section describes how the concept developed during the colonial era in response to laws that attempted to go beyond the bounds of the constitution. The section on 'Constitutional Framework' explores the specific clauses included in the Indian Constitution, highlighting the importance of the division of powers, the careful balance between the Union and the States, and the judiciary's watchdog role in ensuring that legislative activities stay within the bounds of the constitution. The section on the 'Genesis of Colorable Legislation' delves into the complex layers of this concept, highlighting essential ideas such as legislative intent, prioritizing substance over form, and recognizing the limits of legislative authority. Concerns concerning judicial overreach and the subjective nature of interpreting legislative intent are acknowledged in the 'Challenges and Criticisms' section. The research explores how the theory maintains a delicate balance and proposes clearer criteria to improve objectivity in judgments.

The analysis is summarized in the conclusion, which emphasizes that the doctrine of colorable legislation is a dynamic force that is reshaping India's constitution rather than merely being a historical artifact. It acts as an everlasting check on legislative overreach by making sure that laws are passed in accordance with the values stated in the Indian Constitution. The doctrine's continued applicability highlights its significance as a pillar of Indian constitutional jurisprudence and a significant contributor to the nation's constitutional government.

Keywords: Indian constitutional law, doctrine of colorable legislation, colonial influence, constitutional development, legislative intent, separation of powers, judicial review, constitutional framework, legislative overreach, legal history, constitutional jurisprudence.

INTRODUCTION:

In the intricate tapestry of Indian constitutional law, the doctrine of colorable legislation emerges as a

nanced and pivotal concept¹. The purpose is to unveil the significance and foundational principles that underpin this doctrine. While crafting the legal structure, the architects of the constitution envisioned a system in which the legislative branch would act with the utmost integrity and clarity. However, the doctrine of colorable legislation injects a level of scrutiny into this process, questioning the true intent behind legislative actions. To appreciate the doctrine's role in contemporary legal discourse, a journey into its historical roots is imperative. The idea was first developed during the colonial era, the doctrine reflects the influence of British constitutionalism in Indian legal ideology. This notion of colorable legislation stems from the legal adage "*Quando aliquid prohibetur ex directo, prohibetur et per obliquum*" which states that what is forbidden directly is also forbidden indirectly.

According to Black's Law Dictionary, the term 'colorable' is that which has or gives color; that which is in appearance only, and not in reality, which it purports to be². In a literal sense, the theory of colorable legislation suggests that the government passes laws while assuming authority even when it lacks the necessary competence. It is commonly called "Fraud on the Constitution" because the legislative branch violates the constitution by passing laws that give the false impression of compliance while diverging from the real world. The Supreme Court draws on the idea of colorable legislation as one of its instruments to determine whether laws passed by the legislature are legitimate and to confirm that the legislature is competent to enact such laws. It is an immensely beneficial guiding principle when interpreting laws pertaining to legislative competence.

The core objective of the doctrine of colorable legislation is to uphold transparency among Indian citizens and concentrate on guaranteeing that laws are enacted for the betterment of the community and collective welfare. This is to prevent members of the legislative body from abusing their powers for personal gain or financial gain.

RESEARCH PROBLEM:

Colorable legislation, by its very nature, presents a paradox within the legal system. On the surface, these laws seem to comply with the letter of the constitution, yet in practice, they allow for the circumvention of legal limitations and the expansion of governmental powers beyond what the constitution intended. In India, where the Constitution is regarded as the supreme law of the land, the presence of colorable legislation challenges the fundamental principles upon which the legal system is built. At the heart of the issue lies the tension between the powers of the legislature and the constraints imposed by the constitution. The Constitution of India meticulously delineates the powers and functions of the various branches of government, establishes the rights of citizens, and sets limits on governmental authority. However, colorable legislation introduces a subtle yet significant departure from these principles. Instead of openly defying constitutional provisions, lawmakers craft laws that ostensibly comply with constitutional requirements but are designed to achieve objectives that exceed the bounds of constitutional authority.

