

Topic: Repugnancy Between A Central And State Law Under Article 254(1)

Name of the Case: Kanaka Gurha Nirmana Sahakara Sangha v. Narayanamma, AIR 2002 SC 3659

Bench: Justice M. Shah and Justice D. Dharmadhikari

Background: Supreme Court was approached to interpret Article 254(1) of the Constitution. When an imposed statute appears to touch two different entries in two lists, then the rule of pith and substance helps in characterising the law as belonging to this or that entry. But, under Article 254(1), questions of a different nature arises. The question before court was not whether a statute fall under this entry or that, but whether state law comes into conflict with a central law or not.

Judgment: The Supreme Court has observed that for application of Article 254(1), firstly, there must be repugnancy between the State and the law made by Parliament. Secondly, if there is repugnancy, the state legislation would be void only to the extent of repugnancy. If there is no repugnancy between the two laws, there is no question of application of Article 254(1) and both the Acts would operate. Repugnancy between two statutes maybe ascertained by considering whether parliament intended to lay down an exhaustive code in respect of the subject matter replacing the Act of State Legislature. Where the paramount legislation does not work out to be exhaustive or unqualified there is no inconsistency and it cannot be said that any qualification or restriction introduced by another law is repugnant to the provision in the main or paramount law. Before coming to the conclusion that there is a repeal by implication, the court must be satisfied that the two enactments are so inconsistent that it becomes impossible for them to stand together.
