Constitution of India

Empowerment of Marginalized Groups &
Protection of Public Servants

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Empowerment of Marginalized Groups

Who are Marginalized Persons?

- The term “Marginalization” generally describes the overt actions or tendencies of human societies whereby those perceived as being without desirability or function are removed or excluded from the prevalent systems of protection and integration, so limiting their opportunities and means for survival.

- Marginalized groups: found in most parts of the world; developed or otherwise: ethnic, linguistic and religious minorities, homosexuals, drug addicts, AIDS patients, Women & Disabled persons
Marginalized or Vulnerable groups

Marginalized Groups:
- People with disabilities
- Minorities (ethnic, religious, etc.)
- Migrants
- Homeless people
- Ex-prisoners
- Drug and alcohol addicts
- Isolated older people
- Children
- Lone parents (mothers)
- Unemployed (long-term)

Vulnerable groups:
- Due to age, ill-health, infirmity
- minority status or their otherwise disempowered position in society may be open to exploitation (whether physical, emotional or psychological).
- Individuals/households living in poor quality homes and neighborhoods that lack adequate provision for water, sanitation, drainage and garbage removal
- The vulnerable groups that face discrimination include- Women, Scheduled Castes (SC), Scheduled Tribes (ST), Children, Aged, Disabled, Poor migrants, People living with HIV/AIDS and Sexual Minority
Empowerment of Marginalized Groups

Vulnerable groups; are disadvantaged as compared to others mainly on account of their reduced access to medical services and the underlying determinants of health. It also refers to those individuals or groups who, due to age, ill-health, infirmity, minority status or their otherwise disempowered position in society may be open to exploitation (whether physical, emotional or psychological).

What includes empowerment?

- It may in the context of Human rights, economic security, capacity building, skill formation or other conditions of dignified social existence.

  - Andre Beteille

- It is a purpose-oriented action of reinforcing the ability of the disadvantaged group to gain self generating power to be equal partners in the process of development.

  - Yogendra Singh
Empowerment of Marginalized Groups

- Combating poverty through measures for the integration of vulnerable or marginalized groups, the enhanced protection of human rights and access to basic services.

- The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) have guaranteed the rights to sustainable livelihood, social, political and economic development for all especially those disadvantaged.

- **Constitutional empowerment;** for the Women, Children SC/ST/OBC & Minorities
Constitutional protection to the Marginalized/Vulnerable groups

Constitution of India:

**Preamble**: Promises to secure” Justice-Social, economic & Political”.

- Article.14 declares that the equality before law and the equal protection of laws shall be available to all.
- No discrimination against any citizen on the grounds of sex (Article.15)
- State can make any special provisions for women & children.(Art.15(3))
- Art. 15(4) : Compensatory discrimination for the SC/ST

*Champakam Dorairajan vs State of Madras* AIR 1951 SC 226

*K.C. Vasantha Kumar vs. State of Karnataka* AIR,1985 SC 1495
Empowerment of Marginalized Groups

- **Balaji vs State of Mysore** AIR 1963 SC 649 (Supreme Court held that reservation cannot be more than 50%)
  - **Indra Sawhney vs Union of India**, AIR 2000 SC 498 (Mandal Commission case) (SC held that reservation should not exceed 50%)
- Art.15 No discrimination on grounds of religion, race, caste, sex or place of birth or any of them.
- Art. 15 (5) : This clause was added in 93rd amendment in 2005 and allows the state to make special provisions for backward classes or SCs or STs for admissions in private educational institutions, aided or unaided.
- Art.16 Equality of opportunity in public employment.
- Art. 16(4): This clause allows the state to reserve vacancies in public service for any backward classes of the state that are not adequately represented in the public services.
- Art. 16 (4A): This allows the state to implement reservation in the matter of promotion for SCs and STs.
- Art. 16(4B): This allows the state to consider unfilled vacancies reserved for backward classes as a separate class of vacancies not subject to a limit of 50% reservation.
Constitutional protection to the Marginalized/Vulnerable groups

- Art. 29 & 30 guarantees cultural and educational rights
- Protection of interest of minorities:
  a. Right to conserve its own language, script or culture of its own. Art. 29(1)
  b. Right of a citizen to admission to Educational institution Art. 29(2)

Articles 32 and 226 of our Constitution empower anyone, whose rights are violated, to seek writs.
Protection to the Marginalized/Vulnerable groups

**Directive Principles of State Policies aims at:** (Art.36-51)

- a. Social and Economical Charter
- b. Social Security Charter
- c. Community Welfare Charter

- Right to adequate means of livelihood, 39(a)
- Equal pay for equal work both men & women 39(d)
- Protection of health & strength of workers- men, women & children
- Art. 40: Provides reservation in 1/3 seats in Panchayats
- Art. 46: Enjoins the states to promote with care the educational and economic interests of the weaker sections, specially SC and STs.

**International Laws /Conventions:**

- UN Declaration of Human Rights, 1948
- Convention on Political rights of Women, 1954 (Art.III Right to hold public office)
- The Declaration of Mexico on the Equality of Women, 1975
- The Convention on the Elimination of All forms of Discrimination Against Women, 1981, etc.,
Laws giving special rights to women

Just & humane conditions of work & maternity benefit (Art.42) Socio-economic legislations to provide protection to women:

- Equal Remuneration Act 1976
- The Workmen’s Compensation Act, 1923
- Minimum Wages Act 1948, Factories Act, 1948
- Employees State Insurance Act 1948
- Plantation Labour Act, 1951
- Contract Labour (Regulation & Abolition) Act, 1970
- Bonded Labour System (Abolition) Act, 1979
- Immoral Traffic Prevention Act, 1986
- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1987
- The Dowry Prohibition Act, 1961
- The Indecent Representation of Women (Prohibition) Act, 1986
- Violence against Women: Law relating to rape, Dowry, Domestic Violence.
Laws to protect the Children's

- Child abuse is so grave it is on the National agenda.
- Most affected child group is in age group of 5-12.
- Efforts of the Ministry – Legislation; National & State Commissions for protection; Integrated Child Protection Scheme, the draft Offences against Children Bill etc.
- Appears inadequate. Reciprocation from the civil society is required as a ‘Movement’ for protection of the children
- The Child Marriage Restraint Act
- The Pre-conception & Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Commission for Protection of the Rights of the Child Act, 2005
Protection of Rights of the Differently Abled Persons

- *The Persons With Disabilities (Equal opportunities, protection of rights and full participation) Act, 1995* (Also known as PWD Act)
  
  It is to implement the Beijing Proclamation of ECOSOC 1992 & the Declaration on Rights of Disabled Persons 1975.

