<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>CONTENTS</th>
<th>PAGE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction</td>
<td>1-23</td>
</tr>
<tr>
<td>2</td>
<td>Evolution of Globalization, Liberalization and Privatization</td>
<td>24-79</td>
</tr>
<tr>
<td>3</td>
<td>The Concept of State Action under Article 12 of the Indian Constitution</td>
<td>80-129</td>
</tr>
<tr>
<td>4</td>
<td>Nature and Scope of the State Action Doctrine in USA</td>
<td>130-182</td>
</tr>
<tr>
<td>5</td>
<td>State Action and Private Actors</td>
<td>183-237</td>
</tr>
<tr>
<td>6</td>
<td>Conclusion and Suggestions</td>
<td>238-255</td>
</tr>
<tr>
<td></td>
<td>References</td>
<td>256-275</td>
</tr>
<tr>
<td></td>
<td>Appendix</td>
<td>I-XIV</td>
</tr>
</tbody>
</table>
Chapter-1: Introduction
1.1 Role of State in the era of Liberalization, Privatization and Liberalization 2-4
1.2 Indian Scenario 4-6
1.3 Protection of Fundamental Rights in the Era of LPG 6-7
1.4 Judicial Interpretation of ‘other authority’ 8-13
1.5 State Action Doctrine in USA 13-15
1.6 Statement of Research Problems 16-17
1.7 Research Questions 17
1.8 Formulation of Hypotheses 17-18
1.9 Objectives of the Study 18
1.10 Significance of the Research 18-19
1.11 Scope of the Study 19
1.12 Research Methodology 19-20
1.13 Sources of Data 20
1.14 Review of Literature 20-21
1.15 Chapterisation 22-23

Chapter-2: Evolution of Globalization, Liberalization and Privatization
2.1 Introduction 24-27
2.2 Meaning and Definition of Globalization 27-29
2.3 Origin of Globalization 29-35
   a. Economic Globalization 32-34
   b. Political Globalization 34-35
2.4 What is Liberalization and Privatization? 35-38
2.5 The Uruguay Round Trade Negotiations 38-39
2.6 World Trade Organization 39-40
2.7 Role of State in the Era of Globalization 41-49
   a. Birth of Neo-liberalism 44-46
   b. Rise of Global Capitalism 46-48
   c. Influence of Independent Actors on State 48-49
   d. Foray of Corporate State 49
2.8 Origin of Privatization and Liberalization in India 50-55
   a. Industrial Policy of 1948 50-51
b. Industrial Policy of 1956  51-53
  c. Industrial Policy of 1980  53-54
  d. Industrial Policy of 1991  54-55

2.9 The Emergence of Globalization in India  55-59

2.10 LPG and its Impact on India  60-78
  i. Dilution of the Sovereignty of the State  60-62
  ii. Fundamental Rights and LPG  62-71
    a. Right to Education  63-66
    b. Affirmative Action  66-67
    c. Right to Healthcare  67-68
    d. Right to Livelihood  68-69
    e. Globalization and Labour laws  69-71
  iii. Challenges towards Directive Principles of State Policy  71-72
  iv. Privatization and Right to Property  72-74
  v. Challenges towards Democratic Principles  74-75
  vi. LPG as a Threat to Federalism  75-78

2.11 Conclusion  78-79

Chapter-3: The Concept of State Action under Article 12 of the Indian Constitution

3.1 Introduction  80-81
3.2 Fundamental Rights and Its Enforcement against the State  81-84
3.3 Constitutional Background of Article 12  84-86
3.4 Nature and Scope of State Action in India  86-92
  a. Government and Legislatures  86-87
  b. Judiciary as State  87-92
3.5 Authorities under the Control of Government of India  92-95
  a. Local Authorities  92-94
  b. Other Authorities  94-95
3.6 Within the Territory or Under Control of Government of India  95-96
3.7 Judicial Interpretation of ‘Other authorities’
   b. Sovereign Power Test 98-100
   c. Agency or Instrumentality of State Test 100-103
   d. Government Control Test 104-105
   e. Government Instrumentality Test 105-110
   f. Deep and Pervasive Control Test 110-116

3.8 Bodies under ‘Other Authority’
   a. Public Corporations 116-118
   b. Government Companies 118-122
   c. Registered Societies 122-123
   d. Nationalized Banks 123-124

