

# Repugnancy Laws and Its Effect on the Indian Federalism

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## ABSTRACT

The Doctrine of Repugnancy is a pivotal concept within the Indian constitutional framework, aimed at resolving conflicts between central and state laws in a federal system. This review explores the historical evolution, judicial interpretations, and contemporary relevance of the Doctrine of Repugnancy within the context of Indian federalism. The Indian Constitution is often described as "quasi-federal" due to its combination of federal and unitary features. The Doctrine of Repugnancy, enshrined in Article 254, plays a critical role in maintaining the balance between these elements. It delineates a hierarchy in which central laws prevail over state laws in cases of inconsistency, reflecting a unitary characteristic. This hierarchy, while essential for legislative coherence and uniformity, can potentially centralize power and hinder state autonomy.

The judicial interpretation of the Doctrine of Repugnancy is central to its application. Courts distinguish between direct and implied repugnancy, ensuring that state laws do not undermine the purpose of central laws. They also determine the field of legislation, deciding whether specific subjects fall under the purview of the center, states, or the concurrent list. Precedents established by the Supreme Court guide the consistent application of this doctrine.

Furthermore, the Doctrine of Repugnancy is indispensable for resolving conflicts between central and state laws in the Concurrent List. When central and state laws clash on the same subject, the central law prevails. If a state law receives the President's assent, it coexists with the central law, emphasizing the delicate balance within Indian federalism. This research has discussed the effect of repugnant laws through judicial decisions and how impactful has been towards federalism in India.

**KEY WORDS:** Repugnancy, 7<sup>th</sup> Schedule, Legislature, State, Union, Federalism

“Conflicts give rise to new concepts; repugnancy gave rise to the doctrine of repugnancy” “Repugnancy is just like fighting a battle with your own family members. The dilemma remains with the Judiciary to solve the conflict between the state and central legislature.”

## INTRODUCTION

The Constitution of India reveals a lot about the type of government and governance India has imbibed within it. It is pertinent to note that the union and the states within the territory of India determine the essence of federalism. Here, all three organs of the government i.e. Legislature, Executive, and Judiciary have demarcated their respective powers and functions to their subordinates for easy functioning of the

structure and for benefitting the citizens. The Indian Constitution has provided implicitly the concept of repugnancy and also mentions the central and state government under Schedule VII. Repugnancy means inconsistency between two or more parts of a legal enactment. The distribution of powers between a union and its units is known as federalism.

### THREE LISTS OF THE CONSTITUTION AND THEIR REPUGNANCY

The Indian Constitution's Seventh Schedule outlines the distribution of legislative powers between the Union and the States, categorizing various subjects into the Union List, State List, and Concurrent List. The Union List includes matters of national importance, the State List covers regional and local issues, and the Concurrent List pertains to areas where uniformity of legislation is desirable but not essential. Unlike the United States, where the Constitution enumerates federal powers and leaves residuary powers to the states, the Indian Constitution follows a three-fold enumeration, with residuary powers vested in neither the central nor state legislatures but the governor-general. This aligns with Canada's model, emphasizing central control over residuary powers.

In cases of overlapping legislative jurisdiction, the Constitution establishes a hierarchy, with the Union List prevailing over the State List and the Concurrent List taking precedence over the State List. When conflicts arise between central and state laws on a subject within the Concurrent List, the central law generally prevails, unless the state law has been reserved for the President's consideration and received his assent. Several constitutional amendments have altered the Seventh Schedule, often leading to the centralization of powers. Proposals for revisiting and revising the Seventh Schedule have been made, with calls for greater decentralization and a re-evaluation of the distribution of legislative powers.

While previous commissions have briefly touched on the Seventh Schedule, there is a need for a comprehensive review that addresses the fundamental principles and realigns legislative powers to reflect the evolving needs of India's diverse states. Such a review would be essential, especially considering the pending reforms concerning factor markets like land and labor, which vary significantly across states due to differences in development levels.

