

## ANALYSIS ON THE ADMINISTRATIVE RELATIONS BETWEEN THE UNION AND THE STATES

**AUTHOR** – M. LAKSHMIRAJ & YESWANTH P.G, STUDENTS AT SCHOOL OF EXCELLENCE IN LAW, THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY, CHENNAI

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### Abstract:

The Government of India is a federal system of Government which consist of a dual government such as the Union Government and the State Government .Union Government refers to the activities of the union and the State Government refers to the activities of the State. The Union Government has a dominant control over the State Government. This article shows about the constitutional provisions that are made by the framers of the constitution for ensuring the smooth and perfect functioning of the administrative branch of the Government. This article gives you a knowledge about the functions that are performed jointly by the Union and State Government. This article determines which is superior and dominant Union or State Government. This article says about the powers of the Union and the State Government. This article says about how the executive power is exchanged between the union and the state. This article states that whether any communications are made between the Union and the State and the information that needs to be communicated or not and the acts that are performed in respect of that communication.

### INTRODUCTION:

A federal Government is a type of government which consists of dual branches of governments that has the authority of the delegation of the powers to the elected representatives of the State. Federal Government is an unique form of government that operates by performing the functions and activities through the common institutions and also through the powers that are enshrined in the Constitution of India. In India the federal system of government consists of the Union government and the State government. Union Government is a branch of Government which has the supreme authority as it has its exclusive control over the matters of national importance and the State Government deals with the law making of the nation for internal security and the peace of the nation. The Union Government has the right to control the State Government by issuing directions to the State governments which results in ensuring compliance. The State

Government has the obligation to perform the directions that are made to them by the union. Article 256 to 263 of the Indian Constitution deals with the provisions that are related between the union and the states in the following ways which would be discussed . The Union Government of India has several powers such as the Judicial powers, Legislative powers, Emergency powers, Delegation of powers which is being exercised by the central government for the well being of the nation. The State Government also has some of the powers which deals with internal aspects of the nation such as Policy directives, education, welfare, industry etc. There are certain functions that are performed by both the Union and State Government which deals with the all India services and the development of the environment and the society. It also performs certain functions that are necessary for the protection of the people and the society. These activities are mentioned in the List which is

known as the Concurrent list which deals with the activities where the two branches of government have common interest. The Union and State government has the rights and powers to exchange the functions between them when there is a purpose and need that it wants to be exchanged. The Legislative powers and the Administrative functions that deals with the administration of the people and the nation can be exchanged for performing the activities that are stated in the concurrent list. The Union and the State Government communicates certain information between them as it is necessary for carrying out the administrative acts, prevention of disputes etc. They communicate the necessary legislations that applies to the states. Clear jurisdictions can be established by using the boundaries of demarcation of the Constitution of India.

#### **UNION GOVERNMENT:**

The Union Government consists of three branches which are known as the executive, legislative and judicial. There are two houses which are known as Lok Sabha and Rajya Sabha in the legislative branch of the Government. Lok Sabha is the lower house and also known as the House of People. Rajya Sabha is the upper house and also known as the Council of States.

#### **POWERS AND FUNCTIONS OF UNION GOVERNMENT:**

The subjects in the Union List i.e. List I is under the control of the Union Government which consists of defense, foreign affairs, atomic energy and currency. The subjects that are not exclusively mentioned in any of the three lists, then the Union Government has the power to legislate on such matters which is known as residuary power which is enshrined under Article 248<sup>654</sup>. The Union Government has the power to present the budget of the country. They can implement and formulate laws during the times of emergencies. The Union Government can execute policies for the matters related to national security and the

maintenance of the armed forces. They can conduct the foreign affairs. Union Government has the control over the monetary system of the country and they are responsible for the regulation of inter-state trade and commerce. The Union Government oversees the national elections and also controls the transportation system of the country such as the railways and airways.

#### **STATE GOVERNMENT:**

As like the Union Government the State Government is also made up of three branches such as the executive, legislative and judiciary. The Governor is the executive head of the State who is responsible for monitoring the state executive branch. The Council of Ministers who is appointed by the Chief minister is responsible for conducting and monitoring the day-to-day operations of the state. The State Government is responsible for interpreting and implementing the laws for the country for the benefit of the state.

#### **POWERS AND FUNCTIONS OF STATE GOVERNMENT:**

The State Government is responsible for maintaining the internal security of the nation and for the proper functioning of the primary sectors of the state such as Police, Public health, agriculture and land are the major subjects where the State Government had control over them. They have the obligation to maintain the law and order within the state. Health and sanitation of the public is very important which is developed by the State Government by making appropriate initiatives. State Government focuses on the management of water resources and irrigation management within the state. They take control over the land records and land reforms which is primarily responsibility of the state. The State Government deals with the administration of educational institutions and administers the local government bodies such as municipalities and panchayats.