- The Mental Health Act 1987 (contains prominent human rights principles)

- The National Trust for Welfare of Persons with autism, cerebral palsy, mental retardation and Multiple Disabilities Act, 1999 (also known as NTD Act) The Act mandates promotion of measures for the care & Protection the persons with disabilities.
The maintenance and welfare of parents and senior citizens

The Maintenance and Welfare of Parents and Senior Citizens Act 2007,

- Act of Parliament, assented by the president on 29-12-2007 & Published in the Gazette of India on 31-12-2007
- A "senior citizen" means any person being a citizen of India, who has attained the age of sixty years or above; (Section .2(h))
  - **Children**: Son, Daughter, Grand Son & Grand Daughter, but excluding Minor.
  - **Relatives**: Any legal heir of the Childless Senior Citizens (who is not a minor) who is in possession of OR would inherit his property after his death.
  - **State**: Through establishment of old age homes, for the indigent persons, medical support for senior citizens by the State Governments.
  - **Art:41** Direct the States to make effective provisions for public assistance & take measures for the development of old age, sickness and disabled.
  - **Entry 23 of List-III**: Both the Centre & State are empowered to make provisions with regard to social security and social insurance.
Constitutional Protection to Public Servants

- **Who is a Public Servant?**
  
  Sec. 21 of IPC covers twelve categories of Public servants—it is a generic word compared to the meaning of *Government Servant*.

- **Protection under General Defenses:** Sec. 52, R/W Sec. 172 – 190 of IPC.

- **Civil post (Art. 311)**

- **Constitutional safeguards to civil servants** under Art. 14, 15, 16, 19, 32, 226, 303 to 323-A & 323-B

- **Service Rules** are framed under Art. 309 not in consistent with the Art. 311/312.
Constitutional Safeguards to Civil Servants

Application of Doctrine of Pleasure: Art. 310

- The doctrine of pleasure owes its origin to common law. The rule in England was that a civil servant can hold his office during the pleasure of the crown and the service will be terminated any time the crown wishes the same rule is applied in India.

- Exceptions to Judges of HCs/SCs, Controller & Audit General, Chief Election Commissioner and subject to fundamental rights/ in accordance with the Art. 14, 15, 16 and Art. 21.
When Article.311 is applicable?

**Parshottam Lal Dhingra Vs Union of India** AIR1958 SC 36.
The Supreme Court laid down 2 tests to determine when termination is by way of punishment –

a. Whether the servant had a right to hold the post or the rank;
b. Whether he has been visited with evil consequences.

If a government servant had a right to hold the post or rank under the terms of any contract of service, or under any rule, governing the service, then the termination of his service or reduction in rank amounts to a punishment and he will be entitled to protection under Article 311.

Articles 310 and 311 apply to Government servants, whether permanent, temporary, officiating or on probation.
Constitutional Protection to Civil Servants

**Article 311(1)**: It says that a civil servant cannot be dismissed or removed by any authority subordinate to the authority by which he was appointed.

**Article 311(2)**: It says that a civil servant cannot be removed or dismissed or reduced in rank unless he has been given a reasonable opportunity to show cause against action proposed to be taken against him.

**Procedural safeguards:**

- PNJ principles to be followed
- No termination by any subordinate authority
- Enquiry Report to be shown to the delinquent civil servant
- Consequential relief on reinstatement
- Protection of employees who acquire disability during service
- Judicial review of departmental proceedings
- Approach to the Administrative Service Tribunals (Art.323-A)
- No double jeopardy/ self incrimination, No expost- facto application of laws Art.20(1) (2) & (3)
Thank You
Regional Imbalances – An Approach to Equitable Growth

By

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University of Mysore, Mysore.
Objective

At the end of the session, the trainees will be able to explain the approaches and strategies for achieving Equitable Growth with specific reference to HPC FRRI report.
Why Regional Imbalance?
What are backward areas

Three Characteristics as per NCDBA

- Potential for Development
- Inhibiting Factors
- Need for spatial programmes
Past Approaches in Karnataka

• Fifth and Sixth Five year Plan
• Decentralized Planning at District level in 1978
• Criteria for resource allocation – Weightage of 50% for backwardness – Agricultural And Industrial Output, Irrigation, Roads & Railway facilities
Identification of Backward Areas

Methodology

Index of Development

A number of indicators – combined into a single index of overall development (CCDI)

All the indicators are converted to a common base with weights assigned to each one

35 indicators

Taluk level
Methodology

• Indexing method – Indicator for each region expressed as a proportion of the state average of the indicator
• If it is less than one, the taluk can be referred as backward

Backward taluks - 0.88 – 0.99
More backward taluks- 0.80 – 0.87
Most backward taluks- 0.52 – 0.79
I. Agricultural and allied

A1: Percentage of total cropped area to net area sown
A2: Percentage of area under food grains to total cropped area
A3: Percentage of area under horticultural crops to total cropped area
A4: Percentage of area under commercial crops to total cropped area
A5: Percentage of net area irrigated to net area sown
A6: Fertilizer (NPK) consumption in kilograms per hectare (total cropped area)
A7: Number of tractors per lakh rural population
A8: Livestock units per lakh rural population
A9: per capita bank credit (commercial and regional rural banks) to agriculture (in rupees)

II. Industry, Trade and Finance

II: Number of industrial units per lakh population
12: Percentage of industrial workers to total workers
13: Per capita development credit by banks.
14: Number of bank branches per lakh population
IS: Number of enterprises engaged in trade, hotels and transport per lakh population

III. Infrastructure (economic)

E1: Number of post offices per lakh population
E2: Number of telephones per lakh population
E3: Road length in kilometers per 100 square kilometers
E4: Proportion of villages having access to all weather roads (in percentage)
E5: Railway track in kilometers per 1000 square kilometers
E6: Number of motor vehicles per lakh population
E7: No of co-operative credit societies (agri. & non-agriculture) per lakh population
E8: Proportion of electrified villages and hamlets to total villages and hamlets.
E9: Number of regulated markets and sub-markets (equivalent regulated markets) per lakh population
IV. Infrastructure (social)
S 1: Number of doctors (govt. & private) per 10,000 population
S2: Number of government hospital beds per 10,000 population
S3: Literacy rate (in percentage)
54: Pupil-teacher ratio (1st to 10th standard)
55: Percentage of children out of school in the age group 6 - 14 years
56: Number of students enrolled in government and aided first grade degree colleges per lakh population
57: Percentage of habitations having drinking water facility of 40 or more LPCD

