

Part XXI of the Constitution of India

Part XXI of the Constitution of India is a compilation of laws pertaining to the constitution of India as a country and the union of states that it is made of. This part of the constitution consists of Articles on Temporary, Transitional and Special Provisions

The information from this article will be useful in the Polity segment of the Civil Services Examination.

To know more in detail about the Polity segment, be sure to visit the UPSC Syllabus page.

Part XXI of the Constitution of India - Article 371

Articles 371 to 371-J in Part XXI of the Constitution of India contain special provisions for twelve states:

1. Maharashtra
2. Andhra Pradesh
3. Telangana
4. Sikkim
5. Mizoram
6. Arunachal Pradesh
7. Gujarat
8. Nagaland
9. Assam
10. Manipur
11. Goa
12. Karnataka

The purpose behind them is to meet the aspiration 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 for:

1. The establishment of separate development boards for Vidarbha, Marathwada and the rest of Maharashtra, 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.
4. An equal arrangement providing adequate facilities for technical education and vocational training, and adequate employment opportunities in the state service in respect of the above-mentioned areas.

Provisions for Nagaland

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

1. The Acts of Parliament relating to the following matters would not apply to Nagaland unless the State Legislature Assembly so decides:

- Religious or social practices of the Naga
- 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

2. The Governor of Nagaland shall have special responsibility for law and order in the state so long as internal disturbance caused by the hostile Nagas continue. In the discharge of this responsibility, the Governor, after consulting the Council of Ministers exercises individual judgement and the decisions are final. This special responsibility of the Governor shall cease when the President 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 Legislature 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 members, their qualifications, term, salaries and allowances, the procedure and conduct of the businesses of the council and their service conditions and any other matter relating to the constitutions 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:

- The administration of the Tuensang district shall be carried out by the Governor

- The Governor shall in his discretion arrange for equitable distribution of money provided by the Center between Tuensang district and the rest of Nagland
- Any Act of the Nagaland Legislature shall not apply to Tuensang district unless the Governor so directs at the recommendation of the regional council
- The Governor can make Regulations for the peace, progress and good government of the Tuensang district. Any such Regulations may repeal or amend an Act of Parliament or any other law applicable to that district.
- 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.
- The final decision on all matters relating to Tuensang district shall be made by the Governor in his discretion.

Provisions for Assam and Manipur

For 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

For Manipur

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

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 state
2. The President can also direct that the Governor shall have special responsibility to secure the proper functioning of that committee.
3. The Governors 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 administration of the Hill Areas.

Provisions for Andhra Pradesh or Telangana

Articles 371-D and 371-E contain the special provisions for Andhra Pradesh. In 2014, Article 371-D was extended to the State of Telangana by the Andhra Pradesh Reorganisation 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

2. For the above-mentioned 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.
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 of civil posts in the state. The tribunal is to function outside the purview of the state High Court.

Article 371 - 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 populations, the Parliament is empowered to provide for the number of seats in the Sikkim Legislative Assembly which may be filled by cadres belonging to such sections and delimitation of the assembly constituencies from which candidate belonging to such sections alone.
4. The Governor shall have special responsibilities for peace and for an equitable arrangement for ensuring the social and economic advancement of the different sections of the Sikkim population.
5. The President can extend to Sikkim any law which is in force in a state of the Indian Union

Provisions for Mizoram

Articles 371-G specifies the following special provisions for Mizoram:

1. 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 and its resources
2. The Mizoram Legislative Assembly is to consist of not less than 40 members

Provisions for Arunachal Pradesh and Goa

For Arunachal Pradesh

Under Article 371-H the following provisions are made for Arunachal Pradesh:

1. The Governor of Arunachal Pradesh shall have special responsibility for law and order in the state. In the discharge of this 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 decisions are 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.

For Goa

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

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 region
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 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.

In 2010, the Legislative Assembly as well as the Legislative Council of Karnataka passed a resolution 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 Resolution sought to accelerate development of the most backward region of the state and promote inclusive growth with a view to reduce inter-district and inter-regional disparities in the state.