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WOMEN EMPOWERMENT - II

Editor

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Kamlesh Verma

- 381 :: Empowerment Of Tribal Women through Ngos at Nagapura Resettlement Area in Mysore District
- *Nagendrakumar P, Dr. Santhosh Nayak*
- 385 :: Critically Understanding Women Empowerment
- *Dr. Ajay Choudhary*
- 389 :: Women Empowerment In Rural Area
- *Dr. Sunita Sanjay Dhopte*
- 394 :: Women Empowerment Contribution towards Nation Building
- *Dr. V. Naveen Kumar*
- 399 :: Dr. Babasaheb Ambedkar and Women Empowerment
- *Dr. Neelappa B Hosamani*
- 404 :: Awareness on Schemes and Policies provided by Government for Women and Girls in India among Women in Mumbai Suburbs
- *Ms. Prerna S Ramteke*
- 410 :: Empowering Women: A Review Of Skill Development Research
- *Dr. Y Benazir, Rumaanah Fathima T. S*
- 414 :: A Study On Problems Of Women In Rural India
- *Ms. Gopanamni Pradhan*
- 419 :: The Role of Risk Tolerance Among Women Financial Advisers In Making Rational Investment Decisions
- *Ms. Sherry Ritha Antony, Dr. Siby Joseph K*
- 425 :: A Study on Legislative Aspects and its Relevance in Eradication of Social Inequality and Poverty in India
- *Dr. Mahendra Pachadkar*
- 429 :: Women Empowerment: Impact On Family and Society
- *Dr. Manisha Ashish Mahatale*
- 433 :: Financial Inclusion For Women In India: An Empirical Analysis
- *Dr. Jaydeo Deshmukh*
- 439 :: Status of Gender Equality in India
- *Mrs. Babita Nagdev & Mrs. Salochna Nagdev*
- 443 :: Challenges Faced by Women in Rural Areas: A Comprehensive Review
- *Dr. Dimple, Dr. Anuradha*
- 449 :: The Impact Of Indian Women Entrepreneurs On Gender Equality
- *Dr. Moreshwar Parshuram Morghade*
- 454 :: A Comparative Study of Power of Decision making in Tribal and Non-Tribal Women in Nandurbar District
- *Dr. Gautam. M. Morey*
- 459 :: A Potential of Eco-tourism in Women Empowerment of India
- *Dr. Harish B. Badwaik*

A Study on Legislative Aspects and its Relevance in Eradication of Social Inequality and Poverty in India

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Abstract

Although poverty and inequality are two distinct concepts, they are linked. Although poverty is sometimes understood in absolute terms, it is actually better understood as the inability to achieve a certain minimal standard of living when considered in the context of the possibilities and priorities of the relevant society. In this sense, there are many different levels of poverty in terms of social and economic disparity feature. Additionally to discrepancies in money and wealth, inequality also includes inequities in position, access, and opportunity. Poverty is just one of the many negative effects of inequality, yet cultures with higher inequality are more susceptible to it. There is growing attention to human rights in debates on economic inequality. But international human rights law is playing an increasing role in addressing economic polarization. Those concerned about inequality should consider how, especially over the past 25 years, the principles of socioeconomic rights have been clarified by courts and other human rights mechanisms. Human rights law also guarantees rights, including to education, healthcare and social security, that have redistributive potential and so have the potential to mitigate inequality. The present paper seeks to evaluate the nature of human rights and legal issues in terms of eradicating social inequality and poverty in India.

Keywords: Human rights, natural laws, economic disparity, social inequality.

Introduction

India experienced extreme poverty during the colonial era in the 18th, 19th, and early 20th centuries; even after independence in 1960, the country's estimated poverty rate was 59%. India is currently a developed nation with better conditions than it formerly had after a protracted economic and social battle, but poverty nevertheless persists as a multifaceted and never-ending issue. Today, a variety of social, economic, and political aspects are considered when evaluating poverty. India's economic structure has grown, yet poverty is still a serious problem. Although the epidemic has caused a global health and economic disaster, millions of people throughout the world have been forced into poverty, and India has not been an exception to this, the issue of extreme poverty has been reported to be diminishing in India. The Indian Constitution was written with the intention of eradicating

poverty and promoting the welfare of its people.

The three subjects that the paper centers on are poverty and growth, human rights, and constitutional initiatives to combat poverty.

Reconciling India's Status of Poverty

One of the major ironies of India's fast expanding and thriving economy is that poverty still affects a large portion of the population, namely the already poor and minorities. The World Bank has altered the benchmark for measuring poverty several times based on numerous criteria, and the various definitions have led to significantly divergent estimates of poverty in India.

In the year 2014, the Rangarajan Committee increased the daily per-capita income-expenditure for urban and rural areas, respectively, to Rs. 47 and Rs. 32 (from Rs. 32 and 26 respectively), and claimed that 454 million people, or 38.2% of the population, were living below the poverty line.

. The country's growing population is causing poverty, mostly for the existing impoverished group of people, because it does not measure up to the resources available and the country's economic progress. There aren't enough jobs being created in the country to accommodate the quantity of people living there.

Another factor in the country's continuing poverty is inflation in the cost of basic goods. In a nation where thousands of people already live in poverty, the caste system and unequal economic distribution continue to exacerbate poverty, gender inequality, which deprives women in society.

Additionally, especially in the unorganized sector of the workforce, unskilled workers are paid far less than the quantity of work they do. We will examine the reasons for and methods by which the Covid-19 pandemic has exacerbated poverty in the nation.