V. Population Characteristics
PI: Sex ratio
P2: Percentage of urban population to total population
P3: Percentage of SC & and ST population to total population
P4: Percentage of non-agricultural workers to total workers
P5: Percentage of agricultural labourers to total workers
11. Sectoral indices and Comprehensive Composite Development Index (CCDI), Taluk-wise are furnished in Annexure 6.3. (vi) Finally in step 6, we rank each of the taluks on the basis of its composite development index (Annexure 6.4).

12. The basic data used in computations of 35 indicators are furnished in Appendix II (Part VII) of the Main Report.

6.4 Taluks identified as Backward

13. The criterion adopted in determining backwardness of a taluk is with reference to the state average expressed in terms of normalized value as '1' in any indicator/sectoral index/composite index of development. The taluks whose Comprehensive Composite Development Index (CCDI) values are equal to or above '1' are classified as 'Relatively Developed Taluks', Whereas the taluks whose CCDI values are less than '1' are classified as 'Backward taluks'. Among Backward taluks, again three classifications have been done, taking into consideration, the index values coming in different ranges as follows. The taluks whose index values are in the range of 0.89 to 0.99 (less than '1') are classified as 'Backward taluks' whereas the taluks whose index values are in the range of 0.80 to 0.88 are classified as 'More Backward Taluks' and the taluks with index values in the range of 0.53 to 0.79 as 'Most Backward Taluks'. Accordingly 61 taluks figure in the group of relatively developed, 35 taluks in the group of backward, 40 taluks in the group of more backward and 39 taluks in the group of most backward. Incidentally; each of the three categories of backward taluks (State average below '1') comprises almost equal number of taluks. This would enable the state government to take policy decision for the allocation of special funds to three categories of backward taluks in a phased manner covering 8 years period. The taluks coming in three categories of backward taluks are shown in Table 6.2.

Table 6.2: Identification of Regional Backwardness Based on the Comprehensive Composite Development Index, 2001

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<tr>
<th>Sl. No.</th>
<th>District</th>
<th>Most Backward Taluks (index in the range from 0.53 to 0.79)</th>
<th>Index</th>
<th>More Backward Taluks (index in the range from 0.80 to 0.88)</th>
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<th>Backward Taluks (index in the range from 0.89 to 0.99)</th>
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<tr>
<td></td>
<td>KOLAR</td>
<td>GOWRIBIDANUR</td>
<td>0.83</td>
<td></td>
<td></td>
<td></td>
<td>0.91</td>
</tr>
<tr>
<td></td>
<td>KOLAR</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>SHIMOGA</td>
<td>SORABA</td>
<td>0.82</td>
<td>SHIKARIPURA</td>
<td>0.92</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>12</td>
<td>UTTARAKANNADA</td>
<td>SUPA (JOIDA)</td>
<td>0.87</td>
<td>ANKOLA SIDDAPUR</td>
<td>0.93</td>
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<td>0.92</td>
</tr>
<tr>
<td></td>
<td>UTTARAKANNADA</td>
<td>DHATKAL</td>
<td>0.82</td>
<td></td>
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</tr>
</tbody>
</table>
14. The methodology adopted by us to measure disparities contains a two-fold approach. One is to determine the overall-level of backwardness of taluks by computing a Comprehensive Composite Development Index using as many as 35 indicators to attain the maximum coverage of the various inputs. Such an idea can help the policy-makers in evolving appropriate planning strategy for the group of taluks coming under each category like backward, more backward and most backward in comparison with the relatively developed ones that are above the State average. But, this in itself cannot help framing specific sectoral programmes to suit the needs of taluks at different levels of backwardness. Therefore the Committee has analyzed the resources and infrastructure in such a manner as to get a specific picture of the level of development of the taluks in each of the indicators that give a push to the development process. The Committee have concentrated on all strategic indicators subject to availability of reliable data. Thus, it is possible that taluks which are not found in the list of overall backwardness may find a place among several strategic indicators.
Strategic and Approaches for Equitable Development

- Taluk should be the primary unit for evolving development strategy
- Backwardness – a factor for resource transfer
- Special Area Development Programmes
- Employment Generation Schemes
- Promoting private investment
- Formulating policies to promote equalization of physical facilities
- Human Resource Development – the key
Towards Regional Balance

- Cumulative Deprivation Index – for resource allocation
- 60:40, in favour of North Karnataka
- Followed by actions in all the crucial sectors
Resources and Infrastructure

Work Force

Employment Guarantee Schemes – Emphasis on Agrl. Labourers, Small & Marginal Farmers, Artisans

Population Control with necessary health facilities

More viable industries – both public n private

Two Engineering Skill Fine Tuning & Application Centres – At Gulbarga & Belgaum

Opportunities for tribal labour - LAMPS
Economic Infrastructure

✓ Provision of Regulated Markets & Sub-markets
✓ Modernisation of market yards with IT system
✓ Increase Agricultural outlay
✓ Farmer Training Centre in each district
✓ RD training centres- RUDSETI
✓ Horticulture n Floriculture development with cold storage facilities – As Export Industry
✓ Separate Agricultural Finance and Development Company for North Karnataka
✓ Plantation & Regeneration Programmes
✓ Incentives to CADA’s
ಚಿಕ್ಕ ಅಂಡಿನ ಸ್ವೇಂಗೆ

ಸಮಾಧಾನ
ನುಡಿ ದಾನೆ
ನಿಂತಿ ಭಾರ ಮಾಡಿ
ಪಾಳಿಸಿ ಭಾರಿ ಮಾಡಿ
ಬಂಧಗೂಡು ಮಾಡಿ
ಮಾಂಸಾಂಗಿ ಮಾಡಿ
Animal Husbandry and Fisheries

