

Article 256 of the Constitution

August 15, 2020

Why is it in the NEWS?

Kerala has approached the Supreme Court, challenging the validity of the Citizenship Amendment Act, saying that it would be compelled under Art 256 of the Constitution to ensure compliance of the law, rules, and orders which were manifestly arbitrary, unreasonable, and irrational and violative of the fundamental rights.

Obligation of States:

The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

Reasons for such as setup

- While the center commands expansive powers, it has limited personnel to administer them. Only in some sectors has the union government established its own machinery (defence, foreign affairs) empowering it to both enact and, usually, enforce laws by itself. In other fields, the centre may ordain, but only the states can accomplish them.
- It is part of the country's colonial inheritance, it originated in the 1935 Government of India Act, a section of which forbade provinces to impede or prejudice the exercise of the executive authority of the Federation.

Provisions supporting Article 256

- Art 365 stipulates that if states do not comply with or give effect to central directions, the president may hold that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution.
- Article 356 authorizes the president (in practice, the union cabinet) to remove state governments from office and dissolve state assemblies if they cannot be run in accordance with the Constitution.
- Articles 256, 365 and 356 are a triad: one alerts; another warns; and the last one strikes.