

DOCTRINE OF
OCCUPIED
FIELD

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Meaning :-

When the **Central Legislature** makes a law on a **particular subject and thereby occupies the field**, the **state legislature have no power to enact any law on that field**. In the event of their doing so the State Legislature would, to that extent, **become Unconstitutional**.

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Union List

State List

Concurrent List

It is the concurrent list, where both the parliament and the state legislature have been empowered to enact laws, **where the problem comes.**

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Article 254 of Indian Constitution :- 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.

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Article 254 of Indian Constitution :- Inconsistency between laws made by Parliament and laws made by the Legislatures of States

(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

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Case Law:- The Curious case of state of Kerala vs. Mar Appraem Kuri

In this case the **Centre enacted the Chit Funds Act**. For the law to become operative in any state, the Central Government would have to issue a notification. In the meantime, the **State of Kerala enacted a separate act on 'Chit Funds' called as Kerala Chitties Act**.

The Court held, even though the Central Chit Funds Act was not brought in force in the state of Kerala, it is still a law '**made**' which is alive as an existing law.

*Thank You
For
Watching*