Constitutional and statutory initiatives to reduce poverty

The impoverished have a right to equality and dignity.

The rights of 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. The Indian Constitution states the rights that are available to all population, including all of the poor people in the nation, in Articles 14 and 21.

According to Article 14[10], everyone should be treated equally in identical situations, both in terms of advantages granted and obligations placed upon them. According to Article 14, the state must "provide equal protection of the law" and must not "deny to any people, equality before the law

Right to education, work and pay:

. In order to eradicate poverty from the nation, education of the nation's children, young people, and women must come first. Without education, a nation cannot flourish and its chances of ending poverty are slim. The Indian Constitution has changed over time in this regard, taking it seriously for the country's growth and the abolition of poverty.

The provision of free education up to the age of 14 was included in Article 45 of the Declaration of Human Rights, which is where the right to education was first mentioned as a directive concept rather than as a component of a basic right.

The Indian Constitution Article 14 forbids discrimination and all discriminatory laws. For better implementation of the article, the court has widely construed it and it is currently thought that any authority that does not follow the principles of natural justice would constitute

a violation of Article 14 and as a result, any law that discriminates against the poor will constitute arbitrariness.

The court has fully applied Article 21 possible, and as a result, it currently stands as a significant article defending citizens' human rights. A wide range of rights, including as the right to a good quality of life, the right to food and shelter, the right to a livelihood, the right to respect and dignity, etc., are covered by Article 21.

When addressing Article 21, the Supreme Court stated that the right to a life with dignity embraces all of mankind and is one of the more exquisite aspects of human civilization that makes life worthwhile.

In *Mohini Jain v. State of Karnataka*, a two-judge Supreme Court panel considered whether the right to education should be considered a fundamental right. The court implied that under Article 21, the term "life" should include education because it is the cornerstone for ensuring and promoting a good and dignified life.

In addition to guaranteeing the right to education, Article 41 of the Constitution also mentions the right to work. Additionally, Article 39 expressly and specifically calls on the state to direct policies for upholding principles like "Equal rights of men and women to adequate means of livelihood." Men and women should receive equal compensation for equivalent work. It is crucial to realize at this point that in order to lift the nation out of poverty, all citizens—including women—will need to find employment. The nation won't become better if women are denied access to education and employment.

The primary goal of this article is to stop sex-based discrimination in the workplace. Equal wealth distribution should be taken into consideration when trying to reduce poverty.

Right to Food, Livelihood and Housing:

According to the Supreme Court, the 'right to livelihood' is a part of the right to life protected by Article 21. In *Olga Tellies*, a case where pavement dwellers resisted being evicted from their home by the Bombay Municipality Corporation, the court argued that since no one can survive without the means of subsistence that constitute the right to livelihood, the right to livelihood is a natural outgrowth of the right to life. The Supreme Court ruled in the case of *Shantisar Builders vs. Narayan Khimlal Totame*, that the right to life is guaranteed in every civilized society and that this would also include the right to food, clothing, a decent environment, and a reasonable place to live. These are human rights because they will support his development in all areas, including physically, mentally, and intellectually.

In numerous other decisions, the court found that Article 19(1)(d) and Article 21's provisions of the right to shelter also included an equal protection of the right to residency and settlement for all people. In *Chameli Singh v. State of UP*, the court concluded that the right to shelter encompasses clean surroundings, clear air and water, power, and other municipal amenities because it is not just for the protection of his life but also for the possibility for him to grow.

Is poverty a violation of Human Rights? Challenges of eradicating poverty and the way forward:

India has a long history of having many different religions and civilizations, but according to the Indian Constitution, the legal system views all people as being equal and views society as a one organic whole. However, if we examine the operational components of Indian culture, it becomes clear how distinctions are established between individuals. For instance, the caste system in India is not a recent problem. In Indian civilization, clean and polluted persist in addition to a system of high and low.

According to Article 14 and Article 21, which follow the Directive principles, the Constitution places a high priority on protecting the fundamental human rights of the nation's citizens. However, when such laws are not equally applied to all citizens, problems with human rights arise. Human rights are fundamental freedoms that guarantee a person's ability to live in society with dignity and access to necessities like food, water, clothing, and shelter as well as other civil, political, and economic rights that enable them to function as members of humans.

Extreme poverty is a violation of human rights, as stated in the Law Commission of India's 223rd Report. The report, which was produced in April 2009, also explained that poverty frequently results from a society's failure to make equality and fairness the fundamental foundation of its social and economic structure.

Every human being has the right to a standard of living that is sufficient to ensure their health and that of their families, according to the Universal Declaration of Human Rights. The covenants also mention the right to economic, cultural, civil, and political rights..

Conclusion

India made sluggish but steady progress towards globalization after the 1991 economic reforms were put into place, yet despite its quick growth and development, the country still has an unacceptably high level of poverty. Since the meetings of the Constituent Assembly, through the five-year plan, and into the current Millennium Development Goals, the necessity to eradicate poverty in the nation has been the objective.

The pandemic-related lockdown has worsened unemployment, food insecurity, and healthcare system insufficiency throughout the nation in unthinkable ways. The epidemic has also caused difficulties in the nation's educational system, which has left room for additional declines in the country's progress.


The only option to end the persistent poverty in the nation is to adhere to the Millennium Development Goals and maintain economic growth.

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Showing 1 to 1 of 1 entries

Previous1Next

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