



## CONSTITUTION PROVISIONS ON RELIGIONAL IMBALANCE IN KARNATAKA FROM REPORTS OF STATE HIGH POWER COMMITTEE.

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### 1. Introduction

Article 371 of Indian Constitution makes special provisions for ten states, to give effect to various matters depending on the needs of each state in general and needs and aspirants of the people of particular area of particular state in particular. So far as the current topic under the discussion is concerned it is pertinent to refer to the provisions of Article 371 (D) as three provisions are very much mirror the conditions prevailing in Hyderabad Karnataka Region.

Article 371 (D) is peculiar to Andhra Pradesh due to historical background. The purpose of this article appears to be two fold.

1. To promote speedy development of the backward areas of the state of Andhra Pradesh with a view to secure balance in the development of the state as a whole; and
2. To provide equitable opportunities to different areas of the state in the matter of education, employment and career prospectus in public service.
3. State Of Maharashtra, State Of Gujarat, State Of Nagaland, State Of Assam, State Of Manipur, State Of Andhra Pradesh, State Of Sikkim, State Of Arunachal Pradesh, State Of Goa.
4. It Encompasses Four Districts Namely Raichur, Gulbarga, Bidar, Yadgir And Koppal.

Father, it states that provisions of Article 371(D) and of any order made by the President there under shall have the effect notwithstanding anything in any other provisions of this constitution or in any other Law for the time being in force.

Obviously, any Presidential order under Article 371 would of welfare nature and the judicial thinking has always been in favour of the constitutional validity of such order.

The legislature is in the best positions to understand and appreciate the need of the people as enjoined by the constitution to bring about social reforms for the upliftment of the state and for the improvement of the lot of the poor people. Hence, the relevance of Article 371.

### II. Compatibility of article 14 with Article 371

Equality before the Law does not mean that things, which are different, shall be treated as though they were the same. It is true that Article 14 enjoins that the people similarly situated should be treated similarly but what amount of dissimilarity would make the people disentitled to be treated equally is rather a vexed question. The parliament of Indian which has to deal with diverse problems arising out of striking regional imbalances within the state have the power of making special laws to attain particular objects; and for that purpose it can amend 371 there by empower the President of India to pass appropriate orders to address the problems of disparity syndrome prevailing in that state.

1. Art. 371 (D) (10)
2. AIR 1958 SC 731

Therefore, by and large amendments under article 371 and the order subsequently made there under are per se valid and constitutional except in cases where there is a blatant violation of fundamental rights.



### III. Finding of High Power Committee

In order to identify the regional disparity the High Power Committee headed by D. Nanjundappa was constituted by the state of Karnataka and it submitted its final report in 2002.

Some of the relevant disparities between North Karnataka and South Karnataka are reproduced hereunder;

1. To illustrate, literacy rate in Karnataka improved from 29.08% in 1961 to 67.04% in 2001. Improvement was registered in all the districts. But literacy rate was lower than the state average in 3 districts of South Karnataka Koppal, Bidar, Gulbarga, Yadgir and Raichur.
2. Nearly two-third of the industrial units are located in South Karnataka with Bangalore claiming a large share in it in the year 1998-99. North Karnataka continues to lag behind south Karnataka in attracting the industrial units. However it is noteworthy that districts like Dharwad, Belgaum and Bijapur in North Karnataka occupy higher ranks compared to many districts in South Karnataka.
3. The State average of number of hospital beds per lakh population improved from 54 in 1959-59 to 75 in school. The corresponding regional average for south Karnataka and north Karnataka are 85 and 61 respectively indicating the gap of the latter region compared to the state average.
4. The state average of primary school per lakh population declined marginally from 96 in 1958 to 94 in 1999-00 caused largely by the corresponding decline in the average number of school in North Karnataka.
5. All the districts reported a higher density of vehicles (Per lakh population) by 2001 compared to 1959-60. But it is to be noted that only 4 districts in South Karnataka: Bangalore, Dakshina Kannada, Kodagu and Mysore have vehicle density higher than the stage average, whereas in North Karnataka, expecting Dharwad in all other districts the vehicle density in lower than the stage average.
6. The stage average of road length increased from 2.3 kms in 1959 to 70 kms in 1999 per 100 sq. kms of area. Districts which lag behind the state average are Chitradurga and Dakshina Kananda in South Karnataka and Belgaum, Bellary, Bidar, Gulbarga, Bijapur, Raichur and Uttar Kannada in North Kannada.

**Table 1: The Division Wise Break Up of These 114 Taluk Is As Follows.**

Divisions	Most Backward	More Backward	Backward	Total
Gulbarga	21	05	02	28
Belgaum	2	12	14	31
Bangalore	11	13	09	33
Mysore	02	10	10	22
Total	39	40	35	114

**Table 2: Identification of Regional Backwardness Based on the Comprehensive Composite Development Index, 2001.**

Sl. No	District	Most Backward Taluka (Index in the range from 0.53-0.79)	Index	More backward Taluka (index in the range from 0.80 to 0.88)	Index	Backward Taluka (index in the range from 0.89 to 0.99)	Index
1	Bidar	Bhalki	0.74				
	Bidar	Humnabad	0.73				
	Bidar	Basavakalyan	0.69				
	Bidar	Aurda	0.65				



2	Gulbarga	Sedam	0.72			Gulbarga	0.89
	Gulbarga	Shorapur	0.70				
	Gulbarga	Yadgir	0.67				
	Gulbarga	Chittapur	0.65				
	Gulbarga	Afzalpur	0.62				
	Gulbarga	Shahapur	0.62				
	Gulbarga	Aland	0.61				
	Gulbarga	Chincholi	0.57				
	Gulbarga	Jewargi	0.57				
3	Koppal	Kushtagi	0.64	Koppal	0.81	Gangavati	
	Koppal	Yelburga	0.63				
4	Raichur	Sindanur	0.78	Raichur	0.87		
	Raichur	Manvi	0.69				
	Raichur	Lingasugur	0.63				
	Raichur	Devadurga	0.53				

These hardcore realities as shown in table 1 and 2 would only show that the mist backward region in the state is Hyderabad Karnataka region of North Karnataka. As such there is an immediate need to consider the disparities prevailing the state so that the disaster of attempting to divide the state by some elements may be prevented and also at the same time the justice is provided to the deprived people of this area.

### Suggestions

Political courage and wisdom on the part of the political leaders of the Hyderabad Karnataka region in particular and the state of Karnataka in general is needed to convince the parliament to effect necessary amendment to article 371 so that the Presidential order there under may fulfill the aspirations of the people at least with regard to educational facilities and employment opportunities.

Again the NGO's of the Hyderabad-Karnataka region must be geared up to take up the issue of regional imbalance syndrome prevailing in the state so as to build up pressure on the state through the elective reprehensive of this are. However, any agitation to divide the state only on the ground of regional imbalance is certainly uncalled for and liable to be condemned.