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Chapter – 2

System of Governmnet

Centre–State Relations: Administrative Relations

Articles 256 to 263 of the Indian Constitution define the administrative relationship between the Central Government and the State Governments. These provisions attempt to balance cooperative federalism with the need for national unity. These articles in Part XI, Chapter 2 of the Indian Constitution establish a framework for how the central government and state governments should work together in administering the country. These administrative relations are crucial for ensuring effective governance and coordination between different levels of government within the federal system.

Article 256: Compliance with Union Laws

- Compliance with Union Laws is mandated by this article, which requires states to ensure adherence to both Union laws and existing laws applicable within their respective states. The overarching objective is to uphold uniformity and effectiveness in the execution of these laws, ultimately ensuring strict compliance with legal frameworks.
- Additionally, directions by the Union can be issued to states for the purpose of implementing these laws. This serves the dual purpose of fostering uniformity across the nation and ensuring the effective execution of laws within each state. By issuing directives to states, the Centre aims to promote consistency in legal enforcement and reinforce adherence to national legislation.

Article 257: Coordination in exercise of powers

- This provision provides that States must exercise their executive power without impeding the Centre's executive power. The executive powers at the centre can also give directions to the states so as to prevent impeding or prejudice to the exercise of the executive power of the Union.
- The central government can give directions to a state government, especially regarding national or military communication, and protection of railways



Article 258: Power of the Union to confer powers to the State executive in certain cases

- This article allows the central government to delegate certain tasks to state governments with their consent. Parliament can also pass laws that apply to states, even if states don't have the power to make laws on those matters.

Article 258A: Power of the State to entrust certain functions to the Centre

- The provision allowing states to entrust powers to the Union government was introduced through the 7th Amendment Act of 1956. This amendment added Article 258A to the Indian Constitution, facilitating the delegation of certain functions from states to the central government. This provision operates as a non-obstante clause, indicating that it holds overriding authority over other provisions within the Constitution.
- Article 258A grants states the authority, with the consent of the Union government, to transfer specific functions to the central government. This means that the Governor of a state has the discretion to assign certain responsibilities, which fall within the purview of the state's powers, to the Union government. Such delegation of functions is contingent upon mutual agreement between the state and the central government, thereby ensuring a cooperative framework for administrative cooperation between the two levels of governance.

Article 260: Jurisdiction of the Union when it comes to foreign territories

- The provision outlines that the Indian Government has the authority to engage in agreements with the Government of any territory outside of India's jurisdiction. These agreements are aimed at assuming any executive, legislative, or judicial responsibilities vested in the Government of that particular territory. All such agreements are subject to and regulated by existing laws concerning the exercise of foreign jurisdiction at the time.
- Additionally, it specifies that final judgments or orders issued by civil courts situated in any part of the Indian territory hold the authority to be executed anywhere within that territory, in accordance



with the prevailing law. This provision ensures the enforceability and applicability of court decisions across the entire geographical expanse of India, promoting consistency and adherence to the rule of law throughout the nation.

Article 262: Inter-State Disputes

- This article allows Parliament to make laws for resolving disputes related to inter-state rivers or river valleys and can even restrict the jurisdiction of courts in such matters. This gives it the characteristic of a non-obstante clause. The Union has the power to not involve any court, including the Supreme Court, when it comes to resolving disputes regarding use, distribution or control of waters of, or in, any inter-State river or inter-State river valley.
- If the water disputes cannot be settled by negotiations, the Central Government establishes a Water Disputes Tribunal for the adjudication of such disputes.

Article 263: Inter-State Council

- The President can establish an Inter-State Council to inquire into matters of common interest between states if it's deemed beneficial for resolving disputes between states, and coordinating policies among states and the Union government.

When it comes to administrative relations between centre and the state, it is important to note that while states have autonomy, the Centre holds supervisory and coordination powers to ensure national unity and effective implementation of laws. Furthermore, provisions like Article 263 encourage cooperation and joint problem-solving.

It becomes pertinent to learn about a few more articles while discussing the administrative relations shared between the Centre and the State.

Article 355: Duty of the Union to protect States

- Article 355 emphasises the duty of the Union government to protect states against internal disturbances as well as external aggressions. It ensures that every state government functions according to the rules of the Constitution.



- If a state government is not functioning properly and is not following the Constitution, the President can impose President's Rule in that state. In such a situation, the President assumes the role of the governor and assumes the powers granted to a governor of the State as well as any other authority, except the legislature.
- The legislature of the State then exercises its powers under the authority of the Parliament. However, the President cannot exercise or assume the powers vested in a High Court under the Constitution. It's like a timeout given by the central government to the state government until things get sorted out.

Article 365: Failure to comply with directive provide by the Union

- If any state fails to adhere to or implement any directives issued under the exercise of the executive authority of the Union government as per the provisions of this Constitution, the President is empowered to determine that a situation has arisen wherein the governance of the state cannot proceed in accordance with the stipulations of this Constitution.

Sources:

1. https://www.indiacode.nic.in/bitstream/123456789/16124/1/the_constitution_of_india.pdf
2. <https://www.legalbites.in/administrative-relationship-centre-states/> – Image Source