Issues of Poverty And Infringement of Human Rights in Indian Context

Prof. Akila Azad
Professor in Political Science
Govt. Arts College, Kota

At the dawn of Independence father of the nation said that- “The goal of our democracy is to wipe every tear from every Indian eye.” This goal has after been reminded by our leader, Law makers, agencies, Judiciary etc. Once Jawaharlal Nehru warned the constituent Assembly about the problem of poverty and social change. “The service of India means the service of millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and sufferings, so long our work will not be over.” Though there are political, sociological and economic criteria for defining poverty but we have restricted it only to the economic part of it. The planning commission of India has defined the poverty line and fixed the requirement of 2100 and 2400 calories of intake per day respectively in rural and urban areas. Accordingly, in the seventh five year plan, a poverty line of an annual household income of Rs. 6400 in rural areas and Rs. 7300 in urban areas at suitably adjusted 1973-74 prices was fixed. In 2019, the Indian government officially mentioned that about 6.7% of its population is below The Poverty Line, and also The United Nations Millennium Development Goals (MDG’S) programme stated that 80 million people in India out of 1021 billion, is living below the poverty line in 2018-2019. The Global Index is a tool for comprehensively measuring and tracking hunger at global, regional and national levels. In 2021, India ranked 101 out of 116 countries while in 2020 the country was placed at 94th position. India ranks 107 on 2022 Global Hunger Index with its child wasting rate at 19.3 percent, being the highest in the world. According to NITI Aayog’s National Multidimensional poverty Index (MPI), India’s population living in multidimensional poverty was 14.96% . The rural areas of India experienced multidimensional poverty of 19.28%. In Urban areas, the poverty rate was 5.27%. According to the data from World Bank, about 10% of the Indian population lives on less than USD 2.15 a day, which is the International poverty line for lower-middle income countries.
The committee on Economic, Social and Cultural Rights under the ICESCR, endorses a broad and multi-dimensional, definition of the term ‘Poverty’—“reflects the invisible and interdependent nature of all human rights.” Poverty is—“a human condition, characterized by sustained or chronic deprivation of resources, capabilities, choices, security and power necessary for the employment of an adequate standard of living and other civil, cultural, economic, social and political rights.” Poverty can be defined as a situation where and individual lacks the minimum financial resources to afford the basic minimum standards of living. It also influenced by a lot factors like income, food, intake, health, literacy and education, availability of work in the market, safe drinking water and such other infrastructural facilities. People living in poverty are often treated as less than human, which results in a deepening cycle of poverty. To uplift the condition of the poor netizens basic rights were instilled in the constitution of India to protect their human rights.

This paper is aimed to identifying the factors and causes which have led to the low reach of human right to the poor people of this vast land with a rich heritage of humane values, the very foundation of human rights jurisprudence. This study also highlights the constitutional provision and legislative efforts mode to eradication poverty assured by the human rights.

**Key Words**: The Global Hunger Index, Five Years Plans, Multidimensional Poverty Index, Poverty Line, Human Rights, Eradication of Poverty, Constitutional Provisions.

After a long economic and social struggle India is now a developing country with better conditions than ever before, but poverty continues to remain a multi-dimensional and unceasing phenomenon. Today, estimating poverty is based on a lot of factors like social, economic and political elements. Even with the increase in India’s economic structure, poverty remains a major challenge. Poverty is a human condition, characterized by sustained or chronic deprivation of resources, capabilities, choices, security and power necessary for the employment of an adequate standard of living and other civil, cultural, economic, social and political rights. People living in poverty are often treated as lesser than human, which results in a deepening cycle of poverty. Day to day they are cheated and exploited and are denied the very material and philosophical basis that allows them to flourish as human beings. Poverty is thus explained as a denial or a violation of human rights, though not all violating of human rights cause poverty. The human rights based approach to poverty eradication and development is thus best explained as having poor people fulfill their individual needs by claiming or securing their human rights. The human rights have become a way of life and an essential part of humane living. India the largest democracy on the earth with a rich culture and the fact that Indian constitution was drafted when the universal declaration for human rights was drafted and adopted. Our constitution and other statutes taking source and strength from it contain all the important provisions of human rights demanded to be there by the international conventions and other documents on the subject. But the fact remains that a good proportion of the Indian population is living in poverty, drudgery, in exploited situation ever after a century has passed when the human rights of such vulnerable people of the land were recognized and set in motion for implementation. The concept of welfare state with a socialist model, right to adequate means of livelihood, suitable avocations, equal pay for equal work, right to work, education and health, special protection of the interests the weaker sections, raising the level of nutrition, standard of living and the public health all figure in them.
The connection between poverty and human rights is easily explained. The international human rights framework states that all people have a human right to a standard of living that is adequate for their health and well-being, to food, clothing, housing, medical care and social services, civil and political freedoms.