- Veterinary hospitals, Vehicles for animals – One Veterinary University At Bidar
- Fisheries – Inland fishery & Prawn pond development, Promotion of shrimp culture
- 318 additional institutions & 20000 hectares for fodder
- Inland Fishery – Raichur & Shimoga districts
Industry and Infrastructure

- Electrifying all the hamlets
- Non-conventional Energy Development – wind & solar in Chitradurga & Chikmagalur
- 40% of power generated to North Karnataka region
- Backward taluks – in both industrial infrastructure & Development Should receive priority for industrial development
- Combined Effluent Treatment Plant at Bidar
- International Exploring Agencies – for high Value Minerals
- Transport Facilities – Roadways, Railways & Airways (B’lre to be linked with all district HQ)
- Minor Ports Development – Tadadi, Bhatkal, Karwar
- Addressing Sea Erosion
Social Infrastructure

Growth - Mediated Development & Support -led Development

- Health – Number of Doctors & Beds in Govt. Hospitals to be increased
- Upgrading of NIMHANS at Dharwad
- Water facility at Govt. hospitals & dispensaries
- Education – Improve literacy rate & Pupil - Teacher ratio
- Grant-in-Aid facility for new schools & colleges in b.areas
- Norm of 40 children – relaxed in backward areas
- Sanction New school – if TP meets 10% of recurring expenditure
- Medical College in each district
- Sainik School in Coorg region
Rural Water Supply

- User Charges
- Implement Technology for treatment of Flouride affected water
- Surface water based schemes
- Rural sanitation – NGY
- Urban Water supply & Sanitation – KUWS & DB for N.K region
- PPP’s in water supply & Sanitation Schemes
• Increased number of banks, cooperatives in B.areas
• Greater assistance from state financial institutions
• IT & BT development
• Representation in Public services, Sports, Committees and cultural organisations
• Tourism Development in N.K
• Abolition of regional boards – HKADB, MADB, Bayaluseeme ADB & Border ADB (Instead amendment to Art.371 on the lines of Maharashtra)
• Upliftment of weaker sections, women and providing social security
• Women University at Bijapur (Hassan or Davangere) KMAY, SHGs & Stree shakthi Yojane
Recent Developments
New Industrial Policy of Karnataka, 2006

- 176 taluks divided into three zones
- First Zone - 76 most backward taluks
- Second Zone - 85 backward taluks
- Third Zone – Industrially developed taluks
- Policy will be in force from April 1, 2006 to March 31, 2011
- Capital investment subsidy up to 25% for first zone – for SSIs and tiny industries
- 20% for second zone
- 100% & 75% exemption on stamp duty for all industries in Zone 1 and Zone 2 respectively
- One-time capital subsidy up to 50% of the cost for effluent treatment plants in all zones
- No entry tax and special entry tax for three years in zone 1 for capital goods
Eight Year Time-frame Set

Government kick starts Nanjundappa plan for Karnataka’s even growth

As part of the special eight-year development plan for the redress of regional imbalances in the State, the Government plans to pump in Rs 32,075 crore.

- Rs 1,571.50 crore for the purpose in the 2007-08 budget.
- Of the two components of the outlay for the scheme, a sum of Rs 15,000 crore is estimated to come from annual State plans, and the remaining Rs 16,000 crore would be an additional outlay proposed to be spent over the eight-year period.
- The funds would be allotted to specific departments in the MBTs, MoBTs, and BTs in the ratio 50:30:20, and each department would have to submit an annual action plan for utilising these funds.
- Also, a high-power committee under the chairmanship of the Planning Board chairman will be set up to conduct periodical review of the implementation of the Special Development Plan.

*Sector-wise Break Up*

The major additional allocations (other than regular ones) to be made in the next eight years are as follows (allocations made during 2007-08 in brackets):

- Agriculture & allied sectors: Rs 2,340 crore (Rs 164 cr)
- Rural water supply: Rs 4,500 crore (90 crore)
- Rural housing: Rs 1,600 crore (100 crore)
- Rural/zilla panchayat roads: Rs 1,000 crore (285 crore)
- Irrigation: Rs 7,800 crore (200 crore)
- Power: Rs 3,000 crore (250 crore)
- Airports/airstrips: Rs 1,000 crore (20 crore)
- Education: Rs 1,000 crore (110 crore)
- Health: Rs 800 crore (20 crore)

- World Bank funded Rs.600 crores Grama Swaraj Scheme for 39 most backward taluks
- For Science city in Dharwad 3.5 crores released but centre’s approval for location awaited
• veterinary college in Gadag and upgrade district hospital in Bidar.
• upgradation of mental and district hospitals in Dharwad and Belgaum
• The project includes development of 5,500 kms km stretching across the state
• Apart from forming Sri Renuka Yellamma Development Authority, the government would also develop a park on the lines of KRS Dam at Hidakal Reservoir,
• construct western canal under Hipparagi Irrigation project in at Athani taluk.

Other developmental works to be taken up:
* Implementation of Karimasuti East Canal and Shapur Branch Canal lift irrigation project
* Building of circular ring road, heritage park and underground drainage system in Belgaum
* Setting up of foundry cluster near Machhe village in Belgaum taluk
* Starting center for climatic change and research at Dharwad Agricultural University
* Setting up silver jewelry manufacturing complex at Mangur village in Chikkodi taluk.
* Setting up Spice Park at Byadagi in Haveri district
* Establishing Auto Park at Basava Kalyana
* Establishing Steel Park in 10,000 acres in Koppal
* Implementing 600-crore drinking water scheme to cater to 848 fluoride affected villages in Northern Karnataka
* Implementing irrigation project worth Rs 2,193 crores to provide lift irrigation facility to 87,000 hectares land belonging to Indi and Bijapur taluks
* Modernization work of a total of 22,600 kms of road comprising of 10,000 kms of State Highway and District Roads and 12,600 kms of Rural Roads
* Developing 66,000 kms of road across the State under public-private participation (PPP) basis
Table 15.4 - Allocations and Expenditure under Special Development Plan

