Poverty and Developmental Panorama in India: Needs a Human Rights Perspective

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Abstract: The poverty is the main cause of inequality and origin of social injustice. In the language of rights a poor person is one for whom a number of human rights remain unfulfilled. Poverty-ridden people of human society are not capable to claim any sort of rights. Unfortunately, the entire legal system still functions for a small section of society, which consists of the rich and the privileged. The legal remedies hardly served the poor’s of the society. Indian Constitution has striven for eradication of the poverty from the social fabric. The constitutional spirit entails that the law must protect the poor against exploitation and expropriation. This paper will highlight the aspects of Poverty and Human Rights and to establish relationship between the poor people and their development as per the Human Rights dimension.

Keywords: Poverty, Development, Human Right, India

I. Introduction

Over the last two decades India has emerged on the global scene as a rising economic power. The Indian economy will be the third largest economy in the world till 2030, trailing only the USA and China [1]. The story about contemporary India is deeper than a story of simple economic expansion. The biggest challenge in this era is to carry forward the benefits of economic growth to the poorest citizens of the country. As per common man perspective the fabric of the socio-economic pattern is to be utilized for his basic rights so as to transform the structure of Indian society. This subject will remain at the heart of political discourse in the coming years.

Traditionally Indian society is vertically structured [2]. Indian society is fragmented society with a ladder of caste whose relation with politics, is nowhere on the footnote of egalitarian. The society has generally been subject to disparities or acquired inequalities in the economic, social, or political spheres. Poverty has long been viewed as the main cause of these distinctions, dividing the social hierarchy into upper and lower classes. As a consequence, exploitation resulting in a vicious circle of suppression, depression and destitution of the lower, subordinate classes by the upper classes or castes emerged, ultimately causing conflict between the two.

Sixty percent of the Indian population is still dependent on land for living. It makes tackling agriculture even more crucial [3]. In the starting years of 2015 till now the tragedy and distress is suffered by farmers as the agrarian crisis deepens across the entire country. Due to bad weather and loss of crops, farmers across India are committing suicide, especially in northern and western part of India. Daily phenomenon of suicidal death by farmers proved that they have no faith over governmental system and administration.

In some part of India there is malnutrition, starvation, and death related to hunger [4]. But it has become common to deny the fact of hunger deaths in India. The denial of such starvation deaths puts question mark on the efficiency of the government. In fact, it is smeared on humanity that starvation death occur in India which produces enough food and also stores huge quantity of food grain in godowns of the Food Corporation of India (FCI)[5].

II. Some glimpses of Development and Poor Person in India

The adoption of a democratic set-up in India gave an honored place to the people in the eye of law and government took ‘social responsibility’ for improving the quality of life of the poor. But the real pictures after sixty five years of democratic set up in our country is that people who occupy positions in the lower social structure are generally illiterate, exist at lesser economic level, generally become victims of disease, malnutrition, deprive of hygienic condition and basic amenities. The presence of this gloomy picture of so called self-reliance, technological progress, success stories of literacy drive, industrialization, economic growth etc. make it clear that the fruits of these are not reaching to the poor’s in India.

In India, income inequalities are rising day by the day. It is estimated that more than 800 million Indians live on less than 20 Rupees per day [6]. Disparities exist across States, along rural/urban lines and across groups. More than 60 percent of women are chronically poor. The percentage of poor among Scheduled Tribes and Scheduled Castes remains high. Many people are excluded from access to basic services. More than 296 million people are
illiterate and 233 million are suffering from malnutrition. Workforce participation for women is half of that for men, and almost 96 percent of women works in the informal sector [7]. The poorest 5% of India’s rural population had an average monthly per capita expenditure (MPCE) of Rs.521. The poorest 5% of the urban population had an average MPCE of Rs.700 [8]. As per the latest available Government of India data the 62.3 percent of households in rural India and 16.7 percent of households in urban India did not have any bathroom facility. 59.4 percent households in rural India and 8.8 percent households in urban India had no latrine facilities. 49.9 percent households in rural areas and 12.5 percent households in urban areas did not have any drainage system [9]. The above data reflects that poor persons feel injustice, vulnerability and exclusion that can fuel social discontent.

Only about 54 per cent of Indian children aged between 8 to 11 are able to read a simple paragraph with even lower attainment for Dalit, Adivasi and Muslim children. Only 9 percent of males and 5 percent of females aged from 15 to 49 have a college degree or diploma. Education is rapidly being privatized, with about 28 percent of children aged between 6 and 14 in private schools and about 20 percent receiving private tutoring [10]. Infant and child mortality rates vary dramatically by place of residence. Metropolitan cities have an infant mortality rate of 18 per 1,000, compared with 60 per 1,000 for less developed villages [11]. About 53 percent of rural households cultivate land holding. About 83 percent of the rural households have some involvement with agriculture [12]. The average monthly salary is Rs.2,303 per month for casual workers in the private sector; Rs 4,640 for permanent workers in the private sector; and Rs 6,974 for government or public sector employees [13]. As per the latest census 2011[14], around 1.77 million people, or 0.15% of the population are homeless. Around 9.38 lakh people are homeless in urban areas while there are 8.34 lakh such people in rural areas. Access to all services: water, sanitation, and electricity differ sharply between urban and rural areas; even upper income households in villages do not have access to piped water and sanitation.

The above description of economic and social deprivation leads to exploitation and atrocities. The measures adopted by government machinery eliminate this deprivation seem to be pseudo. The social degradation based on indignity is due to fragile economic structure of the rural areas where the place of caste plays key roles. The lower economic states of lower castes were exploited by political groups in the name of eradication of poverty. The political parties are interested only in vote catching and not in the enforcement and implementation of socio-economic measures designed for the upliftment of the poor.

III. Paradigm shift - Need based approach to Human Rights Perspective of Poverty

The above description of Indian scenario shows that the thresholds of Poverty are not just quantitative but systemic and they are the points at which the systems malfunction. In legal theory, a vital element in the fight against extreme poverty is still missing. In the language of rights a poor person is one for whom a number of human rights remain unfulfilled - such as the rights to food, health, education, housing and so on. The object of a right and the object of a need are different: the object of a need is conceived as a benefit or a service that can be considered in isolation while the object of a right is a relation based on a system of rules. A list of basic needs may serve as partial indicators, but never as the justification for a policy [15]. In the case of a human right, universal human dignity is at stake in the relation: It is a subject and object of law and an obligor, since every person is an obligor of human rights [16]. Dignity protects self-respect, which in turn permits self-consciousness, and self-identity.

The concept of human rights is grounded in the fundamental idea that human lives can and should have value. Human rights are both question as well as answer to the problem of modern states. The subject area of human rights is not just the protection of individuals and groups against those in power, but also the duties the state has in relation to individuals and groups, including the duty to create decent living standards for citizens. Human rights explain the rights of the people and recognize them as active subjects and claim-holders.

The human-rights regime is based on the Universal Declaration [17]. The Vienna Declaration [18] and the relatively large number of signatories to the 1966 covenants [19] show that most states accept the legitimacy of this regime. The United Nations (UN) [20] made efforts to pinpoint the causes of hunger and poverty. The main causes were found to be uneven distribution of wealth, unemployment, control of few people over resources and means of production. The UN took lead and addressed itself towards poverty eradication measures. The curse of hunger and poverty prevailing in every part of the India negates the connotations of the Human Right. The hunger and poverty decay the life step by step.

The capability theory propounded by Martha Nussbaum [21] in 1992 and the Vienna Declaration and Programme of action [22] in 1993 simplified the defining of poverty in tune with human rights approach. According to the Nussbaum capability theory, “a poor person is one who is deprived of basic capabilities- such as the capability to be free from hunger, to live in good health, to be literate, and so on.” There are strong similarities between Nussbaum’s conception of capabilities and human rights. The capability for practical reason, for example, provides the basis for protecting freedom of conscience. Nussbaum suggested that the concept of capabilities is both clearer and has more cross-cultural appeal, although she allows that it may provide the justification for rights claim. In the language of rights a poor person is one for whom a number of
human rights remain unfulfilled - such as the rights to food, health, education and so on. Therefore the concept of “capability refers to a person’s freedom or opportunities to achieve well-being in this sense. Nobel Prize economist Amartya Sen [23] drawing attention to the fundamental link between development and freedom, emphasized Poverty is term of various forms of “unfreedom” that prevent people from realizing and enlarging their capabilities. In other words the poverty must be seen as the deprivation of basic capabilities rather than merely as lowness of income. Sen’s vision of poverty as capability deprivation is thus consistent with the UNDP’s human development approach of focusing on a process of enlarging people’s choices by ensuring a corresponding expansion of their capabilities.