<sup>654</sup> Union of India v. Harbhajan Singh Dhillon 1972 AIR 1061

## **DELEGATION OF POWERS BY THE UNION AND STATE GOVERNMENT:**

### **Delegation at Union Level:**

The delegation of the executive power can be made by a mutual delegation which means the distribution of the executive power between the union and state by the consent of the central government without the state's consent. The powers can be divided into Union List, State List and the Concurrent List which is outlined in the seventh schedule and enshrined in Article 246 of the Constitution.<sup>655</sup>

### **Delegation at state level:**

Under the state level, the state executive i.e. the Governor can delegate the functions. The functions which can or cannot be delegated under the state Government is totally unpredictable. It includes the activities that deal with the transfer of powers to individuals and other entities. There should be uniformity that all the authorities should be delegated with the same and equivalent powers.

## **COMMUNICATION OF INFORMATION BETWEEN THE UNION AND THE STATE GOVERNMENT:**

The Union Government has the authority to issue directions to state governments and can exchange the functions with the Union Government by communicating between them. Parliament can delegate the powers to government of the State to legislate them for the matters on the Union List. The Union and State Government gathers information and unitedly deals with the process of taking the necessary steps and methods for the prevention of the disputes that occur over the distribution, control and use of water. Union Government mainly shares the information with the State Government for enacting new laws for the country. The Central Government can communicate about the mode of language that can be used for the official purposes of the Union. The Critical Information Infrastructure Protection (CIIP) is the best way and a process

that is used by the governmental bodies to exchange the issues that are prevailing in the state and to exchange the ideas that needs to be carried out.

## **UNION AND STATE ADMINISTRATIVE RELATIONS:**

The constitutional provisions that deals with the administrative relationship between the union and states is discussed below. Article 256 says that the state must exercise their executive power according to the laws made by the Parliament and the Union can issue directions to state when it is necessary. Article 257 states certain powers of the union over the states which are applicable when there is any matters that deal with the military or national importance. The exceptions under Article 257 of the Constitution ensure that the state governments maintains the federal structure of governance. Article 256 and 257 is very important as they deals with the exercising of the executive power. Article 258 of the Constitution deals with the securing of the laws and policies implemented by the Union. Article 259 deals with the armed forces of the nation and it has been removed by the Seventh Amendment of the Constitution Act of 1956. Article 260 gives the Government of India the power to enter into agreements with the government outside of India. Article 261 deals with the full faith and credit for the public acts and judicial proceedings throughout the country of India. There must be a proof of these acts, records, and proceedings and there should be an effect that it is determined by the law made by Parliament. Article 262 covers the powers of the Parliament to pass laws for the purpose of resolving the disputes that arising between the states in matters related to water. The executive power of the Union covers the whole of the country whereas the state's executive power is limited within their legislative jurisdiction.

### **Inter-State Council:**

It is a non- permanent constitution body that is formed by the Government for the process of taking the necessary decisions for resolving the

<sup>655</sup> Swaraj Abhiyan v. Union of India AIR 2017 SC 3516 pp. 3518, 3525, 2526, 3530

dispute and also for prevention of further disputes between the states which is known as the Inter-State Council . The ISC was established in the year 1990 on the recommendation of the Sarkaria Commission on the Centre-State Relations. The President of India can establish the ISC when there is a purpose and he believes that there is need to serve the public interest. The ISC is chaired by the Prime Minister and includes the Chief Ministers of all states and union territories. They ensure regular meeting between its members. They make recommendations and prepare policies for the betterment of the matters of common interest. This council does not meet regularly but it comes at least three times in a year. The ISC consist of a Standing Committee which includes the Union Minister as Chairman, Five Union Cabinet Ministers and Nine Chief Ministers. It makes recommendations for the better coordination of policy, actions on the subjects and deliberations on matters of general interest which may be referred to by its chairman. It not only make deliberations on matters referred by the chairman but also the other matters of the general interest to the states.

#### CONCLUSION:

Administrative relations between the Union and the states are necessary which helps in promoting the cooperation and coordination between the Centre and the States. For the well being of the nation there should be and effective governance. These functions of the India's federal system will help efficiently India for the benefit of all its citizens in all aspects. This helps to maintain a balance between the rights of the states and the authority of the centre. The laws are necessary for guiding the people in a better manner which can be implemented with the help of the administrative relations. There is a friendly relationship between the Union and the State Government by exchanging the administrative functions. When the state is in need of any financial assistance it can be granted by the Parliament. The administrative relations deals with the most

important area is the role of All-India Services such as IAS, IPS, IFS, etc which are managed jointly by the Centre and the States. Article 312 of the Constitution states that the Parliament can appoint new officials who can serve both in the Union and the States. The powers between the Centre and the States are delegated in order to avoid confusion among them. It helps in the effective implementation of the laws. Contingencies are those that turns the state into another phase. So during those times such as natural disaster, calamities, epidemics etc. The Union Government is dominant and superior as there is a division of powers and the Union government has got more powers than the State Government. This does not mean that State Government is not important. The Union Government represents the Country at International level as it oversees all foreign affairs while state governments function at a local level.

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