<table>
<thead>
<tr>
<th>Year</th>
<th>Allocation <em>(Rs. crores)</em></th>
<th>Releases <em>(Rs. crores)</em></th>
<th>Expenditure <em>(Rs. crores)</em></th>
<th>% of exp.to allocation</th>
<th>% of exp.to releases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>1571.30</td>
<td>951.44</td>
<td>946.00</td>
<td>60.20</td>
<td>99.43</td>
</tr>
<tr>
<td>2008-09</td>
<td>2547.34</td>
<td>1710.42</td>
<td>1739.41</td>
<td>68.28</td>
<td>101.69</td>
</tr>
<tr>
<td>2009-10</td>
<td>2578.83</td>
<td>2033.29</td>
<td>1919.94</td>
<td>74.45</td>
<td>94.42</td>
</tr>
<tr>
<td>2010-11</td>
<td>2584.00</td>
<td>2072.87</td>
<td>2066.73</td>
<td>80.19</td>
<td>99.70</td>
</tr>
<tr>
<td>2011-12</td>
<td>2984.14</td>
<td>2729.36</td>
<td>2407.31</td>
<td>80.67</td>
<td>88.20</td>
</tr>
<tr>
<td>2012-13</td>
<td>2680.00</td>
<td>1399.24</td>
<td>1239.77</td>
<td>46.26</td>
<td>88.60</td>
</tr>
<tr>
<td>2013-14 (upto Dec 2013)</td>
<td>2925.60</td>
<td>1323.21</td>
<td>1131.14</td>
<td>38.66</td>
<td>85.49</td>
</tr>
<tr>
<td>Total</td>
<td>17871.41</td>
<td>13089.52</td>
<td>12411.68</td>
<td>69.45</td>
<td>94.82</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Sectors</td>
<td>Total allocation</td>
<td>Amount Released (Dec. 2013)</td>
<td>Expenditure (Dec. 2013)</td>
<td>% release to allocation</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------------------------</td>
<td>------------------</td>
<td>-----------------------------</td>
<td>-------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Agriculture &amp; allied sectors (including forest)</td>
<td>1261.56</td>
<td>904.29</td>
<td>858.91</td>
<td>68.08</td>
</tr>
<tr>
<td>2</td>
<td>PWD</td>
<td>1136.75</td>
<td>828.95</td>
<td>814.18</td>
<td>71.62</td>
</tr>
<tr>
<td>3</td>
<td>Rural Development</td>
<td>2855.27</td>
<td>2005.37</td>
<td>1718.41</td>
<td>60.18</td>
</tr>
<tr>
<td>4</td>
<td>Housing</td>
<td>2078.01</td>
<td>1765.32</td>
<td>1659.53</td>
<td>79.86</td>
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<td>5</td>
<td>Irrigation(Major &amp; Minor)</td>
<td>3248.83</td>
<td>2937.77</td>
<td>2820.54</td>
<td>86.82</td>
</tr>
<tr>
<td>6</td>
<td>Power</td>
<td>1162.60</td>
<td>664.67</td>
<td>888.22</td>
<td>76.40</td>
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<tr>
<td>7</td>
<td>Industries</td>
<td>243.70</td>
<td>83.42</td>
<td>52.76</td>
<td>21.65</td>
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<td>8</td>
<td>Infrastructure</td>
<td>1036.10</td>
<td>768.92</td>
<td>766.91</td>
<td>74.02</td>
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<td>9</td>
<td>Transport</td>
<td>538.50</td>
<td>444.38</td>
<td>413.16</td>
<td>76.72</td>
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<td>10</td>
<td>Home</td>
<td>113.20</td>
<td>78.20</td>
<td>41.58</td>
<td>36.73</td>
</tr>
<tr>
<td>11</td>
<td>Social Sectors (health &amp; education)</td>
<td>1616.40</td>
<td>937.46</td>
<td>893.61</td>
<td>55.28</td>
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<tr>
<td>12</td>
<td>Labour &amp; Social Welfare</td>
<td>1236.71</td>
<td>978.04</td>
<td>881.39</td>
<td>71.27</td>
</tr>
<tr>
<td>13</td>
<td>Women &amp; Child Development</td>
<td>351.20</td>
<td>272.69</td>
<td>200.89</td>
<td>57.20</td>
</tr>
<tr>
<td>14</td>
<td>Tourism Development</td>
<td>344.58</td>
<td>218.35</td>
<td>218.34</td>
<td>63.37</td>
</tr>
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<td>15</td>
<td>Urban Development</td>
<td>608.00</td>
<td>185.23</td>
<td>167.17</td>
<td>27.50</td>
</tr>
<tr>
<td>16</td>
<td>Information &amp; Technology</td>
<td>40.00</td>
<td>16.48</td>
<td>16.08</td>
<td>40.20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>17871.41</strong></td>
<td><strong>13089.52</strong></td>
<td><strong>12411.68</strong></td>
<td><strong>69.45</strong></td>
</tr>
</tbody>
</table>

Source: Special Cell, Planning Department
Table 15.6: Aggregate Additional Resource Transfer to Backward taluks in Different Categories (Rs. crore)

<table>
<thead>
<tr>
<th>Year</th>
<th>Most Backward Taluks</th>
<th>More Backward Taluks</th>
<th>Backward Taluks</th>
<th>District Schemes in Backward Taluks</th>
<th>Total Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>376.00 (23.93%)</td>
<td>161.66 (10.29%)</td>
<td>136.62 (8.69%)</td>
<td>897.22 (57.09%)</td>
<td>1571.50 100</td>
</tr>
<tr>
<td>2008-09</td>
<td>870.09 (34.18%)</td>
<td>615.05 (24.14%)</td>
<td>406.87 (15.97%)</td>
<td>655.34 (25.73%)</td>
<td>2547.35 100</td>
</tr>
<tr>
<td>2009-10</td>
<td>1270.18 (49.25%)</td>
<td>554.57 (21.50%)</td>
<td>384.40 (14.91%)</td>
<td>369.68 (14.34%)</td>
<td>2578.83 100</td>
</tr>
<tr>
<td>2010-11</td>
<td>908.89 (35.17%)</td>
<td>639.65 (24.73%)</td>
<td>382.05 (14.79%)</td>
<td>653.41 (25.29%)</td>
<td>2584.00 100</td>
</tr>
<tr>
<td>2011-12</td>
<td>1204.50 (40.36%)</td>
<td>793.39 (26.59%)</td>
<td>528.00 (17.69%)</td>
<td>458.25 (15.36%)</td>
<td>2984.14</td>
</tr>
<tr>
<td>2012-13</td>
<td>1182.09 (44.11%)</td>
<td>748.99 (27.93%)</td>
<td>377.30 (14.08%)</td>
<td>371.62 (13.87%)</td>
<td>2680.00 (100)</td>
</tr>
<tr>
<td>2013-14 (provisional)</td>
<td>1477.17 (50.49)</td>
<td>916.75 (31.34)</td>
<td>531.67 (18.17)</td>
<td>-</td>
<td>2925.60 (100)</td>
</tr>
</tbody>
</table>

