



# Constitutional Amendments Series

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# ABOUT ME



- ✓ Mentoring, guiding and teaching UPSC students since 8 years
- ✓ Polity, Indian Economy, Essay, Internal Security & Post Independence India
- ✓ Teaching Political Science Optional



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98<sup>th</sup> Amendment<sup>+</sup> 2012<sup>•</sup>



THE CONSTITUTION (NINETY-EIGHTH AMENDMENT)  
ACT, 2012

[1st January, 2013]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Ninety-eighth Amendment) Act, 2012.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 371-I of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 371J.

“371J. (1) The President may, by order made with respect to the State of Karnataka, provide for any special responsibility of the Governor for—

Special provisions with respect to State of Karnataka.

(a) establishment of a separate development board for Hyderabad-Karnataka region with the provision that a report on the working of the board will be placed each year before the State Legislative Assembly;

# What is Article 371?

- Articles 370 and 371 were part of the Constitution at the time of its commencement on January 26, 1950;
- Articles 371A through 371J were incorporated subsequently.

*Temporary provisions  
with respect to States  
in Part B of the  
First Schedule.*

371. Notwithstanding anything in this Constitution, during a period of ten years from the commencement thereof, or during such longer or shorter period as Parliament may by law provide in respect of any State, the Government of every State specified in Part B of the First Schedule shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President:

Provided that the President may by order direct that the provisions of this article shall not apply to any State specified in the order.

# Part B states

- Hyderabad,
- Jammu and Kashmir,
- Madhya Bharat,
- Mysore,
- Patiala and East Punjab States Union (PEPSU),
- Rajasthan,
- Saurashtra, and
- Travancore-Cochin.

- 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.



- **Article 371, Maharashtra and Gujarat:**
- Governor has “special responsibility” to establish “separate development boards” for “Vidarbha, Marathwada, and the rest of Maharashtra”, and Saurashtra and Kutch in Gujarat;
- ensure “equitable allocation of funds for developmental expenditure over the said areas”, and
- “equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment” under the state government.

- **Article 371A (13th Amendment Act, 1962), Nagaland:**
- This provision was inserted after a 16-point agreement between the Centre and the Naga People's Convention in 1960, which led to the creation of Nagaland in 1963.
- Parliament cannot legislate in matters of Naga religion or social practices, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law, and ownership and transfer of land without concurrence of the state Assembly.

- **Article 371B (22nd Amendment Act, 1969), Assam:**
- The President may provide for the constitution and functions of a committee of the Assembly consisting of members elected from the state's tribal areas.

- **Article 371C (27th Amendment Act, 1971), Manipur:**
- The President may provide for the constitution of a committee of elected members from the Hill areas in the Assembly, and entrust “special responsibility” to the Governor to ensure its proper functioning.



- **Article 371D (32nd Amendment Act, 1973; substituted by The Andhra Pradesh Reorganisation Act, 2014), Andhra Pradesh and Telangana:**
- President must ensure “equitable opportunities and facilities” in “public employment and education to people from different parts of the state”.
- He may require the state government to organise “any class or classes of posts in a civil service of, or any class or classes of civil posts under, the State into different local cadres for different parts of the State”.
- He has similar powers vis-à-vis admissions in educational institutions.

- **Article 371E:** Allows for the establishment of a university in Andhra Pradesh by a law of Parliament.
- But this is not a “special provision” in the sense of the others in this part.

- Article 371F (36th Amendment Act, 1975), Sikkim:
- The members of the Legislative Assembly of Sikkim shall elect the representative of Sikkim in the House of the People.
- To protect the rights and interests of various sections of the population of Sikkim,
- Parliament may provide for the number of seats in the Assembly, which may be filled only by candidates from those sections.

- **Article 371G (53rd Amendment Act, 1986), Mizoram:**
- Parliament cannot make laws on “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... unless the Assembly... so decides”.



- **Article 371H (55th Amendment Act, 1986), Arunachal Pradesh:** The Governor has a special responsibility with regard to law and order, and “he shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken”.

<sup>1</sup>[371-I. Special provision with respect to the State of Goa.—Notwithstanding anything in this Constitution, the Legislative Assembly of the State of Goa shall consist of not less than thirty members.]

- **Article 371J (98th Amendment Act, 2012), Karnataka:**
- There is a provision for a separate development board for the Hyderabad-Karnataka region.
- There shall be “equitable allocation of funds for developmental expenditure over the said region”. and “equitable opportunities and facilities” for people of this region in government jobs and education.
- A proportion of seats in educational institutions and state government jobs in Hyderabad-Karnataka can be reserved for individuals from that region.

- **Federalism in India**
- Indian model of federalism is **called a quasi-federal system** as it contains major features of both a federation and union. It can be better phrased as 'federation sui generis' or federation of its own kind.

- **Features which make India a federal state**

- **Dual governments**
- **Division of powers-**
- **Written Constitution**
- **Supremacy of the Constitution**



- **Non-federal features**

- **Single Constitution**
- **Single Citizenship**
- **Integrated judiciary**
- **Strong Centre**

- **Asymmetric federalism in India**

- "Asymmetric federalism" is understood to mean federalism based on unequal powers and relationships in political, administrative and fiscal arrangements spheres between the units constituting a federation.
- federation can be viewed in both vertical (between Center and states) and horizontal (among the states)

- **Why Asymmetric federalism in India**

- Due to diversity
- Social Justice
- Promote development



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