In the most comprehensive and rights-sensitive definition of poverty is given by United Nations Committee on Economic, Social and Cultural Rights, in its statement on poverty [24], defined poverty as “a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights”.

UNDP, Human Development Reports, and World Bank, World Development Report since 1995 suggests a common set of capabilities that are considered basic in most societies. They include the capabilities of being adequately nourished, avoiding preventable morbidity and premature mortality, having basic education, being able to ensure security of the person, having equitable access to justice, being able to appear in public without shame, being able to earn a livelihood, and taking part in the life of a community. Economic, social and cultural rights are designed to ensure the protection of people as full persons, based on a perspective in which people can enjoy rights, freedoms and social justice simultaneously. A human rights definition and understanding leads to more adequate responses to many factors of poverty. It gives due attention to the critical vulnerability and subjective daily assaults on human dignity that accompany poverty. Importantly, it looks not just at resources but also at the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.

The international Human rights framework [25] recognizes the interdependence of rights: the fact that the enjoyment of some rights may be dependent on or contribute to the enjoyment of other. More generally, the human rights framework reflects the crucial interdependent of economic, social and cultural rights, on the one hand, and civil and political rights, on the other. Although poverty may seem to concern mainly the former category of rights, the human rights framework the fact that the enjoyment of these rights may be crucially dependent on enjoyment of the latter category. A Human Rights approach to poverty is thus holistic in nature, encompassing civil and political rights as well as economic social and cultural rights.

IV. Judicial response and Human Rights Perspective of Poverty in India

In the 1980s, an interesting phenomenon came about- due to strong judicial activism, the supreme court of India expanded the scope of several fundamental rights, particularly Article 21 of the constitution. Olga Tellis v. Bombay Municipal Corporation[26] the Supreme Court brought socio-economic rights within the sweep of fundamental rights(part III) of the constitution –holding that the right to shelter was a fundamental right and thus impacting millions of slums/pavement dwellers in India. It reflected the gradual transition of the Supreme Court from merely recognizing fundamental rights, which are framed negatively as negative obligation to elevating them to the level of positive duties to be performed by the state. By including the right to shelter within its reach, the Supreme Court attributed a new socio-economic dimension to Article 21. This is tangible in the words with which it opened its judgment [27]:

*Those who have made pavements their homes exist in the midst of filth and squalor, which has to be seen to be believed. Rabid dogs in search of stinking meat and cats in search of hungry rats keep them company. They cook and sleep where they ease for no conveniences are available to them. Their daughters come of age, bathe under the nosy gaze of passers-by, unmindful of the feminine sense of bashfulness. The cooking and washing over, the women pick lice from each other’s hair. The boys beg. Men folk without occupation, snatch chains with the connivance of law and order; when caught, if at all, they say: ‘Who doesn’t commit crimes in the city?*

*Olga Tellis case* [28] highlighted the connection between the right to livelihood and the proximity of slums to the workplace. Hence, the right to shelter was constitutionally protected through its indirect but inevitable link with the right to livelihood. *Shantistar Builders v. Narayan Totome* [29] was a case concerning the allotment of flats to the weaker sections of the society. The Supreme Court went a step further by emphasizing the significance of a minimum standard of accommodation, which is interlinked with a certain quality of life.

In April 2001, People's Union for Civil Liberties (PUCL, Rajasthan) filed a writ petition in the Supreme Court seeking legal enforcement of the right to food [30]. This case of PUCL is a clear representation of how the citizens of a democratic political system can hold the Government responsible for the non-performance of its duties and obligations. The Supreme Court explicitly establishes a constitutional human right to food and determining a basic nutritional food for the poor [31].

