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Special Provisions for Some States

Articles 371 to 371-J in Part XXI of the constitution contain special provisions for twelve states¹ viz., Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Telangana, Sikkim, Mizoram, Arunachal Pradesh, Goa and Karnataka. The intention behind them is to meet the aspirations of the people of backward regions of the states or to protect the cultural and economic interests of the tribal people of the states or to deal with the disturbed law and order condition in some parts of the states or to protect the interests of the local people of the states.

Originally, the constitution did not make any special provisions for these states. They have been incorporated by the various subsequent amendments made in the context of reorganisation of the states or conferment of statehood on the Union Territories.

PROVISIONS FOR MAHARASHTRA AND GUJARAT

Under Article 371, the President is authorised to provide that the Governor of Maharashtra and that of Gujarat would have special responsibility for² :

1. the establishment of separate development boards for (i) Vidarbha, Marathwada and the rest of Maharashtra, (ii) Saurashtra, Kutch and the rest of Gujarat;

2. making a provision that a report on the working of these boards would be placed every year before the State Legislative Assembly;
3. the equitable allocation of funds for developmental expenditure over the above-mentioned areas; and
4. an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate employment opportunities in the state services in respect of the above-mentioned areas.

PROVISIONS FOR NAGALAND

Article 371-A makes the following special provisions for Nagaland³ :

1. The Acts of Parliament relating to the following matters would not apply to Nagaland unless the State Legislative Assembly so decides:
 - (i) religious or social practices of the Nagas;
 - (ii) Naga customary law and procedure;
 - (iii) administration of civil and criminal justice involving decisions according to Naga customary law; and
 - (iv) ownership and transfer of land and its resources.
2. The Governor of Nagaland shall have special responsibility for law and order in the state so long as internal disturbances caused by the hostile Nagas continue. In the discharge of this responsibility, the Governor, after consulting the Council of Ministers, exercises his individual judgement and his decision is final⁴. This special responsibility of the Governor shall cease when the President so directs.
3. The Governor has to ensure that the money provided by the Central Government for any specific purpose is included in the demand for a grant relating to that purpose and not in any other demand moved in the State Legislative Assembly.
4. A regional council consisting of 35 members should be established for the Tuensang district of the state. The Governor should make rules for the composition of the council, manner of choosing its members⁵, their qualifications, term, salaries and allowances; the procedure and conduct of business of the council; the appointment of officers and staff of the council and their service conditions; and any other matter relating to the

- constitution and proper functioning of the council.
5. For a period of ten years from the formation of Nagaland or for such further period as the Governor may specify on the recommendation of the regional council, the following provisions would be operative for the Tuensang district:
- (i) The administration of the Tuensang district shall be carried on by the Governor.
 - (ii) The Governor shall in his discretion arrange for equitable distribution of money provided by the Centre between Tuensang district and the rest of Nagaland.
 - (iii) Any Act of Nagaland Legislature shall not apply to Tuensang district unless the Governor so directs on the recommendation of the regional council.
 - (iv) The Governor can make Regulations for the peace, progress and good government of the Tuensang district. Any such Regulation may repeal or amend an Act of Parliament or any other law applicable to that district.
 - (v) There shall be a Minister for Tuensang affairs in the State Council of Ministers. He is to be appointed from amongst the members representing Tuensang district in the Nagaland Legislative Assembly.
 - (vi) The final decision on all matters relating to Tuensang district shall be made by the Governor in his discretion.
 - (vii) Members in the Nagaland Legislative Assembly from the Tuensang district are not elected directly by the people but by the regional council.

PROVISIONS FOR ASSAM AND MANIPUR

Assam

Under Article 371-B⁶, the President is empowered to provide for the creation of a committee of the Assam Legislative Assembly consisting of the members elected from the Tribal Areas of the state and such other members as he may specify⁷.

Manipur

Article 371-C makes the following special provisions for Manipur⁸:

1. The President is authorized to provide for the creation of a committee of the Manipur Legislative Assembly consisting of the members elected from the Hill Areas of the state⁹.
2. The President can also direct that the Governor shall have special responsibility to secure the proper functioning of that committee.
3. The Governor should submit an annual report to the President regarding the administration of the Hill Areas.
4. The Central Government can give directions to the State Government as to the administration of the Hill Areas.

PROVISIONS FOR ANDHRA PRADESH OR TELANGANA

Articles 371-D and 371-E contain the special provisions for Andhra Pradesh¹⁰. In 2014, Article 371-D has been extended to the state of Telangana by the Andhra Pradesh Re-organisation Act of 2014. Under Article 371-D, the following are mentioned:

1. The President is empowered to provide for equitable opportunities and facilities for the people belonging to different parts of the state in the matter of public employment and education and different provisions can be made for various parts of the state.
2. For the above purpose, the President may require the State Government to organise civil posts in local cadres for different parts of the state and provide for direct recruitment to posts in any local cadre. He may specify parts of the state which shall be regarded as the local area for admission to any educational institution. He may also specify the extent and manner of preference or reservation given in the matter of direct recruitment to posts in any such cadre or admission to any such educational institution.
3. The President may provide for the establishment of an Administrative Tribunal in the state to deal with certain disputes and grievances relating to appointment, allotment or promotion to civil posts in the state¹¹. The tribunal is to function outside the purview of the state High Court. No court (other than the Supreme Court) is to exercise any jurisdiction in

respect of any matter subject to the jurisdiction of the tribunal. The President may abolish the tribunal when he is satisfied that its continued existence is not necessary.

Article 371-E empowers the Parliament to provide for the establishment of a Central University in the state of Andhra Pradesh.

PROVISIONS FOR SIKKIM

The 36th Constitutional Amendment Act of 1975 made Sikkim a full-fledged state of the Indian Union. It included a new Article 371-F containing special provisions with respect to Sikkim. These are as follows:

1. The Sikkim Legislative Assembly is to consist of not less than 30 members.
2. One seat is allotted to Sikkim in the Lok Sabha and Sikkim forms one Parliamentary constituency.
3. For the purpose of protecting the rights and interests of the different sections of the Sikkim population, the Parliament is empowered to provide for the:
 - (i) number of seats in the Sikkim Legislative Assembly which may be filled by candidates belonging to such sections; and
 - (ii) delimitation of the Assembly constituencies from which candidates belonging to such sections alone may stand for election to the Assembly.
4. The Governor shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of the different sections of the Sikkim population. In the discharge of this responsibility, the Governor shall act in his discretion, subject to the directions issued by the President.
5. The President can extend (with restrictions or modifications) to Sikkim any law which is in force in a state of the Indian Union.

PROVISIONS FOR MIZORAM

Article 371-G specifies the following special provisions for Mizoram¹² :

1. The Acts of Parliament relating to the following matters would not apply

to Mizoram unless the State Legislative Assembly so decides :

- (i) religious or social practices of the Mizos;
 - (ii) Mizo customary law and procedure;
 - (iii) administration of civil and criminal justice involving decisions according to Mizo customary law; and
 - (iv) ownership and transfer of land.
2. The Mizoram Legislative Assembly is to consist of not less than 40 members.

PROVISIONS FOR ARUNACHAL PRADESH AND GOA

Arunachal Pradesh

Under Article 371-H, the following special provisions are made for Arunachal Pradesh¹³:

1. The Governor of Arunachal Pradesh shall have special responsibility for law and order in the state. In the discharge of this responsibility, the Governor, after consulting the Council of Ministers, exercises his individual judgement and his decision is final. This special responsibility of the Governor shall cease when the President so directs.
2. The Arunachal Pradesh Legislative Assembly is to consist of not less than 30 members.

Goa

Article 371-I provides that the Goa Legislative Assembly is to consist of not less than 30 members¹⁴.

PROVISIONS FOR KARNATAKA

Under Article 371-J, the President is empowered to provide that the Governor of Karnataka would have special responsibility for

1. The establishment of a separate development board for Hyderabad-Karnataka region¹⁵
2. Making a provision that a report on the working of the board would be

- placed every year before the State Legislative Assembly
3. The equitable allocation of funds for developmental expenditure over the region
 4. The reservation of seats in educational and vocational training institutions in the region for students who belong to the region
 5. The reservation in state government posts in the region for persons who belong to the region

Article 371-J (which provided for special provisions for the Hyderabad-Karnataka region of the state of Karnataka) was inserted in the Constitution by the *98th Constitutional Amendment Act* of 2012. The special provisions aim to establish an institutional mechanism for equitable allocation of funds to meet the development needs over the region, as well as to enhance human resources and promote employment from the region by providing for local cadres in service and reservation in educational and vocational training institutions.

In 2010, the Legislative Assembly as well as the Legislative Council of Karnataka passed separate resolutions seeking special provisions for the Hyderabad-Karnataka region of the state of Karnataka. The government of Karnataka also endorsed the need for special provisions for the region. The resolutions sought to accelerate development of the most backward region of the state and promote inclusive growth with a view to reducing inter-district and inter-regional disparities in the state.

Table 37.1 *Articles Related to Special Provisions for some States at a Glance*

<i>Article No.</i>	<i>Subject-matter</i>
371.	Special provision with respect to the states of Maharashtra and Gujarat
371A.	Special provision with respect to the state of Nagaland
371B.	Special provision with respect to the state of Assam
371C.	Special provision with respect to the state of Manipur
371D.	Special provisions with respect to the state of Andhra Pradesh

or the state of Telangana

371E.	Establishment of Central University in Andhra Pradesh
371F.	Special provisions with respect to the state of Sikkim
371G.	Special provision with respect to the state of Mizoram
371H.	Special provision with respect to the state of Arunachal Pradesh
371-I.	Special provision with respect to the state of Goa
371J.	Special provisions with respect to the state of Karnataka

NOTES AND REFERENCES

1. Part XXI is entitled as ‘Temporary, Transitional and Special Provisions’.
2. This Article was amended by the 7th Constitutional Amendment Act of 1956 and the Bombay Reorganisation Act of 1960. Andhra Pradesh was taken out of this Article by the 32nd Constitutional Amendment Act of 1973 and provided for separately in two new Articles 371-D and 371-E.
3. This Article was added by the 13th Constitutional Amendment Act of 1962.
4. The validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgement.
5. The Deputy Commissioner of the Tuensang district shall be the ex-officio Chairman of the regional council and the Vice-Chairman shall be elected by the members of the council from amongst themselves.
6. This Article was added by the 22nd Constitutional Amendment Act of 1969.
7. The Tribal Areas of Assam are specified in the Sixth Schedule of the Constitution. They are North Cachar Hills District, Karbi Anglong District and Bodoland Territorial Areas District.
8. This Article was added by the 27th Constitutional Amendment Act of 1971.
9. In this Article, the expression ‘Hill Areas’ means such areas as the President may, by order, declare to be Hill Areas.
10. Both the Articles were added by the 32nd Constitutional Amendment Act

of 1973.

11. The tribunal has been set up by the Andhra Pradesh Administrative Tribunal Order, 1975.
12. This Article was added by the 53rd Constitutional Amendment Act of 1986.
13. This Article was added by the 55th Constitutional Amendment Act of 1986.
14. This Article was added by the 56th Constitutional Amendment Act of 1987.
15. The Hyderabad – Karnataka region includes the six backward districts of Northern Karnataka, viz., Gulbarga, Bidar, Raichur, Koppal, Yadgir and Bellary.