

Doctrine of Presumption of Constitutionality

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Doctrine of Presumption of Constitutionality Latest News

Countering the Supreme Court's observation that a parliamentary statute enjoys a presumption of constitutionality, petitioners recently termed the new Waqf (Amendment) Act, 2025, a "creeping acquisition" of Waqf properties owned by the Muslim community.

About Doctrine of Presumption of Constitutionality

- It is a **fundamental principle in Indian constitutional law**, rooted in the **respect for legislative authority** and the **democratic process**.
- This doctrine **posits that legislation enacted by the parliament** or state legislatures is **presumed to be constitutional**, and the **burden of proving otherwise lies on the challenger**.
- This principle assumes that **laws enacted** by the legislature are **inherently valid and constitutional until proven otherwise**.
- The doctrine finds its roots in the broader jurisprudential tradition that **respects the separation of powers**, a foundational element of democratic governance, ensuring that each branch of government

operates within its constitutionally prescribed limits.

- The **Supreme Court of India**, as the apex judicial body, has **consistently underscored this doctrine in its rulings**, emphasizing that courts should strive to uphold the constitutionality of statutes unless there is a clear and unequivocal breach of constitutional provisions.
- **It serves multiple purposes** in the legal system.
 - It ensures that the **legislative process is respected, recognizing** that **elected representatives**, accountable to the public, are **best positioned to** understand and **address societal needs through legislation**.
 - This presumption also **fosters stability and predictability in the legal system**, as laws remain effective and enforceable until they are conclusively declared unconstitutional by the judiciary.
 - Moreover, it upholds the democratic ethos by **preventing undue judicial interference in legislative matters**, thereby maintaining a delicate balance between the powers of the legislature and the judiciary.

Doctrine of Presumption of Constitutionality FAQs

Q1: What does the Doctrine of Presumption of Constitutionality primarily imply?

Ans: All laws are presumed to be constitutional until proven otherwise

Q2: Who bears the burden of proving that a law is unconstitutional under this Doctrine of Presumption of Constitutionality?

Ans: The person or party challenging the law.

Q3: What does the Doctrine of Presumption of Constitutionality help maintain between the organs of government?

Ans: Delicate balance of powers.

Source: TH

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