The Supreme Court in *Murlidhar Dayandeo Kesekar v. Vishwanath Panda Barde* [32] observed:
Article 21 of the Constitution assures right to life. To make right to life meaningful and effective, this Court put up expansive interpretation and brought within its ambit right to education, health, speedy trial, equal wages for equal work as fundamental rights. Articles 14, 15 and 16 prohibit discrimination and accord equality. The Preamble to the Constitution as a socialist republic visualizes to remove economic inequalities and to provide facilities and opportunities for decent standard of living and to protect the economic interest of the weaker segments of the society, in particular, Scheduled Castes i.e. Dalits and the Scheduled Tribes i.e. Tribes and to protect them from “all forms of exploitations”. Many a day have come and gone after 26-1-1950 but no leaf is turned in the lives of the poor and the gap between the rich and the poor is gradually widening on the brink of being unbridgeable. ... Lest Fundamental Rights in Chapter III would remain teasing illusions to the poor, disadvantaged and deprived sections of the society, the disadvantaged cannot effectively exercise their fundamental rights. Society, therefore, must help them to enjoy freedom accorded in Chapter III on Fundamental Rights.

The above observations of the honorable Supreme Court of India express that the right to life loses its spirit if hunger and poverty continue to afflict the physical and biological conditions of human life. No civilization and culture can flourish if these maladies are rampant. Poverty is a curse; it is a stigma on humanity, in which the human being is forced to live a degraded life devoid of bare necessities of life. The poverty is the main cause of inequality and origin of social injustice. Therefore, constitutional norms are supposed to direct the state to take steps to eradicate poverty by bringing about change in the social structure, occupational practices and professional mobility. At the same time, the constitutional spirit entails that the law must protect the poor against exploitation and expropriation. This is possible in democratic governance and democratic way of life because the purpose of democracy is to empower the poor and to eliminate the scourge of poverty. In India, the very poorest feel they are useless, deprived of self respect and who no longer trust the surrounding social groups. They remind us the two fold indivisibility of Human Rights:

**First**, if fundamental rights are established for some people- the best organized, strongest, the best equipped and not for all, they remain privileges, they will not be Human Rights;

**Second**, if certain liberties and economic and social rights are not established simultaneously for poor people, rights may all be weakened or even remain a dead letter.

The very poorest population is not asking for the impossible. They are simply asking for our sincere efforts with regard to their human rights. It is certainly a difficult and demanding task, but is not impossible. Even after the recognition of many economic and social rights as a fundamental right, the human rights approach to poverty reduction policy in India is in infant stage. If we focus on the Indian scenario of Poverty reduction policy and its jurisprudence, we find that India has started its motion on the line of international Human rights framework created through UNDP [33] and Office of the high Commissioner for Human rights [34]. India has progressed a bit through Sarva Shiksha Abhiyan-2000 (SSA), The National Rural Employment Guarantee Act renamed as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)-2005; National Rural Health Mission-2005 (NRHM), The Right of Children to Free and Compulsory Education Act - 2009(RTE Act), The National Food Security Act-2013 (NFSA) and National Urban Livelihoods Mission (NULM)-2013, although it has a long way to go.

To fulfill the obligation of the judgment of PUCL case and Millinum Development goal (MDG)[35 ], the Parliament of India has enacted the National Food Security Act (NFSA) in September 2013. The NFSA seeks to make the right to food a legal entitlement by providing subsidized food grains to nearly two third of the population. The act relies on existing targeted public distribution system (TPDS) mechanism to deliver these elements.

In India, an umbrella programme called Sarva Shiksha Abhiyan (SSA) was launched on November 2000 with an aim to provide basic and elementary education to all. The implementation of SSA since its inception has made significant achievement in the field of primary education. After nine years of SSA The Right of Children to Free and Compulsory Education Act (RTE Act) – a historic law enacted in 2009 guarantees eight years of free and compulsory elementary education for children between the ages of 6 to 14 years. The Act makes the government duty bound to create necessary provisions to fulfill the right to education of every child. RTE enables every child for right to quality education, right to all-weather classrooms, right to text books, right to playgrounds, right to be taught by qualified teachers and right to adequate government spending to make all these a right of every child .The exercise of right to education is instrumental for the enjoyment of many other human rights, such as the rights to work, health and political participation.

