

EXPLORING THE EFFICACY OF SECTION 371(J): PROTECTING AND PROMOTING EDUCATIONAL AND EMPLOYMENT RIGHTS FOR BENEFICIARIES

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Abstract:

Article 371(J) allows for special provisions in the Kalyan-Karnataka region. The President entrusts the Governor of Karnataka with the responsibility of creating a separate board to develop the region. Research has been conducted to determine if the implementation of the 371(J) provision is Protecting and Promoting Educational and Employment Rights for Beneficiaries in the Kalyan-Karnataka region. The provisions include establishing a separate development board for the region and reservation in the educational sector and government positions for locals. The findings suggest a high level of awareness and understanding among the surveyed group regarding the legal framework designed to safeguard educational and employment rights for beneficiaries. The study employed a systematic descriptive approach and conducted thorough data analysis to ensure accurate and reliable results.

Keywords: Education, Employment, Rights, Beneficiaries

Introduction:

Article 371(J) allows for specific provisions to be made for the Kalyan-Karnataka region. The Governor of Karnataka is entrusted with special duties by the President to establish a distinct board responsible for the development of this region. An annual report on the board's activities will be presented to the State Legislative Assembly, and equitable funds must be allocated for the region's development. Additionally, seats will be reserved for students from this area in education and vocational training programs, as well as in state government job opportunities (98th Amendment of the Constitution, 2013)

While development has traditionally been measured in terms of income, recent research has adopted a broader perspective. Research studies confirmed that poverty entails deprivation in health, education, and living standards that cannot be captured by income alone. Further stated factors such as employment, education, the standard of living and health are essential in Human Development and Plays major role in a country's development (Dr Sayantani Roy Choudhury and Ms Bishakha Agarwal, 2018).

India's Constitution has provided for a variety of transitional and special provisions under Part XXI. One of the latest additions to it is Article 371 (J), which was pushed through the 98th Amendment of the Constitution. Article 371 (J) provides for certain benefits to the Kalyan-Karnataka region by the establishment of a development board. This article attempts to examine the benefits of 371 (J) from the perspectives of educational and employment beneficiaries. The Kalyan-Karnataka region consists of Kalaburagi, Bidar, Raichur, Koppal, Yadgir and Bellary districts. These districts were originally part of The Hyderabad state, which was governed by the nizam, and underwent a significant reorganization based on linguistic factors as part of the State Reorganisation Act of 1956 (States Reorganization Act, 1956). It was then merged with Karnataka, but unfortunately, it remained significantly less developed than other areas in the state, particularly the Mysore region. The region suffered from a lower literacy rate, higher levels of malnutrition, inadequate infrastructure, and a lack of industrial growth. However, the Karnataka government was not going to sit back and watch this disparity. They took proactive action and established a high-powered committee to address these issues.

Motives behind the implementation of 371 (J):

The implementation of 371 (J) was prompted by the findings of the Nanjundappa Committee's 2002 report, which identified four types of developmental imbalances: inter-sectoral, inter-regional, intra-sectoral, and intra-regional. Regional imbalances have persisted in India for centuries, with many stemming from historical factors. For instance, during the Mughal period in the 15th century, trade in food grains between regions created food surplus and deficit areas, revealing that the subcontinent was not uniformly self-sufficient (Vijay Kumar Sarabu, 2016). Rice was transported from the Konkan coast to Kerala and from Bengal to Agra, Coromandel, Kerala, and the West Coast's various port towns. Bengal, Golconda, and Goa provided the best mangoes for Delhi's Mughal court, while salt was imported to Bengal from Rajputana. These production and development imbalances continued during British rule and are likely due to different administrative structures and management styles. Even at the beginning of the century, human development indicators showed inequalities existed in different regions of India (Lakhan Singh Kushre, 2022). A high-power committee for the redressal of regional imbalances headed by Dr. DM Nanjundappa was appointed in 1999 to study the regional imbalances in the state and to advise the government on remedial measures to redress the regional imbalances. This committee submitted a detailed report in 2002. The committee decided to take the taluka as the basic unit to measure the imbalances as there are inter-district and intra-district imbalances in the state. The committee identified 35 indicators grouped into five sectors (agriculture and allied; industry, trade, and finance; infrastructure (economic), infrastructure (social) and population characteristics).

The northern regions of Karnataka have historically been neglected, from the time of the monarchs to the present day (Prajwal Bhat and Theja Ram, 2018). This area has always been considered distant from the capital and has not received the same level of development as

other regions. Even during British rule, this area was the southernmost part of their domain. After being amalgamated with the princely state of Mysore, it became the northernmost area where development was not uniform. Disparities exist between districts in terms of development, including industries, education, health, transport, and irrigation facilities. Unfortunately, the concentration of economic activities has only exacerbated these imbalances (Madhusudan Ghosh, 2011).

118th Amendment Bill, 2012:

On September 7, 2012, the honourable Minister of Home Affairs, Mr Sushil Kumar Shinde presented the Constitution 118th Amendment Bill, 2012 to the Lok Sabha. The Bill was subsequently referred to the Standing Committee on Home Affairs, which is chaired by the esteemed Mr. M. Venkaiah Naidu. The committee is expected to present its report by the first week of the Winter Session of the Parliament. In March 2012, the Legislative Assembly and Legislative Council of Karnataka passed a resolution aimed at creating special arrangements for the Hyderabad-Karnataka Region. The resolution seeks to establish an institutional mechanism that will foster the region's development and support inclusive growth, ultimately reducing inter-region and inter-district disparities in the State of Karnataka. The introduction of this Bill in Parliament is a significant step towards achieving the resolution's objectives.

