

Constitutional Provisions and Poverty Alleviation Programmes Relating to Poor in India

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Abstract: - India is the fastest growing large economy in the world today. Despite this, one in every five Indians is poor. Multilateral agencies as well as governments are playing an active role in understanding problem relating to poverty and hunger and finding solutions to them. Goal 1 and 2 of the United Nation's Sustainable Development Goals (SDGs) envision eradicating poverty and ending hunger by 2030.² Every man and woman has the human right to a standard of living, adequate for health and well-being, to food, clothing, housing, medical care and social services. These fundamental human rights are defined in our Constitution. On 10 December 1948, the United Nations General Assembly adopted and proclaimed the Universal Declaration of Human Rights "as a common standard of achievement for all peoples and all nations". Article 1 of the Universal Declaration of Human Rights reads thus:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in spirit of brotherhood."³

Key Words: - Economy, Multilateral agencies, United Nations General Assembly, dignity and rights.

Meaning of Poverty: -

There is a question what perception does a lay man has about poverty? The simple answer is that he always relates it to economic poverty. But this actually is a very narrow concept and in today's scenario the attention has been shifted from the narrower version to the broader one which covers not only economic disability but other disabilities as well i.e. social disabilities. So on a whole it can be said that the poor includes within its ambit not only economically poor but also other weaker sections of the society be it socially and educationally backward class of society i.e. S.C,S.T,O.B.C or be it women ,children, physically handicapped and aged people.⁴

The term poverty has various definitions. Political concept on poverty says poverty is the result of authoritarian system of government. Some believed poverty is associated with mental concept of the people or weakness feeling. Somewhere poverty is associated with lack of property or wealth where as some where it is

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² Kapoor Amit and Sharma Sankal, Still seriously hungry and poor, The Hindu, Monday, 31 Oct. 2016.

³ Article 1 of Universal Declaration of Human Rights.

⁴ Arora Ritam, Expanding Horizons of Poverty: The Emerging Trend, 24 October, 2011, www.lawyersclubindia.com, visited on 8.2.18.

synonymously used lack of education. Somewhere, it is associated with lack of health facility. However, poverty is the concept associated with basic need. If people do not have access to food, clothing and housing, it is the situation of poverty. Therefore, Poverty is not a straight forward concept with a single unambiguous definition. In the international glossary, outlined some overlapping concept out discrete meanings of poverty.⁵

1. Need: poverty refers to need, a shortage or lack of basic goods such as food, clothing, fuel, shelter, sanitation, water, health etc.
2. Resources: it refers to a lack of resource as income or wealth in terms of lack of income to be taken limited possession to obtain necessity.
3. Standard of Living: poverty refers to a low standard of living because of lack of resources.
4. Multiple deprivations: such as lack of resources, health, security, physical comfort and lack of welfare value relating to status and a lack of difference value relating to structure of power.
5. Inequality: it is disadvantage with in a social context. It refers to inequality that is poverty.
6. Class: it refers to common position or class. Marxian analysis says that classes are defined in terms of their relationship to means of production. Dependency: it is the state of reliance on others for resources.
7. Lack of Security: poverty refers to lack of security vulnerability. They are living under a struggle to obtain the necessities of life and live in a state of chronic want.
8. Exclusion: exclusion is a cause of poverty from the society of which they form part. This social rejection extended the deprivation.
9. Lack of Entitlement: people are not entitled to use the food or housing.
10. Unacceptable hardship: poverty can be seen as a morally unacceptable state of serious suffering.⁶

The concept of poverty is very complicated and is not easy to define. Poverty can be regarded from different angles, hence the concept is multidimensional. For instance, it may be temporary and chronic poverty, absolute and relative poverty, objective and subjective poverty, spiritual poverty, social inequality, vulnerability, social exclusion and underdevelopment. These are all very broad concepts. Poverty is simply stated the lack of means to provide for the minimum material and social needs of life. Where people's basic needs for food, clothing, and shelter are not being met is poverty. Poverty is generally of two types: (1) Absolute poverty is synonymous

⁵ Kul Prasad Panday, Law and Poverty; Jurisprudential Approach, www.kulprasadpanday.com.np, visited on 7.2.18.