Education is a long term process with its specific requirement not always amenable to democratic and bureaucratic processes and priorities. Even in the recent Budget 2015-16, the central government has reduced the allocation by 21% for SSA – the main program for RTE Act implementation, and 30% for mid-day meal (MDM) scheme [36]. A staggering 92% of Government elementary schools in the country are yet to fully comply with the Right to Education Act. The result — half of the children in India drop-out before completing
The right to work requires well-designed and adequate social safety mechanisms devised to provide social security and protecting social welfare when regular employment becomes unavailable to some individuals. For fulfilling the social security and protecting social welfare, a historic legislation The National Rural Employment Guarantee Act (NREAGA)-2005 was formed putting onus on the government for providing assured employment of 100 days of house hold in rural areas. NREAGA is pumping unprecedented fund directly into villages. So it’s hardly surprising that deciding who should benefit from those fund. The main problem of it is the lack of professional staff that plan and execute the scheme.

In urban area NULM scheme was formulated by the ministry of housing and poverty alleviation and came into force in 2013. Under the scheme, which covers 790 cities, state governments are to built permanent, all-weather shelters for urban homeless people with basic infrastructure like water supply, sanitation, safety and security. The mission would aim at providing shelters equipped with essential services to the urban homeless in a phased manner.

The Government of India has launched National Rural Health Mission (NRHM) in 2005 which seeks to improve effective primary health care access for rural people throughout the country. The right to health implies that functioning public health and health care facilities, goods and services should be available in sufficient quantity within a state. It also means that they are accessible to everyone without discrimination.

India is a fast-developing country with a good growth rate of development. If we include the status of health, education and housing, as per international human rights normative framework, the half of the total population of India would come below poverty line. The poor, here too, should be considered as per the capability theory mixed with human right-oriented approach having minimum four indicators, namely, adequate food, housing, health and education based on all declared parameters in Millennium Declaration Goals.

The overall developmental scenario in India has been so far, based on institution-based development under bureaucratic execution. Growing corruption and mismanagement of governmental fund has marred the growth of economy and thereby the well-being of the people. Lack of political will, not lack of money, is often the real cause of human suffering in India. The Supreme Court of India [38] has recognized that education, health, food and livelihood are covered under the right to life under Article 21 of the constitution. Of course, the problem of access to these rights and meaningful exercise of them needs to be examined and strategies have to be devised for their implementation. The rule of Law proclaims that no one is above the law and all persons are equal before the law, and are entitled to equal protection, and thus there will be no impunity for human rights violations.

**V. Conclusions**

In India, people who are economically and socially in the lower stratum of the society are exploited by the governmental machinery as well as the higher stratum. After nearly six decades of progress, our society is taking such a shape in which the desires and expectations of the downtrodden and exploited people are high and they want their claims and entitlements. They want the constitutional safeguards and legislative intervention in their favor yet social and economic equality remains a mirage for them.

The large number of poor population is not only the victims but also the witness of the institutional bureaucratic system in India. The institutional approach of poverty reduction tackles the problem from a distance and is, therefore, not meaningful and able to enhance the capability of the poor. By-endowing the poor with rights create the conditions for the cause of poverty to be enshrined as the highest of priorities and as the common interest of all- not just as a secondary concern for the enlightened or merely charitable. The purpose of the right to a decent standard of living is to provide a minimum guarantee, not against each and every form of insecurity but against their combination.

The combination of malnutrition, illiteracy, disease, high birth rates, underemployment and low income of the poor’s close the avenues of the development scenario in India. As per the norms of Human rights perspective more than half of the population living in conditions of abject poverty, utter grinding poverty has broken their back and sapped their moral fiber. If a person or a group of people are deprived of housing, food, education, employment and health; he or she is effectively deprived of fundamental rights and HR to live with dignity. The ultimate aim of development is the constant improvement and well-being of the entire population on the basis of full participation in the process of development and a fair distribution of the benefits among all.

If the GOI is willing to eradicate poverty and include inclusive development in multilayered vertical society, a right oriented approach which provides a composite and comprehensive policy of food, health, education, work, housing are necessary. Only a comprehensive policy and legislation will attack on problem of poverty and haphazard development. Without rights and empowerment, the poor will not get out of poverty. If the government considers its accountability and focuses on a comprehensive policy for poor people then certainly reforms will generate in speedy manner. This will be very cost effective because if the people get their entitlement and become empowered then they will break the vicious circle of poverty and take part in country’s progress. Ipso facto governmental liability towards individual will automatically reduce down.
The people living below poverty line should be provided a dignified life so that they could become a productive force and contribute in progress of the country. It is a proven reality that those who enjoy basic capabilities and, thereby, a dignified life are capable of optimum contribution in the economic and social development in the present scenario of globalization.

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