

# Doctrine of Repugnancy | 11 Dec 2023

## Introduction

- Repugnancy is an **inconsistency or contradiction** between two or more parts of a Statute.
- The Doctrine of Repugnancy deals with conflict between **two pieces of legislation** which when applied to the same facts **produce different results**.

## What is the Doctrine of Repugnancy?

- The concept of Doctrine of Repugnancy is contained in **Article 254 of the [Constitution of India, 1950 \(COI\)](#)**.
- **Article 254** of the COI deals with the inconsistency between laws made by Parliament and laws made by the Legislatures of States. It states that -
  1. If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause ( 2 ), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, **shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void**.
  2. Where a law made by the Legislature of a State with respect to one of the matters **enumerated in the Concurrent List** contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, **prevail in that State**.

Provided that nothing in this clause shall **prevent Parliament from enacting at any time any law with** respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

- This doctrine was included as a mechanism to resolve this repugnancy between the **powers of the Parliament and State legislatures**.
- This doctrine reflects the **quasi-federal structure of the COI**. It has clearly laid down the powers of the Parliament and State legislature to avoid inconsistencies and conflicts.

## What are the Conditions for Doctrine of Repugnancy?

- The conditions which must be satisfied before any repugnancy could arise are as follows:
  - **Clear and direct inconsistency** between the Central Act and the State Act.
  - Inconsistency is **absolutely irreconcilable**.
  - The inconsistency between the provisions of the two Acts is of such nature as to bring the two Acts into **direct collision with each other** and a situation is reached where it is impossible to obey the one without disobeying the other.

## What are the Landmark Case Laws of Doctrine of Repugnancy?

- **M. Karunanidhi v. Union of India (1979):**
  - In this case, the **[Supreme Court](#)** summarized the test of repugnancy and defined repugnancy as:
    - Where the provisions of a Central Act and a State Act in the Concurrent List are fully inconsistent and are absolutely irreconcilable, the **Central Act will prevail**, and the **State Act will become void** in view of the repugnancy.
    - Where however a law passed by the State comes into collision with a law passed by Parliament on an Entry in the Concurrent List, the **State Act shall prevail to the extent of the repugnancy** and the provisions of the Central Act would become void provided the State Act has been passed in accordance with clause (2) of Article 254.

- Where a law passed by the State Legislature while being **substantially within the scope of the entries in the State List** entrenches upon any of the Entries in the Central List, the constitutionality of the law may be upheld by invoking the doctrine of pith and substance if on an analysis of the provisions of the Act it appears that by and large the law falls within the four corners of the State List and entrenchment, if any, is purely incidental or inconsequential.
- Where, however, a law made by the State Legislature on a subject covered by the Concurrent List is **inconsistent with and repugnant** to a previous law made by Parliament, then such a law can be protected by obtaining the assent of the President under Article 254(2) of the Constitution. The result of obtaining the assent of the President would be that so far as the State Act is concerned, it will prevail in the State and **overrule the provisions of the Central Act in their applicability to the State only.**
- **Bharat Hydro Power Corporation. Ltd. v. State of Assam (2004):**
  - The Supreme Court held that if the two enactments operate in different fields without encroaching upon each other, then **there will be no repugnancy.**
- **Deep Chand v. State of U.P. (1959):**
  - The Supreme Court held that both the Central and State laws occupied the same field, the **State law were held to be void** to the extent of repugnancy and the **Central law would prevail.**