Note: No district sector schemes in 2013-14
Table 15.7 - Progress achieved under BRGF in Karnataka (Rs. In crore)

<table>
<thead>
<tr>
<th>Year</th>
<th>Details</th>
<th>Bidar</th>
<th>Gulbarga/Yadgir</th>
<th>Raichur</th>
<th>Davangere</th>
<th>Chitradurga</th>
<th>ANSIRD</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-08</td>
<td>Allocation</td>
<td>17.14</td>
<td>28.25</td>
<td>19.56</td>
<td>18.18</td>
<td>20.21</td>
<td>5.00</td>
</tr>
<tr>
<td></td>
<td>Release</td>
<td>17.11</td>
<td>25.34</td>
<td>7.50</td>
<td>16.33</td>
<td>20.21</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>Expenditure</td>
<td>17.11</td>
<td>25.34</td>
<td>7.50</td>
<td>16.33</td>
<td>20.21</td>
<td>10.00</td>
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<tr>
<td>2008-09</td>
<td>Allocation</td>
<td>17.11</td>
<td>28.25</td>
<td>19.56</td>
<td>17.51</td>
<td>20.21</td>
<td>8.39</td>
</tr>
<tr>
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<td>Release</td>
<td>17.11</td>
<td>28.25</td>
<td>19.56</td>
<td>17.51</td>
<td>20.21</td>
<td>8.39</td>
</tr>
<tr>
<td></td>
<td>Expenditure</td>
<td>17.11</td>
<td>28.25</td>
<td>19.56</td>
<td>17.51</td>
<td>20.21</td>
<td>8.39</td>
</tr>
<tr>
<td>2009-10</td>
<td>Allocation</td>
<td>17.11</td>
<td>28.15</td>
<td>19.56</td>
<td>18.14</td>
<td>20.21</td>
<td>5.00</td>
</tr>
<tr>
<td></td>
<td>Release</td>
<td>17.11</td>
<td>28.15</td>
<td>19.56</td>
<td>18.14</td>
<td>20.21</td>
<td>5.00</td>
</tr>
<tr>
<td></td>
<td>Expenditure</td>
<td>17.11</td>
<td>28.15</td>
<td>19.56</td>
<td>18.14</td>
<td>20.21</td>
<td>5.00</td>
</tr>
<tr>
<td>2010-11</td>
<td>Allocation</td>
<td>18.54</td>
<td>31.82</td>
<td>21.49</td>
<td>19.79</td>
<td>22.27</td>
<td>5.00</td>
</tr>
<tr>
<td></td>
<td>Release</td>
<td>18.54</td>
<td>17.56</td>
<td>21.49</td>
<td>19.79</td>
<td>17.45</td>
<td>2.69</td>
</tr>
<tr>
<td></td>
<td>Expenditure</td>
<td>18.54</td>
<td>17.56</td>
<td>21.49</td>
<td>19.79</td>
<td>17.45</td>
<td>2.69</td>
</tr>
<tr>
<td>2011-12</td>
<td>Allocation</td>
<td>18.54</td>
<td>31.82</td>
<td>21.49</td>
<td>19.79</td>
<td>22.27</td>
<td>5.00</td>
</tr>
<tr>
<td></td>
<td>Release</td>
<td>18.54</td>
<td>17.56</td>
<td>21.49</td>
<td>19.79</td>
<td>17.45</td>
<td>2.69</td>
</tr>
<tr>
<td></td>
<td>Expenditure</td>
<td>12.25</td>
<td>5.00</td>
<td>17.00</td>
<td>15.25</td>
<td>13.00</td>
<td>2.69</td>
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<tr>
<td>2012-13  (12th Five year Plan)</td>
<td>Allocation</td>
<td>18.54</td>
<td>31.82</td>
<td>21.49</td>
<td>19.79</td>
<td>22.27</td>
<td>5.00</td>
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<tr>
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<td>18.44</td>
<td>22.75</td>
<td>21.39</td>
<td>13.19</td>
<td>22.27</td>
<td>3.5</td>
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<td>38.06</td>
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<td>21.12</td>
<td>8.74</td>
<td>22.05</td>
<td>-</td>
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<tr>
<td>2013-14</td>
<td>Allocation</td>
<td>22.75</td>
<td>22.70</td>
<td>26.36</td>
<td>24.27</td>
<td>27.33</td>
<td>6.00</td>
</tr>
<tr>
<td></td>
<td>Release</td>
<td>13.04</td>
<td>13.66</td>
<td>-</td>
<td>20.74</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: RDP, R Department
THANK YOU
‘State’ – Concept of ‘Equality’, ‘Liberty’ and ‘Right’.
‘Principles of Natural Justice’

Administrative Training Institute
Mysore

Prof. K.S. Suresh
Principal
JSS Law College( Aut)
Mysore
Significance of ‘State’

• The concept is complex. **Not political but legal.**

• Behaviorists suggest the idea of ‘State’ be given up as it transcends boundaries.

• It evolves on **socio-economic conditions.**

• ‘State’ is only an aspect of **whole social system.**

• It is an activity, process and a political system.
Meaning of ‘State’

• Machiavelli: ‘State is power which has an authority over men’

• Aristotle: ‘State is a union of families and villages having for its end perfect and self sufficient rule’

• Prof. Laski: ‘State is a binding Association men’ – men are bound by dictates of state.
Origin of ‘State’

When History fails speculation begins

• Theory of Divine Origin.
• Theory of Social Contract.
  – Renouncing the right in favour of state by people.
  – Theories of state
  – Hobbes, Locke and Rousseau - ‘Social contract theory’
Essentials of ‘State’

1. Population:-
   - Not of birds and animals
   - Neither too large, nor too small.
   - Large enough to be self sufficient, small enough to be well governed.
   - Big states are - India, China and Soviet Union, U.S.
   - Small states such as - Monaco, San Marino, Vatican city.
   - Quality of population – health, physical elements.
   - Mixture of race, religion, social structure etc.

