SPECIAL STATUS OF CERTAIN STATES



INTRODUCTION

- The **special status of certain states** in India refers to the unique constitutional provisions that provide these states with certain privileges and autonomy, which are not granted to other states. This special status is primarily aimed at recognizing the distinct socio-cultural, geographical, and historical factors of these regions. Part XXI of the **Constitution of India** deals with **Temporary, Transitional, and Special Provisions** for certain states.

Overview of Part XXI of the Constitution of India:

- Part XXI (Article 370 to Article 371J) provides specific provisions for certain states to address their unique circumstances. These provisions are intended to preserve the distinctiveness of these states, ensure their development, and respect the aspirations of the people living there

1. Article 370 - Special Status of Jammu and Kashmir:

- Article 370 of the Indian Constitution granted **special status** to the state of **Jammu and Kashmir**. This article was a temporary provision that gave Jammu and Kashmir its own constitution and considerable autonomy from the central government. However, this article was **abrogated on August 5, 2019** by the Indian Parliament, effectively revoking the special status of Jammu and Kashmir.

Key Provisions (Before Abrogation):

- Jammu and Kashmir had its own **Constitution** (adopted in 1957), and the state legislature had the power to make laws on all matters except defense, foreign affairs, finance, and communications.
- The state's **Article 370** restricted the application of laws passed by Parliament, meaning laws passed by Parliament could only apply to Jammu and Kashmir if the state government agreed to them.
- The state had its own **Flag** and **Constitution** and a distinct **legal and political system**.
- **Permanent residents of Jammu and Kashmir** (defined in the state's constitution) enjoyed special rights and privileges, including land ownership and employment within the state.

After Abrogation:

- Jammu and Kashmir was reorganized into **two Union Territories**: **Jammu and Kashmir**, and **Ladakh**.
- The state's special status and provisions under Article 370 were revoked, meaning that laws passed by Parliament now apply directly to Jammu and Kashmir and Ladakh.
- The changes have been the subject of legal and political debate, but the **Supreme Court of India** has not yet ruled on the constitutional validity of the abrogation.

2. Article 371 - Special Provisions for Certain States:

- Article 371 contains provisions for the **special status** of certain states to preserve their unique cultures, languages, and traditions. The article gives the President the power to grant exceptions or modifications to the laws in these states to accommodate their distinct characteristics.

Key Provisions for Specific States under Article 371:

- **Article 371A**: **Nagaland**: This provision grants Nagaland significant autonomy in matters of religion, social practices, and customary law. For example, the **Legislature of Nagaland** has the power to regulate the land ownership system based on the traditional customary law of the Nagas.
- **Article 371B**: **Assam**: Provides for the establishment of a **Legislative Council** for Assam to protect the interests of the **tribal areas** of the state.
- **Article 371C**: **Manipur**: Provides for a **Legislative Assembly** with specific provisions for the representation of **tribal areas** in Manipur.
- **Article 371D**: **Andhra Pradesh and Telangana**: Provides for the **equitable distribution of services** and **government jobs** between the two newly formed states (Andhra Pradesh and Telangana). It also allows for the establishment of a **Common Public Service Commission** for the two states for some period.
- **Article 371E**: **Establishment of a University in Andhra Pradesh**: This provision empowers the Parliament to establish a **central university** in the state of Andhra Pradesh.

- **Article 371F**: **Sikkim**: This provision was included after **Sikkim's accession to India** in 1975. It ensures that the **special rights of Sikkim** are protected, and it provides for the **legislative autonomy** of Sikkim in certain matters, such as the protection of the **Sikkimese language**, **culture**, and **customs**.
- **Article 371G**: **Mizoram**: Similar to Nagaland, Mizoram has special provisions that safeguard its unique culture and social practices. The state has the autonomy to preserve its land ownership laws and other matters based on **tribal customs**.
- **Article 371H**: **Arunachal Pradesh**: Provides for the **special legislative powers** of Arunachal Pradesh. It gives the state legislature the authority to make laws related to the administration of land and resources based on the customs and traditions of its indigenous people.
- **Article 371I**: **Goa**: This provision deals with the **legislative assembly** of Goa and recognizes its special status post its **integration into India** in 1961.
- **Article 371J**: **Karnataka**: Provides for special provisions for the **decentralized development** of the **Hyderabad-Karnataka region**. This includes special provisions for the **economic development** of this region, with specific mention of **backward districts**.

3. Special Status for Other States:

- While **Article 370** and **Article 371** provide a legal basis for the special status of certain states, other provisions in the Constitution also ensure **special consideration** for regions or groups that require attention due to historical, social, or cultural reasons.

Examples:

- **North Eastern States**: Special provisions have been made for **tribal populations** in the **Northeastern states** to preserve their culture, languages, and land rights. The Constitution gives these states the freedom to regulate land ownership by non-tribals and protect their indigenous way of life.
- **Scheduled Areas**: **Article 244** provides for the creation of **Scheduled Areas** in certain states, where **tribal populations** are concentrated. These areas are governed by special provisions that aim to preserve the rights and autonomy of tribal communities.

Conclusion:

- The special status provisions in **Part XXI** of the Indian Constitution aim to protect and preserve the cultural, historical, and social diversity of certain regions in India. These provisions reflect India's commitment to a **federal structure** that accommodates the **distinct needs** of various states. While some of these provisions have been amended or abrogated over time (e.g., Article 370), others continue to play a vital role in ensuring the unique rights of specific regions and communities.