### DOCTRINE OF REPUGNANCY UNDER THE CONSTITUTION

The Indian Constitution has explicitly enumerated the three lists under schedule 7 in a detailed manner. Article 246<sup>1</sup> of the Indian Constitution delineates the distribution of legislative powers between the Union Parliament and State Legislatures. It establishes exclusive powers for each entity over specific subjects listed in the Union List and State List, as laid out in Schedule VII. However, it also recognizes the Concurrent List, where both Parliament and State Legislatures can enact laws.

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<sup>1</sup>246. Subject matter of laws made by Parliament and by the Legislatures of States

(1) Notwithstanding anything in clauses ( 2 ) and ( 3 ), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the Union List)

(2) Notwithstanding anything in clause ( 3 ), Parliament, and, subject to clause ( 1 ), the Legislature of any State also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the Concurrent List)

(4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included (in a State) notwithstanding that such matter is a matter enumerated in the State List

The non-obstante clause in Article 246 underscores the principle of federal supremacy. In cases of conflict between Union and State powers, Union law prevails over State powers. If conflicts arise within the Concurrent List, the power of Parliament takes precedence.

Article 254<sup>2</sup> of the Indian Constitution embodies the doctrine of repugnancy. Article 254(1) establishes the general rule that when a Union law and a state law conflict within the Concurrent List, the Union law prevails, rendering the State law void to the extent of repugnancy, regardless of their chronological order. However, Article 254(2) introduces an exception. In situations where a State Legislature's law is repugnant to a parliamentary law under the Concurrent List, but the state law has been reserved for the President's consideration and receives his assent, the state law continues to prevail in that state. Yet, Parliament maintains the competence to enact a law concerning the same subject matter, including amendments or repeals to the state law.

In summary, Article 246 and Article 254 in the Indian Constitution govern the division of legislative powers between the Union and States, with Article 254 addressing the doctrine of repugnancy. These provisions ensure a coherent legal framework while balancing the autonomy of states with the need for uniformity in certain areas.

### **JUDICIAL INTERPRETATION OF THIS DOCTRINE**

Under Indian federalism, the doctrine of repugnancy refers to the principle that if a state law comes into conflict with a central (federal) law on a subject within the concurrent legislative list, the central law prevails over the state. This doctrine primarily deals with Article 254 of the Indian Constitution. The judicial interpretation plays a role in this context:

There are two forms of Repugnancy as interpreted by the Honorable Supreme Court and respective High Courts. It has been implicitly mentioned under Article 254 which distinguishes between two types of repugnancy:

Firstly, Direct Repugnancy occurs when there is an expressed conflict between a state law and a central law, and in such cases, the central law prevails. Then we have Implied Repugnancy which arises when the state law, even though not in direct conflict with the central law, makes the central law ineffective or undermines its purpose. In such cases, the central law also prevails.

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<sup>2</sup> 254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States

(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

Further, it is important to Interpret the Field of Legislation where the Courts play a significant role in determining whether a particular subject matter falls under the exclusive domain of the center, the state, or the concurrent list. Their interpretation helps define the scope of legislation at both levels. The Supreme Court has emphasized the need for a harmonious construction of state and central laws. If it's possible to interpret the laws in a way that avoids conflict, the courts will generally do so. Judicial decisions set precedents for interpreting the doctrine of repugnancy. These precedents guide future cases and help maintain consistency in the application of the doctrine. The courts also consider the intent of the parliament when determining the applicability of the doctrine. If it's evident that parliament intended to occupy a field exclusively, the state law will be held repugnant. Lastly, the Courts are responsible for reviewing state laws to ensure they do not violate the doctrine of repugnancy. They can strike down state laws that are inconsistent with central laws.

The Supreme Court in the case of **Forum for People's Collective Efforts v. State of West Bengal**<sup>3</sup> outlined the key aspects of Article 254 of the Indian Constitution, which deals with the issue of repugnancy between state and parliamentary laws on subjects in the Concurrent List:

1. Article 254(1) deals with repugnancy in matters within the Concurrent List, where both state legislatures and Parliament can make laws.
2. If a state law is in conflict with a parliamentary law on a Concurrent List matter, the parliamentary law takes precedence, whether it was enacted before or after the state law.
3. In cases of repugnancy, the state law becomes void to the extent of the conflict, and the parliamentary law prevails.
4. Repugnancy can be resolved if the state law obtains the President's assent, allowing it to coexist with the parliamentary law.
5. Even with the President's assent, Parliament can still enact laws on the subject matter, as indicated in the proviso to clause (2) of Article 254.