The constitution of India provides a large number of rights and freedom to the people of India. Certain civil, political and cultural rights and freedoms are secured as fundamental rights, enforceable against the state through constitutionally guaranteed remedies i.e. they are justifiable on the other hand, certain other rights perceived to be largely social and economic in nature, have been listed as directive principles of state policy and are not justifiable through courts of law. The human rights are available to all members of the society but special protection and care is taken of the poor and the weak for the reason that it will only be those who will be deprived of their freedoms and liberties guaranteed in the name of human rights. The most fundamental of all the human rights turn to be the right to equality and based there on the right to participate, on an equal footings, in the political and social system. For the proper growth and development of the citizens of a democratic society, the freedoms and liberties to the possible extent and positive restrictions on slavery and exploitative treatment, humane treatment by the law enforcing agencies of the State and a creditable judicial system turn to be the basic human rights, very dear to the poor and the most desirable for them in a society like India which has seen centuries of slavery.

There are some of the provisions incorporated in the constitution of India that protect disadvantaged people from injustice and give every citizen a chance to grow and improve. Indian Constitution provided below mentioned rights and provisions for the poors-

1. **Right to equality and non-discrimination (Article 14, 15 and 16 of the constitution)**

   The right to its citizens are firmly established by the Indian constitution, which also serves as a binding legal document. In the eyes of the law, everyone, rich or poor must be treated equally. According Article 14 the State must ensure equal protection of the Law and must not deny to any people equality before the law.

2. **Right to life and personal liberty (Article 21 of the constitution)**

   When addressing Article 21, the supreme court stated that the right to a life with dignity embraces all of human kind and is one of the more exquisite aspects of human civilization that makes life worth while, as a result, the constitution ensure that the law protects the rights and dignity of the underprivileged.

3. **Right against arbitrary arrest (Article-22)**

   Article 22 of the constitution pertains to the protection of a persons right to personal liberty and safeguards against detention or arrest without proper legal procedure. The provision for restriction on preventive detention ensure that a person is not kept in custody indefinitely and that preventive detention is not misused by the government.
4. Right against self-incrimination (Article-20)

Article 20 of the constitution grants protection against arbitrary and excessive punishment to an accused person. It contains provisions related to no ex-post-facto Law, no double jeopardy, No self-incrimination.

5. The six fundamental rights enshrined in the constitution are considered essential for the functioning of Indian democracy. The right to freedom gives citizens basic freedom with respect to speech and expression, form associations, freedom of personal liberty, freedom of live a life of dignity, etc. (Article-19 of the constitution)

6. Right against slavery (Article-23)

7. Equal access to public services (Articles – 15, 16 and 23)

8. Right to take part in public affairs (Articles-325, 326)

9. Right of growth during childhood (Article-24)

10. Right to get human rights enforced (Article-32)

11. Right to education, work and equal pay-

The provision of free education up to the age of 14 was included in article 45 of directive principles of state policy, which is where the right to education was first recognised as a directive concept rather than a conponent of a basic right. Additionally, Article 39 of the constitution expressly and specifically call on the state to implement policies that uphold values like “equal rights of men and women to adequate means of livelihood and equal pay for equal work for both men and women.”

The supreme court of India has done its duty excellently well to interpret the rights in a way that the poor are recognised as the respectable citizens of the country and they are assured a life free from deprivations and exploitation. For the purpose, apart from other favourable interpretations, the right to life and personal liberty and the right to equality enshrined under article 21 and 14 of the constitution have been so liberally and meaningfully interpreted in various decisions that the life and equality carries within in the real meanings required for the poor in a democratic state. By way of dynamic judicial interpretation and as the true guardian of the constitution, Indian judiciary has kept the required bias in favour of the weaker and poorer to assure them equality before law and to guarantee that the evils of the system do not hamper in their enjoying the fruits of democracy.

Some identified causes for the low reach of human rights to the lives of the poor in India are lack of commitment on the part of our political and administrative leadership. They make committees, commission, slogans, plans and drafts but in implementation they are failed to improve the lives of the poor. All policies become victims of corruption. Indian democracy no doubt largest democracy of the world but democratic institutions have not desirably grown and developed. Growth of population, unemployment and under-employment and slow growth of employment opportunities in the organised sector, large scale illiteracy and lack of inclusive economic growth.
In the part 75 Years, India has build a reasonably strong and diversified economy. Though India is today the fifth largest economy which is an achievement, in per capita terms, it is ranked (2022) 149 out of 194 countries. Thus we have a long way to go. Growth is important to lift the economy up. We have the potential, as of now, the external situation is not encouraging. We have to live with it. But a 6 to 7% growth continuously is still possible if the strategy is correct and if we can create an appropriate investment climate.

References: