

## The Concept of Special Category Status and States

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### Abstract

The term and the concept of special category state was first introduced in 1969 when the 5th Finance Commission sought to provide certain disadvantaged states with preferential treatment in the form of central assistance and tax breaks. The sole purpose of this is that some states have a less resource support and cannot organise resources for the basic improvement. Lacking in economic resources and being geographically isolated from the rest of the country, they suffer from serious physical and economic handicaps. To solve these problems the centre has come out with special category status to some states. In this context the paper tries to highlight the difference between the term special status and the special category. Further the paper focuses on various criteria for giving the special status and also the benefits out of that. The paper tries to critically evaluate the mechanism of special category status in the provisos of Indian Constitution.

**KEYWORDS:** Special Category, Status, Fifth and Sixth Schedule, Indian Constitution, Development, etc...

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#### 1. Introduction

The Indian Federalism is unique in nature and is tailored according to specific needs of the country. Federalism is a basic feature of the Constitution of India in which the Union of India is permanent of indestructible. Both the Centre and States are co-operating and coordinating, institutions having independence and ought to exercise their respective powers with mutual adjustment, respect understanding and accommodation. Tension and conflict of the interests of the Centre and the respective units is an integral part of federalism. Prevention as well as amelioration of conflicts is necessary. Thus, the Indian Federalism was devised with a strong Centre.

Federalism with a strong centre was inevitable as the frames of the Indian Constitution were aware that there were economic disparities as several areas of India were economically as well as industrially far behind in comparison to others. The nation was committed to a socio economic revolution not only to secure the basic needs of the common man and economic unity of the country but also to bring about a fundamental change in the structure of India society in accordance with the egalitarian principles. The doubt which emerges about the federal nature of the Indian Constitution is the powers of intervention in the affairs of the states given to the Central Government by the Constitution. Sir, Ivor Jennings was of the view that India has federation with a strong centralising policy.

The classic definition of federalism is that offered by K.C. Wheare, who described the federal principles the method of dividing powers so that the general and regional governments are each within a sphere co-ordinate and Independent.<sup>1</sup> Wheare's definition states that under a federal system the general and the regional government each has an autonomous sphere of power that can be exercised independently of the other level. Further, under wheare's formulation, the powers of the central government are exercised directly over individual citizens, rather than indirectly through the states or provinces. In the event that the central government does not have power to regulate citizens directly, the form of government would be confederal rather than federal. A similar definition of federalism was offered by A.V. Dicey, who identified the three leading characteristics of a completely developed federalism as including the distribution of powers among governmental bodies (each with limited and coordinate powers), along with the supremacy of the constitution and the authority of the courts as the interpreters of the Constitution.

Further Prof. Wheare is of the opinion that, the existence of federal principles is important that power of Governance is divided between coordinate or independent authority. As a third world country India represents a case of development, which is peculiar yet quite expected as well. It is peculiar in the sense that there are some states in India that are much developed, in far better condition than others. Examples of such states are Punjab, Maharashtra, Delhi, Tamil Nadu and West Bengal, Karnataka and Andhra Pradesh to a certain extent. However, the situation in some states is pretty deplorable.

## II. Special Status and Special Category Status to States<sup>2</sup>

Difference between Special Status and Special Category Status to States

- There is a huge difference between the terms 'Special Status' and 'Special Category Status'
- Special status is guaranteed by the Constitution of India through an Act passed by the two-third majority in both houses of the Parliament, as in the case of Jammu and Kashmir, whereas Special Category Status is granted by the National Development Council (NDC), an administrative body of the government.
- Special Status empowers legislative and political rights while Special Category Status deals only with economic, administrative and financial aspects.
- The concept of a special category state was first introduced in 1969 when the 5th Finance Commission sought to provide certain disadvantaged states with preferential treatment in the form of central assistance and tax breaks.
- Initially three states Assam, Nagaland and Jammu & Kashmir were granted special status but since then some more have been included

### Criteria

The special status is given to states based on certain parameters. Which are

<sup>1</sup> K.C. Wheare, *Federal Government*, 4<sup>th</sup> edn, (London: Oxford University Press, 1963), p.11.