Overall, the judiciary plays a critical role in interpreting and applying the doctrine of repugnancy in the context of Indian federalism to maintain a delicate balance between the powers of the center and the states.

### THREE TESTS OF REPUGNANCY

In numerous judgments of the Hon'ble Supreme Court and Hon'ble High Courts, there has been a discussion of repugnancy between state laws and central laws has been found. Accordingly, they have also come to the conclusion of deriving various tests of repugnancy to solve those issues.

In the case of **Deep Chand v. State of U.P.**<sup>4</sup>, the Supreme Court established certain tests and principles for determining repugnancy between two statutes. These tests are as follows:

**Direct Conflict:** The first test involves assessing whether there is a direct conflict between the provisions of the two statutes. If the two laws have conflicting provisions that cannot coexist, this indicates potential repugnancy.

**Exhaustive Code:** The second test involves examining whether Parliament intended to establish a comprehensive and exhaustive set of rules or regulations concerning a particular subject matter. If the

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<sup>3</sup> (2021) 8SCC 599, 711-712

<sup>4</sup> AIR 1959 SC 648

parliamentary law is meant to replace or supersede the state law on the same subject, it suggests repugnancy.

**Occupying the Same Field:** The third test assesses whether both the law enacted by Parliament and the law passed by the State Legislature are intended to cover the same regulatory area or subject matter. If both laws aim to govern the same field, it can lead to repugnancy.

In the case of **Rajiv Sarin**<sup>5</sup>, the Court established two requirements for the existence of repugnancy, there must be a conflict or repugnancy between a Central (Parliamentary) and State Act and lastly, It must be established that the presidential assent to the State Act is non-existent or not granted.

In the case of **M. Karunanidhi v. Union of India**<sup>6</sup>, the Supreme Court laid down three conditions for repugnancy, which were subsequently reaffirmed by another five-judge Bench in the year 2020. These conditions are:

1. There must be a conflict or inconsistency between a Central (Parliamentary) law and a State law.
2. The Central law must be validly enacted under the legislative powers of the Parliament.
3. Both the Central and State laws must occupy the same field or subject matter, indicating an intention of Parliament to cover the entire area of legislation in question.

The Supreme Court has outlined additional circumstances related to repugnancy between Central and State Acts:

1. Complete Inconsistency in the Concurrent List: When the provisions of a Central Act and a State Act in the Concurrent List are entirely inconsistent and cannot be reconciled, the Central Act will take precedence, rendering the State Act void due to repugnancy.
2. State Act vs. Central Act in the Concurrent List: If a State law clashes with a law passed by Parliament on a matter in the Concurrent List, the State Act will prevail to the extent of the inconsistency. The provisions of the Central Act would become void, provided that the State Act has been enacted in accordance with clause (2) of Article 254.
3. State Law Substantially in State List with Incidental Impact on Central List: When a law passed by the State Legislature is primarily within the scope of entries in the State List but incidentally affects entries in the Central List, the constitutionality of the law may be upheld. This is done by invoking the doctrine of "pith and substance," where the focus is on whether the law primarily falls within the State List, and whether any encroachment on the Central List is minor or inconsequential.
4. State Law Inconsistent with Prior Parliamentary Law in the Concurrent List: If a State law on a subject within the Concurrent List contradicts and is repugnant to a previous law enacted by Parliament, the State law can be protected by obtaining the assent of the President under Article 254(2) of the Constitution. As a result, the State law will prevail within the State's jurisdiction and override the provisions of the Central Act within the State. However, this state of affairs only persists until Parliament decides to amend, add to, vary, or repeal the State law under the proviso to Article 254.

In the case of **State of Kerala v. James Varghese**<sup>7</sup>, the central issue revolved around the potential conflict between the State Arbitration Act of 1998 and the Arbitration and Conciliation Act of 1996. The Supreme

<sup>5</sup> Rajiv Sarin & Anr vs. State of Uttarakhand & Ors Civil Appeal No. 4772/1998

<sup>6</sup> (1979) 3 SCC 548

<sup>7</sup> Civil Appeal No. 6258/2014

Court's verdict established that when a State Act has been submitted for the President's consideration and has received his approval, it takes precedence over the corresponding Central law within that specific state. Consequently, any discussion about the question of repugnancy becomes irrelevant in such cases, as the State Act's authority prevails.