⁶ Ibid.

with destitution and occurs when people cannot obtain adequate resources (measured in terms of calories or nutrition) to support a minimum level of physical health. Absolute poverty means about the same everywhere, and can be eradicated as demonstrated by some countries. (2) Relative poverty occurs when people do not enjoy a certain minimum level of living standards as determined by a government (and enjoyed by the bulk of the population) that vary from country to country, sometimes within the same country.⁷ Likewise, economic aspects of poverty focus on material needs, typically including the necessities of daily living such as food, clothing, shelter or safe drinking water. Therefore, poverty is associated with social, political, economical dimension and it is a multidisciplinary phenomenon.

Decline in poverty

Related to hunger is poverty, which has been one of the most critical issues in international economic development. PRPSPI⁸, the World Bank Group report, looks at India's development experience. Four main points emerge.

First, the report notes that poverty in India has declined considerably from 1994 to 2013. Over the commensurate time frame, those below India's official poverty line have reduced from 45 per cent to 22 per cent. This means that 133 million people have been lifted out of poverty. Despite this the report notes that India's growth has not been very inclusive. It is because roughly two-thirds of the countries' inclusive growth performance is better than India's in the 2005-2012 periods. Second, some population groups in India are substantially worse off than other groups. These include the STs⁹, 43 per cent of whom were below the poverty line in 2012, and the Scheduled Castes, 29 per cent of who were below the poverty line. Poverty also seems entrenched among the STs, with the pace of poverty reduction slower than that witnessed in other groups between 2005 and 2012.

Third, poverty seems to be present in certain geographical locations. The top States for poverty in absolute terms in India are Uttar Pradesh (60 million poor), Bihar (36 million) and Madhya Pradesh (24 million). The top seven States account for roughly 62 per cent of India's poor. Also important is the rural-urban divide in poverty. Almost one in five Indians is poor and out of every five poor people, four live in rural areas. Also, the poverty rate is just 7 per cent in big cities with a population of more than 1 million.

Finally poverty has a bearing on choices and the well-being of individuals in a society. The poor also own fewer assets and spend more on food, fuel, and light. This reduces the percentage they have for spending on critical things like education and health, and it makes them prone to a vicious poverty trap. Another important

⁷ Poverty, Business Dictionary, www.businessdictionary.com, visited on 5.2.2018.

⁸ Pathways to Reducing Poverty and Sharing Prosperity in India.

⁹ Scheduled Tribes.

insight is that for poverty levels to go down, the States will have to grow faster. The States which have lagged behind on growth rates are also the ones where there are low GSDP¹⁰ per capita and in turn higher levels of poverty. Thus both growth and redistribution are necessary for poverty alleviation.¹¹

Government of India has started various poverty alleviation programmes of basically two types: -

- 1) Encouraging self-employment.
- 2) Providing supplementary wage employment.

“Garibi hatao” slogan was adopted during Fifth five year plan. Planning commission in 2012 reduced the poverty line to Rs- 28.65 per capita daily consumption in cities and Rs- 22.42 in rural areas.¹²

National Food for Work Programme: - The National Food for Work Programme (NFFWP) was launched on 14 November 2004 in 150 identified backward districts where there is high demand for wage employment in these areas.¹³

Indira Awaas Yojana: - The Indra Awaas Yojana was launched as the major scheme for construction of houses to be given to poor, free of cost at the unit cost of Rs 25000 in plain areas and Rs 27000 in the hilly areas. An additional component has been added, to the scheme for conversation of unserviceable kutcha houses to semi pucca houses. A Credit-Cum-Subsidy scheme for rural housing was also launched to target rural families having annual housing income up to Rs 32000. The loans under this scheme are disbursed by the commercial banks and housing finance institutions.¹⁴

Integrated Rural Development Programme (IRDP): Integrated Rural Development Programme to eliminate rural poverty by providing income-generated assets to the poorest of the poor. It was started in 1978-79. Main aim is to create sustainable opportunities for self-employment in the rural sector. The assistance is given in the form of subsidy by the government. It is funded on 50:50 basis by the centre and the state.

National Rural Employment Guarantee Act (NREGA): National Rural Employment Guarantee Act came into force in 2006. It was later modified as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in October 2, 2009. It is an Indian labour law and social security measure that aims to guarantee

¹⁰ Gross State Domestic Product.