<sup>2</sup> <https://www.brainyias.com/iasbuzznews/singlenews.php?id=https://www.brainyias.com/iasbuzz/special-status-special-category-status-states/>

- Low resource base
- Hilly and difficult terrain
- Low population density
- Sizable share of tribal population
- Hostile location

### **Benefits to the State**

The benefits that a state gets under the provision of being a 'special state' are –

- Preferential treatment in getting Central funds assistance
- Concession on excise duty, this attracts industries to the state
- Significant 30% of the Centre's gross budget goes to the Special category states
- These states avail themselves of the benefit of debt swapping and debt relief schemes
- In centrally sponsored schemes and external aid special category states get it in the ratio of 90% grants and 10% loans, while other states get 30% of their funds as grants.

### **III. Raghuram Rajan Committee Report:**

The Raghuram Rajan Committee Report of 2013 stated that Bihar, Odisha, Uttar Pradesh and Jharkhand are the four most backward states of India. Odish is supposed to be the most backward stat in India right now. It had also stated that Gujarat is among the less developed states of India.

In spite of that it was found to be in the lower rung among Indian States and Union Finance Minister, had set up Committee in May 2013. In this context, it also needs to be remembered that during his speech as a Prime Ministerial candidate Modi had expressed a desire to follow the Gujarat Model of development.

Rajan has previously served as the Chief Economic Advisor and is presently Governor of RBI. The main responsibility assigned to committee was to divide the states on the basis of various developmental indices. As per findings of the report, funds were to be allotted by the national government to the respective states. At the time, the report had found Goa, Tamil Nadu and Kerala to be the most well developed states of India. In fact, Goa was the best among all these.

The said list also found Punjab Uttarakhand, Maharashtra and Haryana to be states that had achieved a relatively decent level of development. The panel also devised a new index that was to be used for determining how backward a state was, which would consequently help the national administration determine how much assistance a state needed.

Several factors come into play while determining whether a state is backward or not. The Raghuram Rajan Committee took into account several factors and gave them equal weightage to come up with the said index. They may be enumerated as below:

- Monthly per capita consumption expenses
- Female literacy
- Education
- Percentage of population that can be classed Scheduled Tribe or Scheduled Caste
- Health
- Rate of Urbanisation
- Facilities available within households
- Level of financial inclusion poverty rate
- Physical connectivity

### **Human Development Index**

Human Development index is one of the many indicators that are used in order to judge the development condition of a state or a particular region. An HDI between 0.549 and 0.799 indicates a moderate level of development. A count between 0.250 and 0.499 indicates a low level of HDI. In fact none of the states in India have what can be called a high level of HDI. Kerala the whole North Eastern region Delhi, Maharashtra, Himachal Pradesh, Tamil Nadu, Goa, Haryana and Punjab are ones with moderate levels of HDI and the rest are all states with low HDI. Perhaps it is important that the governments take more control in key areas such as health and education and also fortify sectors such as agriculture and manufacturing as that is where most people in this country work.

### **IV. State with Special Category Status in India: Concept and Benefits**

The decision to grant special category status to states lie with the National Development Council composed of the Prime Minister, Union Ministers, Chief Ministers and member of Planning Commission, who guide and review the working of the Planning Commission. Initially, three states namely Assam, Nagaland and Jammu & Kashmir were accorded special category status and later on eight other states were also given special category status namely: Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Uttarakhand, Tripura, Himachal Pradesh and Sikkim and thus the list is now increased to eleven. The bases on the basis of which NDC decides whether a state should be accorded special status or not includes; hilly and difficult terrain; low population density and a or sizeable share of tribal population; strategic location along borders with neighbouring countries; economic and infrastructure backwardness and non viable nature of state finances. At the time of resource allocation by the centre to states, these special category states are at a beneficial position. After the Report of Fifth Finance Commission, a formula was fixed for the distribution of resources between the states. This formula was named after the then deputy Chairman of Planning Commission Dr. Gadgil Mukherjee. The Gadgil Mukherjee Formula adopted by consensus in 1991 was made the basis for the distribution of tax revenue and grants during 8<sup>th</sup> Five year Plan (1992-2007) and has since been in use. Among states, the distribution of tax revenue and grants is determined through the formula accounting the population 25% are 10% fiscal capacity 47.5% and fiscal discipline 17.5%. The Finance Commission and the planning Commission are bodies entrusted with the work of transferring the resources from the Centre to the States.