The implications of colorable legislation are far-reaching. Firstly, it undermines the separation of powers by blurring the lines between the legislative, executive, and judicial branches of government. By enacting laws that grant broad discretionary powers to the executive or enable the executive to bypass judicial scrutiny, legislators effectively erode the system of checks and balances intended to prevent the concentration of power in any single branch.

¹ HM Seervai, Constitutional Law of India (4th edition, Universal Law Publishing - An imprint of LexisNexis).

² Black's Law Dictionary, 2nd Ed. < <https://thelawdictionary.org/colorable/>> Accessed 12 April, 2024 (16:20 p.m.).

Secondly, colorable legislation compromises the integrity of the legal framework by subverting the principles of constitutional supremacy and the rule of law. When laws can be manipulated to achieve outcomes contrary to constitutional mandates, the very foundation of the legal system is called into question. This erodes public trust in the fairness and impartiality of the legal system and undermines the legitimacy of government actions.

Moreover, colorable legislation has the potential to infringe upon the rights and liberties of citizens. By granting excessive discretionary powers to the executive or curtailing judicial oversight, these laws may enable government overreach and infringe upon constitutionally protected rights such as the right to privacy, freedom of speech, and due process. This doctrine underscores the need for vigilant scrutiny of legislative actions, robust judicial review, and a commitment to upholding the principles of constitutional governance.

How does the prevalence of colorable legislation in India undermine the integrity of the legal system by allowing lawmakers to enact laws that appear constitutional but effectively circumvent legal limitations, thereby raising concerns about the adherence to constitutional principles and the abuse of legislative power?

Specifically, this research aims to analyze the mechanisms and strategies used in crafting colorable legislation, assess the impact on constitutional governance and judicial oversight, examine judicial responses to cases involving colorable legislation, and propose reforms to strengthen the legal framework and uphold constitutional values in India.

RESEARCH QUESTIONS:

1. How prevalent is colorable legislation in India, and what are the common mechanisms employed by lawmakers to craft such laws while ostensibly complying with constitutional mandates?
2. What are the implications of colorable legislation on the integrity of the Indian legal system, particularly concerning the separation of powers, constitutional supremacy, and the erosion of public trust in government institutions?
3. How do Indian courts respond to cases involving colorable legislation, and what patterns emerge in judicial interpretations and rulings, highlighting potential avenues for legal reform to address the challenges posed by such legislation?

HYPOTHESIS:

The predominance of colorable legislation in India compromises the legal system's legitimacy by allowing legislators to pass laws that appear to comply with constitutional obligations while skirting legal constraints. The public's confidence in government institutions is damaged by this phenomena, which also undermines the fundamental tenets of constitutional governance, such as the separation of powers and constitutional supremacy. To preserve constitutional values and rebuild trust in the Indian legal system, this issue must be resolved by meaningful legal reforms.

RESEARCH METHODOLOGY:

The research methodology employed in this study combines doctrinal analysis and legal framework evaluation to comprehensively investigate the phenomenon of colorable legislation in India. Through doctrinal analysis, an extensive review of statutes, case law, and scholarly articles, is conducted to identify and analyze instances of colorable legislation within the Indian legal system. This involves

scrutinizing judicial interpretations, legal precedents, and legislative enactments to understand the application and implications of colorable legislation. Additionally, the study undertakes a legal framework analysis to evaluate the adequacy of constitutional provisions, legislative processes, and judicial review mechanisms in addressing and preventing colorable legislation. By integrating these methodologies, the research aims to provide a thorough examination of colorable legislation in India and offer insights into potential reforms to strengthen the legal framework and uphold constitutional principles.

HISTORICAL BACKGROUND OF COLORABLE LEGISLATION:

The foundational idea of Indian constitutional law, the notion of colorable legislation, has its origins in a combination of historical and legal processes. The British legal system had a lasting impact on Indian law throughout the colonial era when the roots of Indian jurisprudence were established. The theory changed in reaction to objections raised by acts of legislation that attempted to go beyond constitutional bounds. The theory began to take shape in the early 20th century as a result of several instances that attempted to separate parliamentary competence from legislative intent. Notably, the Indian judiciary established the foundation for the theory by stressing the value of subject matter over form in the well-known case of *Shambhu Nath v. Emperor*. This important ruling paved the way for further court rulings that improved and broadened the doctrine's application³. There is no denying the influence of British constitutionalism on Indian legal philosophy. The possible dangers of unbridled legislative power were well known to the Indian Constitution's framers.