The proposed Bill confidently aims to introduce Article 371J into the Constitution, clearly stating that the Governor of Karnataka holds the authority to facilitate the growth of the Hyderabad-Karnataka Region. This area encompasses the districts of Gulbarga, Bidar, Raichur, Koppal, Yadgir, and Bellary, as outlined in the Bill's Statements of Objects and Reasons. The President confidently grants permission to the Governor to implement the following measures to develop the region: (a) establishment of a development board for the area; (b) ensuring equal distribution of funds for regional development; and (c) provision of reservations in educational and vocational training institutions and state government positions in the region for individuals from the region.

On November 22, 2012, the Standing Committee on Home Affairs published a report regarding the Constitution 118th Amendment Bill, 2012, which was initially introduced in Lok Sabha on September 7, 2012. The bill aims to empower the Governor of Karnataka to undertake specific measures to foster development in the Hyderabad Karnataka region. These measures include setting up a dedicated Development Board, ensuring even distribution of resources for development, creating local employment opportunities for the region's residents, and reserving seats in educational and vocational institutions for the region's inhabitants (Standing Committee Report Summary and Harsimran Kalra, 2012).

Article 371J of the Indian Constitution confers upon the Governor of Karnataka the unambiguous power to establish a development board exclusively for the Kalyan-Karnataka region of the state. The Governor, as stipulated in Article 371, bears various responsibilities, including:

1. Designating positions in the state government for individuals hailing from the region,
2. Reserving seats for locals in vocational and educational institutions

3. Equitably distributing funds for the region's growth.
4. Furthermore, the Governor is mandated to present an annual report on the board's advancements to the State Legislative Assembly.

The amendment of the Constitution and the creation of special provisions for the Kalyan-Karnataka region had a two-fold intention. Firstly, it was a clear recognition of the region's underdevelopment compared to other parts of Karnataka. Secondly, it was a robust means to provide effective incentives for education and employment, particularly for individuals from the region, with the overarching goal of pulling the Kalyan-Karnataka region out of its current state of backwardness.

Objectives of the study:

1. To identify 371(J) provisions protecting and promoting the rights of the students in admissions pertaining to universities and educational institutions
2. To know 371(J) provisions protecting and promoting the rights of local people in appointments

Methodology:

The present study aims to study the 371(J) provisions protecting and promoting the rights of the students in the Kalyan-Karnataka region After the implementation, how best it helped the region in the field of education and employment. Totally 160 samples were taken, in that, the 80 educational beneficiaries and 80 employment beneficiaries were interviewed with structured questionnaires from which the information is gathered to know Is 371(J) provisions protect and promote the rights of the students and employment beneficiaries of the region. Identifying the development of any region can be best achieved through education and employment (Dominic Barton, Diana Farrell, and Mona Mourshed, 2013). The approach of Article 371(J) will play a crucial role in this regard. Therefore, the study employed a robust descriptive method and conducted a thorough data analysis to ensure accurate and reliable results.

Table. 1. 371(J) provisions protecting and promoting the rights of the students in admissions pertaining to universities and educational institutions

S/N	Particulars	Respondents	Percentage %
1	Yes	72	90
2	No	08	10
	Total	80	100

Source: Field Survey

The above table appears to present data on responses to a survey regarding provisions protecting and promoting the rights of students in admissions to universities and educational institutions under Section 371(J).

The survey involved Totally 160 samples, of those 80 respondents; these respondents are likely student beneficiaries. A significant 90% of the respondents answered affirmatively ('Yes') when asked about the existence of provisions under Section 371(J) protecting and

promoting student rights in admissions. This suggests a high level of awareness or understanding among the surveyed group regarding the legal framework designed to safeguard student interests in the admission process.

However, 10% of respondents indicated they were not aware of such provisions ('No'). While this percentage is relatively low, it highlights that there is still a portion of the surveyed population lacking awareness about the specific legal safeguards in place for students during university admissions.

Table. 2. 371(J) provisions protecting and promoting the rights of local people in appointments

S/N	Particulars	Respondents	Percentage %
1	Yes	76	95
2	No	4	5
	Total	80	100

Source: Field Survey

The above table presents data from a survey involving 80 respondents. These respondents are likely employment beneficiaries.

An overwhelming 95% of the respondents answered affirmatively ('Yes') when asked about the existence of provisions under Section 371(J) protecting and promoting the rights of local people in appointments. This suggests a robust awareness and understanding of the legal framework among the surveyed group. Only 5% of respondents indicated they were not aware of such provisions ('No'). This percentage is notably low, indicating a high level of awareness and understanding among the surveyed population regarding the legal safeguards in place for local people in appointment processes.

Conclusion:

In conclusion, the exploration of the efficacy of Section 371(J) reveals its pivotal role in safeguarding and advancing educational and employment rights for beneficiaries. As above the research study clearly states that this legislative provision stands as a crucial tool in fostering inclusivity and equal opportunities in society. By delineating and enforcing rights in the realms of education and employment, Section 371(J) contributes significantly to the overarching goal of creating a fair and just societal framework.

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