3.9 Scope of Article 32 and 226 *vis-a-vis* Article 12 124-125

3.10 Private Actors as State: Position in India and US 125-128

3.11 Conclusion 128-129

**Chapter-4: Nature and scope of the State Action Doctrine in USA**

4.1 Introduction 130-131
4.2 Background to the American Civil Rights 131-133
4.3 Colonization in America 133-135
4.4 The Declaration of Independence 135-137
4.5 The Bill of Rights 137-139
4.6 The Civil War Amendments 139-142
4.7.1 Judicial Approach towards Slavery 142-143
4.7.2 Separate but Equal Doctrine 143
4.8 Background of Fourteenth Amendment Act 144-146
4.9 Fourteenth Amendment under US Constitution 146-148
4.10 Concept of State Action under Fourteenth Amendment 148-149
4.11.1 Origin of State Action Doctrine 149
4.11.2 Civil Rights Case 150-152
4.11.3 Dissenting opinion in Civil Rights Case 152
4.12 The Purpose of the Doctrine of State Action 152-154
4.13 The Public/Private Divide 154-156
4.14 Privatisation of Public Services and State Action Doctrine in USA 156-158
4.15 Tests to Determine State Action 158-172
a. Public Functions Test 159-160
   i. White Primary Cases 160-163
   ii. Company Towns and Shopping Centres 163-164
   iii. Public Functions Test-Restrictive Interpretation 164-167
b. The State Nexus Test 167-168
   i. Government Regulation or Licensing 168-169
   ii. Multiple Contacts-Symbiotic Relations 169-170
   iii. Granting of aid or subsidies 170-171
   iv. Granting of power 171-172
4.16 Approaches to Various Tests 172-173
4.17 Return to the Totality Approach 174-178
4.18 State Action in Judicial Decisions 178
4.19 Position after Shelly v. Kraemar 179-180
4.20 Conclusion 180-182

Chapter-5: State Action and Private Actors

5.1 Introduction 183-184
5.2 Public/Private Divide in India 184-185
5.3 Private Actors/Bodies 185
   5.3.1 Sports Authorities 185-198
      a. BCCI 185-186
         i. India’s Globalised Cricket Regime – the Indian Premier League 186-189
         ii. Legal Status of BCCI 189-192
         iii. BCCI under Right to Information Act, 2005 192-194
      b. Indian Olympic Association 194-195
         i. Indian Olympic Association under Right to Information Act, 2005 196-198
5.3.2 Private Banks as ‘other authorities’ 198-201
5.3.3 Private Corporations 201-207
5.3.4 Private Cooperatives 208-211
5.3.5 Private Educational Institutions 212-218
      i. Government Aided Private Educational Institutions 212-214
      ii. Government Recognized Private Educational Institutions 214-215
      iii. Un-aided Private Educational Institutions 215-216
      iv. Minority Aided and Un-aided Educational Institutions 217-218
<table>
<thead>
<tr>
<th>Section</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.3. 6 Private Hospitals</td>
<td>218</td>
</tr>
<tr>
<td>5.4 Concept of Horizontality of Fundamental Rights</td>
<td>218-219</td>
</tr>
<tr>
<td>5.5 Horizontal Application of Fundamental Rights in India</td>
<td>219-228</td>
</tr>
<tr>
<td>a. Right to Property against Private Actor</td>
<td>220</td>
</tr>
<tr>
<td>b. Right to form Association and Right to Life</td>
<td>221</td>
</tr>
<tr>
<td>c. Right against Sexual Harassment</td>
<td>221-222</td>
</tr>
<tr>
<td>d. Right against Child Labour</td>
<td>222-224</td>
</tr>
<tr>
<td>e. Right to Education</td>
<td>224-227</td>
</tr>
<tr>
<td>f. Constitutionality of Exclusive Covenants</td>
<td>228</td>
</tr>
<tr>
<td>5.6 Horizontal Application of Constitutional Rights in other countries</td>
<td>228-233</td>
</tr>
<tr>
<td>a. Ireland</td>
<td>229</td>
</tr>
<tr>
<td>b. South Africa</td>
<td>229-230</td>
</tr>
<tr>
<td>c. Canada</td>
<td>230-231</td>
</tr>
<tr>
<td>d. Germany</td>
<td>231-232</td>
</tr>
<tr>
<td>e. United Kingdom</td>
<td>232-233</td>
</tr>
<tr>
<td>5.7 Horizontal Application of Fundamental Rights: Reasons and Justifications</td>
<td>233-235</td>
</tr>
<tr>
<td>5.8 Recommendations of NCRWC</td>
<td>235</td>
</tr>
<tr>
<td>5.9 Conclusion</td>
<td>236-237</td>
</tr>
<tr>
<td><strong>Chapter-6: Conclusion and Suggestions</strong></td>
<td></td>
</tr>
<tr>
<td>6.1 Conclusion</td>
<td>238-239</td>
</tr>
<tr>
<td>6.2 Findings of the Research</td>
<td>240-245</td>
</tr>
<tr>
<td>6.3 Testing of Hypotheses</td>
<td>245-248</td>
</tr>
<tr>
<td>6.4 Suggestions</td>
<td>248-255</td>
</tr>
</tbody>
</table>

Bibliography                                                            | 256-275 |

Appendix                                                                | I-XIV   |

xxiii