

Topic: Exception To The General Rule Of Repugnancy Under Article 254(2)

Name of the Case: Zaverbhai v. State of Bombay, AIR 1954 SC 752

Bench: Chief Justice M.C. Mahajan, Justice B.K. Mukherjea, Justice B.K. Jagannadhadas, Justice V. Bose Justice T.L. Venkata Rama Aiyar

Background: The Central Legislature enacted the Essential Supplies Act, 1946, conferring power on the Central Government to issue orders to regulate production, supply and distribution of essential commodities. Under Article 7(1), or contravention of any of the order was to be punishable with imprisonment up to 3 years or fine or with both. Considering these punishments inadequate, the Bombay legislature enacted Bombay Act, 1947, and enhanced the punishments provided under the central law. Both laws were preferable to the concurrent list. As there was repugnancy between the Central and the Bombay laws, the Bombay law received the assent of the Centre and become operative in Bombay. In 1950, Parliament modified its Act of 1946 and enhanced the punishments.

Judgment: The Supreme Court held that the Bombay Act of 1947 and Central Act of 1950 dealt with the same subject of enhanced punishment, and that under the proviso of Article 254(2), the State law become void because it was repugnant to the later Central law.

The Supreme Court stated that under the proviso to Article 254, Parliament to repeal a state law. But where Parliament does not expressly do so, even then, the state law will become void under that provision if it conflicts with the later law "with respect to the same matter" that may be enacted by Parliament.