2. Territory:
   - Land and appurtenants.
   - Definite population and not floating population.
   - Small states and their disadvantage including dangers
Essentials of ‘State’

3. Government:
  – It is an agency through which common policies are determined, regulated and promoted.
  – Laws are made and enforced by Govt.
  – Govt. mainly dealt with defense, law and order, currency, foreign relations, infrastructure, taxes etc, once, but not any more.

• Governmental organs :
  – Govt. functions through Legislature, Executive and Judiciary.

• Types:
  – Democracy (Presidential or Parliamentary forms.)
  – Monarchy.
  – Dictatorship
Essentials of ‘State’

4. **Sovereignty:**
   - Supreme authority which admits none above it.
   - Every state act emanates from it.
   - Under International Law - All states are equal.

- **State and Government:** Govt. is an instrument of State.

- **State as a Society:**
  - Society is a collection of people held by certain enduring relationship.
  - Customs, conventions and morality regulate society.
  - No Geographic limitation. Membership of society is voluntary, unlike state.
  - It originated prior to state and does not enjoy sovereignty.

- **State and Association:**

- **Nation:**
  - People to be brought together by the ties of blood.
  - Culturally homogeneous.
  - Affinity of race, community, language, habits, customs, religions etc. important.
Concept of ‘Equality’
Concept of ‘Equality’

- **Greek Philosophy** - Principal exponents are Aristotle and Plato.
  - Both championed the *cause of inequality*.
  - Aristotle’s famous quote *‘treat equals equally inequals inequally’*.

- **Renaissance and Reformation:**
  - Both weakened and *shook the existing social structure and political system*.
  - *Middle class challenged the legal, social and political privileges of feudal order*.

- **Revolution of 1688 in England.**
- **American Declaration of Independence 1776.**
- **French Revolution 1789.** All these helped equality.
Concept of ‘Equality’

Equality:
- ‘All are identical at birth, if now they were unlike, cause must be outside their environment.’

• Rousseau:
  - Two types equality
    • Physical and Social
    • Natural and Conventional.

• Karl Max:
  - Economic equality – Abolitions of private property and classless society.
  - 20th Century national movements and emergence of racism etc.
Meaning of ‘Equality’

Prof. Laski

– No idea is more difficult than the concept of equality.
– It is a leveling process, - realization of best selves.
– It includes absence of special privileges, but should provide adequate opportunity to all.
– It is closely connected with liberty and each dependent on the other.
– All men are not born equal and equality can never be realized totally.
– Men are unequal in strength, in spirit, in grace and in thought.
– Same equality is neither possible nor reasonable.
– But beneath the equality there is some thing which is common, which should be available to all.
Meaning of ‘Equality’

Modern equality

– It raises from theory of Rights,
– The *nature* does not provide *equality but uniqueness*.
– Technology resulted in *newer concepts of inequality*.
– Burden of inequality can not be changed in certain spheres. e.g., Child bearing is burden for women which cannot be changed.
– Talented and gifted may enjoy importance but cannot exploit others.
– It is not equal distribution of benefits but providing equal opportunities for all.
– Discrimination on rational ground is a must e.g. Voting etc,
Meaning of ‘Equality’

Conditions:
1. All should be provided adequate and not equal opportunities to develop their personality.
2. No group shall be given special privileges.
3. Rights shall be equally distributed amongst all.
4. All shall have equal access to opportunities.

Kinds:
1. Legality of equality.
   - Equal laws and Opportunity
   - Equality before law and Equal protection of laws.
   - ‘Nobody is so lowly as not to have recourse to law, nobody is so mighty as not to have to answer to the courts”.
2. Political equality - One man one vote (except insolvent & idiots)
3. Social equality.
4. Economic equality.
5. Natural equality.
Concept of ‘Liberty’
Concept of ‘Liberty’

Meaning:
- It means different things for different people.
- It is not just an idea, ideal, slogan or emotion; it is something without which man is hardly a man.
- It is freedom from constraint, captivity or tyranny.
- It said that it is opposite to govt. for growing naturally.

Development of Concept:
- Greeks refused individual freedoms against state – Socrates did not run but drank hemlock
- Renaissance: Raised a multidimensional demand for liberty such as political liberty, religious liberty etc.
- Utilitarianism: Govt. is a necessary evil; liberty is a means to happiness.
- Kant: Real liberty subjects to dictate of universal reason supported by law.
- J S Mill: ‘Over himself, over his own body and mind, the individual has sovereignty’
Concept of ‘Liberty’

Laski:
- It is the product of right without which their cannot be liberty.
- They are — private, political and economic.

Scope:
- It is an adjustment of claims between the individual and society.
- Claims of the individual cannot be stretched too far.
- Enjoyment of liberty needs restrictions of liberty.
- State authority shall be backed by moral support to restrict liberty.
- Where there is no law there is no liberty.

Kinds:
1. Political/Civil liberty:
   - A. Physical
   - B. Intellectual
   - C. Practical (Choice)
   - In West no one wants to be dictated by state on their profession, religion or way of life.
   - It is the duty of the state to protect including contractual obligations.
Concept of ‘Liberty’

2. Moral liberty:
   – To act according to one’s own conscience.

3. Natural Liberty:
   – Absent of external impediments.

Menace:
1. Due to emergence of welfare state, the state is encroaching upon the individual liberty.
2. State controls every thing, such as private, public affairs including nature’s gifts viz, air, water etc,
3. Increasing number of laws.
4. Tyranny of majority.
5. Govt. decides what is good & bad for people. It refuses to oblige public opinion.
Concept of ‘Right’
Concept of ‘Right’

Meaning of Right:

– Rights are aspects of social life.
– ‘An interest recognised and protected by the state’.

Characteristics:

1. Shall always correspond to the needs of men.
2. Not absolute. Reasonable restrictions are a must (decency, morality, public order etc,)
3. State to provide necessary conditions for fulfillment.
4. Correlative with functions, corresponding to his position (coolie, lawyer, administrator etc,)
5. Rights imply duties.
Classifications

1. **Natural rights:**
   - Divine rights/ natural rights
   - Rights under Natural law and Positive law

2. **Moral Rights:**
   - Custom, usage, public opinion (morality is in pvt. domain)

3. **Legal Rights:** [Civil, political and Economic Rights]
   - Privilege, immunity and power enjoyed over the other citizens and sanctioned by law.

