

1. B.com.LL.B five years course  
second semester  
constitution -2

UNIT-2

## Other Statutory Bodies

- University Grant Commission  
Other bodies for higher education  
(Entry 66 list)
- Medical council of India
- All India council for technical education.
- Damodar valley corporation – a joint enterprise of the centre and two states of Bihar and west Bengal to develop the inter-state valley of the Damodar River for irrigation ,power and flood control.

# Disputes relating to water

- Art.262 authorizes the parliament to provide by law for adjudication of any dispute.
- The supreme court or any other court have no jurisdiction to solve the disputes relating to water
- The river Board Act 1956
- Inter state Water dispute Act 1956. This Act empowers the Central Govt. to set up a Tribunal for adjudication of dispute.

## Administrative Relation Between Centre and State Art. 256 to 263

The scheme of allocating the administrative responsibilities is drawn for the purpose of :-

- The administration of law.
- Achieving co-ordination between the centre and states.
- The settlement of disputes between the centre and states.

- Art. 73 and Art. 162
- The executive power of the centre extends to whole of India in respect of matter in list I.
- A state 's executive power extend to its territory in respect of matter in list II.
- Concurrent list. :-  
 the electricity (supply) Act 1956 ---by parliament under entry 38 list III. Administrative power given to state .  
 Industrial dispute Act ---- entry 22 list III.

## Centre -state co-ordination:-

1. Centre's direction to the states :
  - Art. 257 It empowers the central govt. to give direction to a state in two specific matters
  - the construction and maintenance of means of communication which are declared to be national or military importance.
  - measures to be taken for the protection of railways within the states.
  - If the state fails to comply with the direction of the centre then the president is empowered to declare the state emergency.

2. Delegation of Union function to state:- Art.258 the parliament may with consent of state govt. entrust either conditionally or unconditionally to that govt. or to its office functions relating to any matter falling with in the executive powers of the union.
- empower the parliament to use the state machinery for enforcement of Union law.
  - Plantation labour Act 1951 the executive power left with the state , The supply of and price of goods Act 1950.

- 
- ***In Jayantilal Amratlal v. F.N. Rana AIR 1964***, the distinction has been drawn between :-
  - Functions vested in the union and exercisable by the president on behalf of the union, and
  - Functions entrusted to the president by express provisions of the constitution.
  - Only the former function, but not the latter can be entrusted to the states under Art. 258.



- State conferring power to the centre . Art.258 A. inserted by the 7<sup>th</sup> amendment in 1956.,
- In the case **of N. B. Singh v Duryodhan AIR 1959**, the appellant entered into a contract with the Union (President of India) in an independent contract for the construction of the Hirakud Dam where the Centre was entering into the contract on behalf of the State of Orissa as per the powers under Art.258A. **The High Court of Orissa observed that the relationship arising by virtue of Art.258A between the centre and the state cannot be said to pertain to the law of agency but is only a constitutional statutory entrustment in relation to the exercise of the executive power which is a sovereign power.** And by virtue of this executive power of the Union, the President through an authorised officer entered into a contract with the appellant with regard to the digging of the canal. As such even if the Hirakud Dam Project was held to be undertaken by the Government of Orissa, yet the work regarding which the contract was entered into was one of the works of the construction project undertaken by the Union Government by virtue of the entrustment of the function in relation to the Hirakud Dam Project to the Government of the Union.