The need for a system to stop legislative overreach was highlighted by the experiences with laws from the colonial era, which were frequently passed to further imperial goals. The Government of India Act, of 1935, a forerunner to the Indian Constitution, established concepts that shaped the doctrine of colorable law⁴. A careful balance between legislative authority and constitutional restraints was necessary to establish a federal structure, which was made possible by the Act that defined the functions of the Center and the Provinces.

The development of the notion of colorable legislation has been shaped by significant court judgments throughout its history. The court outlined the tenets of the theory in *In re: The Central Provinces and Berar Sales of Motor Spirit and Lubricants Taxation Act, 1938*⁵. The Court underlined the need to look beyond the literal interpretation of statutes and stressed that the form of legislation should not be used to hide its content. The concepts of the theory were further clarified in other instances, such as *Sajjan Singh v. State of Rajasthan (1965)* and *Shankari Prasad Singh Deo v. Union of India (1951)*.⁶ Chief Justice Subba Rao's ruling highlighted the doctrine's tenacity in defending the fundamental principles of the Constitution. Examining the historical background reveals that the doctrine of colorable law is a dynamic force affected by colonial legacies, historical context, and judicial acumen rather than just a legal abstraction.

CONSTITUTIONAL FRAMEWORK:

³ *Emperor vs Shambhu Nath And Ors [1916] ILR 38ALL468.*

⁴ *The Government of India Act 1935 (26 Geo 5 & 1 Edw 8 c 2).*

⁵ *In re: The Central Provinces and Berar Sales of Motor Spirit and Lubricants Taxation Act, 1938 AIR 1939 FC 1.*

⁶ *Sri Sankari Prasad Singh Deo vs Union Of India And State Of Bihar. and . Sajjan Singh vs State Of Rajasthan 1951 AIR 458 .. and .. 1965 AIR 845 SCR.*

It becomes essential to comprehend the constitutional underpinnings of the idea of colorable legislation as we make our way through the maze-like Indian legal system. This chapter explores the particular clauses in the Indian Constitution that define legislative authority and provide context for this doctrine's application. The separation of powers between the Union and the States is the fundamental idea of the constitutional order. Articles 245 through 255 outline the legislative branch's authority and the extent to which it can pass legislation⁷.

These clauses were carefully drafted by the Constitution's framers, who intended a federal government that balanced the legislative branches of the federal government and the states. The division of powers is a fundamental component of democratic governance and is deeply ingrained in the Indian Constitution. The significance of preserving a careful balance between the legislative, executive, and judicial departments of government is emphasized in Articles 50 to 51A⁸.

The concept of colorable legislation essentially functions as a check on the expansion of legislative authority into areas that are designated for the executive or the judiciary. The checks and balances included in Articles 121 to 122 and Articles 211 to 214 of this constitution are essential for limiting legislative overreach⁹.

Equipped with the authority of judicial review, the judiciary serves as a watchdog, guaranteeing that legislative measures stay within the boundaries of the constitution and don't go beyond them. Subjects are categorized into three lists under Article 246: the Union List, State List, and Concurrent List¹⁰. This article is frequently cited as the cornerstone of legislative authority. Each list outlines the domains in which the States or the Union have concurrent or exclusive legislative authority. A sophisticated comprehension of the legislative intent and competence is required due to the intricate interactions between these lists.

One of the main tenets of the Indian Constitution is federalism, which is further explained by Articles 1 and 3, which emphasize the nation's unity and integrity while preserving the sovereignty of the States¹¹. Therefore, the concept of colorable legislation protects this federal framework by preventing any level of government from going too far. As we continue our examination of the Indian constitution, it will become clear that the concept of "colorable legislation" is more than just a legal precept; rather, it is an essential component that guarantees the smooth operation of the legislative branches at both the Union and State levels.

GENESIS OF THE DOCTRINE OF COLORABLE LEGISLATION:

The Doctrine of Colorable Legislation, a pivotal concept in Indian constitutional law, posits that the true nature and purpose of a law must be in harmony with its apparent form¹². Black's Law Dictionary define "color" as: An appearance, semblance, or simulacrum, as distinguished from that which is real. A prima facie or apparent right. Hence, a deceptive appearance; a plausible, assumed exterior, concealing a lack of reality¹³.

⁷ The Constitution of India (Part XI, Article 245-255).

⁸ The Constitution of India (Article 50 - 51A).

⁹ The Constitution of India (Article 121-122, Article 211-214).

¹⁰ The Constitution of India (Article 246).

¹¹ The Constitution of India (Article 1, Article 3).

¹² MP Jain, Indian Constitutional Law (8th Edition, LexiNexis 2018).

¹³ Black's Law Dictionary, 2nd Ed. < <https://thelawdictionary.org/page/2/?s=color>> Accessed 12 April, 2024 (19:40 p.m.)

At the heart of the doctrine lie several fundamental principles that guide its application. Substance over form stands out as a cardinal principle, emphasizing that the true nature and purpose of legislation should take precedence over its external appearance. This principle empowers the judiciary to look beyond the literal interpretation of statutes, ensuring that legislative actions genuinely align with constitutional values.¹⁴

This doctrine is also known as the "fraud on the constitution," because it is substantially evident that ratified laws are clearly in violation of the constitution and may be declared invalid when legislatures validate an impugned law that is not covered by the subject matter power of the legislatures to enact such a law, which is granted to them by the provisions of the constitution in article 246. In India, the judiciary was granted the power to apply this theory to assess the Union and state legislatures' legislative jurisdiction. In the Constituent Assembly discussion, Justice Alladi Krishnaswami Ayyar¹⁵ stated the idea of colorable law as follows:

"It is an accepted principle of Constitutional Law that when a Legislature, be it the Parliament at the Centre or a Provincial Legislature, is invested with a power to pass a law regarding a particular subject matter under the provisions of the Constitution, it is not for the Court to sit in judgment over the Act of the Legislature...Of course, if the legislature is a colorable device, a contrivance to out step the limits of the legislative power or to use the language of private law, is a fraudulent exercise of the power, the Court may pronounce the legislation to be invalid or ultra vires."

JUDICIAL PRONOUNCEMENTS:

One of the most important aspects of constitutional interpretation in India has been the practical implementation of the doctrine of colorable legislation. Analyzing case studies provide insightful information on how the doctrine functions in various legal situations. Prominent instances, such as *Sham Sunder v. Ram Kumar*¹⁶, have demonstrated how the theory should be used carefully in situations when legislative actions have attempted to get around constitutional restrictions. In this instance, the court had to deal with a situation where the legislation's structure appeared to follow constitutional principles, but its content sought to accomplish goals outside the purview of the legislature. The ruling explored the intricacies of the legislative intent, determining whether there was a legitimate effort to further public benefit or a deft attempt to cross constitutional lines. *Sham Sunder v. Ram Kumar* is a classic illustration of how courts examine legislation's underlying intent in addition to its exact wording. The ruling highlights the necessity of openness and honesty in the legislative process and sets a precedent for a thorough assessment of legislative acts.

The petitioner in *Ram Krishna Dalmia v. S.R. Tendolkar*¹⁷ challenged both the notification establishing an investigation commission by the Central Government under S.R. Tendolkar and Section 3 of the Commission of Enquiry Act, 1952. The claim that it amounted to a denial of equality served as the foundation for the challenge. The Act established the inquiry commission to look into the petitioner's business. The Supreme Court did, however, hold that the Act and the notification were legitimate, stressing that they were only intended to be used for investigative purposes and did not give the

¹⁴ VN Shukla, *Constitution of India* (Classic Edition, Eastern Book Company 2019).

¹⁵ Constituent Assembly Debates on 12 September, 1949 Part I' (Indiakanon.org < <https://indiakanon.org/doc/1362403/>> Accessed 12 April, 2024 (19:50 p.m.)

¹⁶ *Shyam Sunder And Others vs Ram Kumar And Another* [2001] Supreme Court of India Appeal (civil) 4680 of 1993, SC 2472 AIR.

¹⁷ *Shri Ram Krishna Dalmia vs Shri Justice S R Tendolkar* [1958] 1958 AIR 538, 1959 SCR 279, (Supreme Court of India).

government totalitarian authority. The petitioner was found to have failed to prove discrimination, the court said, emphasizing that the onus is on the one making the unambiguous allegation of a constitutional violation.

The Orissa Agricultural Income Tax (Amendment) Act, 1950 faced constitutional challenges because to its controversial nature in the *K.C. Gajapati Narayan Deo v. State of Orissa*¹⁸ case. It was said that the real goal was to reduce intermediaries' net revenue in order to maintain the lesser remuneration set forth in the Orissa Estate Abolition Act, 1952. According to the court, a statute is only considered colorable if it can be shown that its true goal is unachievable because of fundamental restrictions or whether it is solely the purview of another legislative body. It was decided that this Act is not colorable legislation and is therefore not unconstitutional because it is within the authority of the state legislature, takes agriculture into account as a subject on the State List, and allows for the decrease of compensation.

A significant development happened in the recent judicial case of *Animal Welfare Board of India v. Union of India* (2023)¹⁹. Citing infractions of the Prevention of Cruelty to Animals Act, 1960, the Supreme Court ruled in 2014 that the traditional bull sport performed in Tamil Nadu, Maharashtra, and Karnataka was unconstitutional. The Jallikattu Act, 2009, which regulated the sport in Tamil Nadu, was similarly declared invalid by the court, with one notable provision that permitted bulls to receive training before engaging in the sport. The Tamil Nadu government responded by amending the 1960 Act with the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017. In 2017, Maharashtra and Karnataka also proposed comparable revisions to conform to the ruling of the Supreme Court. In 2017, Maharashtra and Karnataka also proposed comparable revisions to conform to the ruling of the Supreme Court. The petitioners disputed the modifications' efficacy, claiming that they were insufficient to address the shortcomings of the Act. They further claimed ineptitude in passing amendments through List III and that the state governments had overreached themselves by introducing laws through List II of the seventh schedule. The main questions addressed were whether the state legislatures' presented Acts constituted colorable legislation and whether the judiciary might invalidate legislation for noncompliance. In comparison to the pre-amendment era, the Supreme Court noted that the Amendment Acts significantly decreased the suffering and cruelty perpetrated upon animals. It argued that the judiciary could not invalidate laws on the grounds of presumed noncompliance. The Court made it clear that the prevention of animal cruelty—a topic included in List III—is the focus of both the 1960 Act and its modification. The Court determined that the state legislatures have the jurisdiction to enact the Amendment Acts, rejecting the petitioner's jurisdictional argument. The Supreme Court came to the conclusion that these Acts had more to do with the notion of pith and substance found in List III of the Seventh Schedule to the Indian Constitution than they did with colorable legislation. It was made clear that the Amendment Acts did not fall under the purview of the Prevention of Cruelty to Animals Act, 1960, and that their goal was to reduce cruelty to animals.

In light of these cases, it can be said that a legislative body that has the power to pass legislation also has the capacity to create additional laws that will ensure the main law's efficacy, so long as those additional laws do not represent an unfair or dishonest use of power.

¹⁸ *KC Gajapati Narayana Deo And Ors vs The State Of Orissa* [1953] Orissa High Court AIR1953ORI185, AIR 1953 ORISSA 185.

¹⁹ *Animal Welfare Board of India v Union of India*, 2023 [2023] Supreme Court of India SCC OnLine SC 661.

CHALLENGES AND CRITICISMS:

Despite playing a fundamental role in maintaining the integrity of the constitution, the Doctrine of Colorable Legislation has not been immune to criticism and skepticism. Opponents contend that even though the theory aims to stop legislative abuse, it could unintentionally encourage judicial authority.

One well-known criticism centers on the subjective nature of assessing legislative intent, with critics casting doubt on the judiciary's ability to accurately determine whether a legislative act represents a legitimate use of power or a clumsy attempt to get around constitutional constraints.

Furthermore, academics have contended that the doctrine's dependence on the idea of "pith and substance" may have unintended consequences. Finding a law's genuine essence is the goal of the pith and substance doctrine. Pith here refers to the "actual nature" or "essence of something," whereas substance refers to "the most important aspect of something." A legislation is deemed void or extra vires when it is passed by one legislature and infringes upon the jurisdiction of another legislative. By prohibiting the judiciary from dismissing a statute because of slight infringements on legislative authority, the theory of pith and substance helps to soften the harsh federal structure and preserve legislative authority.

The Indian Constitution serves as the legal basis for both the doctrine of colorable legislation and the doctrine of pith and substance, which support the federal structure and protect the authority of legislative bodies. The courts have the ability to adopt either approach in situations when the legislature overreaches its jurisdiction, depending on the particular facts of each case.

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The Bengal Money-Lenders Act, 1940, was contested before the Bombay High Court in the matter of *Prafulla Kumar Mukherjee v. The Bank of Commerce* (1947)²¹. This state-listed legislation was passed with the intention of regulating money lending. Nonetheless, several of the Act's provisions dealt with union list-related issues pertaining to promissory notes. The claim made was that the Act encroaches on territory that is under the purview of the national government. The Court rejected a sharp division between the legislative and executive branches, recognizing the natural overlap between them through the application of the theory of pith and substance.

It is crucial to recognize the fine balance that the Doctrine of Colorable Legislation aims to uphold while assessing these issues. The doctrine's supporters contend that it serves as an essential barrier against legislative measures that could undermine the constitutional order, while critics voice concerns about possible judicial overreach. Finding the ideal balance between guarding against abuse and upholding the division of powers is still a difficult task. Refining the legal criteria used to determine the legislative intent is one way to respond to these criticisms. Some suggest more precise rules or elements that judges ought to take into account when figuring out what the true intent of a piece of legislation is. This strategy seeks to reduce the possibility of arbitrary interpretations that can jeopardize the stability of the law and increase the objectivity of judicial evaluations.

²⁰ Cass R Sunstein, 'On the Expressive Function of Law' [1996] University of Pennsylvania Law Review <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2622561> Accessed 12 April, 2024 (20:32 p.m.)

²¹ *Prafulla Kumar Mukherjee vs The Bank Of Commerce* [1947] Bombay High Court (1947)49BOMLR568.

CONTEMPORARY RELEVANCE:

Recent cases provide insights into the expanding applications of the Doctrine of Colorable Legislation, which remains crucial in modern legal circumstances. Notable court rulings have illuminated the complex difficulties in determining legislative purpose and guaranteeing adherence to constitutional constraints. Cases like *M. R. Balaji v. State of Mysore (1962)*²² and *State of Bihar v. Maharajadhiraja Sir Kameshwar Singh (1952)*²³ have given the judges the chance to apply the Doctrine of Colorable Legislation to contemporary legal challenges. These decisions provide as standards for comprehending how the doctrine changes to meet new problems and technological advancements, forming the current field of constitutional interpretation.

Legislative authorities have responded to the judiciary's challenges in enforcing the Doctrine of Colorable Legislation by attempting to make legislative intent and limitations more clear. Nonetheless, there are still issues in applying and upholding the theory. It is constantly difficult for legislators to make sure their activities are in line with constitutional principles because of the dynamic nature of legislative writing and the continual evolution of legal concerns. The Doctrine of Colorable Legislation is not without restrictions. Though it is limited in some ways, the concept of colorable legislation is an essential defense against the government's possible abuse of its legislative authority. Adopted under the authority of extant legislation, subordinate legislation is presumed to be legitimate, with the onus of proof resting with those who contest it.

*Ram Krishna Dalmia v. Justice S.R. Tendolkar (1958)*²⁴ and *Mahant Moti Das v. S.P. Sahi (1959)*²⁵ are two examples of decisions where the Supreme Court stressed the presumption that an enactment is constitutional. The theory, which is centered on determining legislative competence, frequently results in the rejection of beneficial legislation that fall outside the purview of competent jurisdiction because it ignores the purposes or motivations underlying laws. In *K.C. Gajapati Narayan Deo v. State of Orissa (1954)*²⁶, Justice B.K. Mukherjea expounded on the doctrine's foundational idea, which is that one cannot do something clearly forbidden by indirect means.

Additionally, the idea applies when the legislature goes beyond what is allowed by the constitution but loses its ability to do so in the absence of constitutional restraints. There are continuous discussions and arguments in legal circles and elsewhere on the applicability of the Doctrine of Colorable Legislation in the modern day. Expert panels, academic symposiums, and legal forums offer forums for professionals to discuss the implementation of the doctrine in light of changing constitutional challenges. The doctrine's continued applicability in the modern era also provokes discussions on new developments, like how globalization, technical progress, and sociopolitical shifts affect legislative procedures. The doctrine's ability to adjust to these developments and its function in preserving constitutional integrity in the twenty-first century are topics of controversy among academics and professionals.

²² *The State Of Bihar vs Maharajadhiraja Sir Kameshwar Singh [1952] Supreme Court of India [1952]1SCR889, AIR 1952 SUPREME COURT 252, 1965 MADLW 527.*

²³ *M R Balaji And Others vs State Of Mysore [1962] Supreme Court of India 1963 AIR 649, 1962 SCR SUPL. (1) 439, AIR 1963 SUPREME COURT 649.*

²⁴ *Shri Ram Krishna Dalmia vs Shri Justice S R Tendolkar [1958] 1958 AIR 538, 1959 SCR 279, (Supreme Court of India).*

²⁵ *Mahant Moti Das vs S P Sahi, The Special Officer [1959] Supreme Court of India 1959 AIR 942, 1959 SCR SUPL. (2) 503, AIR 1959 SUPREME COURT 942, ILR 38 PAT 639.*

²⁶ *K.C. Gajapati Narayana Deo And Ors. v The State Of Orissa [1953] AIR1953ORI185, AIR 1953 ORISSA 185.*

CONCLUSION AND SUGGESTIONS:

Through a meticulous exploration of the doctrine underlying colorable legislation, this research has illuminated its profound significance in shaping the constitutional fabric of India. It has become evident that the doctrine transcends its mere legal conceptualization to become a dynamic force safeguarding the constitutional integrity of the Indian legal system. Our analysis has revealed the multifaceted insights gleaned from this journey, emphasizing the importance of probing beyond the literal language of legislation to discern legislative intent and uphold constitutional principles. The doctrine serves as a sentinel, ensuring that legislative actions align with the principles enshrined in the Indian Constitution and guarding against legislative overreach. Its enduring relevance underscores its pivotal role in Indian constitutional jurisprudence, facilitating a nuanced understanding of legislative intent and guiding constitutional adjudication.

Building upon the insights garnered from this study, future research could explore the practical implications of the doctrine on specific areas of law or policy domains within India. Additionally, comparative analyses with other jurisdictions could offer valuable insights into the effectiveness of the doctrine in different legal contexts. Furthermore, empirical studies examining the outcomes of judicial decisions involving colorable legislation could provide empirical evidence of its impact on constitutional governance. Moreover, exploring the inter-sectionality of colorable legislation with emerging legal and societal challenges, such as technology regulation or environmental protection, could shed light on its adaptability and relevance in contemporary times. Overall, continued research into the doctrine of colorable legislation promises to enrich our understanding of its role in upholding constitutional principles and shaping the trajectory of Indian legal and governance systems.

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