### **CIRCUMSTANCES WHERE REPUGNANCY CAN RISE**

Repugnancy refers to conflicts that can arise between central and state laws when both entities have legislative authority over the same subject. The several key aspects of repugnancy are:

- 1. Scope of Repugnancy:** Repugnancy arises when there are inconsistent laws related to subjects in the Concurrent List of the Seventh Schedule of the Indian Constitution. Both Parliament and State Legislatures have the competence to legislate in these areas.
- 2. No Repugnancy in Union List or State List:** Repugnancy does not apply to laws in the Union List or the State List. In such cases, the issue is one of legislative competence, and one of the laws must be declared void on the grounds of legislative incompetency.
- 3. Doctrine of Pith and Substance:** The doctrine of "pith and substance" is used to determine the true nature and character of a law. It helps determine if a law, even if it encroaches incidentally on another list, is valid. However, this doctrine is not relevant when both laws relate to subjects in the Concurrent List.
- 4. Competing Statutes:** When two statutes occupy the same field, repugnancy applies. This means that both a parliamentary law and a state law deal with the same subject matter. It is not necessary for them to originate from the same entry in the Concurrent List, as long as they deal with the same subject.
- 5. Actual, Direct, and Irreconcilable Conflict:** Mere inconsistency between laws does not necessarily lead to repugnancy. Repugnancy arises when there is an actual, direct, and irreconcilable conflict between a state law and a parliamentary law, to the extent that they cannot coexist.

As a whole, repugnancy is a crucial concept in Indian constitutional law, ensuring that when there are conflicts between central and state laws in the Concurrent List, the central law prevails. The doctrine of pith and substance helps determine the true nature of a law, but it does not apply when both laws relate to the Concurrent List. Repugnancy only arises when both laws occupy the same field and are in direct and irreconcilable conflict with each other

### **EFFECT OF REPUGNANCY ON INDIAN FEDERALISM**

The Indian Constitution has often been described as "quasi-federal" due to its combination of federal and unitary features. While its founders initially framed it as federal, it exhibits elements of both. Article 254 of the Constitution is a prime example of this duality. Article 254 outlines the resolution of conflicts between central and state laws on the same subject. In the event of a conflict, the central law takes precedence, and Parliament can explicitly repeal a state law with subsequent legislation. However, protection is also provided for state laws that receive the President's assent, even if they contradict central laws.

The Supreme Court's interpretation in the **Tika Ramji**<sup>8</sup> case reinforced the principle that Parliament cannot repeal a state law on a concurrent subject unless it's in direct conflict with the central law,

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<sup>8</sup> 1956 SCR 393

emphasizing the importance of pre-existing central legislation. In summary, Article 254 is a critical provision that reflects the Indian Constitution's federal nature. It plays a crucial role in defining the roles of central and state laws, exemplifying the cooperative federalism that underlies India's constitutional structure.

In the case of **State of West Bengal v. Union of India**<sup>9</sup>, the central issue revolved around the competence of the Union Government to enact the Coal Bearing Areas (Acquisition and Development) Act, 1957, which allowed it to acquire coal mines vested in the state. The State of West Bengal contested this law, arguing that the Indian Constitution is federal in nature, emphasizing the shared sovereignty between the states and the central government, and contending that the center had no authority to acquire state-owned properties.

The majority decision of the Supreme Court rejected these contentions. Chief Justice Sinha's opinion held that the Indian Constitution did not establish a truly federal system where independent and sovereign units surrender some of their authority to a Union while retaining the rest. Instead, it transformed non-sovereign units constituting a unitary state into a Union, implying that the Constitution did not result from a compact or agreement between sovereign states.

Furthermore, the Chief Justice clarified that Indian states do not possess the right to secede from the Union, distinguishing India from countries like Australia and the United States, where the states were the constituent elements formed from pre-federation colonies whose delegates drafted the constitution.

In essence, the Supreme Court's majority decision established that the Indian Constitution did not create a traditional federal structure. Instead, it centralized power to a significant extent, transforming the states from non-sovereign units into integral parts of a unitary Union, where secession was not a recognized option. This ruling upheld the authority of the Union Government to acquire state-owned properties, emphasizing the unitary and centralized nature of India's constitutional framework.

## CRITICAL ANALYSIS

The effect of repugnancy on Indian federalism is a subject of significant importance and has far-reaching implications for the distribution of legislative powers between the central government and state governments. While the Indian Constitution is often described as "quasi-federal" due to its blend of federal and unitary features, the concept of repugnancy highlights the unitary elements that underpin the Indian federal structure.

1. **Centralization of Power:** Repugnancy, as enshrined in Article 254 of the Indian Constitution, establishes a hierarchy where central laws prevail over state laws in cases of inconsistency. This centralization of legislative authority can potentially undermine the autonomy and powers of state governments. While the Constitution provides for a division of powers, the prevalence of central laws can erode the federal nature of the Indian state.
2. **Conflict Resolution Mechanism:** Repugnancy serves as a mechanism to resolve conflicts between central and state laws. While this can ensure uniformity in legislation on certain subjects, it also results

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<sup>9</sup> 1963 AIR 1241

in a hierarchical arrangement where central laws take precedence. This hierarchical approach can sometimes lead to confrontations and tensions between central and state governments.

3. **Cooperative Federalism:** The concept of cooperative federalism, which is essential for effective governance in a diverse and vast country like India, requires collaboration and coordination between the center and states. Repugnancy, by favoring central laws, can sometimes hinder the spirit of cooperation and shared decision-making between these entities.
4. **Inequitable Power Dynamics:** The Indian Constitution's repugnancy provision is rooted in the premise that the central government should have the final say in cases of conflict. This can create a perception of inequitable power dynamics, where the center holds a position of authority over the states. Such perceptions can strain center-state relations.
5. **Interpretation and Litigation:** The doctrine of repugnancy often necessitates judicial interpretation and resolution. This leads to an increased caseload and legal disputes, consuming valuable time and resources, and sometimes causing delays in the implementation of laws.
6. **Need for Balance:** While repugnancy is essential to maintain legal coherence and uniformity in a country as diverse as India, there is a need to strike a balance that respects the autonomy and rights of state governments. Overemphasis on repugnancy can potentially stifle state-level innovation and responsiveness to local needs.

## SUGGESTIONS

The issue of repugnancy in Indian federalism refers to conflicts or inconsistencies between laws enacted by the central government and those enacted by the state governments. To tackle these issues, it's essential to maintain the balance of power and harmony between the center and the states. Here are some suggestions to address repugnancy issues in Indian federalism:

1. **Clarity in Constitutional Provisions:** Review and clarify the distribution of powers between the center and states, as defined in the Seventh Schedule of the Indian Constitution. Ensure that there is a clear demarcation of legislative authority to reduce scope for repugnancy.
2. **Consultation and Coordination:** Foster better cooperation and coordination between the center and states through regular consultations. The Inter-State Council, as provided for in the Constitution, can be used more effectively to discuss and resolve disputes.
3. **Federalism-Friendly Legislation:** Encourage the central government to draft legislation with due consideration for the principles of federalism. This can involve consulting states before enacting laws that significantly impact their domain.
4. **Dispute Resolution Mechanisms-** Strengthen mechanisms for resolving disputes between the center and states. This includes the use of the Supreme Court as a final arbiter, and setting up specialized tribunals for specific types of disputes, as is the case with the Water Disputes Tribunal.
5. **Economic and Fiscal Federalism:** Review and reform fiscal federalism by implementing recommendations of finance commissions to ensure equitable resource sharing between the center and states.
6. **Concurrent List Reforms:** Re-evaluate the Concurrent List, which contains subjects on which both the center and states can legislate. Consider moving certain subjects from the Concurrent List to either the Union List or the State List to reduce potential conflicts.
7. **Model Laws and Templates:** Develop model laws and templates for states to use as a reference when enacting legislation, to create uniformity in key areas without infringing on state autonomy.



