



## Special Provisions for Some States

**For Prelims:** [Indian Constitution](#), [Federalism](#), [Judicial review](#), [Parliamentary form of government](#), [Special provisions](#), [Constitution of India](#), [Article 370](#), [Article 371](#), [Seventh Schedule](#), [Regionalism](#), [National integration](#), [Cooperative federalism](#), [Centre-state relations](#), [Tribal areas](#), [Sarkaria Commission](#), [Punchhi Commission](#), [Sixth Schedule](#), [Fifth Schedule](#).

**For Mains:** [Special Provisions For States](#), [Demand for Special Status](#)

### Context

The Indian Constitution provides **special provisions for certain states** under Articles 371 to 371J to address their unique socio-economic, cultural, and historical contexts. The aim is to **safeguard regional interests, ensure equitable development**, and protect **indigenous identities**. While these provisions **promote state-specific governance autonomy**, they also play a crucial role in maintaining national unity and integrity.

### What Constitutional Provisions Govern the Special Provisions of Certain States?

- Indian states experience varying treatment due to fiscal, political, and administrative factors, with some enjoying distinct autonomy and a unique [Centre-State relationship](#).
  - [Article 371](#): Provides special provisions **for 12 states** to address governance and administrative requirements.
    - [Articles 371 to 371-J in Part XXI](#) of the constitution contain special provisions for **twelve states** viz., Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Telangana, Sikkim, Mizoram, Arunachal Pradesh, Goa and Karnataka.
    - All these exceptions are under a Section of the Constitution titled [“Temporary, Transitional and Special Provisions”](#), which indicates that these provisions would be operable till the crisis either **secessionist sentiments** or **war ceases**.
      - However, despite the “temporary” tag, none of the provisions **contain an explicit expiry date**.
    - 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 the reorganisation of the states or conferment of statehood on the [Union Territories](#).
  - [Article 239A](#): Establishes provisions for a **local legislature** in the Union Territory of Puducherry.
  - [Article 239AA](#): The [National Capital Territory \(NCT\)](#) of Delhi can make laws on topics

listed in the State and Concurrent Lists (as per the 7th Schedule) that apply to Union Territories. **However, it cannot make laws on police, public order, and land.**

## What are the Various Special Provisions For the States?

- **Article 371, (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 for:
  - The **establishment of separate development boards** for:
    - [Vidarbha, Marathwada](#), and the rest of Maharashtra.
    - [Saurashtra, Kutch](#), and the rest of Gujarat.
  - Making a provision that a report on the working of these boards would be placed every year before the [State Legislative Assembly](#).
  - The equitable allocation of funds for developmental expenditure over the above-mentioned areas.
  - 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.
- **Article 371A (13th Amendment Act, 1962), (Nagaland):** [Article 371-A](#) makes the following special provisions for Nagaland:
  - The Acts of Parliament relating to the following matters **would not apply to Nagaland** unless the State Legislative Assembly so decides:
    - Religious or social practices of the Nagas.
    - **Naga customary law** and procedure.
    - Administration of **civil and criminal justice** involving decisions according to Naga customary law.
    - Ownership and **transfer of land** and its resources.
  - 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 final. This special responsibility of the Governor **shall cease** when the President so directs.
  - 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.
  - 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, the manner of choosing its members, their qualifications, terms, 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.
  - 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 various provisions would be operative for the Tuensang district.
- **Article 371B (22<sup>nd</sup> Amendment Act, 1969), (Assam):** Under [Article 371-B](#), 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 specify.
- **Article 371C (27<sup>th</sup> Amendment Act, 1971), (Manipur):** [Article 371-C](#) makes the following special provisions for Manipur:
  - 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 state.
  - The President can also direct that the **Governor shall have a special responsibility** to secure the proper functioning of that committee.
  - The Governor should **submit an annual report** to the President regarding the [administration of the Hill Areas](#).
  - The Central Government can **give directions to the State Government** as to the

administration of the Hill Areas.

- **Article 371D (32<sup>nd</sup> Amendment Act, 1973; substituted by The Andhra Pradesh Reorganisation Act, 2014), (Andhra Pradesh and Telangana): [Articles 371-D](#) and [371-E](#)** contain special provisions for Andhra Pradesh.
  - 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:
    - 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.
    - 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.
    - 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 state.
      - 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.
- **Article 371F (36<sup>th</sup> Amendment Act, 1975), (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 concerning Sikkim. These are as follows:
    - The Sikkim Legislative Assembly is to consist of **not less than 30 members**.
    - One seat is allotted to **Sikkim in the [Lok Sabha](#)** and Sikkim forms one Parliamentary constituency.
    - To protect the rights and interests of the different sections of the Sikkim population, the Parliament is empowered to provide for the:
      - Number of seats in the Sikkim Legislative Assembly that may be filled by candidates belonging to such sections.
      - **[Delimitation of the Assembly constituencies](#)** from which candidates belonging to such sections alone may stand for election to Assembly.
    - 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.
    - The President can extend (with restrictions or modifications) to Sikkim any law which is in force in a state of the Indian Union.**
- **Article 371G (53<sup>rd</sup> Amendment Act, 1986), (Mizoram): [Article 371-G](#)** specifies the following special provisions for Mizoram:
  - The Acts of Parliament relating to the following matters would not apply to Mizoram unless the State Legislative Assembly so decides:
    - Religious or social practices of the Mizos.
    - Mizo customary law and procedure.
    - Administration of civil and criminal justice involving decisions according to Mizo customary law.
    - Ownership and transfer of land.
  - The Mizoram Legislative Assembly is to consist of not less than 40 members.

