

Dr. Nishat Jhan (Assistant Professor) Law Department N.A.S. (P.G)
College, C.C.S University, (Meerut)

Class:- LL.B IInd Semester

Q-The Supremacy of the Union over the concurrent list?

OR

The Doctrine of repugnancy in the Indian Constitution?

Ans:-

The Doctrine of repugnancy has been stated in Article-254 of the Indian Constitution. The parliament and the state legislature have the power to make laws on several subject matters which cover the same field. In such a situation there could be a collision between the laws made by the parliament and the state legislature. In such situations the primacy of the laws made by the central government would prevail over the laws made by the state legislature. The doctrine of repugnancy deals with the distribution of powers between the central and state legislature has clearly lay down the powers of parliament and state legislature to avoid inconsistencies and conflict.

According to Article-254 if any provision of a state law is repugnant to a provision in law made by the parliament which the parliament is competent to in act or with any existing law regarding any matter in the concurrent list, then the parliamentary law would prevail over the state law. It will be no importance whether the parliamentary law was enacted before or after the state law. To extend of repugnancy the state law will be void.

The Supreme Court observed:-

Javer Bhai V/S State of Bombay AIR-1954 SC:-

Where a central law was enacted to regulate the supply production and distribution of essential commodities in 1946. The law also prescribed punishment for those who enacted in contravention of the act. The Bombay legislature didn't consider these punishment adequate enacted another law in 1947. Increasing the amount of punishment this subsequent state law received the assent of the president and continued to operate until 1950. When the

parliament itself amend the original law and increased the punishment. The Supreme Court held that the state law would become void as it was repugnant to the central law and both the laws had been enacted the same subject of enhanced punishment.

Conclusion:-

The Constitution of India has been called quasi-federal in nature by the learned Jurist K.C. Wheare , because the constitution of India has several feature of unitary as well as federal features, but the founders of our constitution defined it as a federal constitution. By going into great details of relations, the constitution framers hope to minimize the conflict between the centre and state. In case of over-lapping of matter between the three lists, predominance has been given to the union legislature as under the government of India Act-1935.

The question of division of powers and responsibilities between the centre and the state has cropped up in several new legislative proposals. Such as parliament has enacting laws on subject in the concurrent list which require state to allocate funds.