8. Empower Local Self-Government: Strengthen local self-government institutions, such as panchayats and municipalities, to ensure that matters at the grassroots level are decided at the local level, reducing the need for center-state conflicts.
9. Institutional Reforms: Consider setting up an independent institution or commission to assess the impact of central laws on state autonomy and recommend changes or amendments where necessary.
10. Education and Training: Enhance the understanding of federalism among lawmakers, administrators, and the public through education and training programs. This will help in promoting a culture of cooperative federalism.
11. Public Awareness and Advocacy: Civil society organizations, think tanks, and the media can play a crucial role in raising awareness about federalism and advocating for a balanced and harmonious relationship between the center and states.

Addressing repugnancy issues in Indian federalism is a complex task, and it requires a combination of legal, political, and administrative reforms, as well as a commitment to the principles of federalism and cooperative governance.

## CONCLUSION

In conclusion, the concept of repugnancy in Indian federalism is a vital and complex aspect of the nation's constitutional framework. It serves as a mechanism for resolving conflicts between central and state laws, promoting legal coherence, and ensuring uniformity in certain areas of legislation. However, its implications for Indian federalism are multi-faceted. The effect of repugnancy on Indian federalism reflects a delicate balancing act between central authority and state autonomy. While repugnancy is a necessary mechanism for conflict resolution and maintaining legal coherence, it is essential that it is applied judiciously and with due consideration to the principles of federalism. Achieving this balance is crucial for ensuring that India's federal structure remains strong and effective, while also respecting the unique needs and powers of its diverse states.

While repugnancy is crucial for maintaining legislative harmony, it also underscores the unitary aspects of the Indian Constitution. The hierarchical arrangement where central laws take precedence can potentially centralize power, leading to concerns of inequitable power dynamics and affecting the collaborative spirit of cooperative federalism. Furthermore, the interpretation and litigation surrounding repugnancy can create legal complexities and delays in the implementation of laws. Striking a balance that respects both central authority and state autonomy is of paramount importance. Repugnancy should be applied judiciously to ensure that the federal structure remains robust while recognizing the unique needs and powers of India's diverse states.

In a nation as vast and diverse as India, the harmonious coexistence of central and state governments is essential for effective governance. Therefore, it is imperative to navigate the intricacies of repugnancy with care, upholding the principles of federalism while ensuring legal coherence and uniformity in legislation. This balance is crucial for the continued success of Indian federalism and the well-being of its citizens.

## LITERATURE REVIEW

### 1. THE DOCTRINE OF REPUGNANCY THE CONSTITUTIONAL GOVERNANCE AND JUDICIAL INTERPRETATION WITH REFERENCE TO FARM LAWS IN INDIA<sup>10</sup>

The Doctrine of Repugnancy, a fundamental concept in the Indian legal landscape, pertains to the potential conflicts between laws enacted by different tiers of government within the federal structure of the Indian Constitution. Dr. Manjula S R's literature review delves into the significance of this doctrine in the context of constitutional governance and judicial interpretation, with a specific focus on the contentious Farm Laws in India. The Farm Laws, which sought to introduce reforms in the agricultural sector, led to significant legal and political turmoil in India. Dr. Manjula's review meticulously examines the interplay between these laws, enacted by the central government, and the existing state-level agricultural legislation. It explores how such conflicts trigger the application of the Doctrine of Repugnancy, which is enshrined in Article 254 of the Indian Constitution.

The review underscores the crucial role of the judiciary in resolving these conflicts and ensuring a harmonious legal framework. Dr. Manjula emphasizes the importance of judicial interpretation, which helps in determining whether the central laws prevail over the state laws or vice versa. This has far-reaching implications for governance, as it defines the distribution of legislative powers between the central and state governments. Furthermore, the literature review touches on the broader implications of the Doctrine of Repugnancy, including its implications for federalism, governance, and the balance of power within the Indian constitutional framework. It also highlights the need for a nuanced approach by the judiciary to strike a balance between the objectives of central legislation and the autonomy of the states.

In sum, Dr. Manjula S R's literature review offers a comprehensive analysis of the Doctrine of Repugnancy in the context of the Farm Laws in India, shedding light on the intricate web of federal governance and the pivotal role played by the judiciary in ensuring a cohesive and just legal system.

