



**Administrative Relations between Union and State under the Indian Constitution:
Objective, policy and Extent**

Shreyansh

Research Scholar, Department of Law, M.D. University, Rohtak

shreyansh.rs.law@mdurohtak.ac.in

Abstract

Indian Constitution articles 256, 257, 258 and 259 as well as 260, 261, 262 and 263 address the administrative relationship between the Union and its constituent countries. The Union has the authority to instruct the state as it may be essential to the “government in the exercise of its jurisdiction over the states that need assistance from the federal government a collection of executive authority While the executive authority of the state must be used in such a way that it does not interfere with the executive power of the union, both the state and the union may require the state to maintain and develop communications infrastructure that is of national or military significance in order to avoid conflict with the executive power of the union. Administration is split between the Union and the States, with the Union having more jurisdiction since it has the ability to deal with matters connected to water in any Inter-state River for which Parliament has provided for adjudication under the Constitution. To form the inter-state council, the President must get the consent of the Senate. On the basis of a resolution issued by the Rajya Sabha”, which is binding on both the Union and the states, the Parliament is authorised to establish an all-India public service.

Key Words: Indian, Constitution, Union, State, Administration, Federal

Introduction

Prior to the foundation of the Indian Federation, the States were not considered to be 'sovereign' entities. The absence of such protections meant that 'States' were no longer necessary. As a result of the demands of the circumstances, the Indian federation has developed traits that are distinct from those seen in the American form of government.

1. The residuary powers conferred on the Union by the Indian Constitution are not delegated to the States. But it should be observed that the Canadian Constitution uses



the same method of power distribution, which cannot be seen as undermining the federal character of that Constitution.

2. Although the Indian Constitution recognises a separation of powers between the Union and its constituent states, it grants the Union the authority to exert control over the legislation and administration of the states. When a state's legislation is reserved for the President's review, the President has the authority to disapprove the legislation.
3. The “Governor is appointed by the President of the United States and serves at the pleasure of the President. Once again, similar concepts are contained in the Canadian Constitution, but not in the Constitution of the United States of America
4. Fourth, save for Jammu and Kashmir, no state, other than that of the Union, has the authority to design its own (State) Constitution. The Union is governed by the Constitution of India, which also governs the States.
5. The States do not even need to be consulted in the topic of constitutional amendment, save in a few particular problems impacting the federal system, according to our findings while looking into the matter of constitutional amendment. In the Union Parliament, a Bill may be introduced that is approved by a special majority in order to modify the majority of the Constitution.
6. Sixth, although the Indian Constitution provides for unbreakable union, the States are not thus protected by the Constitution. In the usual course of legislative business, the Union Parliament has the power to reorganise the States or modify their borders with a simple majority.
7. It is not necessary for the 'permission' of the State Legislature to be obtained; the President simply has to 'ascertain' the opinions of the legislatures of the relevant States. This Act, as well as the passage of other pieces of ordinary legislation by the Union Parliament, proved the simplicity with which the federal organisation may be modified by ordinary law. Since then, a great number of new states have been established.
8. The Indian Constitution does not provide for equal participation of the states in the Council of States. As a result, under our Constitution, there is no federal protection against the interests of the smaller states being trumped by the interests of the bigger or more populous states. The fact that it has a nominated element of twelve members,



as opposed to 238 representatives from the states and union territories”, contributes to its federal character even more.

Administrative Relations

The administrative relations between the union and the states may well be studied as under:

1. Normal and
2. Emergency conditions.

A number of tactics of control have been created by the Union government to be exerted over the states in regular 57 conditions, and they have been outlined in the constitution. The states are prohibited from interfering with the legislative and executive policies of the Union government, save in certain circumstances.

Analysing the federal system in India

India is a federal nation in which authorities are distributed between Unions and states, but which also has some unitary characteristics. It is referred to as a “quasi-federal system” because it combines certain characteristics of the federal state with some characteristics of the unitary state. These characteristics are represented in the document that serves as the constitution.

Federal features of India

- There is a dual government system in place, with the Union government and state governments working together.
- In accordance with the Constitution's Seventh Schedule, there is a clearly defined delivery of powers between the federal government and the states.
- The “Indian Constitution” is strict in the sense that it cannot be readily altered under Article 368 of the Constitution. Some changes need the approval of a special majority of the states, while others require the consent of at least half of the states in order to pass. A significant element of a federal system is the rigidity with which amendments are made.
- In a “federal system, the judiciary” is separate and distinct from the legislative and the executive branch. In India, the judiciary is autonomous and free to determine the



legality of laws and to uphold the constitutionally mandated principle of sanctity of the constitution.

