

Competitive Exams Center-State Relations Administrative Relations (Part 1 of 2)

Administrative Relations: Articles

- 256 Obligation of States and the Union.
- 257 Control of the Union over States in certain cases.
- 257A [Repealed.]
- 258 Power of the Union to confer powers, etc. on States in certain cases.
- 258A Power of the States to entrust functions to the Union.
- 259 [Repealed.]
- 260 Jurisdiction of the Union in relation to territories outside India.
- 261 Public acts, records and judicial proceedings.
- Disputes relating to Waters: 262 Adjudication of disputes relating to waters of inter-State rivers or river valleys.
- Co-ordination between States: 263 Provisions with respect to an inter-State Council.

Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State. Legislation for giving effect to international agreements. Inconsistency between laws made by Parliament and laws made by the Legislatures of States. Requirements as to recommendations and previous sanctions to be regarded as matters of procedure only.

Parliament's power to legislate for giving effect to the treaties and international agreements:

Article 253 empowers the Parliament to make any law for the whole or any part of the territory of India for implementing the treaties and international agreements and convention even if the subjects covered by such treaties and agreements fall within the State List.

In other words, the normal distribution of the powers will not stand in the way of the Parliament to pass a law for giving effect to an international obligation even though such law relates to any of the subject in the State List.

In case of failure of the Constitutional machinery in a State: Under Article 356, The Parliament is empowered to make laws with respect to all the matters in the State List when the Parliament

declares that the State Government cannot be carried on in accordance with the provisions of the Constitution and the Parliament assumes all the Legislative functions of the States. Thus from the scheme of distribution of legislative powers between the Union and the States, it is quite evident that the framers have given more powers to the Union Parliament as against the State Legislatures.

Centre's Control over the State Legislation

In addition to the Parliament's power to legislate directly on the State subjects, the Constitution also provides for the Centre's consent before a Bill passed by a State Legislature can become a law.

- Although the State enjoys authority to legislate on the subjects of the State List, the Centre has power to direct the State Legislature to have conformity with the Union Laws.
- Any legislation passed by the State Legislature for acquisition of private property for public purposes will not become a law unless it has the assent of the President (Art. 31 A).
- Under Art. 200, the Governor is empowered to reserve a Bill for the President's consideration. Further, under the same Article, the Governor has been directed to reserve any Bill affecting the dignity and functioning of the High Court for the President's consideration.
- Under Art. 288 (2) a State is authorized to impose taxes on water, electricity-stored, generated, consumed or distributed by the Central authority e. g. National Thermal Power Corporation (NTPC), National Hydel Power operation, etc. But any such law is effective only after the President's assent.
- Under Art. 304 (b), the State Legislature is authorized to pass Bills regarding the imposition of reasonable restrictions on the freedom of trade, commerce, and intercourse within the State in public interest. But any such Bill needs the President's prior approval for its introduction in the House.

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