The Planning Commission allocates funds to states through central assistance for state plans. Central Assistance can be broadly split into the component. Normal Central Assistance, Additional Central Assistance and Special Central Assistance. Normal Central Assistance favours special category states and they get 30% of the total assistance while the other states share the remaining 70%. NCA is in the form of 90% as grants and 10% loans for special category states, while the ratio between grants and loans is 30:70 for other states. There is no fixed formula for special central Assistance and it depends on the basis of the States plan size and previous plan expenditures. Besides this special category states enjoy concessions in excise and customs duties, income tax rates and corporate tax rates as determined by the government. The Planning Commission also allocates funds for ACA for the purpose of assistance for externally aided projects and other specific project.

The Finance Commission is entrusted with the work of distribution of central tax revenues among states. The Finance Commission also recommends the principles governing non-plan grants and loans to states.

## **V. The Special Status to States**

Orissa, West Bengal, Tamil Nadu are racing for the special status as if it were a trophy to felicitate achievement. Ironically, to achieve special status, a state has to show itself in poor light. To demand the special status for his state Bihar Chief Minister Nitish Kumar went a step ahead and conducted Adhikar rally on 17<sup>th</sup> March, 2013 in New Delhi. As the race is getting intense among the states to gain special status, the matter has fallen into political entanglements making it vulnerable to the questioned on its credibility.

### **Origin:**

The concept of a special category state was first introduced in 1969. The 5<sup>th</sup> Finance Commission decided to provide certain disadvantaged states with preferential treatment in the form of Central assistance and tax breaks. Initially three States, Assam, Nagaland and Jammu & Kashmir were granted special status but since then eight more have been included Arunachal Pradesh, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura and Uttarakhand.

The special status is given to certain states because of their inherent features, like they might have a low resource base and cannot mobilize resource for development. Some of the features required for special status are:

- i) Hilly and difficult terrain;
- ii) Low population density or sizable share of tribal population;
- iii) Strategic location along borders with neighbouring countries;
- iv) Economic and infrastructure backwardness; and
- v) Non-viable nature of state finances.

As per Gadgil formula, a special category state gets some of the benefits they are as follows;<sup>3</sup>

- Preferential treatment in federal assistance and tax breaks
- Significant excise duty concessions
- This, these states attract large number of industrial units to establish manufacturing facilities within their territory leading to their economy flourishing.
- The special category states do not have a hard budget constraint as the central transfer is high.
- These states avail themselves of the benefit of debt swapping and debt relief schemes (through the enactment of Fiscal Responsibility and Budget Management Act) which facilitate reduction of average annual rate of interest.
- Significant 30% of the Centres gross budget goes to the Special category states.
- In centrally sponsored schemes and external aid special category states get in the ration 90% grants and 10% loans. For the rest of the states as per recommendations of the 13<sup>th</sup> Finance Commission, in case of centrally sponsored schemes on 70% central funding is there is the form of grant. The rest of the states received external aid in the exact ratio (of grants and loans) in which it is received by the centre.

#### **Article 371 of the Indian Constitution**

Special provision with respect to the states of Maharashtra and Gujarat:<sup>4</sup>

- (i) Notwithstanding anything in this Constitution, the President may by and order made with respect the state of Maharashtra or Gujarat, provided for any special resp0onbilty of the Governor for-
  - (a) The establish of separate development boards of Vidhrbha, Marathwada, and the rest of Maharashtra or, as the case may be Saurashtra, Kutch and the rest of Gujarat with provision that a report on the working of each of these boards will be places each year before the State Legislative assembly;
  - (b) The equitable allocation of funds for developmental expenditure over the said areas, subject to the requirements of the State as a whole; and
  - (c) An equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the said areas, subject to the requirements of the State as whole.

#### **Article 371A- Special Provision to State of Nagaland**

(1) Notwithstanding anything in this Constitution -

<sup>3</sup> [www.notapedian.in/blog//p+126](http://www.notapedian.in/blog//p+126).

<sup>4</sup> <https://en.wikisoubce.org/wiki/count.ofinida/postxxi>

- (a) No Act of Parliament in respect of - (i) Religious or social practices of the Nagas; (ii) Naga customary law and procedure; (iii) Administration of civil and criminal justice involving decisions according; (iv) Ownership and transfer of land and its resources, shall apply the state of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides.
- (b) The Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills- Tuensang Area immediately before the formation of the State continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken.

Provided that if any question arises whether any matter is or is not a matter as respects which Governor is under this sub-clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or out not to have acted in the exercise of his individual judgment.

