
Constitutional Provisions Regarding To Privileged Class Deviance

Sadhana Umasankar Prasad^{1*}

ABSTRACT

India is having a rich culture and tradition, coming from the different walks of people. Looking to the past of this country we find that due to intermingling of various types of races and civilization, India has emerged with wide categories of richness in all senses. Actually, the *“deflection from the right path” some time* When it is given some facility then definitely he should have some responsibilities too. These responsibilities can also be termed as the ethics or the duties.

KEYWORDS: Constitutional Provisions, Privileged Class, Deviance

INTRODUCTION

India is having a rich culture and tradition, coming from the different walks of people. Looking to the past of this country we find that due to intermingling of various types of races and civilization, India has emerged with wide categories of richness in all senses. But as said everything has its two sides. We find that due to diversified people coming to this country there are various classes also emerged.

The class system is not new or the inculcated one, even ancient India do have few classes. Now with the modernization we find that this categorization goes very wide and prominent. One such class is the privileged class. This means those who are enjoying some sort of the privileges or the facilities. In India we find a very good numbers of such people. These privileges are being given to them either because of the name or fame or because of their excellence in any particular area. They used to constitute a whole class of people as we find that they are variously present. And above all in a country like India they are prominent too. They are being given the rights and powers.

Although there is no such hard and fast categories being decided among the common men but conventionally they are so present. The term called as the deviances is also to be highlighted. We

¹ Professor In Law At P.M.Patel College Of Law And Hr, Anand

*Responding Author

Constitutional Provisions Regarding To Privileged Class Deviance

find that it is nothing but the “*deflection from the right path*”. When one is given some facility then definitely he should have some responsibilities too. These responsibilities can also be termed as the ethics or the duties.

When they are not being followed by the respective person they are called as the Deviances. Here in India we find that there are so many problems as to the large population to support along with that there are certain other things as the problem of the employment and that of sustenance. Hence the deviances become too typical.

The various types of the privileges classes are as those coming from the arenas like the politics, sports, education, administration, glamour...etc. They all are today reported to have the deviances. The position of the privilege people makes them so as to control the situation in the society.

May that be only a teacher but he/she may dictate their terms to the pupils and parents! Like wise we have the bureaucrats, they are to perform functions for the welfare of the common men but what they are doing is just to have their own good and at the expense of the ordinary people!

Common Type of the Deviances:

The common form of the deviant behavior among the different privilege class can be summarized as follows:

- Taking Bribes.
- Misuse of the position.
- Abuse of the post.
- Malfeasances.
- Lack of interest.
- Lack of political willingness.
- Committing traditional crimes like embezzlement etc.
- Tax evasion.
- Black marketing and Hoarding etc.

Professional deviance by lawyers

- Legal profession is a noble profession.
- As it is said, “As justice is the great interest of men on earth and as the lawyer is the high priest at the shrine of justice.
- Lawyers can perform well only if they maintain certain ethical moral standards.
- But today I India the lawyers profession is not looked with much respect.
- The laws governing legal profession in India are:
 - The Legal Practitioners Act

Constitutional Provisions Regarding To Privileged Class Deviance

- The Indian Bar Council Act.
- The Advocates Act.
- These laws act as guidance to the legal profession.
- But these codes are only ornamental documents for a deviant lawyer.

Examples of deviances by lawyers

- Fabrication of false evidences.
- Engaging professional witnesses and false security.
- Violating professional ethics and using dilatory tactics in collusion with Court Staff.
- Chamber practice – settlement of case in consideration of huge sum of money by lawyers.
- There are criminal lawyers who arrange professional alibies, cooked witnesses for the gangsters.
- Even the lawyers have their own trusted police officers who help them personally by taking heavy bribe.
- Even the IO and Medical Officers can be managed by the lawyers to help win their case.
- Sometimes lawyers engage touts for the purpose of advertisement of professional services on percentage basis.
- Manage opposite lawyers by payment of money.
- Sometimes finance is provided for filing litigation against any reputed and rich person.
- Asking indecent and irrelevant questions to the rape victims during cross examination to embarrass her.

Professional deviance by doctors

- Doctors are treated as Gods. But sometimes these Gods can also become deviants.
- The Indian Medical Council prescribes code of ethics to regulate medical profession.
- The Acts applicable to this profession are:
 - Indian medical Council Act, 1956.
 - Indian Medical Degree Act, 1916.
 - Indian Medical Council Amendment Act, etc.
- Medical Deviances include:
 - Issue of false medical Certificate.
 - False Post-mortem reports.
 - Commissions from suppliers of medicines.
 - Medicines and other equipments supplies to Govt. hospitals are sold to private hospitals.
 - Sex determinations.
 - Illegal abortions.
 - False evidence in criminal cases.

