

Doctrine of Prospective Overruling

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Doctrine of Prospective Overruling Latest News

The Supreme Court in its recent Judgment, emphasised that the invocation of the Doctrine of Prospective Overruling or the Attribution of Prospectivity to a decision must not be resorted to in a routine manner without the Court satisfying itself that the circumstances demand such a solution.

About Doctrine of Prospective Overruling

- It **allows courts to apply legal decisions only to future cases, without affecting past actions** or judgements **made under the old law**.
- This doctrine **ensures** that individuals or **entities who acted in reliance on a previous legal rule are not penalized** when the law is reinterpreted or overruled.
- It **contrasts with retrospective rulings**, where the new interpretation of the law applies to both past and future cases.
- It is a **deviation from the traditional Blackstonian view of law**, viz., the **duty of the Court was “not to pronounce a new rule but to maintain and expound the old one”**.

- The doctrine was **first recognized in American jurisprudence** and has been **adopted in countries like India** and the UK.
- Its primary goal is to ensure fairness and avoid legal chaos by maintaining stability in past legal transactions while allowing the law to evolve.
- **Indian Jurisprudence on the Doctrine of Prospective Overruling:**
 - The doctrine of prospective overruling was **introduced** into Indian jurisprudence **by the Supreme Court in the** landmark case of **I.C. Golaknath vs. the State of Punjab (1967)**.
 - This case marked a turning point in Indian constitutional law, as the Supreme Court explicitly recognised and applied the doctrine for the first time.
 - The whole **purpose** of the doctrine is **to avoid reopening settled issues** and also **prevent multiplicity of proceedings**; in effect, this means that all actions prior to the declaration do not stand invalidated.
 - **All the subordinate courts are bound to apply the law to future cases only.**
 - There may also be **instances where the Supreme Court may specify the date when the declaration shall come into effect**, thereby not disturbing the decisions taken before such a date.
 - All this happens during the process of invalidating a law or overruling a decision.

Source: VERDICTUM

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