- The Indian Constitution is the ultimate law of the nation, and no one has the authority to execute its powers in ways that are inconsistent with the Constitution's values.
- A “federation has a bicameral form of government, which implies that the legislature is divided into two chambers. India has a bicameral legislature that consists of two chambers, namely, the Lok Sabha and the Rajya Sabha at the national level, and the legislative assembly and the legislative council at the subnational level (Lok Sabha and Rajya Sabha, respectively).

Unitary features of India

- Certain characteristics are reminiscent of the Indian unitary system. As defined in Article 1, India is a union of states rather than the United States, which implies the union has complete control over every state in the country. The Indian federation is not the product of an agreement between the states, which have the right to secede at any time they want.
- India has a single Constitution that applies to both the centre and the states, and both must operate within the framework of the Constitution.
- People in India have just one citizenship, which is a hallmark of the country's unitary system of governance.
- A flexible text, the Indian constitution may be modified to meet the demands and requirements of a changing society.
- India has an integrated judiciary, which implies that it has a single hierarchy of courts in which the judgement of the Supreme Court is binding on all lesser courts. • India has a democratic government.
- The administrative services, such as the IAS and IPS, are established and maintained under the jurisdiction of the Union.
- In the event of a declaration of an emergency, the powers are transferred to the Union, and the Union gains more control over the states.”

Centre State Relations

The “Indian Constitution”, which creates a clearly defined division of powers between the Union and the States, produces a dual polity in which one is the highest authority within the realm of authority that has been delegated to it by the other. Neither the Indian



federation nor its constituent entities may be disbanded since the federation was not formed via an agreement between separate bodies of government. As a result, the constitution includes several detailed rules that govern the different aspects of the relationship “between the centre and the states.

The relations between centre and state are divides as:

1. Legislative relations
2. Administrative relations
3. Financial relations”

1. Centre State Legislative Relations

Among the many provisions of Part XI of the Constitution, articles 245 to 255 are those governing “legislative relations between the Centre and the states.”

The extent to which legislation passed by Parliament and state legislatures have been implemented

The Indian Parliament has the authority to enact legislation that applies to the whole country or a specific region of it. The territory of India encompasses all of the states, union territories, and any other region that is now comprised of the land of India. The state legislature, on the other hand, has the authority to enact legislation for the whole state or for any section of it.

The Parliament is the only body that has the authority to pass 'extra territorial legislation,' and as a result, “the laws of the Parliament are applicable to Indian people and their property” everywhere in the globe.

The subject of legislation enacted by “Parliament and by the Legislation of States” is defined as

“The Union List, the State List, and the Concurrent List” are the three lists in which legislative power is divided between the Union and the States under the Constitution. There are 99 things on the Union's to-do list. The Union Parliament has sole competence to enact legislation on any of the topics listed in the document. “These include foreign affairs, defence, the armed forces, and communications, postal and telegraph services, international commerce, and other related fields.



The State list consists of 61 issues on which the states have the authority to enact legislation in their own right. Public order, police, administration of justice, jail, local governments, agriculture”, and other related fields are included.

In total, 52 topics are covered in the concurrent list, “including criminal and civil procedure (including marriage and divorce), economic and special planning (including trade unions), energy (including nuclear power), media, literature, education, population control, and family planning, among others. In spite of the fact that both the National Assembly and state legislatures are empowered to act on issues on the Concurrent list, the Centre has a previous and superior claim to legislate on current issues. In the event of a conflict between state law and Union legislation on a matter covered by the Concurrent list, the law of the Parliament will take precedence over the state law.

2. Centre State Administrative Relations

Both the Union and state governments have administrative responsibility over the issues included in their respective lists of the Union list and the State list. The parts of the Constitution that deal with the administrative links between the Centre and the States are established in this manner.

3. Centre State Financial Relations:

The Indian Constitution has detailed rules on the allocation of taxes and non-tax revenue, as well as borrowing capacity, as well as provisions for grants-in-aid from the Union to the States. The regulations of financial relations between the Centre and the States are covered in Articles 268 to 293 of the Constitution. The Parliament has exclusive power to levy taxes on subjects enumerated in the Union List, the state legislature has exclusive power to levy taxes on subjects enumerated in the State List, both can levy taxes on subjects enumerated in the Concurrent List, and only Parliament has residuary taxation power.

Conclusion

In India, the Centre-States ties represent the key aspects of the federalism. Indian people benefit from cooperation between the central government and state governments in order to ensure their well-being and safety. The two organisations collaborate in the areas of



environmental preservation, terrorism control, family control, and socio-economic planning.

The Indian constitution aim at reconciling the national unity while leaving the ability to preserve state to the State administrations. Even though the union has been given more powers than the states, this is an issue of degree rather than quality, since the Indian constitution has all of the basic characteristics that characterise a federal system. It is generally considered to be quasi-federal in character. Thus, it can be fairly claimed that Indian Constitution is largely federal in character even if it contains unique qualities that allow it to assume unitary aspects upon the time of necessity. Federal yet its spirit is unitary.”

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