¹¹ Supra note 1.

¹² Poverty Alleviation Programmes by Indian Government for RBI Grade B, Saturday, May 20,2017, www.bankexamtoday.com, visited on 6.2.18.

¹³ Singh Om, India's Poverty Alleviation Programmes, 31 May, 2012, Thursday, www.polyeyes.com, visited on 6.2.18.

¹⁴ Ibid.

the “right to work”. It was started to enhance the livelihood security in rural areas by providing at least 100 days of guaranteed wage employment in a financial year. If work is not provided within 15 days of applying, applicants are entitled to an unemployment allowance.¹⁵ Finance Minister Arun Jaitley allocated highest ever funds to rural job scheme MGNRGEA Rs 48,000 crore rupees in 2017-2018 budget. Giving a major thrust to rural India in the Union Budget, the government announced bringing one crore households out of poverty and making 50,000 gram panchayats poverty free by 2019, besides allocating highest ever funds to rural job scheme MGNRGEA.

Stating that improving the life of people in rural areas is “a non-negotiable agenda for the government”, Finance Minister Arun Jaitley said the government would start a Mission Antyodaya (Poverty Free India by 2022) for poverty alleviation in the country.

“With a clear focus on improving accountability, outcomes and convergence, we will undertake a Mission Antyodaya to bring one crore households out of poverty and to make 50,000 gram panchayats poverty free by 2019, the 150th birth anniversary of (Mahatma) Gandhiji,” Jaitley said in his speech.¹⁶

National Old Age Pension Scheme (NOAPS): - This scheme came into effect on 15 August 1995. The scheme provides pension to old people who were above the age of 60 who could not find for themselves and did not have any means of subsistence. The pension that was given was Rs 200 a month. This pension is given by the central government. The job of implementation of this scheme in states and union territories is given to panchayats and municipalities.

National Family Benefit Scheme (NFBS): - This scheme was started in August 1995 by the Government of India. This scheme is sponsored by the state government. It was transferred to the state sector scheme after 2002-03. It is under the community and rural department. This scheme provides a sum of Rs 20000 to a person of a family who becomes the head of the family after the death of its primary breadwinner. The breadwinner is defined as a person who is above 18 who earns the most for the family and on whose earnings the family survives.

National Maternity Benefit Scheme: - This scheme provides a sum of 6000 Rs to a pregnant mother in three installments. The women have to be older than 19 years of age. It is given normally 12–8 weeks before the birth and in case of the death of the child the women can still avail it. The scheme was updated in 2005-06 into Janani Suraksha Yojana with Rs 1400 for every institutional birth.¹⁷

¹⁵ Supra note 11.

¹⁶ Pandey Rashmi, Poverty Alleviation Programmes in India 2017, 28 September, 2017, <https://purdpress.com>.

¹⁷ Supra note 10.

National Urban Livelihoods Mission: - Ministry of Housing & Urban Poverty Alleviation has launched “National Urban Livelihoods Mission (NULM)” in the 12th Five-Year Plan on 24th September 2013 replacing the existing Swarna Jayanti Shahari Rozgar Yojana (SJSRY). The NULM focuses on organizing urban poor in Self Help Groups, creating opportunities for skill development leading to market-based employment and helping them to set up self-employment ventures by ensuring easy access to credit. The Mission aims at providing shelter equipped with essential services to the urban homeless in a phased manner. In addition, the Mission will also address livelihood concerns of the urban street vendors.¹⁸

Pradhan Mantri Gram Sadak Yojana: - The government of India, as part of poverty reduction strategy, launched the Pradhan Mantri Gram Sadak Yojana (PMGSY) on 25th December 2000 as a Centrally Sponsored Scheme to assist States. The primary objective of the programme is to provide good all-weather connectivity to all eligible unconnected habitations in the core network with a population of 500 (Census-2001) and above. Roads form a critical link for rural communities to access markets, education, health and other facilities. They also enhance opportunities for employment in the non-farm sector and facilitate setting up of shops and small businesses.