- **Article 371H (55<sup>th</sup> Amendment Act, 1986), (Arunachal Pradesh):** Under [Article 371-H](#), the following special provisions are made for Arunachal Pradesh:
  - 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.
  - The Arunachal Pradesh Legislative Assembly is to **consist of not less than 30 members.**
- **Article 371-I, (Goa):** Article 371-I provides that the **Goa Legislative Assembly** is to consist of not less than 30 members.
- **Article 371J (98<sup>th</sup> Amendment Act, 2012), (Karnataka):** Under [Article 371-J](#), the President is empowered to provide that the Governor of Karnataka would have special responsibility for:
  - The establishment of a **separate development board** for the Hyderabad-Karnataka region.
  - Making a provision that a report on the working of the board would be **placed every year** before the State Legislative Assembly.
  - The **equitable allocation of funds** for developmental expenditure over the region.
  - The reservation of seats in educational and vocational training institutions in the region for students who belong to the region.
  - 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.

Article No.	Subject-matter
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

## What are the Criticism of the Special Provisions For Some States?

- **Erosion of National Unity:** Special provisions can **encourage regionalism**, affecting national cohesion. **Article 370 for Jammu and Kashmir** fostered a distinct identity, contributing to separatist sentiments, while **Article 371A** for Nagaland, which protects customary laws, is seen as **reinforcing a sense of exclusivity**.
- **Economic Disparities:** Special status often leads to **uneven development**. States like Sikkim and Maharashtra benefit from additional assistance, while **Bihar and Uttar Pradesh**, without such provisions, often lag behind.
- **Political Misuse:** Provisions like **Article 371D in Andhra Pradesh**, meant for equitable access to jobs and education, are sometimes misused for political gains.
- **Legal Ambiguities:** Distinct legal frameworks create conflicts between state and central laws. The **Goods and Services Tax (GST)** rollout in Jammu and Kashmir faced delays due to Article 370, while Article 371G in Mizoram has led to **disputes over land** and resource management.
- **Social Inequities:** Special provisions often **fail to benefit marginalized groups** effectively. In tribal areas under the **Fifth and Sixth Schedules**, power dynamics hinder equitable distribution, as seen in Jharkhand, where many tribal communities remain underserved.

## Way Forward

- **Fostering National Integration:** The **Sarkaria Commission (1983)** recommended **cooperative federalism** through better Centre-state coordination. Countries like **Canada balance regional autonomy** with a strong federal framework, **promoting both unity and diversity**.
- **Addressing Regional Disparities:** The **15th Finance Commission (2020)** emphasised the need for **equitable fiscal transfers** to underdeveloped states. **Switzerland's fiscal equalization system** offers a successful model of resource redistribution for balanced development.
- **Preventing Political Exploitation:** The **Punchhi Commission (2007)** suggested clear guidelines on **Centre-state relations** and periodic reviews of these provisions. **Germany's federal system** includes accountability measures to ensure provisions serve their intended purposes.
- **Clarifying Legal Frameworks:** The **States Reorganisation Commission (1955)** recommended aligning state boundaries with **cultural and linguistic identities** to reduce

disputes. **Spain's autonomous regions** demonstrate a clear legal structure that balances local and national interests.

- **Enhancing Social Equity:** The [National Commission for Scheduled Castes \(NCSC\)](#) advocates **targeted programs and monitoring mechanisms** to ensure equitable benefits. **South Africa's constitutional provisions** protecting marginalised communities provide a relevant global example.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### Prelims:

**Q. Which Schedule of the Constitution of India contains special provisions for the administration and control of Scheduled Areas in several States? (2008)**

- (a) Third
- (b) Fifth
- (c) Seventh
- (d) Ninth

**Ans: (b)**

**Q Which of the following special powers have been conferred on the Rajya Sabha by the Constitution of India? (2012)**

- (a) To change the existing territory of a State and to change the name of a State
- (b) To pass a resolution empowering the Parliament to make laws in the State List and to create one or more All India services
- (c) To amend the election procedure of the President and to determine the pension of the President after his/her retirement
- (d) To determine the functions of the Election Commission and to determine the number of Election Commissioners

**Ans: (b)**

**Q. If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it? (2022)**

- (a) This would prevent the transfer of land of tribal people to non-tribal people.
- (b) This would create a local self-governing body in that area.
- (c) This would convert that area into a Union Territory.
- (d) The State having such areas would be declared a Special Category State

**Ans: (a)**

### Mains:

**Q. Recent directives from Ministry of Petroleum and Natural Gas are perceived by the 'Nagas' as a threat**

to override the exceptional status enjoyed by the State. Discuss in light of Article 371A of the Indian Constitution. **(2013)**

**Q.** To what extent is Article 370 of the Indian Constitution, bearing marginal note “Temporary provision with respect to the State of Jammu and Kashmir”, temporary? Discuss the future prospects of this provision in the context of Indian polity. **(2016)**

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