Provided further that if the President on receipt of report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the state of Nagaland, he may order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order.

- (c) In making recommendation with respect to any demand for a grant, the Governor of Nagaland shall ensure that any money provided by the Government of India out of the Consolidated Fund of India for any specific service or purpose is included in the demand for a “grant relating to that service or purpose and not in any other demand.
- (d) As from such date as the Governor of Nagaland may by public notification in this behalf specify, there shall established a regional council for the Tuensang district consisting of thirty-five members and the Governor shall in his discretion make rules providing for (i) The composition of the regional council and the manner in which the members of the regional council shall be chosen; Provided that the Deputy Commissioner of the Tuensang district shall be the Chairman ex-official of the regional council and the Vice-Chairman of regional council shall be elected by the members thee of from amongst themselves; (ii) The qualifications for being chose as, and for being, members of the regional council; (iii) The term office and the salaries and allowances, if any to be paid to members of the regional council; (iv) The procedure and conduct of business of the regional council; (v) The appointment of offices and staff of the regional council and their conditions of serves; and (vi) Any other matter is respect of which it is necessary to make rules for the constitution and proper functioning of the regional council.

(2) Notwithstanding anything in this Constitution for a period of ten years from the date of formation of the State of Nagaland or for such further period as the Governor may on the recommendation of the regional council, by public notification specify in this behalf –

- (a) The administration of the Tuensang district shall be carried on by the Governor.
- (b) Where any money is provided by the Government of India to the Government of Nagaland to meet the requirements of the State of Nagaland as a whole, the Governor shall in his discretion arrange for an equitable allocation of that money between the Tuensang district and the rest of the State;
- (c) No Act of the Legislature of Nagaland shall apply to Tuensang district unless the Governor, on the recommendation of the regional council by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall be in its application to the Tuensang district or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council.

Provided that any direction given under this sub-clause may be given so as to have retrospective effect:

- (d) The Governor may make regulations for the peace progress and good government of the Tuensang district and any regulations so made any repeal or amended with retrospective effect, if necessary, any Act of Parliament or any other law which is for the time being applicable to that district.
- (e) (i) One of the members representing the Tuensang district in the Legislative Assembly of Nagaland shall be appointed Minister for Tuensang affairs by the Governor on the advice of the Chief Minister and the Chief Minister in tendering this advice shall act on the recommendation of the majority of the members as aforesaid Article 371A of the Constitution of India shall have effect as if the following proviso were added to (i) of sub-clause (e) of clause (2) thereof, namely the Governor may, on the advice of the Chief minister, appoint any person as Minister for Tuensang affairs to act as such until such time as persons are chosen in accordance with law to fill the seats allocated to the Tuensang district in the Legislative Assembly of Nagaland. (ii) The Minister for Tuensang affairs shall deal with and have direct access to the Governor on all matters relating to the Tuensang district but he shall keep the Chief Minister informed about the same.
- (f) Notwithstanding anything in the foregoing provisions of this clause the final decision on all matter relating to the Tuensang district shall be made by the Governor in his discretion;
- (g) In article 54 and 55 and clause (4) of the article 80 reference to the elected members of Legislative Assembly of State or to each such member shall include reference to the members or member of the Legislative Assembly of Nagaland elected by the regional council established under this article.
- (h) In article 170- Clause (1) shall in relation to the Legislative Assembly of Nagaland have effect as if for the word sixty the words forty six had been substituted. (ii) In the said clause, the reference to direct election from territorial constituent in the state shall include election by the members of the regional

council established under this article; (iii) In clauses (2) and (3) references to territorial constituencies shall mean references to territorial constituencies in the Kohima and Mokokchung district.

(3) If any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may by order do anything (including any adaptation or modification of any other articles) which appears to him to be necessary for the purpose of removing that difficulty.

No such other order shall be made after the expiration of three years from the date of the formation of the State of Nagaland. The Kohima, Mokokchung and Tuensang districts shall have the same meaning as in the state of Nagaland Act, 1962.

#### **Article 371B - Special provision to State of Assam**

The President may by order made with respect to the State of Assam, provide for the Constitution and functions of Committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the tribal areas specified in part I of the table appended to paragraph 20 of the Sixth Schedule and such number of other members of that Assembly as may be specified in the order and for the modifications to be made in the rules of procedure of that Assembly for the Constitution and proper functioning of such Committee.

#### **Article 371C- Special provision to State of Manipur**

- 1) The President may order made with respect to State of Manipur, provide for the Constitution and functions of a committee of the Legislative Assembly of the state consisting of members of that Assembly elected from the Hill Areas of that State for the modifications to be made in the rules of business of Government and in the rules of procedures of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of such committee.
- 2) The Governor shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Hill Areas in the state of Manipur and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas. Hill Areas means such areas as the President may by order declare to be Hill Areas.

#### **Article 371D - Special Provision to state of Andhra Pradesh**

The President may by order made with respect of the State of Andhra Pradesh provide having regard to the requirements of the State as a whole for equitable opportunities and facilities for the people belonging to different parts of the state, in the matter of public employment and in the matter of education and different provisions may be made for various parts of the State.

An order made under clause (1) may in particular;

- a) Require the state Government to organise any class or classes of posts in civil service of or any class or classes of civil post under the State into different local cadres for different part of the State and allot in accordance with such principles and procedure as may be specified in the order the persons holding such posts to the local cadres so organises
- b) Specify any part of parts of the State which shall be regarded as a the local area-
  - (i) for direct recruitment to posts in any local cadres under the state Government;
  - (ii) For direct recruitment to posts in any cadre under any local authority within the State; and
  - (iii) For the purposes of admission to any University within the State or to any other educational institution which is subject to the control of the State Government.
- c) Specify the extent to which the manner in which and the conditions subject to which, preference or reservation shall be given or made –
  - (i) In the matter of direct recruitment to posts in any such cadre referred to in sub-clause (b) as may be specified in this behalf in the order
  - (ii) In the matter of admission to any such University or other educational institutional referred to in sub-clause (b) as may be specified in the behalf in order, to or in favour of candidates who have resided or studied for any period specified in the order in the local areas in respect of such cadre, University or other educational institution, as the case may be.

The President may by order provide for the constitution of an Administrative Tribunal for State of Andhra Pradesh to exercise such jurisdiction powers and authority including any jurisdiction, power and authority which immediately fore the commencement of the Constitution.

- (a) Appointment allotment or promotion to such class or classes of posts in any civil service of the State or to such class or classes civil posts under the State or to such class or classes of post under the control of any local authority within the state as may be specified in the
- (b) Seniority of persons appointed allotted or promoted to such class or classes of posts in any civil service of the state or to such class or classes of civil posts under the State or to such class or classes of posts under the control of any local authority within the State as may be specified in the order.
- (c) Such other conditions of service of persons appointed allotted or promoted to such class or classes of posts in any civil service of the State or to such class or classes of civil posts under the state or to such class or classes of posts under the control of any local authority within the State as may be specified in the order.
- (d) Authorise the Administrative Tribunal to receive representations for the redress of grievance relating to any matter within its jurisdiction as the President may specify in the order and to make such orders thereon as the Administrative Tribunal deems fit.
- (e) The order of the Administrative Tribunal finally disposing of any case shall become effective upon its confirmation by the State Government or on the expiry or three months from the date on which the order is made whichever is earlier.

- (f) The State Government may by special order made in writing and for reasons to be specified therein, modify or annul any order of the Administrative Tribunal before it becomes effective and in such a case the order of the Administrative Tribunal shall have effect only in such modified form or be to no effect as the case may be.
- (g) Every special order made by the State Government under the proviso to clause (5) shall be said as soon as may be after it is made before both House of the State Legislature.
- (h) The High Court for the State shall not have any powers of superintendence over the Administrative Tribunal and no court (other than Supreme Court) of tribunal shall exercise any jurisdiction, power or authority in respect of any matter subject to the jurisdiction, power or authority of or, in relation to the Administrative Tribunal.

#### **Article 371E**

Parliament may by law provide for the establishment of a University in the state of Andhra Pradesh.

#### **Article 371F - Special Provisions to the State of Sikkim**

- a) The Legislative Assembly of the state of Sikkim shall consist of not less than thirty members
- b) As for the date of commencement of Constitution( Thirty Sixth Amendment) Act, 1975
- c) The Assembly for Sikkim formed as a result of the elections held in Sikkim in April 1974 with thirty two members elected in the said election shall be deemed to be the Legislative Assembly to the State of Sikkim duly constituted under this Constitution.
- d) The sitting members shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under this Constitution.
- e) The said Legislative Assembly of the State of Sikkim shall exercise the powers and perform the functions of the Legislative Assembly of a state under this Constitution.
- f) Until other provisions are made by Parliament by law, there shall be allotted to the state of Sikkim one seat in the House of the People and the state of Sikkim shall form one parliamentary constituency to be called the Parliamentary constituency for Sikkim.
- g) Parliament may for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belong to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim.

- h) The Governor of Sikkim shall have special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this clause the Governor of Sikkim shall subject to such directions as the President may from time to time deem fit to issue act in his discretion.
- i) All property and assets which immediately before the appointed day were vested in the Government of Sikkim or in any other authority or in any person for the purposes of the Government of Sikkim shall as from the appointed day vest in the Government of state of Sikkim.
- j) The High Court functioning as such immediately before the appointed day in the territories comprised in the state of Sikkim shall on the form the appointed day be deemed to the High Court for the State of Sikkim.
- k) All courts of Civil Criminal and Revenue jurisdiction all authorities and all officers judicial executive and ministerial throughout the territory of the State of Sikkim shall continue on and from the appointed day to exercise their respective functions subject to the provisions of this Constitution.
- l) All laws in force immediately before the appointed day in the territories comprised in the State of Sikkim or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other Competent Authority.
- m) For the purpose of facilitating the application of any such law as is referred to in clause (k) in relation to the administration of the State of Sikkim and for the purpose of brining the provisions of any such law into accord with the provisions of this Constitution, the President may within two years from the appointed day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made and any such adaptation or modification shall not be questioned in any court of law.
- n) The Supreme Court or any other court shall have jurisdiction in respect f any dispute or other matte arising out of any treaty agreement engagement or other similar instrument relating to Sikkim which was entered into or executed before the appointed day and to which the Government of India or any of its predecessor from the provisions of article 143.
- o) The President may by public notification extend with such restrictions or modifications as he thinks fit to the State of Sikkim and enactment which is in force in a state in India at the date of the notification.
- p) If any difficulty arises in giving effect to any of the foregoing provisions of this article the President may by order (62) do anything (including any adaptation or modification of any other article0 which appears to him to be necessary for the purpose of removing that difficulty.

### **Article 371G- Special provision to State of Mizoram**

Notwithstanding anything in this Constitution –

(i) No Act of Parliament in respect; (ii) Religious or social practices of the Mizos (iii) Mizo customary law and procedure (iv) Administration of civil and criminal justice involving decisions according to Mizo customary law ;(v) ownership and transfer of land, shall apply to the State Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides

The Legislative Assembly of the state of Mizoram shall consists of not less that forty members.

#### **Article 371H- Special provisions to the state of Arunachal Pradesh**

Notwithstanding anything in this Constitution –

- a) The Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the State of Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall after consulting he Council of Ministers exercise his individual judgment as to the action to be taken.
- b) If any question arises whether any matter is or is not a matter as respects which the Governor is under this clause required to act in the exercise of his individual judgment the decision of the Governor in his discretion shall be final and 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 judgment.
- c) Further that if the President on receipt of a report the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Arunachal Pradesh, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order.
- d) The Legislative Assembly of the State of Arunachal Pradesh shall consist of not less than thirty members.

#### **Article 371 J – 98<sup>th</sup> Amendment Act 2012 – Special Provisions to State of Karnataka**

There is a provision for the establishment of separate development board for the Hyderabad Karnataka region the working of which will report annually to the assembly.

There shall equitable allocation of funds for developmental expenditure over the said region, and equitable opportunities and facilities for the people of this region in government jobs and education.

An order can be made to provide for reservation “of a proportion of seats and jobs in educational and vocationally training institutions and State Government organisation. Respectively in the Hyderabad Karnataka Region for individuals who belong to that region by birth or domicile.

## **VI. Conclusion**

Indian Constitution ensures right to equality that extends to individuals, communities, religious regions and all social economic and political institutions. The right to equality does not only enures non-discrimination on the basis of the religion, caste, region or any other social and political sub-categories but also ensures abuser of any special privilege on its basis. But for certain regions and states, the Constitution of India gives special status. In order to assist in development of those states that faces many social economic disadvantages and infrastructural backwardness. It would be not wrong to say that Human Development Indi is considered as a better indicator of overall development of states central grants are required to ensure or maintain the better education and health standards in these states as they may not be able to generate own resource for this purpose due their economic vulnerability.