Pradhan Mantri Awaas Yojana: - PMAY was launched in June 2015. The Government envisages building affordable “Pucca” houses with water facility, sanitation and electricity supply round-the-clock. The scheme originally was meant to cover people in the EWS (annual income not exceeding 3 lacks) and LIG (annual income not exceeding 6 lacks) sections, but now covers the mid-income group (MIG) as well.¹⁹

Legal Aid: - An act to constitute legal services authorities to provide free and competent legal service to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizens by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity. Under Section 2(1) (c) of the Legal Services Authorities Act, 1987 (hereinafter referred to as ‘the said Act’), “Legal Service” includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter; To provide free and competent legal services to the weaker section of the society was the basic object of enacting the aforesaid Act. Justice - social, economic and political, is our constitutional pledge enshrined in the preamble of our Constitution. The incorporation of Article 39-A in the

¹⁸ Arora Himanshu, Addressing Poverty in India/ Poverty Eradication Schemes, 25 September, 2017, www.civildaily.com, visited on 6.2.18.

¹⁹ Ibid.

Directive Principles of State Policy in the year 1976, enjoined upon the State to ensure justice on the basis of equal opportunity by providing free legal aid.²⁰

Constitutional Provisions to Eradicate Poverty: -

Fundamental Provisions: -

Article 16(1): There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Article 17: Abolition of Untouchability

Article 17 seeks to establish a new social order of equal socio economic profile. The vision of the architects was to liberate the society from blind and traditional beliefs, superstition or a form of slavery. They wanted to wash out the stigma or curse of Hindu religion which the untouchables are facing for centuries. It is a very important provision from point of view of equalizing principle. It guarantees twin privileges of a) social Justice b) Dignity of Man which were denied to a mass section of the Indian society for centuries together.

Article 21 Protection of Life and Personal Liberty

Article 21 is loaded with Poverty Jurisprudence. It includes right to basic needs of poor, their welfare and development. It has become power packed Article because Judicial creativity has infused life into words of Article 21. Right to life is not limited to mere animal existence . It means much more than physical survival i.e. right to live with human dignity and all that with goes with it namely the bare necessities of life. It includes quality of life or perpetual life or meaningful and purposeful life consistent with human personality.²¹

Article 24 Right against Exploitation

Article 24 is enforceable against everyone (State and Private Persons both). The framers wanted the children upto 14 years must study (get free education and prepare themselves to become useful and responsible citizen). The children of economically handicapped Parents have been encouraged and prompted to go to school by this Article. The child is equally entitled to all the F.R's.²²

Directive Principles of State Policy

Part IV of the Indian Constitution deals with the Directive Principles of State Policy (DPSPs). These directive principles are most glaring examples of the scheme of social justice in our constitution, and these principles

²⁰ Data Arindam, Legal Aid, www.legalserviceindia.com, visited on 8.2.18.

²¹ Supra note 3.

²² Ibid.

anticipate a lot of provisions for the welfare of people at large relating to education, environment, promotion of justice, free legal aid, living wages, protection of marginalized groups, forest and wildlife, etc.²³

The government is required to take all possible measures for the fulfillment of directive principles in its economic capacity. Some of the directive principles are:

Art. 39(a): The state shall direct its policy towards securing adequate mean of livelihood to man and woman;

Art. 39 (A): Promotion of justice, equal opportunities, and free legal aid;

Art. 41: Security of work, to education, and to public assistance in several cases;

Art. 42: Security of just and humane conditions of work;

Art. 45: Free and compulsory education to every child till the age of 14 years, etc.

Conclusion: -

Poverty is not to be measured only on economic parameters but on a broader stage. Poverty can be defined with reference to deprivation/inability/disability, where people are deprived of basic human needs of life, dignified life, and equality in distribution of opportunities. It must translate into jobs for the poor and marginalized. In today's time it seems that the policies of government are not in conformity with the obligations of a welfare state. Poverty can be eliminated only through law. Economic growth alone is not enough to achieve Sustainable Development Goals. By taking pro-corporate stand, and neglecting the plight of the people, the state is derogating from its constitutional responsibilities of creating an egalitarian society and providing social and economic justice. It has to be remembered that people are not just means to achieve higher economic growth, but they are ends in themselves; every policy of government must put the people at the centre of it as beneficiaries.

²³ Kumar Avneesh, Social Welfare and Constitutional Responsibilities of Government: An Analysis of the Current Scenario, 3 January, 2012, Vivekananda International Foundation.