4. **Fundamental Rights:** Guaranteed under the Constitution

5. **Human Rights:** Proclaimed under the legal system
a. **Civil Rights** : Life, liberty and security, privacy, home, correspondence, property, freedom from torture, inhuman treatment, of thought, conscience, religion and movement.

b. **Political Rights** : To participate in govt. - to vote, to be elected, to take part in the conduct of public affairs.

c. **Economic and Social Rights:**
   - These are positive rights where active intervention is required.
   - These rights are: Food, clothing, housing, stand of living, physical and mental health and education.
   - There are also collective rights like developmental rights, environmental rights and right to self determination.
   - Both these rights are mutually complementary
Principles of Natural Justice
Administrative Actions

Organs of State:

a. Legislative (lawmaking);
b. Executive (executive / administrative);
c. Judiciary (interpreting law).

Overlapping of the functions:

Executive discharge functions like;

a. Executive functions: Investigation, prosecution, prepare and adopt schemes, issue and cancel licenses.
b. Legislative functions: To make rules and regulation, fix prices.
c. Judicial Functions: Adjudicate on disputes, impose fine, penalty.
Need for Classifications

• When Executive does a judicial / quasi judicial function it needs to follow certain procedures.
• No clear demarcations of functions.
• A single function of an Executive may involve all the three.
• Impossible to divide functions in to clear-cut pattern.
A judicial function shall involve the following requisites:

1. It pre-supposes an existing dispute. The parties to present cases. (Adversarial System)
2. If it is a question of Fact, evidence is to be adduced for ascertainment of facts.
3. If it is a question of Law, parties to submit legal arguments.
4. Decisions involve application of law of the land to the facts or ruling on a disputed question of law.
Quasi Judicial Functions

**Meaning:** It means ‘Not Exactly’
- It also presupposes the 4 principles of judicial functions i.e., 1, 2 and not necessarily 3 but never 4.

**Distinction between Quasi Judicial Functions and non Quasi Judicial Functions :**

1. Quasi Judicial Functions has some trappings of the court.
2. Lis inter-partes
4. Not bound by Precedents.
5. Can be a judge in his own cause.
Administrative Functions (Examples)

1. An order of preventive detention.
2. An order of requisition of property.
3. An order of setting up of an inquiry Commission.
4. An order granting sanction of prosecution of public servant.
5. Power to issue license or permit.
6. Entering names in the police register.
7. Withdrawal from prosecution.
Principles of Natural Justice

“A monkey does not decide the affairs of the forest”
Principles of Natural Justice

Meaning and Definition: It is not defined but proclaimed. It is also called – *substantial justice, Universal Justice and Fundamental Justice.*

- The concept was accepted in India in *Kraipak Vs Union of India* – *to secure justice, prevent miscarriage of justice and it operates in the area not covered by law*
- Principles of Natural Justice do not supplant law but supplement law
Principles of Natural Justice

1. Bias of interest.
2. Audi alterem partem.

1. Bias of interest.
Kinds:
   I. Pecuniary Bias.
   II. Personal Bias.
   III. Official or bias as to subject matter.
1. Bias of interest:

I. Pecuniary Bias: ‘The least pecuniary interest in the subject matter of the litigation will disqualify any person from acting as judge’

- Dr. Bonham’s Case 1610. – *fining the doctor.*
- Mohapatra & Co. Vs State of Orissa. (Air 1953) *Selection of books by the authors as the text books.*
- Jeejeebhoy Vs. Asst. Collector of Thana. (Air 1965) *judge as the member of the society.*

II. Personal Bias: A judge could be a relative, friend or business associate of a party. He may have personal interest

- Rattan La V Managing committee (Air 1993) – *Inquiry officer was also a witness; case was dismissed. SC sets aside*

III. Preconceived notion bias

IV. Official Bias: When the Judge has the general interest in the subject matter- *nationalization of buses.* Petitions were heard by the Secretary of the Transport Dept.

IV. Obstinacy: Unreasonable and unwavering persistence

V. Doctrine of Necessity: Action by an officer inevitably
2. Audi Alterem Partem

Meaning: No man shall be condemned unheard or both sides shall be heard before passing any order.

Components:

i. Rt. to Notice: To show cause and seek explanation. *R V Uni. of Cambridge (1793)* - degree withdrawn for misconduct without notice. Even Adam was asked to defend before condemned by god.

ii. Hearing: An Opportunity of being heard. *Maneka Gandhi V UN of India*

iii. Oral or personal hearing.

iv. Right to Counsel/ Friend
2. Audi Alterem Partem

v. Rt. to know evidence against him
vi. Rt. to present case and evidence
vii. Rt. to rebut adverse evidence
viii. Rt. not to take evidence at the back
ix. One who decodes must hear.
x. Rule against dictation
General principles of Audi Alteram Partem

1. The Authority must be impartial.

2. While exercising judicial or Quasi Judicial function, it shall not be delegated or sub delegated.

3. The Authority Shall give full opportunity to produce all relevant evidences to the affected.

4. The Authority shall disclose all the material placed before it.

5. Opportunity of rebuttal shall be given to the accused by the Authority.

6. The Authority shall disclose the evidence it wants to use.
3. Speaking orders

Meaning:

‘Speaking for itself or Orders to be supported by reasons’

Importance and Object:

• The Third Principle of Natural Justice
• Every administrative and judicial decisions shall have reasons to support.
• One of the fundamentals of good administration.
• It induces clarity in decisions and excludes arbitrariness.
• The State being welfare state and not police state accountability is a *sine non quan* of sound administration.
Purpose of disclosure of reasons

1. The aggrieved party may agitate before the appellate authority that reasons given are erroneous.
2. Recording of reasons deters arbitrariness by the executive.
3. It gives satisfaction to the aggrieved party.

“The power to refuse disclosure of reasons ought to be exercised sparingly, fairly and only when fully justified by the exigencies of an uncommon situation”.

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Exclusion of Principles of Natural Justice

1. Where a Statute excludes expressly/ necessary implication.
2. Where the action is a legislative action.
4. Where the facts are admitted / undisputed.
5. Where the inquiry is confidential in nature.
6. Where the preventive action is to be taken.
7. Where the prompt and urgent action is necessary.
8. Where nothing unfair can be inferred.
Thank You