### 2. INTERPRETATION OF DOCTRINE OF REPUGNANCY UNDER THE INDIAN CONSTITUTION<sup>11</sup>

The interpretation of the Doctrine of Repugnancy under the Indian Constitution is a subject of paramount importance in the realm of constitutional law and federalism. This literature review explores the various dimensions of this doctrine, shedding light on the manner in which it influences the relationship between the central and state legislatures in India. The Doctrine of Repugnancy, enshrined in Article 254 of the Indian Constitution, serves as a vital mechanism for resolving conflicts between central and state laws. This review begins by elucidating the historical and conceptual underpinnings of this doctrine, tracing its evolution and significance in the context of the Indian federal structure.

A central focus of the literature review is the judicial interpretation of the Doctrine of Repugnancy. It highlights the pivotal role played by the Indian judiciary in clarifying the contours of this doctrine through various landmark judgments. These interpretations have established a nuanced framework that guides

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<sup>10</sup>Dr. Manjula S R, IJLJ VOL 14 NO1

<sup>11</sup> S Ashwin Vardarajan, International Journal of Modern Agriculture, Volume 10, No.2, 2021

courts in determining whether a central law prevails over a state law in the event of a conflict, and to what extent.

The review also delves into the broader implications of the Doctrine of Repugnancy, emphasizing its role in maintaining the unity and integrity of the Indian legal system. It discusses the balance that must be struck between the federal nature of the Indian Constitution and the need for uniformity in certain areas, particularly when dealing with concurrent subjects. Furthermore, the review acknowledges the ongoing evolution of the doctrine in response to contemporary challenges and legal reforms, such as the Goods and Services Tax (GST) regime. It considers the adaptability of the Doctrine of Repugnancy to these changing circumstances and its continued relevance in ensuring legal harmony within the Indian federal structure.

In conclusion, the interpretation of the Doctrine of Repugnancy is a dynamic and evolving aspect of Indian constitutional law. This literature review underscores the doctrine's historical context, judicial interpretations, and its contemporary relevance, highlighting its critical role in maintaining the delicate balance between federalism and legislative harmony in India.

### 3. “CONSTITUTIONAL LAW: DOCTRINE OF REPUGNANCY”<sup>12</sup>

The article by Darshit Hemang Vora, titled "Constitutional Law: Doctrine of Repugnancy," published on Lexlife India in May 2020, provides a concise yet insightful overview of the Doctrine of Repugnancy in Indian constitutional law. This literature review aims to encapsulate the key points and contributions of the article. Vora's article commences by elucidating the basic tenets of the Doctrine of Repugnancy, which is a fundamental aspect of the Indian federal system. It underscores the significance of the doctrine in resolving conflicts between central and state legislations, emphasizing the need for coherence and uniformity in law throughout the nation.

The article adeptly delves into the historical backdrop of the doctrine, tracing its evolution from the colonial era to its current status in the Indian Constitution. Vora adeptly highlights the vital role played by Article 254 in providing a mechanism for adjudicating the repugnancy issue, whereby the central law prevails over the state law when such conflicts arise. A key focus of Vora's work is the examination of significant judicial decisions that have shaped the interpretation of the Doctrine of Repugnancy. The article discusses landmark cases such as *M. Karunanidhi v. Union of India* and *S. R. Bommai v. Union of India*, which have helped establish clear principles and guidelines for determining repugnancy. Furthermore, the article analyzes the interplay between the Doctrine of Repugnancy and the principle of parliamentary supremacy. It delves into the delicate balance that must be maintained between the authority of the central government and the autonomy of the states, a core issue in Indian federalism.

In conclusion, Vora's article on the Doctrine of Repugnancy is a valuable resource for legal scholars and practitioners. It provides a comprehensive understanding of the doctrine's historical evolution, judicial interpretations, and its role in the Indian federal structure. Vora's work effectively distills complex legal concepts into an accessible format, making it a valuable reference for those interested in constitutional law in India.

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<sup>12</sup> Vora, Darshit Hemang, Lexlife India, 11 May 2020