

Doctrine of Repugnancy

The doctrine of repugnancy occupies a pivotal role in the constitutional architecture of India, balancing the legislative competencies of the Union and the States under the federal structure. This doctrine, embedded within Article 254 of the Constitution of India, ensures a functioning legislative framework that avoids conflicts between central and state laws.

The Genesis and Theoretical Underpinnings

At its core, the doctrine of repugnancy arises when there is a direct conflict between the laws enacted by the Parliament and those passed by the State Legislatures, wherein compliance with both sets of laws is infeasible.

Article 254(1) states that in case of any inconsistency between laws made by Parliament and laws made by the State Legislatures, the former shall prevail and the latter shall, to the extent of the repugnancy, become void.

Judicial Interpretation: Shaping the Contours

The interpretation and application of this doctrine have evolved through landmark judgments. In the seminal case of '**M. Karunanidhi vs. Union of India**', the Supreme Court elucidated that for repugnancy to exist, two conditions must be met: clear and direct inconsistency, and the impossibility of simultaneous obedience to both the state and central laws.

Another critical case, '**Deep Chand vs. State of Uttar Pradesh**', further defined the operational scope of the doctrine, emphasising that not only should there be a direct conflict, but the union law should be intended to be a complete exhaustive code on the subject matter.

Application and Examples: The Dynamics of Federalism

The practical application of the doctrine can be seen in areas like agriculture and

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education where both central and state governments have overlapping authority. For instance, the conflict between the Central

'Right to Education Act' and various state education acts required careful judicial scrutiny to ensure that the central law's objectives were not thwarted by state legislation.

The Role of Clause 2 and Presidential Assent

Article 254(2) provides a fascinating twist to this doctrine. It allows a state law that has received the President's assent to prevail in that state, even if it is repugnant to a central law. The critical role of Presidential assent was underscored in the case of 'Zaverbhai Amaldas vs. State of Bombay', where it was held that state law can indeed prevail but only until the central law is amended to reaffirm its overriding intent.

West Bengal Housing Industry Regulation Act Case

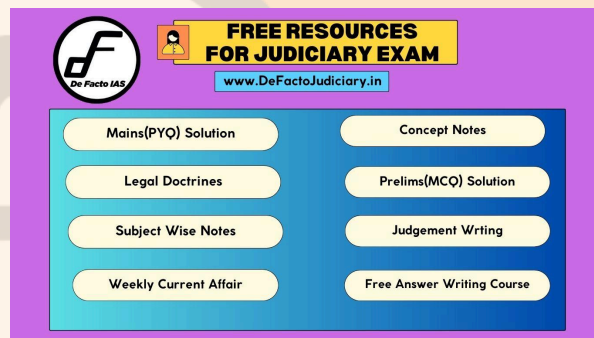
The Supreme Court's decision in the case of 'Forum for People's Collective Efforts (FPCE) vs. State of West Bengal' illustrates a contemporary application of this doctrine. The 2019 judgement against the West Bengal Housing Industry Regulation Act (WBHIRA), 2017, provides a comprehensive exposition of the doctrine. The Court, led by Justices DY Chandrachud and MR Shah, declared WBHIRA unconstitutional because it was found to be repugnant to the central Real Estate (Regulation and Development) Act (RERA), a clear demonstration of the doctrine at work.

Absolute Conflict: The judgement begins by identifying the existence of an 'absolute or irreconcilable conflict' between WBHIRA and RERA. This type of repugnancy is the most straightforward, occurring when two laws prescribe contrary norms or standards that cannot coexist.

Field Occupation: The Court also considered whether RERA intended to 'occupy the field' by being an exhaustive code on the subject

of real estate regulation. This test addresses situations where the central law does not directly conflict in terms but covers an area so comprehensively that any state law on the same subject would be superfluous and contradictory.

Overlap and Coverage: Lastly, the judgement explored the scenario where both state and central laws regulate the same subject matter but do not necessarily conflict. Here, the Court noted that repugnancy could still arise if both laws attempt to govern the same aspects, potentially leading to conflicting regulations for the parties involved.



This ruling dealt with several critical aspects:

- **Judicial Review:** The Court's rigorous analysis highlights the judiciary's role in interpreting and enforcing the bounds of legislative competence, ensuring that laws do not overstep constitutional limits.
- **Legislative Intent:** The importance of legislative intent in determining whether a central law is meant to be exhaustive and whether it seeks to create uniform standards that should not be disrupted by varied state laws.
- **Presidential Assent:** The case reiterates that even if a state law has the President's assent to override a conflicting central law under Article 254(2), it is not immune from being overridden by subsequent central legislation.