Constitutional Provisions Regarding To Privileged Class Deviance

- Extortion of money from patients in Govt. Hospitals.
- Running Kidney rackets, etc.
- Fake and misleading advertisements claiming medical cure, cosmetics, etc.
- Prescribing medicine for which he does not possess adequate qualifications.
- Conducting operations for when the Doctor does not possess a qualified degree.

Case of laws

Parmananda Katara Vs. Union of India, AIR 1989 SC 2039:

- SC said that it is the professional obligation of all doctors to extend medical aid to the injured immediately to preserve life without waiting for the legal formalities to be complied.

Applicable act and Fact :-

Constitution of India, 1950: Article 21--Obligation on the State to preserve life--Every doctor has professional obligation to extend services to protect life—All Government hospitals/Medical institutions to provide immediate medical aid in all cases. Indian Medical Council Act, 1960:

Section 33—Indian Medical Council/Code of Medical Ethics--Clauses 10 and 13—Obligat to sick--Patient not to be neglected—Court emphasized necessity to provide immediate medical aid.

Practice and Procedure: Medical professional--Law courts will not summon unless evidence is necessary--Should not be made to wait and waste time unnecessarily.

Professional deviance by teachers

- Large sum is collected in the name of donations.
- In Govt. Schools and Colleges money is collected as fees for the seats.
- Some portion of the salary from the teachers will be cut as charges towards their appointment as a teacher in the institution.
- Corruption and favouritism at the time of admission and exams.
- Exploitation and victimisation of students. Especially for internal marks.
- Preparation and prescribing of textbooks of dubious (doubtful) standard.
- Private coaching by Permanent appointed teachers banned by Maharashtra Coaching Classes Ordinance, 2000.
- journalists
- Deviance by press or journalists
- Journalism – a fourth pillar of democracy.
- Freedom of speech and expression – Art. 19(1)(a).
- Can keep effective check on the State Administration.
- But today the social object of Journalism is lost.
- Deviance by Journalists:
- Journalists demand bribes for shutting their mouth in the case they have any sensitive news about politicians or reputed and rich people.
- Investigative journalism – interference into private life and conducting of case.
- Press Council of India has laid down ethics for journalism.

Constitutional Provisions Regarding To Privileged Class Deviance

One thing has to be clarified here that the deviances are not to be confused with that of corruption; rather corruption is a part of deviances. The only thing is that one find frequent with the corruption but not with that of Devainces.

If one carefully look to the trend in Indian society, we find that one or the other higher post person or political leader is being involved in the deviances. The heights are when we find that even the bureaucrats are a part of this. It all poses a dreadful thing for the society, as we find that the most damage is done to its structure. Due to these deviances India has seen difficult times with the fund management and the allocation of the resources to the public. There is no use of the facilities to the common men; also we find that it generated a feeling of distrust for the officials.

The worst examples we have seen it in the form of 'Gujjar movement 'in Rajasthan state of India. There are instances of the tax evasion from the person who are the Members of parliament and those who are the Public servants. It also generates lack of law and order in the country. If really the state has to excel then it should be devoid of the deviances.

CONCLUSION

Hence in short it can be submitted that a state like India should be free from all form of Deviances and that among the privilege class should not be there to ensure that the very feeling of the Constitution of India be up kept. Even though the goal seem to be far reaching but not impossible. The awareness and willingness to make changes would definitely be going to do a change in the existing system.

REFERENCE

- A.G.Noorani, Minister's Miscounduct (1974)
- A.R.Desai (ed.), Violence of Democratic Rights in India (1986)
- B.B.Pande, "The Nature and Dimensions of Privileged Class Deviance" in the other side of development 136 (1987, K.S.Shukla ed.)
- Indira Rotherm und. "Patterns of Trade Union Leadership in Dhanbad Coal Fields" 23 J.I.L.I. 522 (1981)
- Surendranath Dwevedi and G.S.Bhargava, Political Corruption in India (1967)
- Upendra Baxi (ed.), Law and Poverty : Essays (1988)
- Upendra Baxi, Liberty and Corruption : The Antulay Case and Beyond (1989)
- Upendra Baxi. The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi